

Final

REVISED ZONING ORDINANCE OF THE CITY OF ST. JOHNS

Thursday, October 13, 2005

Ordinance No. 107
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ARTICLE 1 GENERAL PROVISIONS

SECTION 101. TITLE

This Ordinance shall be referred to herein as “The Zoning Ordinance” or the “Ordinance”.

SECTION 102. PURPOSE

The purpose of this Ordinance is to direct growth with priority to those areas where infrastructure and urban services can be economically provided; ensure consistency and conformity between the City’s General Plan and rezoning ordinances; promote an efficient use of land resources; ensure compatibility among land uses; conserve the natural environment and protect environmentally sensitive areas; and to otherwise promote the health, safety, convenience, and general welfare of the citizens of the City of St. Johns, Arizona.

SECTION 103. APPLICABILITY

Except as hereinafter provided, no building, structure, or premise shall be used and no building or structure or part thereof shall be constructed, altered, repaired, improved, moved, removed, erected, demolished, or materially altered except in conformity with these provisions and the provisions of the zone in which it is located. Any use that is not specifically allowed is hereby declared to be prohibited.

SECTION 104. CONSISTENCY WITH GENERAL PLAN

- A. This Ordinance is intended to implement the goals, objectives and policies of the City of St. Johns General Plan and is hereby deemed to be consistent with and in conformity to the adopted General Plan for the City. Any amendments to or actions pursuant to the Ordinance shall be consistent with the General Plan, as it may be amended from time to time.
- B. An amendment to the text of the Ordinance is consistent with and in conformity to the General Plan if it complies with the goals and policies stated in the General Plan, as it may be amended from time to time. An amendment to the zoning map is consistent with and in conformity to the General Plan if the map amendment is consistent with the future land use map contained in the General Plan, as it may be amended from time to time.

SECTION 105. COORDINATION WITH OTHER REGULATIONS

- A. The use of buildings and land within the City shall be subject to all other regulations as well as this Ordinance, whether or not such other provisions are specifically referenced in this Ordinance. References to other regulations or provisions of the Ordinance are for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other regulations do not apply.
- B. In interpreting and applying the provisions of this Ordinance, they shall be construed to be the minimum requirements necessary for the promotion of public health, safety, or the general welfare. Minimum values are not intended to be target values. In some instances, conditions may create the need to exceed stated minimum standards. Whenever this Ordinance requires, for example, a lower height of a building or lesser number of stories, or requires a great percentage of the lot to be left unoccupied, or imposes more restrictive standards than are required pursuant to any other statute or local regulation, this Ordinance shall govern.

SECTION 106. TRANSITIONAL PROVISIONS

- A. VIOLATIONS CONTINUE. Any violation of the Zoning Ordinance previously in effect shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under ARTICLE 5 of this Ordinance, unless the use, development, construction or other activity complies with the provisions of this Ordinance.

- B. **NONCONFORMITIES UNDER PRIOR ORDINANCE.** Any legal nonconformity under the previous Zoning Ordinance also shall be a legal nonconformity under this Ordinance, so long as the situation that resulted in the legal nonconforming status under the previous Ordinance continues to exist. If a legal nonconformity under the previous Ordinance becomes conforming because of the adoption of this Ordinance, then said use or structure shall no longer be considered a nonconformity.
- C. **COMPLETION OF DEVELOPMENT.**
1. **APPLICATION SUBMITTED PRIOR TO EFFECTIVE DATE.** Complete applications submitted prior to the Effective Date of this Ordinance and pending approval at the time of the Effective Date of this Ordinance may, at the applicant's option, be approved and permits may be issued under the terms of the previous Zoning Ordinance. If construction is not commenced or completed in accordance with the applicable approval term(s), the City may, for good cause shown, grant an extension of up to 18 months for such construction under the terms of the previous Ordinance. If the building, development or sign is not completed within the time allowed under the permit or any extension granted, then the building or structure may be constructed, completed or occupied only in compliance with the requirements of this Ordinance.
 2. **PERMIT ISSUED PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE.** Any building, structure or development for which a permit was issued prior to the Effective Date of this Ordinance may, at the applicant's option, be completed in compliance with the issued permit and other applicable permits and conditions, even if such building, structure or development does not fully comply with provisions of this Ordinance. If construction is not commenced or completed according to the applicable permit terms, the City may, for good cause shown, grant an extension of up to 18 months for such construction under the terms of the previous Ordinance. If the building or structure is not completed within the time allowed under the original permit or any extension granted, then the building, structure or development may be constructed, completed or occupied only in compliance with this Ordinance.
 3. **PLATS AND SITE PLANS APPROVED BEFORE EFFECTIVE DATE OF THIS ORDINANCE.** Any subdivision for which a preliminary or final plat was approved before the Effective Date of this Ordinance may, at the applicant's option, be completed according to the approved plat and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Ordinance. If the subdivision is not completed within the time requirements established by prior ordinance or within any schedule included in the approval of the plat, the City may grant an extension of up to 18 months for the completion of the subdivision under the terms of the previous Ordinance. If the subdivision is not completed within the time required under the original approval or any extension granted, then the subdivision may be completed only in compliance with this Ordinance.
 4. **ADDITIONAL EXTENSIONS.** The City may grant an additional extension exceeding 18 months where the City finds that such extension or extensions are warranted in light of all relevant circumstances including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions.

SECTION 107. INTERPRETATION

- A. Interpretation and application of the provisions of this Ordinance shall be regarded as the basic and minimum requirements for the protection of public health, safety, comfort, morals, convenience, prosperity and welfare. This Ordinance shall be liberally interpreted in order to further its underlying purposes. Whenever any provision of the Ordinance or any provision of any other applicable law, rule, contract, resolution or regulation of the City, County, State or Federal government contains certain standards, covering the same subject matter, the more restrictive requirements(s) or higher standard(s) shall control.
- B. The words and phrases used in this Ordinance shall have the meanings assigned in the GLOSSARY, unless a more specific meaning is provided in a specific section of this Ordinance.
- C. This Ordinance includes illustrations, photographs, flowcharts, and graphics for purposes of illustration and simplification. However, to the extent that there is any inconsistency between the text of this Ordinance and any such illustration, photograph, flowchart, and graphic, the text shall control.

SECTION 108. 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 it is intended and declared that all parts of the Zoning Ordinance not expressly declared to be invalid or unconstitutional shall continue in full force and effect notwithstanding the part or parts declared to be invalid or unconstitutional.

SECTION 109. PERMITS AND CERTIFICATES

No development activity shall take place on any property within the City of St. Johns until all required permits, approvals and certificates have been issued and approved by the City officials with the authority to approve the same pursuant to ARTICLE 6 of this Ordinance.

SECTION 110. FEES

The City Council may, by ordinance or resolution, establish administrative fees for the enforcement of the Zoning Ordinance. Such fees shall be reasonably related to the costs of administering and processing applications for development approval. No permit shall be processed, and no permit shall be considered to be submitted, until all applicable administrative fees have been paid pursuant to this Section and any ordinance or resolution adopted hereto.

SECTION 111. EFFECTIVE DATE

This Ordinance shall become effective thirty days following adoption.

ARTICLE 2 PLANNING ADMINISTRATION

SECTION 201. PLANNING AND ZONING COMMISSION

- A. ESTABLISHMENT; COMPOSITION; TERMS OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS. There is hereby established a Planning and Zoning Commission of the City of St. Johns to consist of five (5) members who shall be residents of the City of St. Johns. Members shall be appointed by and serve at the pleasure of the City Council. Members shall serve a term of three years and may be reappointed by the City Council. In the event of a death, resignation, or removal from the Commission, the vacancy shall be filled by the Council for the un-expired term. All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization and ratification by the Commission and approval of such expenditures by the City Council.
- B. POWERS AND DUTIES. It shall be the duty of the Commission to formulate and administer any lawful plan duly adopted by the Council for the present and future growth and development of the City of St. Johns; to make or cause to be made a continuous study of the best present and future use to which land and building shall be put within the City of St. Johns; and to recommend to the Council revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the City of St. Johns; to hold public hearings where necessary or desired; to make recommendations to the Council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, and amendments of this ordinance; to issue conditional use permits and other permits as specified by this ordinance; and to undertake all activities usually associated therewith and commonly known as "Planning and Zoning." The Commission is also authorized to confer and advise with other city, county, regional, or state planning agencies and commissions.
- C. SELECTION OF OFFICERS. The Commission shall elect a Chairman from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairman shall have the power to administer oaths and to take evidence. Vacancies created by any cause shall be filled for the un-expired term by a new appointment.
- D. QUORUM; VOTING. Three (3) members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for passage of any matter before the Commission. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.
- E. RULES; REGULATIONS; RECORDS; MEETINGS. The Commission shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the Commission shall be open to the public and shall be advertised as required by State Law. The minutes and records of all Commission proceedings shall be kept and filed as public record by the City.

SECTION 202. BOARD OF ADJUSTMENT

- A. ESTABLISHMENT; COMPOSITION; TERM OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS. The City Council shall serve as the Board of Adjustment.
- B. POWER AND DUTIES
 - 1. It shall be the duty of the Board of Adjustment to:
 - a. Hear and decide appeals in which it is alleged there is an error in an order, requirement, or decision made by the zoning administrator in the enforcement of the zoning ordinance and to reverse or affirm, wholly or partly, or modify the order, requirement, or decision of the zoning administrator appealed from, and make such order, requirement decision or determination as necessary.
 - b. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance shall 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 shall 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.

2. The Board of Adjustment shall not:

- a. 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.
 - b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.
- C. **SELECTION OF OFFICERS.** The Mayor and Vice-Mayor shall serve as Chairman and Vice-Chairman respectively. The Chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairman shall have the power to administer oaths and to take evidence. The Vice-Chairman shall perform the duties of the Chairman in the latter's absence or disability.
- D. **QUORUM; VOTING.** Four (4) members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for passage of any matter before the Board. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.
- E. **RULES; REGULATIONS; RECORDS; MEETINGS.** The Board shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the Board shall be open to the public and advertise as required by State Law. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the City Clerk.
- F. **EX PARTE COMMUNICATIONS.** No member of the Board shall knowingly participate in ex parte communications with any applicant, appellant or member of the public regarding any matter pending before the Board or any matter reasonably expected to come before the Board. If a member of the Board receives a communication from an applicant, appellant or member of the public regarding any such matter, he shall immediately disclose that communication to the Board and to the other party.

SECTION 203. DEVELOPMENT REVIEW BOARD

- A. **ESTABLISHMENT; COMPOSITION; TERMS OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS.** There is hereby established a Development Review Board of the City of St. Johns to consist of five (5) members as follows: the St. Johns Zoning Administrator, the St. Johns Police Chief, the Public Works Director, the Fire Chief, and (5) one member of the St. Johns Planning and Zoning Commission appointed by the City Council. The Zoning Administrator, Public Works Director, Fire Chief, and Police Chief shall serve for as long as they are employed in those capacities by the City of St. Johns; the Commission member shall serve without pay for a term of one (1) year. Members of the Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization and ratification by the Board and approval of such expenditures by the City Council.
- B. **POWERS AND DUTIES.** In accordance with the provisions of this ordinance, it shall be the duty of the Development Review Board to review all proposed developments as specified by this ordinance for each zoning district. The purpose of this review shall be to ensure that such new developments shall provide for vehicular and pedestrian safety; shall provide for proper drainage; shall provide adequate protection to adjoining properties from excessive and unreasonable noise, vibrations, gases, odors, light, and other nuisances; and shall not be detrimental to the public peace, health, safety, and general welfare.
- C. **SELECTION OF OFFICERS.** The Board shall elect a Chairman and Vice-Chairman from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairman shall preside at all meetings and elected and qualified. The Chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairman shall have the power to administer oaths and to take evidence. The Vice-Chairman shall perform the duties of the Chairman in the latter's absence or disability.
- D. **QUORUM; VOTING.** Three (3) members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for passage of any matter before the Board. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.

- E. RULES; REGULATIONS; RECORDS; MEETINGS. The Board shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the Board shall be open to the public and advertise as required by State Law. The minutes and records of all board proceedings shall be kept and filed as public record in the office of the City Clerk.

SECTION 204. ZONING ADMINISTRATOR

- A. CREATION; APPOINTMENT. There is hereby created the office of Zoning Administrator of the City of St. Johns, who shall be an employee of the City.
- B. POWERS AND DUTIES. The Zoning Administrator shall perform the following functions:
1. Enforce the Zoning Ordinance by ensuring that all activities, construction, and development within the City of St. Johns are in conformance with City zoning regulations.
 2. Accomplish all administrative tasks required by the Zoning Ordinance including negotiating with, advising, and processing applications for all persons requesting re-zonings, use permits, plan review, variances, appeals, or other actions of the Planning and Zoning Commission, Development Review Board, Board of Adjustment, or City Council.
 3. Subject to the policies of the Planning and Zoning Commission and City Council, interpret the Zoning Ordinance to members of the public, City departments, and other branches of government.
 4. Serve as planning staff to the City Council and Planning and Zoning Commission and, as necessary, attend meetings of these and other organizations and agencies.
 5. Perform all other tasks, as assigned by the City, necessary to carry out the duties and responsibilities of the Zoning Administrator.

ARTICLE 3 DEFINITIONS

For the purpose of this Ordinance, certain words and terms used herein are defined as follows: All words used in the present tense include the future tense; all words in the plural number include the singular number, all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word “shall” is mandatory and discretionary. Other words and phrases used in this ordinance shall have the following meaning:

ABUTTING – The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only corner or corners.

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 USE – A use which is incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, and which does not alter the principal use of the lot or building, shall be allowed to establish within any given zone district, but may not be constructed more than one (1) year prior to the erection of the main building.

ACRE – An area of land containing 43,560 square feet.

ADJACENT, ADJOINING – Nearby, but not necessarily touching.

AGRICULTURE – The tilling of the soil, raising of crops, horticulture, viticulture, silviculture; including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, or plants for the reduction of animal matter or any other use which is similarly objectionable because of noise, odor, smoke, dust, or fumes.

AIRPORT – Any area which is used or is intended to be used primarily for the taking off and landing of aircraft, and any appurtenant areas which are used or intended to be used for airport buildings or facilities including open spaces, taxiways and tie-down areas, hangars, transition and clear zones and other accessory buildings.

ALLEY – A right-of-way, dedicated to public use affording a secondary means of access to abutting property and intended for general traffic circulation.

ALTERNATIVE WCF BUILDING ELEMENT – A building element designed to conceal and/or camouflage wireless communications facilities, including but not limited to a wall mount, clock tower, cupola, or church steeple.

ALTERNATIVE WCF STRUCTURE – A structure designed to conceal and/or camouflage wireless communications facilities. Structures may include but are not limited to a free-standing structure such as an artificial cactus or tree, or a sculpture. Alternative structures do not include a flagpole, monopole with an attached flag, or a monopole with a minimal design feature.

AMATEUR RADIO FACILITIES - A structure, either freestanding or building-mounted, that may consist of more than a single shaft of steel or concrete used to elevate an antenna intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communication Commission. For the purpose of interpreting this definition, connecting wires used for transmission and/or reception between poles, masts, or ancillary supports, shall be considered accessory appurtenances to the tower and not additional towers. Poles, masts, cross-wires for transmission/ reception and ancillary supports less than 18’ high, or a maximum of 10’ above the highest part of the residence, whichever is the greater, shall not be considered Amateur Towers.

AMENDMENT – A change in the wording, context, or substance of this ordinance or an addition or deletion or a change in the zone district boundaries or classifications of the zoning map.

Animal Grooming - Any place or establishment where animals are bathed, clipped, or combed and are charged for such services.

ANIMAL SERVICES –Facilities for care and treatment of animals, including incidental sales of pet supplies. Including the following:

Animal Shelter – A facility used to house or contain stray, homeless, abandoned, or unwanted animals that is owned, operated, or maintained by a public body, humane society, animal welfare society, society of the prevention for cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

ANTENNA (WCF) - 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 telecommunications signals or other communication signals. Any system of poles, panels, rods, dishes, wires or similar devices used for the transmission or reception of wireless signals.

ANTENNA MAST (WCF) – A freestanding or guyed framework or other vertical element that supports or serves as an antenna.

ANTIQUUE – A product that is sold or exchanged because of oldness as respects the present age, and not simply because same is not a new product.

APOTHECARY SHOP – See Pharmacy.

APPEAL – An action which permits anyone to arrange for a hearing from other than the individual or group from whose decision the appellant seeks redress.

ASSISTED LIVING CENTER – An assisted living facility that provides resident rooms or residential units to seven or more residents.

ASSISTED LIVING FACILITY -- A residential care institution, including adult foster care, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis. This definition shall include assisted living centers and assisted living homes.

ASSISTED LIVING HOME -- An assisted living facility that provides resident rooms to six or fewer residents.

AUCTION – See Swap Meet.

AUTOMOBILE REPAIR – All aspects of the repair of motor vehicle including, but not limited to, lubrication, tune-up and preventive maintenance.

AUTOMOBILE SALES, NEW – A franchised agency selling new motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may include the sale of used motor vehicles.

AUTOMOBILE SALES, USED – An agency selling used motor vehicles and providing services commonly associated with motor vehicle franchise and providing services commonly associated with motor vehicle sales.

AUTOMOBILE WRECKING YARDS – See Salvage Yards.

BACKHAUL NETWORK - The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers or the public switched telephone network.

BANK – Establishments that provide retail banking, credit, and mortgage services to individuals and businesses. This classification includes banks and savings and loan establishments, credit unions, and check cashing establishments.

BAR OR COCKTAIL LOUNGE – An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.

BED AND BREAKFAST - Owner-occupied dwellings licensed to provide lodging and breakfast accommodations to paying guests for a limited duration. Kitchen facilities are not provided for use by guests.

BOARD OF ADJUSTMENT – (See Section 202)

BOARDING/ROOMING HOUSE – A building containing a single dwelling unit and three (3) or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services, or other things of value.

BUILDING – A structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of person, animals, or property of any kind. This shall not include dog houses, play houses, or similar structures.

BUILDING AREA – The total area, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.

BUILDING PERMIT – A permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the City of St. Johns.

BUILDING SETBACK – The minimum distance as prescribed by this ordinance between any property line and the closest point of the foundation or any supporting post of pillar of any building or structure related thereto. (See Yard, Front, Side, and Rear.)

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, ATTACHED – A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

BUILDING, DETACHED – A building which is separated from another building or buildings on the same lot.

BUILDING, HEIGHT OF – The vertical distance measured from the average grade level to the highest level of the roof surface of flat roofs, to the deck line of mansard roofs, or to the mean height between eaves and ridges for able, gambrel, shed or hip roofs. In the event that terrain problems prevent an accurate determination of height, the zoning administrator shall rule as to height and appeal from that decision shall be to the Board of Adjustment.

BUILDING, MAIN – A building, or buildings, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated.

CAMPGROUND – Any lot, parcel, or tract of land used, designed, maintained, and intended for rent of plots or sites to accommodate temporary camping by the traveling public whether or not a charge is made for the use of the park and its facilities. (See Section 603.)

CEMETERY – Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbarium, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

CLINIC – A place for the provision of group medical services, not involving overnight housing of patients.

COLLEGE OR UNIVERSITY – An institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.

CO-LOCATION (WCF) – The use of a single support structure and/or site by more than one telecommunications provider.

COMMERCIAL BROADCASTING & RECEIVING ANTENNAS – An antenna used for commercial broadcasting purposes. See antennas.

COMMISSION – City of St. Johns Planning and Zoning Commission (See Section 201.)

CONSTRUCTION YARDS & EQUIPMENT – A facility for the outdoor storage of materials, equipment, and commercial vehicles used in construction, building maintenance, and similar activities, including incidental office space. See Heavy Equipment Yards.

CONTIGUOUS – In actual contact.

CONVALESCENT HOME – (Same as nursing home.)

COUNCIL – St. Johns City Council.

COUNTY – Apache County, Arizona

CULTURAL INSTITUTIONS – Museums, historic sites, art galleries, performing arts facilities, libraries, and similar uses.

DAY CARE – (See School, Nursery.)

DHS - means the Arizona Department of Health Services or its successor agency.

DISPENSARY AGENT - for the purpose of the Arizona Medical Marijuana Act, means medical marijuana dispensary director, officer, employee or volunteer who has been issued a valid registry identification card by the DHS.

DRIVE-IN RESTAURANT – Any establishment where food or beverages are dispensed and may be consumed on the premises, but outside a closed building.

DRIVE-IN THEATER – An open air theater where the performance is viewed by all, or part, of the audience from motor vehicles.

DUPLEX – A building designed exclusively for occupancy by or occupied by two (2) families living independently of each other.

DWELLING UNIT – A room or group of rooms within a dwelling containing one (1) cooking accommodation, occupied exclusively by one or more persons, living as a single non-profit family housekeeping unit.

DWELLING, MULTIPLE-FAMILY – A building designed exclusively for occupancy by or occupied by two (2) or more families living independently of each other.

DWELLING, SINGLE-FAMILY – A detached building designed exclusively for occupancy by or occupied by one (1) family for residential purposes.

EASEMENT – A space on a lot or parcel of land reserved or used for location and/or access to utilities, drainage or other physical access purposes.

EQUESTRIAN ARENA – A facility for equestrian exhibitions and competitions.

EQUIPMENT CABINET OR BUILDING (WCF) – A cabinet or building used to house equipment used by telecommunications providers to house equipment at a facility.

EXACTION - A requirement that a developer provide or pay for public facilities at the developer's own expense, related to the cost or impact of the development to the community.

ERECT – The word “erect” includes built, built upon, added to, altered, constructed, reconstructed, moved upon, or any physical operations on the land, required for a building.

EXISTING STRUCTURE - Light poles, power poles, chimneys, billboards and other similar structures which are placed within the City at the time of adoption of this Ordinance, except existing building.

EXISTING VERTICAL ELEMENT (WCF) – Any existing monopole, tower, pole, sign, or exhausts stack performing a non-WCF function. Existing vertical element does not include a building.

EXISTING VERTICAL ELEMENT, RECREATIONAL FIELD LIGHT POLE (WCF) – A light pole constructed and used to provide an appropriate lighting function such as parking, security or recreational ball field lighting, as well as a wireless communications function.

FAA - The Federal Aviation Administration.

FAMILY – An individual, or two or more persons related by blood or marriage, or a group of persons not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

FARMING – (Same as Agriculture.)

FCC - The Federal Communications Commission.

FEED STORE – A facility for sales of animal feed and supplies.

FENCE – Any device built to enclose a parcel of land, to separate two parcels of land, or to separate a parcel of land into different areas.

FLEA MARKET – A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, garage sales, or fund raising activities done by a non-profit organization.

FUNERAL HOME - An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

GARAGE, PRIVATE – A building, or portion thereof, used for the shelter or storage of self-propelled vehicles, and owned and operated by the occupants of a main building wherein there is no service or storage for compensation.

GARAGE, PUBLIC – Any building, except one herein defined as a private garage, used for the storage, care, or repair of self-propelled vehicles or where any such vehicles are equipped for operation or kept for hire.

GOLF, ROD & GUN, TENNIS & COUNTRY CLUBS – A private club, including country clubs, that provides one (1) or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; and which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

GOVERNMENT OFFICES AND FACILITIES – Offices and facilities used by governmental entities for their governmental or proprietary purposes. This classification excludes airports, Utilities, and Public Safety Facilities.

GROUP HOME FOR THE HANDICAPPED – A facility licensed or authorized by a governmental authority having jurisdiction over operations for 10 or fewer handicapped persons who reside together as a single housekeeping unit and who receive care, supervision, or counseling from 1 or more staff persons. This use includes assisted living homes; homes for the mentally ill, group care agencies and similar residential living arrangements for handicapped persons, but shall not include boarding houses, Nursing Homes, or a Shelter Care Facility.

GUEST HOUSE – Living or sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. Such quarters shall not be rented, and/or otherwise used for income purposes.

HALFWAY HOUSE – A group home for supervised, residential living by person not requiring institutional treatment which may include, but is not limited to, individuals with common needs for treatment or rehabilitation with respect to mental or physical challenges, substances abuse rehabilitation or alternatives to judicial system incarceration.

HEAVY EQUIPMENT YARD – A facility that houses large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks, and other equipment of equal or greater size and weight.

HEIGHT - When referring to a tower or other structure, the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. if the structure is located in a platted subdivision, the height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plan (whichever is lower) to the highest point of the structure directly above the finished grade. In the event that terrain problems prevent an accurate determination of height, the City Clerk shall rule as to height and appeal from that decision shall be to the Board of Adjustment.

HOME OCCUPATION – Any occupation or profession which is incidental and subordinate to the use of the dwelling unit for dwelling purposes and which does not change the character thereof. (See Section 606)

HOSPITAL – A place for the treatment or care of human ailments, where overnight lodging for patients is provided.

HOTEL – A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

HOUSEHOLD PETS – Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards).

INDOOR COMMERCIAL RECREATION – An establishment offering sports, game playing or similar amusements to the public, including, but not limited to: skating rinks, bowling alleys, billiards, ping pong, mechanical or electronic games, but not gambling or card playing, within a fully enclosed structure. Indoor commercial amusement does not include non-commercial or charitable events.

INDOOR THEATERS – Any commercial establishment regularly used for presenting for observation by patrons therein any film or plate negative, film or plate positive, film or tape, paint, photograph, picture, laser disc, software, or other depiction designed to be depicted, displayed, or projected on a screen for exhibition, or films, glass slides, or transparencies, either in negative or positive form, and which are designed for display, depiction, exhibition, or projection on a screen or monitor.

INDOOR/OUTDOOR SALES OF NURSERY STOCK – The use of land, buildings, or structures for the sales of plant materials, landscape materials, and fertilizer, excluding production of plant materials.

JUNK YARD – Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling storage, or salvaging of automobiles or other vehicles not in running condition, or machinery, or parts thereof.

KENNEL – Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl or other domestic animals for a fee, but not including boarding, breeding or care of animals used for agricultural purposes.

LARGE ANIMAL HOSPITALS – Animal services for large domestic and farm animals, including grooming and boarding of animals receiving medical treatment.

LARGE-SCALE – Government offices and facilities that occupy more than 10,000 square feet of building area or more than 5 acres.

LIGHT MANUFACTURING – Manufacturing, processing, assembly, packaging, treatment, fabrication, and storage of finished or semi-finished parts or products. Light manufacturing and assembly uses are conducted within an enclosed building with incidental outdoor storage.

LODGE – Club, private means an institution used for athletic, social or recreational purposes and operated by a private nonprofit organization, membership to which is by written invitation and election according to qualifications in the club's charter or bylaws and the use of which is generally restricted to members and their guests.

LONG-TERM CARE FACILITY -- A facility or part of a facility that is intended to provide medical supervision for eight (8) or more residents for periods of time exceeding 72 hours.

LOT (LOT OF RECORD) – A legally created parcel of land, as shown on a recorded subdivision plat, record of survey map, parcel map or recorded as a metes and bounds description.

LOT AREA – The horizontal area within the lot lines of a lot.

LOT COVERAGE – That portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks, and swimming pools.

LOT DEPTH – The horizontal length of a lot.

LOT FRONTAGE – The distance between side lot lines measured at the required minimum front yard line parallel to the street or street chord.

LOT LINE – The line bounding a lot.

LOT LINE, FRONT – In the case of an interior lot, a line separating the lot from the street, and in the case of corner lot, the line separating the narrowest street frontage of the lot from the street.

LOT LINE, REAR – A lot line which is opposite and most distant from the front lot line.

LOT LINE, SIDE – Those lot lines connecting the front and rear lot lines.

LOT WIDTH, AVERAGE– The horizontal length of a straight line connecting the midpoints of the front and rear lot lines.

LUMBER YARDS & BUILDING SUPPLIES – An establishment located indoors, or fully or partially outside of an enclosed structure, that offers goods for sale, including, but not limited to home improvement and building materials, statuary, garden equipment, and plants, but not including vehicle and boat sales or machinery and equipment sales.

MANUFACTURED HOME: A structure, as further defined in Arizona Revised Statutes, Section 41.2142(23), built in accordance with the HUD Act of 1974, as amended, at a site other than where it is intended to be used; as opposed to a “factory built” building, or “modular” building, which is constructed in accordance with the Uniform Building Code. Manufactured homes are built on a permanent chassis, capable of being transported in one or more sections, and designed to be used with or without, a permanent foundation as a dwelling when connected to on-site utilities. A “manufactured home” is not a “mobile home”, a “recreational vehicle”, or a “factory built” building, as defined herein.

MANUFACTURING – The fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery.

MEDICAL MARIJUANA - means of all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

MEDICAL MARIJUANA CULTIVATION - means the process by which a person grows a marijuana plant. A facility shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.

MEDICAL MARIJUANA DISPENSARY - means a nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2804.

MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION - means the single additional location if any duly identified pursuant to A.R.S. 36-2806 (E) during the process of registering a nonprofit medical marijuana dispensary where marijuana will be cultivated for sale at a nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2804 or that is used to incorporate medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods.

MEDICAL MARIJUANA QUALIFYING PATIENT - means person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § 36-2801.13 and has a Registry Identification card issued by DHS authorizing him/her to use marijuana to treat that condition

or it's symptoms.

MEDICAL OFFICES AND CLINICS – An outpatient facility providing medical, dental, chiropractic and psychiatric services, as well as medical and dental laboratories incidental to the medical office use. This classification includes home health agencies as defined in ARS Section 36-151.

MINI-WAREHOUSE –A storage service, located within an enclosed structure, primarily for personal effects and household goods having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activities. Typical convenience storage uses include mini-warehousing.

MOBILE HOME PARKS – An approved residential development as shown in the records of the City in which individual spaces are provided for the placement of a mobile home (or manufactured home) for dwelling unit purposes, where or not a charge is made for such accommodations.

MOBILE HOME: A structure, as further defined in Arizona Revised Statutes, Section 41.2142(26), built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more section, and designed to be used with or without permanent foundation as a dwelling when connected to on-site utilities. Mobile homes are not permitted in the City of St. Johns, except for mobile homes which are located within the city on the effective date of this ordinance. However, if a mobile home is brought up to the Federal Manufactured Home Construction Standards of June 15, 1976, the mobile home can be moved into or within the City if is located in zone R-3 or a trailer park. The owner of the mobile home shall, at his expense, have a qualified inspector acceptable to the City certify to the City that the mobile home has been brought up to June 15, 1976 construction standards before placing the mobile home in the City or moving the mobile home within the City.

MODULAR HOME/DWELLING/STRUCTURE: Shall mean a “factory built building” a single story commercial building of less than 4,500 square foot floor space: a residential building not exceeding two (2) stories in height, a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on site, except that it does not include a mobile home or manufactured home as defined in this section.

MONOPOLE (WCF) – A single pole attached to a permanent foundation.

MONOPOLE, PORTABLE (WCF) – A single pole and associated equipment mounted on a transportable base.

MORTUARY – See Funeral Home.

MOTEL – A building or group of buildings containing guest rooms or apartments each of which maintains a separate outside entrance, used primarily for the accommodation of motorists, and providing automobile parking space on the premises.

NON-CONFORMING LOT OR PARCEL - A legally established lot or parcel that conformed to the dimensional requirements for the district in which it was located at the time of recordation.

NON-CONFORMING SIGN - A sign that was lawfully established prior to the effective date of the Zoning Ordinance or of amendments thereto; or was lawfully established in another political jurisdiction prior to annexation to the City; and that does not conform to the regulations for signs for the district in which it is located.

NON-CONFORMING STRUCTURE – A non-conforming structure shall not be altered unless required or permitted by law, unless the alteration shall result in reduction or elimination of the nonconformity.

NON-CONFORMING USE - A use that is lawfully being conducted in a structure or on a lot or parcel on the effective date of the Zoning Ordinance, or the effective date of amendments to the Zoning Ordinance, but does not conform with the regulations for the district in which it is located, is non-conforming and may be continued, except as otherwise provided in ARTICLE 8. A change to the parking, loading, landscaping, or screening regulations in the district does not cause the use to be nonconforming; provided however that the existing parking, loading, landscaping, or screening shall become non-conforming as of the effective date of the change.

NUISANCE – Any thing, condition, or use of property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.

NURSERY – A commercial operation for the growth and sale of plants, storage of equipment for landscaping, and the wholesale or retail sale of commercial gardening supplies.

NURSING HOME – A structure operated as a lodging house in which nursing, dietary, and other personal services are rendered to convalescents, not including persons suffering from contagious diseases, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed nursing home.

OFFICE – A room or rooms and accessory facilities for the managing or conducting of a business.

OFF-STREET PARKING AND LOADING FACILITIES – A site or a portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, and access drives. (See Section 703)

OPERATOR - for the purpose of the Arizona Medical Marijuana Act, means the chief executive officer of the medical marijuana dispensary, whether referred to as the Executive Director, President CEO or other designation.

OUTDOOR COMMERCIAL – An establishment located fully or partially outside of an enclosed structure that offers goods for sale.

OUTDOOR STORAGE – The location of any goods, services, wares, merchandise, commodities, junk, debris, vehicles, or any other items outside of a completely enclosed building for a continuous period longer than 24 hours.

PARK – A public or private parcel of land developed and used for passive or active recreation.

PARKING AREA – An area designed and constructed and used exclusively for the parking, storage, and maneuvering of vehicles. (See Section 703)

PAWN SHOP –An establishment at which money is lent on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

PHARMACY –A building, or part of a building, used for the dispensing of medicines or medical supplies only.

PRE-EXISTING TOWERS AND PREEXISTING ANTENNAS - Any tower or antenna for which a building permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

PROFESSIONAL OFFICE – Any building, structure, or portion, thereof used or intended to be used as an office for a lawyer, architect, engineer, surveyor, planner, optometrist, accountant, doctor, dentist, or other similar professionals.

PUBLIC BUILDING – Facilities for conducting public business by various public agencies, including all Federal, State, County, and City offices and buildings.

PUBLIC HEARING – Hearings held as required by law.

PUBLIC SAFETY COMMUNICATIONS MONOPOLE (WCF) – A monopole required for the purpose of public safety communications of the City, a neighboring city, Apache County, or the State of Arizona.

PUBLIC SAFETY COMMUNICATIONS TOWER (WCF) – A tower required for the purpose of public safety communications of the City, a neighboring city, Apache County, or the State of Arizona.

PUBLIC UTILITY – Private or public facilities for distribution of various services, such as water, power, gas, communication, etc., to the public.

RADIO AND TV STUDIOS –A facility for the production of films and/or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

RECREATION USE – Includes buildings, structures or areas built or developed for purposed of entertaining, exercising, or observing various activities participated in either actively or passively by individuals or organized groups.

RECREATIONAL VEHICLE – A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This includes motor homes, travel trailers, and campers.

RECREATIONAL VEHICLE PARK – Facilities for the temporary storage, parking, and maneuvering of recreational vehicles (motor homes, travel trailers, campers, etc.) with adequate roads and stall sites, including sanitary and water facilities. Site locations are provided on a day-to-day basis. Does not constitute a mobile home park. (See Section 705)

RELIGIOUS INSTITUTION – A permanently located building commonly used for religious worship, fully enclosed with walls, but including windows and doors, and having a structurally solid and sound roof.

REPAIR SERVICES – An establishment located within a fully enclosed facility that offers repair services for small appliances and equipment, including, but not necessarily limited to: electronics, computers, stereos, and home appliances, but not including vehicles and vehicle parts.

RESEARCH, DESIGN AND EXPERIMENTAL PRODUCT DEVELOPMENT – Facilities for research and development of products, including but not limited to technology-intensive fields such as chemical, biological, pharmaceutical, electronics and genetic research.

RESTAURANT – An establishment which serves food or beverages only to persons seated within the building. This includes cafes, tea rooms, and similar establishments.

RETAIL STORE – A commercial business for selling goods, services, wares, or merchandise directly to the customer.

RIGHT-OF-WAY – Includes any public or private right of way and includes any area required for public use pursuant to any official plan.

RODEO – A public performance featuring bronco riding, calf roping, steer wrestling and bull riding.

SALVAGE YARDS or JUNKYARDS – Storage, dismantling and recycling of vehicles, equipment, metals, tires or other used materials for sale as parts or raw material, including but not limited to, the collection, storage, exchange or sale of goods, used building material, used containers or drums, and similar articles or property.

SCHOOL - means an institution of learning for minors, whether public or private, offering a regular course of instruction required by Arizona Revised Code Title 15. This definition includes a pre-school or daycare provider, an elementary school, middle or junior high school, senior high school, or any special institution of education for persons under the age of eighteen years, whether public or private.

SCHOOL, ELEMENTARY, JUNIOR HIGH, HIGH SCHOOL – Public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the State Board of Education.

SCHOOL, NURSERY – A school or the use of a site or a portion of a site for and organized program devoted to the education or day care of five (5) or more children of elementary school age or younger, other than those residents on the site. Includes Day Care Center.

SCHOOL, PRIVATE OR PAROCHIAL – An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.

SCHOOL, TRADE – Schools offering instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician's schools, and similar commercial establishments.

SECOND HAND STORE – An establishment that sells used merchandise.

SERVICE STATION – Occupancy engaged in the retail sales of gasoline, oil, tires, batteries, and new accessories and which provides for the servicing of motor vehicles and operations incidental thereto, including: automobile washing, waxing and polishing, tire changing and repairing, but not including recapping. May also include battery service, radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, testing, adjustment and replacement of motor parts and accessories.

SHELTER CARE FACILITY – A residential care facility which provides temporary lodging, meals, counseling, and full time supervision to individuals and groups such as pregnant teenagers, victims of domestic violence, neglected children, and runaways for periods of less than 30 consecutive days. Large-Scale – A shelter facility that is not small-scale. Small-Scale – A shelter care facility housing 5 or fewer persons.

SHELTER CARE FACILITY, HOMELESS – A facility which provides temporary lodging, meals, and sanitary facilities for persons without permanent housing.

SHOPPING CENTER – A group of two (2) or more commercial establishments associated by common agreement or under common ownership which comprises contiguous land parcel unit with common parking facilities.

SIGN – Any identification, description, illustration, or devices which is affixed directly or indirectly upon a building, structure or land which directs attention to a product, place, activity, person, institution, or business and which is visible from any public street, waterway, alley or public place, and shall include banners and similar services. A vehicle mounted sign on a vehicle that is habitually parked or stationed at the site for a business and serves to advertise or identify the business, shall be construed as a sign for the purpose of this ordinance. National flags of political subdivisions shall not be construed as signs.

SIGN, AREA OF – That area in square feet of the smallest rectangle, square, circle or triangle that encompasses the sign. The area of any two-faced sign with parallel faces, or “V” type signs having an interior angle of 45 degrees or less, shall be the area of the single face. All other multiple faced or paneled signs shall be the total area of all faces or panels. Signs area shall include the mounting surface on which the lettering is placed. For signs which are painted on a wall surface, and for multiple-unit signs, the area shall include the lettering and the vertical and horizontal spacing between letters which comprise the work or words that convey the message.

SIGN, CANOPY – A type of building-mounted sign mounted under and supported by a permanent canopy, arcade, or portal.

SIGN, DEVELOPMENT – Any temporary sign erected on the premises of an existing construction project and designating the architect, contractor, designer or builder, or developer or the name and nature of the project.

SIGN, DIRECTIONAL – Any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed, and which contains no advertising copy.

SIGN, FREE-STANDING – A sign attached to or supported from the ground and not attached to a building; signs on walls or fences which are not an integral part of a building are free-standing signs.

SIGN, HEIGHT – The vertical distance from grade to the highest point of the sign.

SIGN, POLITICAL – Any temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot of primary, general, or special elections.

SIGN, PROJECTING – A type of building-mounted sign, other than a wall sign or canopy sign, which projects from and is supported by a wall of a building.

SIGN, PROPERTY SALE, RENTAL, OR LEASE – Any sign advertising the availability for sale, rental, or lease of land or buildings.

SIGN, ROOF – A type of building-mounted sign which projects from and is supported by the roof of a building.

SIGN, WALL – A sign flush to the exterior surface of a building applied directly on the building, in a window, or a signboard attached flush to the building, projecting no more than six (6) inches from the building surface and not projecting above the roof surface. However, light sources aimed at the wall sign may project farther.

SMALL ANIMAL CLINICS – Animal services for small animals, including grooming and interior kennels for boarding of animals receiving medical treatment.

SMALL-SCALE – Government offices and facilities that occupy no more than 10,000 square feet of building are or 5 acres.

STABLE – A detached accessory structure including, but not limited to, a corral or paddock for the keeping of horses for remuneration, hire or sale.

STABLE, COMMERCIAL – A structure including, but not limited to, a corral or paddock for the keeping of horses for remuneration, hire or sale.

STREET – A right-of-way, dedicated to public use, which provides the principal vehicular and pedestrian access to adjacent properties.

STREET LINE – The boundary line between street right-of-way and abutting property.

STRUCTURE – Anything constructed or erected which requires a fixed location on the ground, including a building but not including a fence or wall uses as a fence.

SUBDIVISION – Improved or unimproved land or lands divided for the purpose of financing, sale, or lease, whether immediate or future, into four or more lots, tracts, or parcels of land, or, if a new street is involved, any such property which is divided into two or more lots, tracts, or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. “Subdivision” also includes any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

SUPPORT STRUCTURE (WCF) – The structure to which Wireless Communications Facility antennae and other hardware are mounted.

SWAP MEET AND AUCTION, INDOOR – Commercial activities held in an enclosed structure where: 1) groups of licensed vendors rent space to display, barter, or sell goods to the public; or 2) one or more sellers bring goods for auctioning to the public. The following uses are not swap meet and auction uses: Farmer’s Market, occasional craft fairs and benefit sales held on public property or conducted by a non-profit organization.

SWAP MEET AND AUCTION, OUTDOOR – Commercial activities held in an open area where: 1) groups of licensed vendors (sellers) rent space to display, barter, or sell goods to the public; or 2) one or more sellers bring goods for auctioning to the public. The following uses are not swap meet and auction uses: Farmer’s Market, occasional craft fairs and benefit sales held on public property or conducted by a non-profit organization.

SWIMMING POOL – Any permanent structure, containing or intended to contain water for recreational uses, including wading pools.

TATTOO PARLOR AND BODY PIERCING – An establishment offering: permanent marking of the skin using ink or other substances by means of needles or other instruments; or the creation of an opening in the body for the purpose of inserting jewelry or other decoration.

TEMPORARY USES – A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction of alteration of any permanent structure.

TOWER - Any structure that is designed and constructed primarily for the purpose of supporting one 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, cellular telephone towers, alternative tower structures and the like. The term also includes the structure and any support thereto.

TRADE SCHOOLS, DANCING, ART, MUSIC SCHOOLS –A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty.

TRANSITIONAL HOMES – A group home or residential care facility used for the purposes of rehabilitating persons from correctional facilities, mental institutions, and alcoholic and drug treatment centers and operated by a public or private agency duly authorized and licensed by the state, which agency houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in a community and which provides continuous professional guidance.

TRAVEL TRAILER – A portable structure without motive power, with wheels built on a chassis, designed as a temporary dwelling for travel, recreation, and vacation purposes, having a body width not exceeding 32 feet.

USE – The purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered, or enlarged, or for which either a site or structure is or may be occupied and maintained.

USE, ACCESSORY – A use which is incidental, related, appropriate, and clearly subordinate to the principal use of the lot or building, and which does not alter the principal use of the lot or building.

USE, CONDITIONAL – A use which is listed as a “Conditional Use” in any given zone district. Such use shall require a “Conditional Use Permit” in order to establish within that zone district, and shall be subject to all conditions and requirements imposed by the Planning and Zoning Commission in connection with the “Conditional Use Permit.”

USE, PERMITTED – A use which is listed as a “Permitted Use” in any given zone district. Such use shall be allowed to establish within that zone district, subject to the specific requirements of this Ordinance.

VARIANCE – Relief from the strict application of the Zoning Ordinance where strict application shall deprive the property owner of privileges enjoyed by similar properties. (See ARTICLE 7)

VETERINARY CLINICS & KENNELS – Facilities for the care, treatment, and boarding of animals.

WAREHOUSE – A building or buildings used for the storage of goods.

WASTEWATER TREATMENT – Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal systems, and on-site septic systems.

WHOLESALE – The sale of goods or materials for the purposes of resale.

WRECKING YARD -- Includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited three (3) or more unregistered motor vehicles which are no longer operable or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part or intended to be a part of any motor vehicles, the sum of which parts or materials shall be equal in bulk to three (3) or more motor vehicles.

YARD – The open and unoccupied space on a lot or parcel which is required by this Ordinance.

YARD, FRONT – A yard, the depth of which is the minimum required horizontal distance between the front lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

YARD, REAR – A yard, the depth of which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

YARD, SIDE – A yard, the width of which is the minimum required horizontal distance between the side lot line and a line parallel thereto on the lot, not including any portion of required front yard or required rear yard.

ZONE – A district classification established by this ordinance which limits or permits various and specific uses.

ZONING ADMINISTRATOR – (See Section 204)

ARTICLE 4 PROCEDURES

SECTION 401. GENERAL PROCEDURES

The specific procedures followed in reviewing various applications differ. Reference shall be made to the appropriate section in the Ordinance which addresses the procedures and requirements of a particular application. Generally, the procedures for all applications have three common elements: (1) submittal of a complete application, including required fee payment along with appropriate information; (2) review of the submittal by appropriate City staff, agencies and boards; and (3) action to approve, approve with conditions, or deny the application.

- A. PRE-APPLICATION CONFERENCE. The applicant shall meet with the Zoning Administrator and other appropriate City Staff to discuss the nature of the proposed application, application submittal requirements, and the procedure for action and the standards for evaluation of the application.
- B. NEIGHBORHOOD MEETING REQUIREMENTS. Applicants for amendments to the Zoning Ordinance, or the Official Zoning Map shall schedule and conduct a neighborhood meeting in accordance with this section.
 - 1. The applicant shall schedule a neighborhood meeting to receive comments on the proposal. Neighborhood meetings shall be conducted following the pre-application conference and prior to filing an application.
 - 2. At least fifteen (15) days prior to the neighborhood meeting the applicant shall notify by first-class mail all property owners of record within 300 feet of the property, unless the General Plan or other policy adopted by the City Council requires notification within a larger area. The applicant shall notify any persons who have specifically requested notice regarding the application who register their names and addresses with the City as being interested in receiving such notices. Registration shall be in written form addressed to the Zoning Administrator. A list of the persons notified shall be provided to the City.
 - 3. The notice shall set forth the purpose, substance of the proposed application, and the time, date and place of the meeting. A copy of the notice shall be submitted to the Zoning Administrator.
 - 4. Neighborhood Meeting Procedure. The applicant shall conduct the meeting in a location, time, and meeting format approved by the Zoning Administrator. Following the meeting, which City staff may attend, the applicant shall create a written summary of the meeting, including comments received. Staff may augment the meeting record as necessary.
 - 5. Record of Proceedings. Concurrent with application submittal for amendments to the Zoning Ordinance or the Official Zoning Map, the applicant shall file a written summary of the meeting, including a list of all attendees' names and addresses.
- C. APPLICATION MATERIALS. Current application materials are available in the City Clerk's Offices. Materials may be picked up during normal business hours. The Zoning Administrator may publish an application schedule which prescribes the deadline for submitting an application to the Planning Commission or the City Council. Completed applications shall be filed in advance of any public hearing or public meeting required pursuant to this Ordinance or the A.R.S.
- D. NOTICE OF PUBLIC HEARINGS. For amendments to this Zoning Ordinance or the Official Zoning Map, conditional and special use permits, preliminary subdivision plats, zoning variances, and appeals heard by the Board of Adjustment, the City Clerk or Director, as appropriate, shall prepare for publication a Notice of Public Hearing. The notice shall comply with the following requirements:
 - 1. The notice shall be published at least 15 days prior to the date of the public hearing at least once in a newspaper of general circulation with the City of St. Johns.
 - 2. A general description of the proposed project or action and the property included in the application;
 - 3. The date, time, location, and purpose of the public hearing;

4. The location and times at which the complete application and project file may be viewed by the public;
5. A statement that any interested person or authorized agent may appear and be heard; and
6. A statement describing how and when to submit written comments.
7. Posting of Official Notice. For applications for amendments to this Zoning Ordinance or the Official Zoning Map, conditional and special use permits, preliminary subdivision plats, zoning variance, development review, and appeals heard by the Board of Adjustment, the City Clerk, as appropriate, shall prepare for posting a Notice of Public Hearing. The City shall post the notice at least 24 hours prior to the date of the public hearing at three (3) public places within the City designated by City Council resolution governing posting of public notices.
8. Property Posting. For applications for amendments to this Zoning Ordinance, or the Official Zoning Map, conditional and special use permits, preliminary subdivision plats, zoning variance, development review, and appeals heard by the Board of Adjustment, the applicant shall post the Notice of Public Hearing on the subject property. Applications for amendments to the text of this Zoning Ordinance shall not require property posting. The notice shall be subject to the following requirements:
 - a. The notice shall be posted at least 15 days prior to the date of the public hearing.
 - b. Posting, maintenance and removal of signs are the responsibility of the applicant. Failure to remove the sign within ten (10) days of public hearing action shall result in City removal of the sign and a charge to the applicant for costs incurred.
 - c. Size, color, content, and location of public hearing sign shall be designated by City Council resolution for posting of public hearing notices.
 - d. The applicant shall submit a signed affidavit and dated, color photos of the sign or signs prior to the public hearing.
 - e. Failure of the applicant to provide evidence of posting shall result in a postponement of the public hearing.
9. Neighborhood Notice. For applications for Plan amendments, amendments to this Zoning Ordinance text, amendments to a zoning ordinance, or the Official Zoning Map, conditional and special use permits, preliminary subdivision plats, zoning variance, development review, and appeals heard by the Board of Adjustment, the Zoning Administrator shall prepare a Notice of Public Hearing. The notice shall be subject to the following requirements:
 - a. At least 15 days prior to the date of the public hearing, the applicant shall notify by first-class mail:
 - 1) All property owners of record within 300 feet of the property, unless the General Plan or other policy adopted by the City Council requires notification within a larger area;
 - 2) The property owner if the application is initiated by a person other than the property owner; and
 - 3) Any persons who have specifically requested notice regarding the application who register their names and addresses with the City as being interested in receiving such notice. Registration shall be in written form addressed to the Zoning Administrator.
 - b. The notice shall set forth the purpose, time, date, and place of the meeting. A copy of the notice shall be submitted to the Zoning Administrator.
 - c. Failure of the applicant to provide evidence of mailing shall result in a postponement of the public hearing.
 - d. The validity of the proceedings shall not be effected by the failure of any person to receive such mailed notice.

E. **PLANNING AND ZONING COMMISSION.** The Planning and Zoning Commission shall hold 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 City 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 with the City of St. Johns General Plan and other adopted plans;
3. Staff recommendations;
4. Review agency input;
5. Public input and testimony received at the hearing; and
6. Effects of the proposal on the neighborhood, are, and community-at-large.

F. **ST. JOHNS CITY COUNCIL.** The City Council shall hold public hearings to act upon all items required by this Ordinance. The Council shall decide whether or not to approve, approve with condition or deny an application. Action on those items heard shall 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 and adopted plans, standards and policies;
3. Staff recommendations;
4. Review agency input;
5. Public input and testimony received at the hearing; and
6. Effects of the proposal on the neighborhood, are, and community-at-large.

G. **SCOPE OF ACTION.** The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval of the application 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 notice.

H. **PUBLIC HEARING PROCEDURES.**

1. **Setting of the Hearing.** When the Zoning Administrator determines that an application is complete, the Administrator shall cause notice of such hearing to be made at the expense of the Applicant.
2. **Purpose of the Hearing.** The purpose of a public hearing is to allow the applicant and all other interested parties a meaningful and fair opportunity to be heard, to present evidence relevant to the application and to rebut evidence presented by others.
3. **Conduct of the Hearing.**
 - a. Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative. Each person who appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization or group, the name and mailing address of the organization or group.

- b. The Chair shall exclude testimony or evidence that is irrelevant, immaterial or unduly repetitious. At any point, members of the body conducting the hearing may ask questions of the applicant, staff or public. The order of the proceedings shall be as follows:
 - 1) The Zoning Administrator or appropriate staff member shall present a description of the proposed request and written or oral recommendation, if required. The recommendation shall address each factor required by this Ordinance to be considered prior to action or approval on the development permit.
 - 2) The applicant shall present any information that the applicant deems appropriate;
 - 3) Public testimony shall be heard first in favor of the proposal, then in opposition to it;
 - 4) The Zoning Administrator or other staff member may respond to any statement made by the applicant or any public comment;
 - 5) The applicant may respond to any testimony or evidence presented by the staff or public; and
 - 6) The body conducting the hearing shall close the public portion of the hearing and conduct deliberations.
- c. Record of Proceedings.
 - 1) The body conducting the hearing shall record the proceedings by any appropriate means and according to such procedures as the City Council may, from time to time, prescribe by rule. Such record shall be provided at the request of any person upon application to the City Clerk and payment of a fee set by the City Council to cover the cost of duplication of the record.
 - 2) The record of all proceedings, including testimony and statement of personal opinions, the minutes of the secretary, all applications, exhibits and papers submitted, all staff and advisory body or commission reports and recommendations, and the decision and report(s) of the body before which the hearing is heard shall constitute the record.
 - 3) All such records shall be public records, open for inspection at reasonable times and upon reasonable note.
- d. Continuance.
 - 1) Any applicant or authorized agent of an applicant may be granted a continuance before the Planning and Zoning Commission, Board of Adjustment or City Council upon payment of an administrative fee established by the Council. A continuance may also be imposed by the body or agency conducting the hearing, but no such administrative fee may be charged unless the continuance is requested by the applicant.
 - 2) All motions to grant a continuance shall state the date on which the matter is to be heard. A majority vote of those members in attendance shall be required to grant a continuance. The record shall indicate the reason such continuance was made and any stipulations or conditions placed upon the continuance.
- e. Additional Rules. Where appropriate, additional rules governing the public hearing may apply including, but not limited to, other provision of this Ordinance applicable to the body conducting the hearing and any of the body's adopted rules or procedures as long as the same are not in conflict with this Section. The body conducting the hearing may adopt rules of procedure to limit the number of applications which may be considered per meeting and to limit the time for each presentation, or each speaker.

SECTION 402. AMENDMENTS TO GENERAL PLAN TEXT OR MAP

- A. PURPOSE. The purpose of this Section is to provide procedures by which changes may be made to the text or map of the General Plan. The General Plan is a comprehensive long-range guide for orderly growth and development in the community.
- B. INITIATION OF AMENDMENTS
 - 1. City Initiated Amendments. The City Council or the Planning and Zoning Commission may initiate an amendment to the map or text of the General Plan. An amendment shall be initiated by motion.
 - 2. Property Owner Initiated Amendments. A property owner or an agent authorized in writing may apply for an amendment to the map or text of the General Plan governing the property.
- C. TIMING.
 - 1. Major Amendments. Applications for major amendments shall be filed no later than February 28th of each calendar year in order to be considered in that year. All applications for major amendments to the General Plan shall be heard by the City Council at a single hearing in April of each calendar year in which they are filed. A major amendment is defined in the St. Johns General Plan.
 - 2. Minor Amendments. Applications for minor amendments may be filed at any time.
- D. PROCEDURES
 - 1. Pre-Application Review. All applications to amend the map or text of the General Plan shall be subject to pre-application review pursuant to the procedures set forth SECTION 401.
 - 2. Citizen Review. All applications to amend the General Plan shall be subject to a citizen review process. The City Clerk may establish additional procedures for the citizen review process. The citizen review process shall at a minimum consist of a neighborhood meeting or a work session of the Planning Commission, as set forth below.
 - a. Map Amendments. The applicant shall schedule and conduct a neighborhood meeting in accordance with the procedures set forth in SECTION 401.B.
 - b. Text Amendments.
 - 1) A citizen review session shall be held at a work session of the Planning and Zoning Commission scheduled at least five (5) days prior to the public hearing at the Planning and Zoning Commission for the consideration of any proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to address the Planning and Zoning Commission on the proposal.
 - 2) Notice of the citizen review session shall be given to landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application, at least ten (10) days prior to the Planning Commission work session. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the proposed text amendment. A copy of the notice shall be submitted to the City Clerk. The form of notice to be used may vary according to the type of text amendment proposed. Any form of notice used by the City Clerk for the proposed text amendment shall be considered sufficient. The form of notice given may include, but is not limited to, the following:
 - (a) Publication in a local newspaper of general circulation distributed to residents living within the City.
 - (b) Posting at three (3) public places within the City designated by City Council resolution governing posting of public notices.
 - (c) Posting on the official City website.
 - 3. The Planning and Zoning Commission may take into account issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendments when it considers its recommendation to the City Council. Prior to the City Council hearing on the proposed text amendment the Commission shall report on the issues and concerns raised during the citizen review session.

4. Application. Applications shall be filed in accordance with the application procedures set forth in herein.
 - a. General Plan Text Amendment. An application for a General Plan Text Amendment shall include a written report that addresses each criteria as listed in Section 402.E, below.
 - b. Future Land Use Map Amendment. An application for a Future Land Use Map Amendment shall include the following:
 - 1) A reduction of the Assessor's Map and the Future Land Use Map with a location map. Boundaries of the proposed map amendment shall be shown.
 - 2) Evidence of title.
 - 3) Legal description.
 - 4) Deed.
 - 5) All existing and proposed easements.
 - 6) Rights-of-Way.
 - 7) A written report which addresses the following issues:
 - (a) Reasons why the amendment is being requested and an indication of compliance with Section 402.E, Conditions of Approval.
 - (b) Proposed amendment description including the existing land uses of the area proposed for amendment and surrounding land uses; number of acres; existing land use; existing and surrounding zoning; proposed future land use; proposed zoning amendment, if any; and public benefit;
 - (c) Availability of utilities;
 - (d) Site access and traffic patterns;
 - (e) Effects of proposed future land use amendment on public facilities and rights-of-way.
5. Public Notice. Public notification shall be provided in compliance with SECTION 401.
6. Notice to Other Jurisdictions. Notice of amendments to the General Plan shall be given in accordance with the requirements of ARS § 9-461.06.
7. Staff Report. The Zoning Administrator shall prepare and transmit to the Planning and Zoning Commission a staff report. A copy of the staff report shall be made available to the public and any applicant prior to the public hearing.
8. Planning and Zoning Commission Hearing. The Planning and Zoning Commission shall conduct at least one (1) public hearing for minor General Plan amendments and at least 2 public hearings for major General Plan amendments. Hearings on major General Plan amendments shall be held in two separate locations in the City. The Planning and Zoning Commission shall conduct the hearings as set forth in SECTION 401.
9. Planning and Zoning Commission Action. The Commission may recommend the approval, approval with modifications or denial of the proposed amendment. If the Commission fails to make a recommendation to the City Council within 90 days after closing the public hearing, the Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the City Council.
10. City Council Hearing. The Council shall conduct a public hearing as set forth in SECTION 401 of this ordinance.

11. City Council Action. The City Council may approve, approve with modifications or deny the application. Approval of any major amendment to the General Plan shall require an affirmative vote by at least 2/3 of the members of the Council. Approval shall be by Resolution.
- E. CONDITIONS OF APPROVAL. In determining whether the proposed amendment shall be approved, the Commission and City Council shall consider the following factors:
1. Whether the development pattern contained in the future land use plan provides appropriate optional sites for the use proposed in the amendment.
 2. That the amendment constitutes an overall improvement to the City of St. Johns General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
 3. The degree to which amendment shall impact the community as a whole or a portion of the community by:
 - a. Significantly altering acceptable existing land use patterns.
 - b. Requiring larger and more expensive improvements to roads, sewer, or water systems than are needed to support the prevailing land uses in which, therefore, may negatively impact development of other lands. The Commission and/or the City Council may also consider the degree to which the need for such improvements shall be mitigated pursuant to binding commitments by the applicant, a public agency, or other sources when the impacts of the uses permitted pursuant to the General Plan amendment will be felt.
 - c. Adversely impacting existing uses due to increased traffic on existing systems.
 - d. 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.

SECTION 403. AMENDMENTS TO THE ZONING ORDINANCE TEXT OR THE OFFICIAL ZONING MAP

- A. DEFINITION. A change in the wording, context, or substance of the Zoning Ordinance, or an addition, deletion, or change in the zone district boundary or classification of the Zoning Map.
- B. PROCESS. The prescribed application, together with all pertinent data, plans, petitions, and fees shall be filed with the Zoning Administrator.
1. 1st Action: The Zoning Administrator will publish a Public Hearing notice in the local newspaper, post notices on the affected properties, and notify property owners within 300 feet, at least fifteen days prior to the Public Hearing.
 2. 2nd Action: The Planning and Zoning Commission will hold a Public Hearing. Within 30 days after the close of the Public Hearing the Commission shall:
 - a. Recommend approval to the City Council, or
 - b. Recommend approval with modification to Council, or
 - c. Recommend denial to the Council.
 3. 3rd Action: The City Council shall:
 - a. Hold a Public Hearing if it so desires or if so requested by a member of the public, and

- b. Approve the request (3/4 vote required if 20% of the property owners in or within 150 (feet?) of property file protest against the rezoning), or
- c. Approve the request with a modification, or
- d. Deny the request.

Note: If decision is made to change Commission recommendation, Commission has 30 days to respond.

- C. APPEAL. Any person who is dissatisfied with the decision of the City Council may file an appeal with the Apache County Superior Court.
- D. EFFECTIVE DATE OF REZONING OR AMENDMENT. A rezoning or amendment becomes effective as determined by the Ordinance passed by the City Council.
- E. EXPIRATION OF CONDITIONAL ZONING. At the time of rezoning, the Council may establish a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, it shall revert to its former zoning classification without legislative action.

SECTION 404. CONDITIONAL USE PERMITS

- A. PURPOSE. Every zoning district contains certain buildings, structures and uses of land which are normal and complementary to Permitted Uses in the district, but which, by reasons of their physical or operational characteristics, influence on their traffic function of adjoining streets, or similar conditions, are often incompatible with adjacent activities and uses. It is the intent of this Ordinance to allow such uses as "Conditional Uses" in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses. It is the purpose of this Section to establish principles and procedures essential to proper guidance and control of such uses.
- B. GENERAL REGULATIONS
 - 1. Zoning district regulations established elsewhere in this Ordinance specify that certain buildings, structures and uses of land may be allowed by the Commission as "Conditional Uses" in a given district subject to the provisions of this Section and to requirements set forth in district regulations. The Planning and Zoning Commission is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon them.
 - 2. Any building, structure or use existing on the effective date of this Ordinance which is reclassified as a Conditional Use by this Ordinance for the district in which it is located shall be considered as meeting the conditions which would otherwise be imposed upon such use by this Ordinance, and its continuance shall not be subject to issuance of a Conditional Use Permit; provided, however, to the extent that such fails to conform to the requirements of this Ordinance, it shall be considered nonconforming as described in ARTICLE 8, and its continuance shall be governed by all nonconforming use regulations applicable thereto.
 - 3. Every Conditional Use Permit issued shall be applicable only to the specific use and to the specific property for which it is issued. Upon completion and final inspection by the Zoning Administrator of any authorized structures, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the Conditional Use Permit shall thereafter be transferable and shall run with the land, whereupon the maintenance of special conditions imposed by the Permit, as well as the compliance with other provisions of this Ordinance, shall be the responsibility of the property owner.
- C. CONDITIONAL USE PERMIT APPLICATION.

1. Application for a use permit shall be filed with the Zoning Administrator on a form prescribed by the Administrator.
2. The application shall be forwarded to the Planning and Zoning Commission by the Zoning Administrator, and shall be accompanied by a detailed site plan prepared in accordance with Section 406 showing all information necessary to demonstrate that the proposed use shall comply with all special conditions as well as other regulations and requirements of this Ordinance.
3. The applicant shall furnish the Commission any additional information it may consider relevant to investigation of the case.

D. COMMISSION ACTION AND FINDINGS

1. It is the expressed intent of this Ordinance that any use for which a Conditional Use Permit is required shall be permitted in the particular zoning district, provided that all special conditions and requirements of this Ordinance are met. Therefore, the action of the Commission shall be one of approval or denial based upon its judgment as to whether the specified conditions have been or will be met. The Commission shall consider not only the nature of the use and the special conditions influencing its location of buildings, parking, other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, and the influence that such factors are likely to exert on adjoining properties. The Commission may make such suggestions as it considers desirable and shall provide all possible guidance to the applicant in his preparation of application, plans, and data in such manner as to satisfy the intent of this Section.
2. Notice of the nature of the Conditional Use Permit Application shall comply with Section 401.D.
3. The Commission shall conduct a public hearing on any application for a Use Permit as set forth in Section 401.
4. In order to grant any use permit, the finding of the Commission shall be that the establishment, maintenance, or operation of the use of building applied for shall not be detrimental to the public health, safety, peace, convenience, comfort, and general welfare of person residing or working in the neighborhood of such proposed use of be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
5. The Commission may designate such conditions in connection with the use permit as it deems necessary to secure the intent and purposes of this ordinance and may require such guarantees and evidence that such conditions are being or will be complied with.
6. If the Commission finds that the application and supporting data does not indicate that all applicable conditions and requirements of this Ordinance shall be met, it shall deny the permit. Notice of denial, including reasons therefore, shall be mailed to the applicant at the address shown in the application, and the Commission shall report its actions to the Council at its next regular meeting.
7. If the Commission approves the application, it shall direct the Zoning Administrator to issue a Conditional Use Permit setting forth all conditions and requirements governing such use, shall make the approved site plan a part of the record of the case, and shall report its actions to the Council at the next regular meeting. Failure of the applicant to comply with the conditions and safeguards which are a part of the terms under which a Conditional Use Permit is granted shall be deemed a violation of this Ordinance and punishable under Section 503.

E. APPEALS

1. Any person may file an appeal with the St. Johns City Council over any decision of the Planning and Zoning Commission regarding the granting, or denying, of use permits. If no appeal is filed with the Council within 15 days after Commission action, the action of the Commission shall be considered final. See Section 410.
2. When written appeal is filed with the City, the Council shall evaluate the request at their regular meeting and may approve or deny it. The Council may elect to set the matter for a public hearing, and if such action is taken, notice requirements per Section 401.D shall be followed. Notice shall be given to the Planning Commission of such appeal and the Commission shall submit a report to the Council setting forth the

reasons for its action taken. The Commission shall be represented at the hearings by the Commission Chairman or his designee.

3. The Council shall within 15 days after their regular meeting or public hearing either, uphold the action of the Planning and Zoning Commission, reverse that action, or make a decision of its own.
4. If the Council makes a decision which upholds granting of a permit, the Council may designate such conditions in connection with the permit as it deems necessary to secure the intent and purpose of this Ordinance and require such guarantees and evidences that such conditions are being, or will be, complied with.
5. The decision of the Council shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown in the application.

F. TIME LIMITS

1. Use permits become effective 15 days after approval by the Planning and Zoning Commission, but in the event an appeal is filed, said permit shall not become effective until a decision is arrived at by the City Council.
2. Any use permit issued by the Planning and Zoning Commission shall be commenced within six (6) months from the date of approval, and diligently pursued, otherwise it shall become null and void. The Commission shall establish a time limitation for all use permits and at the termination of this time limit, the Commission shall reconsider said use permit to determine if the permit should be re-issued for an additional time period or be terminated.

G. REVOCATION

1. Use permits granted in accordance with the provisions of this ordinance may be revoked if any of the conditions or terms of the permit are violated or if any law or ordinance is violated in connection therewith.
2. The Zoning Administrator shall notify the permittee of a violation or termination of a use permit, by mail. If no attempt to change the violation is made within ten (10) days after notification, the permit shall be revoked and considered null and void.
3. Any use permit issued by the Planning and Zoning Commission shall be considered null and void if construction does not conform to the originally approved site plan. Any deviations requested from the originally approved site plan shall be processed as a new use permit.

H. FEE. The application for a conditional use permit shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the City Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the city, county, state, or federal government.

I. No person shall reapply for the same or substantially the same use permit on the same or substantially the same plot, lot, or parcel of land within a period of one (1) year from the date for denial or revocation of said use permit.

SECTION 405. VARIANCES

A. PURPOSE AND APPLICABILITY. Variances provide a mechanism for relief from the strict application of this Zoning Ordinance where strict application will deprive the property owner of privileges enjoyed by similar properties. Variances may be granted with respect to dimensional and performance standards including, but not limited to site dimensions, yards, height of structures, distances between structures, open space requirements, signage dimensions, fences, and walls. No variances from the use regulations of this Zoning Ordinance shall be granted.

B. PROCEDURES.

1. Application. A written application for a variance shall be filed with the Zoning Administrator to include:

- a. Evidence showing why, due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings, strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by other property owners of the same classification in the same zoning district.
 - b. Evidence showing that the requested variance shall not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and district in which the property is located.
 - c. Evidence that the special circumstances applicable to the property were or are not self-imposed by the property owner.
 - d. Evidence showing why granting the variance:
 - 1) Substantially meets the intent and purpose of the zoning district in which the property is located;
 - 2) Shall not be detrimental to the health, safety, and general welfare of persons living or working in the neighborhood;
 - 3) Shall not be detrimental to the general welfare of the City; and
 - 4) Is the least amount of relief necessary to permit use of the property similar to other properties in the district.
2. Public Notice. Public notice shall be provided in accordance with the public notification procedures set forth in Section 401.D: Notice of Public Hearings.
 3. Staff Report. The Zoning Administrator shall prepare and transmit to the Board of Adjustment a staff report, including an analysis and recommendation, setting forth any proposed findings and conditions upon which the Board may base its decision. A copy of the staff report shall be made available to the public and applicant prior to the public hearing.
 4. Public Hearing. The Board of Adjustment shall conduct a public hearing in accordance with the procedures set forth in Section 401.H: Public Hearing Procedures.
 5. Action. The Board of Adjustment shall render a written decision within ten (10) days of the date the hearing is closed. The Board may approve, approve with modifications and/or conditions, or deny applications for variances.
 6. Appeal.
- C. REQUIRED FINDINGS. The Board of Adjustment shall only approve a variance after finding that:
1. There are special circumstances applicable to the property, including its size, shape, topography, locations, or surroundings, whereby 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;
 2. Such special circumstances were not created by the owner or applicants;
 3. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
 4. The variance shall not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.
- D. USE VARIANCES PROHIBITED

1. The Board of Adjustment shall neither approve any changes in the uses permitted in any zoning district nor approve any modification of the requirements of this Zoning Ordinance that would have the effect of allowing the establishment of a use not otherwise permitted.
 2. No non-conforming use or violations of this Ordinance with respect to neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for granting a variance.
- E. **CONDITIONS OF APPROVAL.** In approving a variance, the Board of Adjustment may impose reasonable conditions necessary to:
1. Achieve the general purposes of this Zoning Ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the general plan;
 2. Protect the public health, safety, and general welfare; or
 3. Insure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.
- F. **EFFECTIVE DATE**
1. The effective date of the variance shall be the 31st day after the approval, unless the action is appealed in accord with Section 405.G. No building, grading, or construction permit shall be issued until the variance becomes effective.
 2. Every variance granted shall be personal to the appellant therefore and shall be transferred and shall run with the land only after completion of any authorized structure or structures.
- G. **APPEALS.** The decision of the Board shall be final, provided, however, that any person aggrieved by a decision of the Board or a municipal officer may, at any time within 30 days after the filing of the decision, petition the court for a writ of certiorari for review of the Board's decision. Allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board, and for good cause shown, grant a restraining order, and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed. See Section 410.
- H. **FEES**
1. Upon filing an application for appeal, the appellant shall pay a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the City Clerk. No part of the filing fee shall be returnable. Payment of filing fee shall be waived when the petitioner is the City, County, State, or Federal Government.
 2. In the case of an appeal for a variance to more than one provision of this Ordinance, the filing fee shall equal the total amount chargeable for all provisions as prescribed by the fee schedule.

SECTION 406. ADMINISTRATIVE PLAN REVIEW

- A. **PURPOSE.** The purpose of the Administrative Plan Review is to enable the Zoning Administrator to make a finding that a proposed development is in conformity with the intent and provisions of this Ordinance and all other City Ordinances. The provisions of this Section shall apply to the permitted and conditional uses as specified for each zoning district, except that the Zoning Administrator may require Development Review in accordance with Section 407 in lieu of, or in addition to Administrative Plan Review.
- B. **PROCEDURES.**
1. **Pre-Application Review.** All applications for Administrative Plan Review shall be subject to pre-application review pursuant to Section 401.A.
 2. **Application for Plan Approval.** Request for plan approval shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The request for approval shall be accompanied by four (4) identical

copies of the plan. Each copy shall be on one (1) or more sheets of paper measuring not more than 24 by 36 inches, may be drawn to a scale not smaller than 40 feet to the inch, which show the following:

- a. Lot dimensions.
 - b. Location, size, height, use and exterior materials of all buildings and structures.
 - c. Size and dimensions of yards and space between buildings.
 - d. Location and height of walls and fences.
 - e. Location, number of spaces, dimensions, circulation patterns and surface materials for all off-street parking and loading areas, driveways, access ways, and pedestrian walkways.
 - f. The location, dimensions, area, materials, and lighting of signs.
 - g. Location and general nature of lighting.
 - h. Street dedications and improvements.
 - i. Existing and proposed grades and drainage systems.
 - j. The size and location of all existing and proposed public and private utilities. All easements shall be shown.
 - k. Natural features such as mesas, rock outcroppings, or streams, and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.
 - l. Landscaping, including all surfacing material around buildings and in all open spaces.
 - m. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.
 - n. A legal description of the land included in the site plan and the name, address and telephone number of the owner, developer, and designer.
 - o. Any other information which the Zoning Administrator may find necessary to establish compliance with this and other ordinances.
3. Exception. Under certain circumstances where the nature of the permitted or conditional use is such that it would be unnecessary or economically unfeasible for the applicant to prepare a plan in accordance with the above requirement, the Zoning Administrator may waive certain of the above requirements, but in all cases the applicant shall be required to prepare and submit some type of site plan.
4. Fee. The application for Administrative Plan Approval shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the City Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the city, county, state, or federal government.
5. REVIEW PROCEDURES
- a. The Zoning Administrator shall have ten (10) working days from the date of submission of the plan application to review said plan and approve, conditionally approve, or reject said plan based on its compliance with all provisions of this ordinance, all other ordinances, and master plans of the City of St. Johns, and to notify the applicant of his decision in writing. If, however, the Zoning Administrator wishes to obtain the opinion of the Planning and Zoning Commission, he may, at his discretion, forward the plan to the Commission for action at their next regular meeting. In such case the Zoning Administrator shall render his decision within five (5) days after Commission action. The decision shall set forth in detail the reasons for denial or in the even of conditional approval, the changes or additions which are necessary to make the plan acceptable.

- b. All copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Zoning Administrator. One copy of said approved plan and conditions shall be mailed to the applicant, and one copy shall be filed with the Building Inspector, if such a position exists.
- C. APPEALS. Any applicant for plan approval or other party who is dissatisfied or aggrieved by the decision of the Zoning Administrator may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the Zoning Administrator not later than 15 days from the date of the Zoning Administrator's decision. See Section 410.
- D. TIME LIMITS
 - 1. Six (6) months from the date of approval, an administrative plan approval becomes void if a building permit has not been issued.
 - 2. An extension of approval may be granted if the applicant files for an extension prior to the approval becoming void and the extension is granted by the approving body.
 - 3. The Zoning Administrator shall notify the permittee by mail of an expiration of plan approval.
- E. VIOLATION AND ENFORCEMENT
 - 1. Prior to the issuance of a building permit the Building Inspector, if such a position exists, shall ascertain that the Zoning Administrator has approved plans which are in conformance to those presented with the Building Permit Application and that the time limitations imposed by this ordinance have not elapsed.
 - 2. The Zoning Administrator shall ensure that all matters are undertaken according to the conditions of the approved plan. In the event of a violation, the Zoning Administrator shall notify the permittee, by mail that he is in violation of the conditions of the approved plan. If no attempt to change the circumstances of the violation is made within ten (10) days after notification, the building permit shall be revoked and considered null and void.

SECTION 407. DEVELOPMENT REVIEW

- A. PURPOSE. The purpose of Development Review is to enable the Development Review Board to make a finding that a proposed development is in conformity with the intent and provisions of this Ordinance and all other City ordinances. The provisions of this Section shall apply to all permitted and conditional uses as specified in the Zone District Regulations or for which Development Review is requested by the property owner or developer, or as required by the Zoning Administrator in cases where a proposed development is of such a nature as to warrant Development Review.
- B. Procedures.
 - 1. Pre-Application Review. All applications for Development Review shall be subject to pre-application review pursuant to Section 401.A.
 - 2. Application for Development Review. Application for Development Review shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The request for approval shall be accompanied by six (6) identical copies of the plan. Each copy shall be on one or more sheets of paper measuring not more than 24 by 36 inches, may be drawn to a scale not smaller than 40 feet to the inch, which show the following:
 - a. Lot dimensions.
 - b. Location, size, height, use and exterior materials of all buildings and structures.
 - c. Size and dimensions of yards and space between buildings.
 - d. Location and height of walls and fences.
 - e. Location, number of spaces, dimensions, circulation patterns and surface materials for all off-street parking and loading areas, driveways, access ways, and pedestrian walkways.

- f. The location, dimensions, area, materials, and lighting of signs.
 - g. Location and general nature of lighting.
 - h. Street dedications and improvements.
 - i. Existing and proposed grades and drainage systems.
 - j. The size and location of all existing and proposed public and private utilities. All easements shall be shown.
 - k. Natural features such as mesas, rock outcroppings, or streams, and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.
 - l. Landscaping, including all surfacing material around buildings and in all open spaces.
 - m. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.
 - n. A legal description of the land included in the site plan and the name, address and telephone number of the owner, developer, and designer.
 - o. Any other information which the Zoning Administrator may find necessary to establish compliance with this and other ordinances.
3. Exception. Under certain circumstances where the nature of the permitted or conditional use is such that it would be unnecessary or economically unfeasible for the applicant to prepare a plan in accordance with the above requirement, the Zoning Administrator may waive certain of the above requirements, but in all cases the applicant shall be required to prepare and submit some type of site plan.
4. Fee. The application for Development Review shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the City Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the City, County, State, or Federal Government.

5. REVIEW PROCEDURES

- a. The Zoning Administrator shall forward the completed application together with all accompanying plans and documents to the Development Review Board for their consideration.
- b. Within 30 working days of receipt of a complete application, the Development Review Board shall consider the application. Notice of the date and time of the meeting shall be given by the Zoning Administrator in writing to the applicant not less than 15 days prior to the date of the meeting.
- c. Within five (5) working days after the meeting, the Development Review Board shall approve, conditionally approve, or reject said plan based on its compliance with all provisions of this Ordinance, all other ordinances, and master plans of the City of St. Johns, and the Review Criteria in Section 407.B.6, below. If, however, the Development Review Board wishes to obtain the opinion of the Planning and Zoning Commission, they may, at their discretion, forward the plan to the Commission for review and recommendation at their next regular meeting. In such case the Development Review Board shall render its decision within five (5) days after Commission action. The Zoning Administrator shall notify the applicant of this decision in writing. The decision shall set forth in detail the reasons for denial or in the even of conditional approval, the changes or additions which are necessary to make the plan acceptable.
- d. All copies of the approved plan, with any conditions, shall be dated and signed by the Chairman of the Development Review Board. One copy shall be mailed to the applicant, and one copy shall be filed with the Zoning Administrator, and one copy shall be filed with the Building Inspector.

6. Review Criteria. In addition to ensuring compliance with this Ordinance, all other City ordinances and master plans of the City of St. Johns, when reviewing a proposed development, the Development Review Board shall consider the following:
 - a. The proposal shall adequately provide for vehicular and pedestrian safety by reason of properly arranged vehicular and pedestrian ingress and egress, and shall ensure that excessive traffic congestion will not be created.
 - b. Proposed lighting shall be so arranged as to not shine upon or reflect onto adjoining properties, and proposed signs and their lighting shall be of such size, location, and color to not interfere with traffic or limit visibility of adjoining property.
 - c. Adequate provision shall be made to protect adjoining properties and structures from excessive and unreasonable noise, vibrations, gases, odors, and other factors which will interfere with the use and enjoyment of surrounding properties.
 - d. The proposal shall not be detrimental to or endanger the public peace, health, safety, or general welfare of the surrounding properties, nor unreasonably interfere with the use or enjoyment of property in the vicinity by occupants thereof.
 - e. The proposed development shall be designed and equipped to ensure adequate fire protection.
 - f. The proposed development shall include adequate and properly designed sanitary facilities, proper sewage disposal systems, and properly designed and located trash containers.
 - g. Adequate provision shall be made for storm water runoff and drainage.
 - h. All driveways and access ways shall be properly drained, graded, and surfaced.
 - i. All required landscaping shall be provided and maintained in an attractive manner.
- C. APPEALS. Any applicant for plan approval or other party who is dissatisfied or aggrieved by the decision of the Zoning Administrator may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the Zoning Administrator not later than 15 days from the date of the Zoning Administrator's decision. See Section 410.
- D. VIOLATION AND ENFORCEMENT.
 1. Prior to the issuance of a building permit the Building Inspector, if such a position exists, shall ascertain that the Development Review Board has approved plans which are in conformance to those presented with the Building Permit application and that the time limitations imposed by this ordinance have not elapsed.
 2. The Zoning Administrator shall ensure that all matters are undertaken according to the conditions of the approved plan. In the event of a violation, the Zoning Administrator shall notify the permittee, by mail that he is in violation of the conditions of the approved plan. If no attempt to change the circumstances of the violation is made within ten (10) days after notification, the building permit shall be revoked and considered null and void.

SECTION 408. ANNEXATIONS

- A. PURPOSE. The purpose of this Section is to provide procedures consistent with applicable State law requirements for the annexation of land into the City of St. Johns. This Section shall apply to all applications to annex property into the City.
- B. INITIATION OF ANNEXATIONS
 1. City Council or City Manager. The City Council or City Manager may direct staff to review specific property to determine whether it may be legally annexed and to contact property owners to determine whether they will sign an annexation petition.
 2. Owner Initiation. One or more property owners may submit an application in accordance with this Ordinance to annex property owned by them into the City of St. Johns.

C. PROCEDURES

1. Application by Property Owner. An application shall be filed in accordance with this Section and in accordance with the application procedures set forth in SECTION 401.
2. Staff Review. Staff shall review the proposed annexation to determine whether the property to be annexed meets the contiguity requirements of ARS § 9-471H or whether the proposed annexation is exempt from such requirements because it is within the strip-annexed area of the City and touches an incorporated area of the City. No proposed annexation shall be processed unless it either meets the contiguity requirements or is exempt from such requirements.
3. Blank Petition. Except for annexations of County rights-of-way or roadways with no taxable real property, staff shall file a blank petition in the office of the Apache County Recorder setting forth a legal description and an accurate map of all the exterior boundaries of the property proposed to be annexed. The map shall include all county rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of the area of the proposed annexation. The legal description shall be sealed by a registered surveyor or engineer. Signatures shall not be obtained on an annexation petition until the expiration of a 30-day waiting period following the date of filing the blank petition.
4. Notice to County. Notice and a copy of the filing of the blank petition shall be given to the Clerk of the Apache County Board of Supervisors and to the Apache County Assessor.
5. Content of Notice of Public Hearing. Notice of a public hearing required to be held pursuant to Section 401, Public Hearing, shall be given by the City in accordance with this Section. The notice shall include the following information:
 - a. A map showing the area proposed to be annexed;
 - b. The date, time, location and purpose of the public hearing;
 - c. A statement that any interested person or any authorized agent may appear and be heard; and
 - d. A statement describing how to submit written comments.
6. Notice of Public Hearing. The notice shall be given at least six (6) days prior to the hearing in the following manner:
 - a. The notice shall be published by the City at least once in a newspaper of general circulation within the City at least 15 days before the end of the 30 day waiting period.
 - b. Posting by the applicant in at least three conspicuous public places on the property proposed to be annexed.
 - 1) Posting, maintenance and removal of signs are the responsibility of the applicant. Failure to remove the sign within ten (10) days of public hearing action shall result in City removal of the sign and a charge to the applicant for costs incurred.
 - 2) Size, color, content, and location of public hearing sign shall be designated by City Council resolution for posting of public hearing notices.
 - 3) The applicant shall submit a signed affidavit and dated, color photos of sign or signs prior to the public hearing.
 - 4) Failure of the applicant to provide evidence of posting shall result in a postponement of the public hearing.
 - c. Notice by first class mail sent by the City to the Chairman of the Board of Supervisors of Apache County.
 - d. Notice by first class mail with an accurate map of the property proposed to be annexed sent by the City to each owner of the real and personal property that would be subject to taxation by the City in the event of annexation in the territory proposed to be annexed.
7. Public Hearing. A public hearing shall be held by the City Council within the last ten (10) days of the 30-day waiting period described in Section 408.C.3: Blank Petition, to provide opportunity for public comment and to discuss the proposed annexation.

8. Signatures and Filing with County Recorder. After the expiration of 30 days from the date the blank petition was filed in accordance with Section 408.C.3: Blank Petition, signatures may be obtained on an annexation petition. The petition shall contain the signatures of the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the City in the event of annexation, as shown by the last assessment of the property, may be circulated. No alterations increasing or reducing the property proposed to be annexed shall be made after a petition has been signed by a property owner.
9. Filing of Signed Petition and Expiration. A signed petition for annexation shall be filed with the City within one year after the last day of the 30-day waiting period described in Section 408.C.3: Blank Petition or the blank petition will expire. A new application shall be submitted if the property owner desires to annex the property after that deadline. At the time of filing the petition for annexation, the petitioner shall submit a sworn affidavit verifying that no part of the property proposed to be annexed is already subject to an earlier filing for annexation.
10. City Staff Review of Petitions. Upon receipt of a signed petition for annexation, City staff shall review the petition for sufficiency of signatures and conformance with other applicable requirements. City staff shall verify that the petition contains the signatures of the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the City in the event of annexation, as shown by the last assessment of the property.
 - a. For the purpose of determining the sufficiency of the percentage of the value of property, such values of property shall be determined as follows:
 - 1) In the case of property assessed by the County Assessor, values shall be the same as shown by the last assessment of the property; and
 - 2) In the case of property valued by the Department of Revenue, values shall be appraised by the department in the manner provided by law for municipal assessment purposes.
 - b. For the purpose of determining the sufficiency of the percentage of persons owning property, the number of persons owning property shall be determined as follows:
 - 1) In the case of property assessed by the County Assessor, the number of persons owning property shall be as shown on the last assessment of the property;
 - 2) In the case of property valued by the Department of Revenue, the number of persons owning property shall be as shown on the last valuation of the property;
 - 3) If an undivided parcel of property is owned by multiple owners, such owners shall be deemed as one owner and each may sign as a fractional interest; and
 - 4) If a person owns multiple parcels of property, such owner shall be deemed as one owner for the purposes of this section.
11. Filing Petition and Affidavit with County Recorder. After determination of sufficiency of signatures on the petition, the petition shall be filed in the office of the Apache County Recorder. The petitioner shall also submit a sworn affidavit verifying that no part of the territory is already subject to an earlier filing.
12. Staff Report. The Zoning Administrator shall prepare and transmit to the City Council a staff report with a proposed annexation ordinance. A copy of the staff report and proposed annexation ordinance shall be made available to the public and the applicant prior to the date of the meeting at which the City Council will consider adopting the ordinance.
13. City Council Action. After the filing of the signed petition, the City Council may adopt the proposed annexation ordinance.
14. Annexation Complete. The annexation is final 30 days from the adoption of the ordinance annexing the property, subject to the review of the Apache County Superior Court pursuant to ARS § 9-471C. When the annexation is final, the City Clerk shall record the annexation ordinance.
15. Annexation of County Right-of-Way. County rights-of-way or roadways with no taxable real property may be annexed by mutual consent of the City Council and the Apache County Board of Supervisors if the right-of-way or roadway is adjacent to the City for its entire length. The proposed annexation shall be

approved by ordinance as part of a published agenda item at regular public meetings of the City Council and the Board of Supervisors.

16. Annexation Checklist. Upon adoption of the annexation ordinance, a completed Annexation Checklist in a form approved by the City Attorney shall be permanently maintained in the annexation file.

SECTION 409. ABANDONING ROADWAY EASEMENTS

- A. The abandonment of all or part of a public right-of-way or easement may be initiated by written petition to the City Council. The petition shall be signed by all owners of real property adjacent to and affected by said right-of-way or easement requesting abandonment of all public right-of-way or easement and providing a legal description and recording information thereof.
- B. The procedure to be followed by the City of St. Johns with regard to the abandonment of a public right-of-way shall be as follows:
 1. A letter or letters requesting the abandonment of a particular roadway by any adjacent property owner shall be presented to the Planning and Zoning Director as a request for abandonment of the roadway. The request shall be presented to the Planning and Zoning Director with a nonrefundable \$100 fee and a survey map prepared by a licensed surveyor showing and describing the road or portion thereof to be abandoned. The City will maintain a list of acceptable surveying firms.
 2. The City Manager may also initiate a request for abandonment although no fee shall be required if the abandonment is initiated by the City.
 3. The Planning and Zoning Commission will hold a public hearing and make a recommendation to the City Council with respect to the request for abandonment.
 4. The City Council shall then decide whether to sell or abandon the right-of-way in accordance with ARS§28-7201 through §28-7215. If the right-of-way is to be sold or abandoned an appropriate resolution will be drawn by legal counsel and contain accurate legal description of the property to be sold or abandoned. Also the City shall grant quit claim deeds to parties as provided for in the foregoing statutes.
 5. If the sale or abandonment is initiated at the request of property owners, those owners who receive a portion of the land abandoned shall reimburse the City for any legal and surveying fees that are charged to the City in proportion to the amount of land each landowner will receive as a result of the abandonment or sale. If an affected owner desires at any point to relinquish his interest in any land to be abandoned, he may file a notarized statement to that effect with the City in which case the remaining affected property owners who receive any portion of the abandoned property will remain prorata financially responsible for said fees.
- C. Applications for abandonment of public right-of-way or easement are filed with the Zoning Administrator and referred to the appropriate City staff and utility companies for review. Following review and recommendations from City staff and utility companies, the City Council shall conduct a public hearing regarding the abandonment request. If the abandonment is approved, Council shall approve an abandonment resolution. After the abandonment resolution is recorded with the County Recorder's Office and County Assessor's Office, the public right-of-way or easement shall be removed from the official maps.

SECTION 410. APPEALS

- A. **PURPOSE.** This section sets forth the procedures for appeals except for appeals file pursuant to Section 411: Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions. Any decision within the authority of the decision-making body may be appealed, unless this Zoning Ordinance provides that the decision is final.
- B. **RIGHTS OF APPEAL**
1. Appeals may be filed by:
 - a. The owner of property that is the subject of a final decision by the Zoning Administrator, Planning and Zoning Commission, Design Review Board, or Board of Adjustment.
 - b. Any other person aggrieved by a final decision of a decision-making body identified in this section and who has standing to appeal pursuant to State law;
 - c. A member of the City Council;
 - d. The City Manager; or
 - e. The Zoning Administrator.
 2. All administrative remedies shall be exhausted prior to bringing legal action in Superior or Federal Court against the City or any of its boards, commissions, employees, or officers.
- C. **FILING AN APPEAL.** An appeal shall be filed with the City on a form established by the City. The appeal shall set forth the decision or decisions being appealed and the grounds upon which the appeal is based. The appeal shall be accompanied by any applicable fees.
- D. **TIME LIMITS FOR APPEAL.** All appeals shall be file within ten (10) calendar days of the decision, except for appeals from decisions of the Board of Adjustment. Appeals from decisions of the Board of Adjustment shall be filed within 30 calendar days of the decision.
- E. **PROCEEDINGS STAYED BY APPEAL.** The timely filing of an appeal, except for the appeals of a decision of the Board of Adjustment to Superior Court, shall stay all proceedings in the matter appealed.
- F. **PUBLIC NOTICE.** Prior to consideration of any appeal for which State law of this Zoning Ordinance requires a public hearing, the City shall provide public notification in compliance with Section 401.d. Notice of Public Hearings, or as required by State law, whichever requires the most notice.
- G. **TRANSMISSION OF RECORD.** The City Clerk shall forward the appeal, the Notice of Decision, and all other documents that constitute the record to the decision-making body.
- H. **STANDARDS.** When reviewing any decision on appeal, the decision-making body shall use the same standards for decision-making required for the original decision.
- I. **HEARING BODY ACTION.** Public hearings shall be conducted in accordance with procedures set forth in Section 401.H. Public Hearing Procedures. In addition, the decision-making body may remand the matter to the original decision-making body for reconsideration, for additional information or to cure a deficiency in the record or proceeding. The decision-making body shall render its decision within 30 days of the date the hearing is closed unless State law requires a shorter deadline.

SECTION 411. APPEALS OF DEDICATIONS, EXACTIONS AND ZONING REGULATIONS AND RECONSIDERATION OF CERTAIN DECISIONS

A. APPEALS OF REQUIRED DEDICATIONS AND EXACTIONS AND OF ZONING REGULATIONS PURSUANT TO ARS § 9-500.12 AND 9-500.13

1. Appeals of a required dedication or exaction filed pursuant to ARS § 9-500.12 and of a zoning regulation alleged to create a taking pursuant to ARS § 9-500.13 shall comply with the procedures of this Section and ARS § 9-500.12G.
 - a. Fee. No fee shall be charged for the appeal.
 - b. Filing of Appeal. Appeals shall only be filed by a property owner. Appeals shall be filed on a form established by the Zoning Administrator within 30 days of the date of the final action imposing the dedication or exaction or adopting or amending the zoning regulation. The City shall notify the property owner of the right to appeal pursuant to this Section and provide a description of the appeal procedure on a Notice of Decision for the zoning.
2. Notice of Hearing. The property owner shall be given at least ten (10) days written notice of the time and place of the hearing by certified mail. The property owner may agree to a shorter time for such notice.
3. Hearing. The hearing shall not be a public hearing. Prior to the hearing, the City shall submit a takings report to the Zoning Administrator. The hearing shall be held not later than 30 days after the appeal is filed.
4. Appeals Filed Pursuant to ARS § 9-500.12. An appeal of a required dedication or exaction as a condition of approval for the use, improvement, or development of real property shall comply with this Subsection. No appeal of a dedication or exaction may be filed under this Subsection if the dedication or exaction is imposed by a legislative act of the City Council that does not give discretion to a City official or City department to determine the nature or extent of the dedication or exaction.
 - a. Findings. In determining whether a dedication or exaction is in violation of the law, the City has the burden to establish that:
 - 1) There is an essential nexus between the dedication or exaction and a legitimate governmental interest of the City; and
 - 2) The required dedication or exaction is roughly proportional to the impact of the proposed use.
 - b. Decision. If the Zoning Administrator finds that the City has not met its burden as described in this Subsection, the Zoning Administrator may modify or delete the dedication or exaction requirement. If the Zoning Administrator finds that the City has met its burden, the Zoning Administrator may affirm the dedication or exaction requirement. The Zoning Administrator shall decide the appeal within five (5) working days after the appeal is heard.
5. Appeals Filed Pursuant to ARS § 9-500.13. An appeal of the adoption or amendment of a zoning regulation by the City Council alleged to create a taking shall comply with this Subsection.
 - a. Findings. In determining whether an adopted or amended zoning regulation creates a taking of property in violation of ARS § 9-500.13, the City has the burden to establish that the zoning regulation does not create a taking. The Zoning Administrator shall consider whether the zoning regulation would deny all economic use of the property. In determining whether the action would deny the owner all economic use of the property, the Zoning Administrator shall consider the following factors:
 - 1) Uses Permitted. Evaluation of the range of uses allowed under the General Plan and the Zoning Code.
 - 2) Economic Impact Study. Any economic impact study submitted related to the impact of the conditions of an amendment on the property.
 - b. Decision. If the Zoning Administrator finds that the City has not met its burden as described in this Subsection, the Zoning Administrator shall transmit a recommendation to the City Council and the City Council may reconsider its prior action. If the Zoning Administrator finds that the City has met its

burden, the Zoning Administrator may affirm the zoning regulation. The Zoning Administrator shall decide the appeal within five (5) working days after the appeal is heard.

6. Appeal of Decision of Zoning Administrator. A property owner aggrieved by a decision of the Zoning Administrator to modify or affirm a dedication or exaction requirement or to affirm a zoning regulation may file within 30 days after the decision a complaint in Superior Court, pursuant to ARS § 9-500.12G.

B. RECONSIDERATION OF CERTAIN CITY COUNCIL DECISIONS.

1. Request for Reconsideration. An applicant may request a reconsideration of a City Council decision on any of the following grounds:
 - a. An alleged violation of the Fair Housing Act;
 - b. An alleged violation of the Americans with Disabilities Act or the Arizonans with Disabilities Act;
 - c. An alleged violation of the Religious Land Use and Institutionalized Persons Act or the Arizona Free Exercise of Religion Act; and
 - d. An alleged violation of the Telecommunication Act.
2. Reconsideration procedure.
 - a. Time of Filing. The request for reconsideration shall be filed within ten (10) days of the City Council decision.
 - b. Fact Finding Hearing.
 - 1) Prior to reconsideration by the City Council, the Zoning Administrator shall conduct a fact finding hearing to gather a complete record of all information relevant to the request.
 - 2) The Zoning Administrator shall have the authority to request all information necessary to compile a complete record pertaining to the request.
 - 3) City officials and the applicant shall fully disclose all information relevant to the fact finding.
 - 4) The Zoning Administrator shall prepare a report and recommendation for City Council consideration within 60 days of the filing of the request.
3. City council reconsideration.
 - a. The City Council shall conduct a public hearing on the request pursuant to the procedures set forth in SECTION 401.
 - b. In its deliberation, the City Council shall consider only the applicant's written request and the Zoning Administrator's recommendation. No new evidence shall be submitted.
 - c. The City Council shall uphold, reverse, or modify their prior decision or remand the matter to the Zoning Administrator to develop additional findings.

ARTICLE 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 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 Board of Adjustment after interpretation of the ordinance or the granting of a variance, or by the Planning and Zoning Commission and City Council after interpretation of this Ordinance. The City Attorney may commence an action in Magistrate Court to abate a violation of this Zoning Ordinance.

SECTION 501. INVALID PERMITS AND APPROVALS

Any permit issued or administrative approval granted in conflict with any provision of a zoning ordinance, this Zoning Ordinance, a use permit, a variance, or a Design Review approval is void, unless relief is granted pursuant to this Ordinance.

SECTION 502. VIOLATIONS: NOTICE AND OPPORTUNITY TO CORRECT

- A. NOTICE. Before issuing a citation for a violation of this Zoning Ordinance, a use permit, variance, or Design Review approval, the Zoning Administrator shall provide a written notice of the violation to the property owner, person in control, or authorized agent of the property. The notice shall set forth:
 - 1. The violation.
 - 2. What is required to bring the property into compliance.
 - 3. The time period allowed to bring the property into compliance.
- B. TIME PERIOD. The time period provided to correct violations of this Zoning Ordinance, a use permit, variance, or Design Review approval other than temporary or portable signs shall be a minimum of ten (10) days. The time period provided to correct violations of temporary or portable signs shall be two days.
- C. FAILURE TO RECEIVE NOTICE. Failure of the property owner, person in control, or authorized agent of the property to receive a notice shall not preclude issuance of a citation.

SECTION 503. VIOLATIONS AND CITATIONS

- A. If a violation of this Zoning Ordinance, a use permit, variance, or Design Review approval continues past the time set forth in the notice of violation, a citation shall be issued by any person so authorized by this Zoning Ordinance to the property owner, person in control, or authorized agent of the property.
- B. A civil action for violations shall be commenced by filing of the citation in the City of St. Johns Municipal Court.
- C. Citations may be issued by the Zoning Administrator, a Code Compliance Officer, or a City of St. Johns Police Officer.
- D. Each day a violation continues, or the failure to perform any act or duty required by this Zoning Ordinance or by the City of St. Johns Municipal Court continues, shall constitute a separate civil offense.
- E. Every civil action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to civil traffic procedures and the Arizona Rules of Procedure in Civil Traffic Violation Cases.

SECTION 504. PENALTIES

- A. A citation issued pursuant to Section 504: VIOLATIONS AND CITATIONS shall direct the person to whom the citation is issued to pay a fine in the amount set forth in the City of St. Johns' Municipal Court adopted schedule of fines within ten (10) days of the issuance of the citation or to appear before the City of St. Johns' Municipal Court. Payment of the fine shall constitute a finding of responsibility for the violation for purposes of Section 505: Habitual Offenders.
- B. Upon a finding by the City of St. Johns Municipal Court that a person is responsible for a civil violation, the person, corporation, or other legal entity that violates a zoning ordinance, this Zoning Ordinance, a use permit, a variance or a Design Review approval, the City of St. Johns Municipal Court shall impose a civil fine of not more than \$500.00 for each violation.
- C. Any judgment for civil fines or penalties may be collected as any other civil judgment, as provided for in the Arizona Revised Statutes.

SECTION 505. HABITUAL OFFENDERS

- A. Any person found responsible by the City of St. Johns Municipal Court for committing three (3) or more civil violations of this Zoning Ordinance, a use permit, variance or Design Review approval within a 24 month period, whether by admission, by payment of the fine, by default or by judgment after hearing, shall be determined to be a habitual offender. For purposes of calculating the 24 month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- B. A habitual offender who subsequently violates this Zoning Ordinance, a use permit, variance, or Design Review approval shall be guilty of a Class 1 Misdemeanor offense.
- C. Upon the conviction of a habitual offender for a violation of this Zoning Ordinance, a use permit, variance, or Design Review approval, the Court may:
 - 1. Impose a sentence of incarceration not to exceed six (6) months in jail; or
 - 2. Impose a fine not to exceed \$2,500.00, exclusive of penalty assessments prescribed by law; or
 - 3. Impose a term of probation; or
 - 4. Impose incarceration, fine, and probation.
- D. Notwithstanding the above elective penalty, upon conviction of a habitual offender of a violation of this Zoning Ordinance, a use permit, variance, or Design Review approval, the Court shall impose a fine of not less than \$500.00 for each count upon which a conviction is obtained.
- E. A judge shall not grant probation to a habitual offender or suspend any part of a sentence or fine imposed upon a habitual offender for any sentence required by this subsection, except on the condition that the habitual offender pays the mandatory minimum fines as provided in this Section.
- F. Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

SECTION 506. ABATEMENT

The City of St. Johns Municipal Court may order abatement of a violation of this ARTICLE pursuant to ARS § 9-499.

SECTION 507. CUMULATIVE PROCEDURES AND REMEDIES

The procedures and remedies provided for herein shall be cumulative and in addition to any other procedures and remedies to which the City may be entitled by law or equity.

SECTION 508. FAILURE TO PROVIDE EVIDENCE OF IDENTITY

A person who fails or refuses to provide evidence of his or her identity to the City of St. Johns Building Official, a Building Inspector, the Zoning Administrator, a Code Compliance Officer, or a Police Officer or any other authorized agent of the City upon request, when such agent has reasonable cause to believe the person has committed a violation of this Zoning Ordinance, is guilty of a Class 1 Misdemeanor. Evidence of identity shall consist of a person's full name, residence address, and date of birth.

ARTICLE 6 SUPPLEMENTAL USE REGULATIONS

SECTION 601. ANIMAL REGULATIONS

- A. HOUSEHOLD PETS: The keeping of household pets such as dogs, cats, caged birds, fish, and animals shall be allowed in all zoning districts provided there are no odors, noise, insects, or other nuisances caused by the keeping of such animals which would affect the health and welfare of the occupants of surrounding properties.
- B. NON-HOUSEHOLD ANIMALS: The keeping of non-household animals shall be prohibited except in those zoning districts in which they are specifically allowed, and except as follows:
 - 1. One to three livestock (horses, mules, cows, sheep, goats or pet pigs less than 100 pounds) may be kept in all residential zones on an unobstructed lot of at least 20,000 square feet.
 - 2. Other non-household animals or fowl may be kept in all residential zones on a lot of at least 10,000 square feet.
 - 3. Non-household animals shall not be kept within 75 feet of an occupied structure unless the said occupied structure is occupied by the owner or person in control of the said animals, or unless the owner or person in control of said animals has a written waiver from the current occupant of said occupied structure.

SECTION 602. BED AND BREAKFAST

- A. All bed and breakfast uses shall be subject to the following standards:
 - 1. A structure shall not be altered in a way that changes its general residential appearance.
 - 2. Minimum of one (1) off-street parking space shall be provided for each guest bedroom and two (2) off-street parking spaces for the owner or manager's portion of the dwelling. Additional parking shall be required if reception or party space is available. If four (4) or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.
 - 3. One sign shall be permitted, with a size limit of nine (9) square feet on roads with a speed limit of 45 miles per hour or less. Internally illuminated signs are not permitted. Externally illuminated signs shall meet the standards of this Ordinance.
 - 4. All guest rooms shall be located within the principal structure.
 - 5. No cooking facilities shall be permitted in the guest rooms.

SECTION 603. CAMPGROUNDS

- A. CONDITIONAL USE PERMIT: Campgrounds shall be allowed only within the Agricultural, Commercial, Industrial and Public Facilities Zoning Districts, and shall require a Conditional Use Permit issued by the Planning and Zoning Commission in accordance with the provisions of ARTICLE 4, Section 404.
- B. DEVELOPMENT REVIEW BOARD APPROVAL: Campgrounds shall require approval by the Development Review Board in accordance with the provisions of ARTICLE 4, Section 407. The Development Review Board shall ensure adequate provision of streets, driveways, walkways, proper layout of campground, proper sanitary facilities, and adequate fire protection, adequate protection of surrounding properties, adequate water supply, and compliance with the provisions of this Ordinance and all other Ordinances and Codes of the City of St. Johns.
- C. SITE SPECIFICATIONS:
 - 1. Sites shall be clearly defined, well drained, and reasonably level.
 - 2. Each tent site shall be no less than 900 square feet in area.

3. Each recreational vehicle site shall be no less than 1,200 square feet in area, and shall be designed to allow a minimum of 15 feet between adjoining recreational vehicles.
- D. OFFICE AND REGISTRATION FACILITIES: Each campground shall provide an adequate and easily identifiable office or registration area. Registration facilities shall be located so as not to interfere with the normal flow of traffic in and out of the campground.
- E. RESTROOM FACILITIES: Each campground shall have the following restroom facilities as a minimum:
1. One (1) toilet for each ten (10) camping sites, or fraction thereof, excluding sites with sewer hookups for self-contained recreational vehicles. There shall be a minimum of one (1) toilet provided for each men's and women's restroom. Urinals may be provided for 50% of the toilet requirement of the men's restroom. Toilets shall be partitioned for occupancy privacy.
 2. One (1) hot water shower shall be provided for each ten (10) camping sites or fraction thereof. There shall be a minimum of one (1) shower for each men's and women's restroom regardless of the number of campsites. Showers shall be partitioned for occupant privacy.
 3. One (1) sink with hot water shall be provided for each ten (10) camping sites or fraction thereof. There shall be a minimum of one (1) sink for each men's and women's restroom regardless of the number of campsites.
 4. Each restroom shall contain shelf space and/or hooks adequate for toilet articles and towels, a good, well lighted mirror directly above each sink, an electric outlet convenient to the sink, ample general illumination, wastebaskets, and windows and doors designed for complete privacy.
 5. Maintenance: Campgrounds shall be well maintained in all areas. This includes the grounds, restroom facilities, buildings and any recreational areas and equipment.

SECTION 604. GROUP HOMES FOR THE HANDICAPPED

- A. In the Agricultural and all Residential Districts, Group Homes for the Handicapped are permitted, provided such homes are in comply with the following:
1. A maximum of ten (10) residents per home, not including staff.
 2. No identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted by ARTICLE 8, SIGNS.
 3. All applicable building and fire safety regulations. If a group home has one or more non-ambulatory residents, building code requirements apply in addition to those applicable to group homes with non-ambulatory residents.
 4. Large and/or multiple trash receptacles not usually found in the residential area shall be blocked from public view.
 5. A separation between such homes of 1,200 feet, measured from the property lines, or by the presence of significant intervening physical features between an existing group home for the handicapped and the proposed group home for the handicapped, such as arterial streets, canals, parks, or similar buffering features or developments.
 6. Evidence of license, certification, or registration with the appropriate state or federal agency, if required by such state or federal agency or evidence of a license with the City of St. Johns if no license, certification or registration is required by a State or Federal Agency.
 7. Registration with the Zoning Administrator.
 8. Notwithstanding the foregoing, Group Homes for the Handicapped shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

9. If the state has adopted laws or rules for the regulation of a specific type of home, such as a group home for the developmentally disabled pursuant to A.R.S. 36-582, or an adult care home pursuant to A.R.S. 36-448.09, then any such state law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.
10. If a group home owner believes any requirement of this Ordinance prevents the establishment of a group home in an economically viable manner, the owner shall submit to the Zoning Administrator a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the group home's needs, to address the City's safety and welfare concerns, and to assure compliance with this section. The Zoning Administrator shall review the written request and determine:
 - a. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and
 - b. If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood.
 - c. The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act.

SECTION 605. HEAVY EQUIPMENT, COMMERCIAL, AND INDUSTRIAL STORAGE LOT

- A. No conditional use permit or building permit shall be issued for a junkyard/salvage yard, heavy equipment or industrial storage lot unless the following standards and criteria are satisfied:
 1. Junkyards/salvage yards shall be screened from all surrounding uses and all roadways or be in a totally enclosed building with a wall or fence not less than eight (8) feet in height. The wall or fence of the outdoor storage lot shall be of solid, 100 percent opaque construction of wood, masonry or other similar material approved in writing by the Zoning Administrator.
 2. All sides of the heavy equipment or industrial storage lot shall be fenced.
- B. All outdoor yards or storage lots shall comply with the following:
 1. All required fencing and screening shall be installed in a professional and workmanlike manner, and maintained in good condition.
 2. Unusable items shall be disposed of and not be allowed to collect on the premises.
 3. All tires not mounted on a vehicle shall be neatly stacked or placed in racks. If stacked, the stacks shall not be stacked over six feet in height. No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises. Gasoline, oil, or other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations. All other regulations of the City such as, but not limited to, building codes, fire codes, weed regulations, and health regulations shall apply to the operation of all such uses.

SECTION 606. HOME OCCUPATIONS

- A. HOME OCCUPATIONS. Home occupations shall be permitted in any residential zone, subject to the following requirements:
 1. Home Occupations: Shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes, shall be conducted entirely within the dwelling or accessory building (other than Home Occupation, Day Care), and shall not change the residential character thereof.
 2. All parking associated with the operation of a home occupation shall be off-street.
 3. Area: No more than 25% of the gross floor area of the dwelling shall be devoted to the home occupation.
 4. Traffic Generation: A Home Occupation use shall not generate vehicular or truck traffic in greater volume than that normally expected in the district in which the home occupation is located.

5. Nuisances: There shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, odors, fumes, vibration, or other nuisances discernible beyond the property lines.
6. Signs: Signs shall be subject to the applicable provisions of ARTICLE 8.
7. Licensing. Home Occupations shall comply with applicable licensing requirements.

SECTION 607. IN-VEHICLE SALES AND SERVICE FACILITIES

- A. DESCRIPTION. In-vehicle sales and service facilities include all land uses which perform sales and/or services in vehicles, or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use or (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered accessory.
- B. PERFORMANCE STANDARDS. All in-vehicle service facilities are subject to a conditional use permit review procedure.
 1. Establishments providing in-vehicle facilities may be permitted in the C1, C-2, and I-1 districts only.
 2. Pedestrian walkways should not intersect the drive-through drive aisles, but where they do, they shall have clear visibility, and they shall be emphasized by enriched paving, such as products similar to Bomanite, stone, etc.).
 3. Drive-through aisles shall have a minimum 12 foot width on curves and a minimum 11 foot width on straight sections.
 4. All service areas, rest rooms and ground mounted and roof mounted mechanical equipment shall be screened from view.
 5. The building shall be the main element of the overall site plan and parking shall be oriented on the side or rear of the site.
 6. Menu boards shall be a maximum of 24 square feet, with a maximum height of five (5) feet, and shall not be placed adjacent to the public street.
- C. INTERNAL CIRCULATION REQUIREMENTS.
 1. A traffic study shall be submitted to the City along with the required application packet. The traffic study shall address the following issues:
 - a. Nature of product or service being provided.
 - b. Method by which the order is being processed.
 - c. Time required to serve a typical customer.
 - d. Peak demand hour.
 - e. Anticipated vehicular stacking required.
 - f. Location of the storage of loading area with respect to parking spaces or circulation aisles.
 2. Traffic study shall include a scaled drawing delineating all parking spaces, circulation facilities, driveways and nearest public street.
 3. Each drive-through lane shall be designed to prevent circulation congestion, both on-site and on adjacent public and private streets and access ways.
 4. The stacking lanes for drive-through facilities should not cross or pass through off-street parking areas nor cross or be crossed by pedestrian access ways.

- D. ELEVATIONS. Elevations for all sides of the building shall be submitted along with the application packet.
- E. REFUSE DISPOSAL AREAS. Refuse disposal areas shall be located to the rear of the site and screened with a decorative masonry wall and gate matching the main building architecture.
- F. SPEAKER BOXES AND OTHER NOISE RELATED IMPACTS. Speaker boxes designed to communicate from drive-throughs or pump islands shall not be audible on any residential property adjacent to the business. Failure to contain the sound shall warrant the speaker boxes immediate removal upon proof of two (2) or more complaints within a twelve-month period of violations of the City's noise/nuisance ordinances. When abutting a residential zone or use, all drive-through facilities with noise generating equipment shall minimize any impacts on adjacent properties. Noise generating equipment includes items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.

SECTION 608. MESSAGE ESTABLISHMENTS

- A. PURPOSE. The City Council hereby finds and determines that massage parlors can, if not regulated properly, serve as covers for lewd or illegal conduct which can produce secondary impacts on surrounding neighborhoods, crimes such as prostitution and money laundering, and a reduction in property values. The City Council further finds that massage establishments which are properly regulated can operate in a manner compatible with surrounding uses. The standards established herein are designed to ensure that:
 - 1. The massage establishment is operated for the legitimate purpose of massage therapy and not as a front for prostitution, money laundering, or other crimes.
 - 2. The massage establishment does not become a de facto sexually oriented business without the proper licensing.
 - 3. The massage establishment is clean and sanitary and, accordingly, does not become a blighting influence on the neighborhood.
 - 4. The areas in which massage activities occur are adequately lighted and open so as to permit inspection for compliance with the provisions of this Ordinance.
- B. LOCATION. A massage establishment may be located in any zoning district where permitted as a primary use, and as an accessory use to any medical or chiropractic office, athletic club, health club, school, gymnasium, reducing salon, spa, or hotel, subject to the following restrictions:
 - 1. Where permitted as a primary use, no massage establishment shall be located within:
 - a. 500 feet of a public or private school, park, playground, civic center, cultural site, or church site, or
 - b. within 1,000 feet of another massage establishment.
 - 2. Where permitted as an accessory use, the area of the massage establishment shall not exceed the lesser of:
 - a. 25% of the floor area of the primary use, or
 - b. 400 square feet.
- C. OWNER/OPERATOR AND MINIMUM TRAINING. No application for development approval shall be accepted to establish a massage establishment unless evidence is provided that the owner, operator, responsible managing employee, manager, or licensee in charge of or in control of any massage establishment, and any masseuse or masseur employed therein, has passed the National Certification Exam and has completed not less than 500 hours of training by a school approved by the American Massage Therapy Association ("AMTA") Commission on Accreditation and Training. No massage shall be administered by any person who is not certified as a full member, in good standing, of AMTA. Proof of such membership shall be provided to the Zoning Administrator and the City Clerk prior to issuance of a certificate of zoning compliance.
- D. NUDE MASSAGING PROHIBITED.
 - 1. No massage establishment shall be established or conducted as part of a sexually-oriented business.
 - 2. No owner, operator, responsible managing employee, manager, or licensee in charge of or in control of any massage establishment shall permit any person in any area within the massage establishment which is used

in common by the patrons or which can be viewed by patrons from such an area (excluding bathrooms, dressing rooms, or any room utilized for dressing purposes), unless the person's specified anatomical areas are fully covered. In addition, no owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any person to be in any room with another person unless all persons' specified anatomical areas are fully covered.

3. No owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any masseur, masseuse, or employee to be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, and no masseur/masseuse or employee shall be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, unless the masseur/masseuse or employee is "fully covered". For purposes of this subsection, "fully covered" means a state of dress in which the covering shall be of an opaque material and shall be maintained in a clean and sanitary condition, and which extends from a point not to exceed four (4) inches above the center of the knee cap to the base of the neck.
4. No masseur/masseuse or employee, while performing any task or service associated with the massage business, shall be present in any room with another person unless the person's specified anatomical areas are fully covered.

E. MESSAGE ROOMS.

1. Rooms in which massage is to be practiced or administered shall have at least 50 square feet of clear floor area and shall maintain a light level of not less than 40 foot-candles as measured three (3) feet above the floor. Such rooms shall be equipped with cabinets for the storage of clean linen and chemicals and approved receptacles for the storage of soiled linen. Such rooms shall contain a door incapable of being locked from the exterior or interior. Such door shall contain a transparent window pane no less than 12 inches wide and 12 inches long, such that an unobstructed view of the room is provided from a hallway or other common access area which is immediately adjacent to the room.
2. Separate bathing, dressing, locker, toilet, and massage room facilities shall be provided for female and male patrons, so that female and male patrons can be served simultaneously without viewing one another while bathing, dressing, washing, or receiving a massage, if both sexes are permitted by the establishment.
3. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, hand basins, and all other physical facilities for the massage establishment shall be in good repair and maintained in a sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, bathtubs, hand basins, and toilet rooms shall be thoroughly cleaned and disinfected at least once each day the business is in operation. For purposes of this subsection, "sanitary" means free from vegetative cells of pathogenic microorganisms.

- F. HOURS OF OPERATION. No massage establishment shall open earlier than 8:00 a.m. or remain open later than 6:00 p.m.

SECTION 609. MINI-WAREHOUSE

- A. PURPOSE. This section sets standards for the establishment and maintenance of safe and attractive mini-warehouse developments that will remain a long-term asset to the community.
1. FENCING AND SCREENING.
 - a. A barrier shall be provided around the perimeter of any mini-warehouse development and inside the landscaped area required by Subsection B of this Section. Said barrier shall be located at the setback line and shall be in conformance with applicable provisions of this Ordinance.
 - b. The barrier shall be a minimum of six (6) feet in height.
 2. Signs or other advertising mediums shall not be placed upon, attached to, or painted on said barrier.
- B. LANDSCAPING. Shall be provided within the setback areas consistent with this Ordinance and shall provide appropriate visual screening and/or buffering for adjacent properties. All areas on the site not covered by

pavement or structures shall be brought to finished grade and planted with turf or other appropriate ground cover(s) (gravel, crushed rock allowed) and with deciduous and/or coniferous plant materials. All plantings shall be maintained in sound condition by the property owner.

- C. **COMMERCIAL ACTIVITY PROHIBITED.** It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units, or to permit same to occur upon any area designated as a storage warehouse. This shall not apply to an owner disposing of stored property of a lessee who is delinquent under the terms of their contractual agreement.
- D. **REPAIR OF AUTOS, BOATS, MOTORS, AND FURNITURE PROHIBITED.** Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within any structure on a tract of land designated as a mini-warehouse. All mini-warehouse rental contracts shall include clauses prohibiting (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.
- E. **STORAGE ONLY.** No business activity other than rental of storage units shall be conducted on the premises. No outside storage shall be permitted except the storage of vehicles within approved areas designated for such storage.
- F. **ACCESSIBILITY.** Vehicular ingress-egress shall provide for safe access by customers and emergency vehicles.
- G. **FIRE PROTECTION.** Fire hydrants shall be provided to meet adopted City codes and Fire Department requirements.
- H. **OFF-STREET PARKING AND DRIVEWAY STANDARDS.**
 - 1. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 26 feet wide when cubicles open onto one side of the lane only and at least 30 feet wide when cubicles open onto both sides of the lane.
 - 2. Two (2) covered parking spaces shall be provided adjacent to the manager's quarters.
 - 3. One parking space for every 200 storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two (2) such spaces shall be provided.
 - 4. Required parking spaces shall not be rented as, or used for, vehicular storage. However, additional parking area may be provided for recreational vehicle storage, provided that it is screened in conformance with requirements as found in this Ordinance.

SECTION 610. OUTDOOR SALES

- A. **PURPOSE.** This section establishes standards for the operation of flea markets in a manner that protects adjacent property values and street functions
- B. **PERFORMANCE STANDARDS.** All outdoor sales and flea markets shall meet the following standards:
 - 1. No booths, stalls, or other display areas shall be placed or maintained within any required setback area.
 - 2. The appropriate license shall be obtained from the City of St. Johns.
 - 3. Off-street parking shall be provided at one and one-half (1-1/2) spaces per booth.
 - 4. Parking areas shall only be accessible by driveways meeting the standards established in Section 703 of this Ordinance.
 - 5. All items for sale shall be stored indoors (or within an approved screened storage area) or removed from the site at the close of each business day. Flea markets shall be open during daylight hours.
 - 6. No storage of items other than those available for retail sale may be stored on the premises unless confined within an approved screened storage area.

7. Flea markets shall not derive access from a collector or local street which serves a residential district located within 1,200 feet of the property on which the flea market is located.

SECTION 611 OUTDOOR STORAGE

- A. AREA: No Maximum.
- B. No wrecking yards or junk yards allowed except in I-1 districts or A-1 districts with a Conditional Use permit.
- C. HEIGHT OF FENCES. Fences enclosing outdoor storage areas shall be a minimum of six (6) feet and a maximum of eight (8) feet.
1. Visual screening from adjacent residential uses shall be required.
- D. LOCATION: Outdoor storage areas shall not be located between the front of the building and the street or on vacant residential zoned lots.

SECTION 612. SEXUALLY-ORIENTED BUSINESSES

Sexually-Oriented Businesses shall be located, developed, and operated in compliance with the following standards:

- A. LOCATION. As measured from the closest property lines, Sexually-Oriented Businesses shall be a minimum distance from the uses set forth in the following Table 613.B. Sexually-Oriented Business Location Requirements.

Table 613.B. Sexually-Oriented Business Location Requirements

<i>Use of Use Classification</i>	<i>Separation Requirement (feet)</i>
Another Sexually-Oriented Business	1,000
Establishment having an Arizona Spirituous Liquor License Series #06: Bar License or Series #07: Beer and Wine Base License	500
Cultural Institutions	1,000
Day Care Center, public or private	1,000
Hotels and Commercial Lodging	500
Public Park	1,000
Religious Assembly	1,000
Residential district boundary	1,000
Schools, Public or Private	1,000
Single or Multi-Family dwelling	1,000

- B. MUNICIPAL CODE COMPLIANCE. Sexually-Oriented Businesses shall comply with the City of St. Johns Municipal Code and the State of Arizona Criminal Code.

SECTION 613. TATTOO PARLORS / BODY PIERCING STUDIOS

- A. Tattoo Parlors and Piercing Studios may be located in the C-1 and I-1 zoning districts. Such establishments shall be located, developed, and operated in compliance with the following standards:
- B. LOCATION.

Table 614.A Tattoo Parlors/Body Piercing Studios Location Requirements

<i>Use of Use Classification</i>	<i>Separation Requirement (feet)</i>
Day Care Center	500
Religious Assembly	500
School, Public or Private	500

- C. HOURS OF OPERATION. The hours that a Tattoo Parlor or Piercing Studio may be open to the public are limited to between 8:00a.m. and 6:00p.m. Increased hours of operation may be permitted with approval of a Conditional Use Permit to insure that there shall be no significant adverse impact on adjacent properties and land uses.

SECTION 614. TEMPORARY USES

- A. TEMPORARY CONSTRUCTION OFFICE OR SECURITY PERSONNEL HOUSING
1. A temporary structure, mobile home, or trailer may be allowed in any zone to conduct business or provide housing for the owner/builder or security personnel, during the construction of a permanent building when a valid building permit is in effect. Such a temporary structure, mobile home or trailer shall be removed immediately after completion and occupancy of the building or within one (1) year of its installation, whichever is sooner.
- B. TEMPORARY CARNIVALS, CIRCUSES, REVIVALS, SWAP MEETS, OUTDOOR RETAIL SALES AND SIMILAR ACTIVITIES
1. Applicability: The provisions of this section do not apply to Garage Sales or Rummage sales or outdoor "Sidewalk Sales" conducted by permanent retail establishments which pay City sales tax. Temporary Carnivals, Circuses, Revivals, Swap Meets, Outdoor Retail Sales and similar activities shall be permitted only in C-1, C-2, I-1 and P-1 zone districts subject to the following restrictions.
 2. A Temporary Use Permit shall be obtained from the Zoning Administrator in accordance with the following:
 - a. The Zoning Administrator shall ensure that health and safety are considered, and, in cases where there are any potential health or safety problems, shall obtain approval of the Development Review Board prior to issuing a Temporary Use Permit.
 - b. The Zoning Administrator shall ensure that land area is adequate for the proposed use and parking, and shall ensure that traffic safety is considered.
 - c. The Zoning Administrator shall require any measures necessary to protect surrounding property.
 - d. A time limit shall be established for each use conducted under the Temporary Use Permit. This time limit shall in no case exceed five (5) consecutive calendar days.
 - e. Permanent structures shall not be permitted under a Temporary Use Permit.

- f. Written permission from the owner of the property on which the activity is to be conducted shall be furnished by the Temporary Use Permit applicant.
3. Fees: The application for, and receipt of, a Temporary Use Permit shall be accompanied by fees in amounts established by a schedule adopted by resolution of the Council and filed in the office of the City Clerk. No part of these fees shall be returnable. The fee schedule may provide for the amount of these fees to be determined by specific uses, and may provide for graduated fees to be determined by the number of Temporary Use Permits issued to the same person or group of persons for the same or similar uses in the same calendar year.

SECTION 615. WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

- A. PURPOSE AND APPLICABILITY. The purpose of this ordinance is to:
 1. Establish general requirements for the development, siting, installation, and operation of wireless communications facilities (WCFs) in compliance with the Federal Telecommunications Act of 1996. The goals of this ordinance are to:
 2. Provide for appropriate development of WCFs to provide services within the City in a manner that will protect and promote public health and safety, preserve the City's residential character and uncluttered appearance and prevent visual blight.
 3. This ARTICLE applies to all new WCFs and the expansion and/or alteration of any existing WCF.
 4. This ARTICLE shall not apply to those uses set forth in Section 616. Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.
- B. PROCEDURES.
 1. Wireless Communication Facilities. In accordance with this Section and Section 704: Use Permits, a Use Permit may be approved for a wireless communication facility as specified in Tables 615-RD: Single Family and Multi-Family Residential Zoning Districts, 615-CD Commercial and Office Zoning Districts, 615-ID, Industrial Zoning Districts, and 615-PI Public Facility/Institutional Zoning District.
 2. Public Safety Communication Facilities. In accordance with this Section and Section 404: Use Permits, a Use Permit may be approved for a Public Safety Communications Monopole, non-tower facility or Public Safety Communications Tower as specified in Table 615-PI.
 3. Application. An application for a new WCF, or expansion or alteration of any existing WCF shall be filed in accordance with the application procedures set forth in Section 404: Use Permits. In addition to any other requirements specified, applications shall include the following:
 - a. Inventory. An inventory list and map of existing WCFs operated within 2 miles of the proposed site including specific information as to location, height, and design of each facility.
 - b. Report on Alternatives. A statement explaining why the WCF is needed at the requested location. If the applicant is seeking to construct a new monopole, the applicant shall explain why co-location or location on another kind of support structure is not feasible, including efforts made to develop such an alternative. If the City has requested that the applicant co-locate its WCF on a site, the applicant shall explain why co-location is not feasible, including efforts made to develop such an alternative.
 - c. Facility plans shall include the following:
 - 1) Dimensioned elevations of the proposed facility, including equipment cabinets and buildings, antennas and fences. Elevations shall identify the separation between the proposed WCF and any existing WCFs on the same support structure;
 - 2) Proposed color and material palette;

- 3) A site plan illustrating the separation between the proposed WCF and any existing WCFs on the same site;
 - 4) Method of screening for mechanical and electrical equipment;
 - 5) Location and type of lighting fixtures proposed; and
 - 6) Plans for a new monopole shall demonstrate that the structure shall accommodate at least one (1) additional WCF.
- d. Photographic Simulation. A photographic simulation with a minimum of 4 views of the proposed facility from surrounding properties and streets. Specific locations shall be approved in advance by the Zoning Administrator. A map shall be submitted indicating the locations used for the analysis and their distances from the proposed WCF.
 - e. Public Safety Wireless Communication Facilities. An application for a public safety WCF shall only be filed by a governmental entity or by an authorized agent of a governmental entity. An application for a public safety WCF shall include:
 - 1) A statement explaining why the facility is needed at the requested location;
 - 2) Information showing that the proposed height does not exceed the height necessary to accomplish public safety communication purposes; and
 - 3) Alternatives to a proposed public safety WCF tower that could feasibly accomplish the objectives of the project, including an explanation of efforts made to accomplish such alternatives, and why they were eliminated from further consideration. A cost comparison shall be provided for alternative locations, including the costs to affected governmental agencies.

C. USE AND DEVELOPMENT REGULATIONS.

1. Districts in which Wireless are identified in Section 1003.
2. Regulations. Use Permits are required for each facility, pursuant to Section 404: Conditional Use Permits. Site development regulations are set forth in Tables 615-RD, 615-CD, 615-ID, and 615-PI. In addition, WCFs are subject to the development regulations set forth in Section 615.D: Additional Development Regulations.
3. Residential Zoning Districts. WCFs are permitted in single family and multi-family residential zoning districts only on property owned by:
 - a. The state, county, public school district, or community college district, if the primary use of such property is a governmental use;
 - b. An electric utility company, if the property is used for an electric utility use; or
 - c. A Religious Assembly use, if the primary use of such property is for worship or social use.

Table 615-RD: WCF Site Development Regulations – Single Family and Multi-Family Residential Zoning Districts			
WCF Type	Maximum Height	Minimum Setbacks	Use Permit Required
Monopole, Portable	65’	--	--
Existing Vertical Element	Height of existing vertical element	--	Yes
Existing Vertical Element – Electric Utility Pole	15’ above height of pole	--	Yes
Existing Vertical Element – Recreational Field Light Pole	15’ above light array	--	Yes
Alternative WCF Light Pole Religious Assembly	40’	75’	Yes
Schools			
Elementary, Middle School	40’	75’	Yes
High School	75’	75’/110%	Yes
Public Park	75’	75’/110%	Yes
Alternative WCF Building Element	Height of building	--	Yes
Alternative WCF Structure	40’	75’/110%	Yes

4. Commercial and Office Zoning Districts. WCFs are permitted in commercial and office zoning districts, subject to the following regulations:

Table 615-CD: WCF Site Development Regulations – Commercial and Office Zoning Districts			
WCF Type	Maximum Height	Minimum Setbacks	Use Permit Required
Monopole	65’	75’/110%	Yes
Monopole, Portable	65’	--	--
Existing Vertical Element	Height of existing vertical element	--	Yes
Existing Vertical Element – Electric Utility Pole	15’ above height of pole	--	Yes
Existing Vertical Element – Recreational Field Light Pole	15’ above light array	--	Yes
Alternative WCF Light Pole Religious Assembly	40’	75’	Yes
Schools			
Elementary, Middle School	40’	75’	Yes
High School	75’	75’/110%	Yes
Public Park	75’	75’/110%	Yes
Alternative WCF Building Element	Height of building	--	Yes
Alternative WCF Structure	40’	75’	Yes

5. Industrial Zoning Districts. WCFs are permitted in Industrial Zoning districts, subject to the following regulations:

Table 615-ID: WCF Site Development Regulations – Industrial Zoning Districts			
WCF Type	Maximum Height	Minimum Setbacks	Use Permit Required
Monopole	75’	75’/110%	Yes
Monopole, Portable	75’	--	--
Existing Vertical Element	Height of existing vertical element	--	Yes
Existing Vertical Element – Electric Utility Pole	15’ above height of pole	--	Yes
Existing Vertical Element – Recreational Field Light Pole	15’ above light array	--	Yes
Alternative WCF Light Pole	75’	75’/110%	Yes
Alternative WCF Building Element	Height of building	--	Yes
Alternative WCF Structure	40’	75’	Yes

6. Public Facility/Institutional Zoning District. WCFs are permitted in the public facility/institutional zoning district, subject to the following regulations:

Table 615-PI: WCF Site Development Regulations – Public Facility/Institutional Zoning Districts			
WCF Type	Maximum Height	Minimum Setbacks	Use Permit Required
Monopole	75’	75’/110%	U
Monopole, Public Safety Communications	75’	75’/110%	U
Monopole, Portable	75’	--	--
Existing Vertical Element	Height of existing vertical element	--	U
Existing Vertical Element – Electric Utility Pole	15’ above height of pole	--	U
Existing Vertical Element – Recreational Field Light Pole	15’ above light array	--	U
Alternative WCF Building Element	Height of building	--	U
Building Mounted Public Safety Antenna	10’ above building height	--	U
Public Safety Communications Tower	250’	75’/110%	U

D. ADDITIONAL DEVELOPMENT REGULATIONS

1. Setbacks.

- a. Measurement. Setbacks shall be measured from the boundary of the entire property prior to the WCF application even though the WCF may be sited on one or more smaller individual parcels within a larger lot or parcel.
- b. Required Setback Distances. All Monopoles, Alternative WCF Light Poles, Alternative WCF Structures, and Public Safety Communication Towers shall be set back a distance equal to the greater of:
 - 1) 75 feet from any lot or parcel designated for residential use in the General Plan; or
 - 2) 110 percent of the height of the WCF, including attached antennas; or
 - 3) A distance equal to the building setback for the district in which it is located.
- c. Additional Setbacks Required. Notwithstanding the above setback requirements, Monopoles, Alternative WCF Light Poles, Alternative WCF Structures, and Public Safety Communication Towers shall be set back from property designated for residential use in the General Plan to the maximum extent feasible.
- d. Equipment Cabinets and Buildings. WCF equipment cabinets and buildings shall comply with the required building setbacks of the base zoning district in which the WCF is located, except as provided for in sub-section e, below.
- e. Setback Exemptions. The following WCFs are exempt from WCF setback requirements:
 - 1) WCF antennas mounted on an existing vertical element;
 - 2) WCF antennas incorporated as a building design element; and
 - 3) Equipment cabinets or buildings located on an electric utility substation site.

2. Support Structures.

- a. Alternative WCF Building Element. A building used as a support structure for a WCF shall be a non-residential building.
- b. Monopole. Any new Monopole shall be constructed to allow for collocation of at least one (1) other similar wireless communication antenna. If constructed to less than the maximum height permitted, the Monopole shall have the capability of having an additional vertical section added.
- c. Alternative WCF Light Pole. When an Alternative WCF Light Pole replaces one of a group of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible.
- d. Existing Vertical Element, Recreational Field Light Pole. When a Recreational Field Light Pole replaces one of a group of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible.
- e. Nonconforming Support Structures. A support structure that was lawfully constructed under the provisions of the code or regulations of the district in effect at the time of construction. No alteration to a non-conforming support structure shall be made unless required or permitted by law, unless the alteration shall result in reduction or elimination of the nonconformity, or unless the alteration conforms to the following provisions:
 - 1) Additions. Additional antennas may be authorized by a Conditional Use Permit to locate on a nonconforming support structure. In addition to the findings required for approval in Section 804

and in subsection E, below, the following findings shall establish the rationale for the granting of relief:

- (a) The existing use of the property is conforming;
- (b) The additional antenna conforms with the requirements of this article; and
- (c) Any relief granted shall be the minimum required to implement the purposes of this article.

3. Portable Monopoles.

- a. Temporary Replacement Monopoles. A portable monopole is permitted during the construction, modification, or replacement of an approved WCF. Placement of the portable monopole shall be approved by the Zoning Administrator.
- b. Special Event Monopoles. A portable monopole is permitted during a special event. Placement of the portable monopole shall be approved as part of the Special Event permit, pursuant to Municipal Code of the City of St. Johns.

4. Screening and Aesthetics.

- a. WCFs mounted on existing vertical elements shall be the smallest antenna and array size feasible.
- b. WCF poles and antennas shall have a non-reflective finish.

5. Equipment Cabinets and Buildings.

- a. Screening.
 - 1) Equipment Cabinets and Associated Equipment. Equipment cabinets and associated equipment, including air conditioning units and emergency generators, shall be located within the building or structure upon which antennas are placed, or shall be fully screened from view by a decorative solid fence equal to or exceeding the height of the cabinets.
 - 2) Equipment Buildings. Equipment buildings shall be screened from view by an eight foot decorative solid fence.
 - 3) Waiver or Modification of Screening Requirement. If the Zoning Administrator determines that the WCF cabinets and equipment shall only be visible from permanently unoccupied areas, or are already screened from public view, the screening requirement may be waived or modified.
- b. Height.
 - 1) Equipment cabinets shall not exceed 8 feet in height.
 - 2) Equipment buildings shall not exceed 15 feet in height.
- c. Area. An equipment cabinet or building may contain an area of up to 300 square feet for a single provider or 600 square feet for multiple providers.
- d. Public Safety Communications Tower Exception. An equipment cabinet or building for a Public Safety Communications Tower may exceed the height and area limitations set forth in this Section and shall be established in the Conditional Use Permit.

6. Fencing.

- a. Design. Fencing shall be architecturally compatible with buildings or fencing on the property or adjacent properties.

- b. Height. Fencing shall not exceed a maximum of 8 feet in height.
 - c. Prohibitions.
 - 1) The use of barbed wire or razor wire is prohibited except as permitted in the Municipal Code of the City of St. Johns.
- 7. Lighting.
 - a. Artificial lighting of a WCF, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes.
 - b. Security Lighting shall not exceed a maximum height of 14 feet within 100 feet of a residential district boundary or land designated for residential use in the General Plan. In all other areas, security lighting shall not exceed a maximum mounting height of 25 feet.
 - c. Wall-mounted fixtures shall be full cutoff type. Pole-mounted fixtures shall be full or semi-cutoff type.
- 8. Noise. WCF and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 decibels (dBA) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of 50 dBA during the hours of 7:00 a.m. to 10:00 p.m. and 40 dBA during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any adjacent non-residential property. Backup generators shall only be operated during power outages and for testing and maintenance purposes.
- 9. Co-Location. The operator of any WCF shall permit co-location of at least one additional WCF on the same support structure or site. Applicants and operators shall share technical information to enable evaluation of the feasibility of co-location. Permit requirements may include permission for an additional operator to install, at their cost, an additional support structure to accommodate co-location. Failure to comply with co-location requirements when feasible as provided for in this ARTICLE is grounds for denial of a use permit application.
- E. REQUIRED FINDINGS. In addition to the findings required in Section 404D: Commission Action and Findings, the Planning Commission or the Zoning Administrator, in the case of Administrative Use Permits, shall approve, approve with modifications and/or conditions, or deny a use permit after making the additional findings of fact set forth in this section:
 - 1. The proposed WCF conforms with the requirements of this article;
 - 2. The applicant has demonstrated the inability to co-locate the proposed WCF on an existing vertical element; and
 - 3. The visibility of the WCF is reduced to the extent feasible by decreasing its height, increasing its setback, locating it in proximity to other structures, using antenna designs which minimize horizontal projections, constructing it with colors and materials that de-emphasize its visibility.
- F. MISCELLANEOUS PROVISIONS
 - 1. WCFs on Utility Property. The costs of improvements to utility facilities, poles, and property to accommodate a WCF shall not be charged against any municipal aesthetics program funding granted to the City.
 - 2. Independent Technical Study. Should the Zoning Administrator require additional technical information that can not be obtained from the applicant, the City may require the applicant to pay the cost of an independent technical study.
 - 3. Revocation. Failure to comply with co-location requirements as provided for in this Section is grounds for revocation of an existing Use Permit pursuant to Section 404.G.

SECTION 616. OVER-THE-AIR RECEPTION DEVICES, LARGE SATELLITE DISHES, SATELLITE EARTH STATIONS, AND AMATEUR RADIO FACILITIES

A. PURPOSE. The purpose of this Section is to:

1. Establish general guidelines for the Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities;
2. Minimize the visual impact of communication facilities; and
3. Provide opportunities for such communication uses within the City, subject to limits set by federal regulations.

B. APPLICABILITY.

1. Over-The-Air Reception Devices;
2. Large Satellite Dish Antennas;
3. Satellite Earth Stations;
4. Amateur (HAM) Radio Facilities; and
5. Expansion and/or alteration of any such existing facilities.
6. This Section shall not apply to Wireless Communications Facilities, set forth in Section 615, Wireless Communications Facilities.

C. USE AND DEVELOPMENT REGULATIONS.

1. Land Use Regulations. Districts in which Amateur Radio Facilities, Large Satellite Dish Antennas, Over-The-Air Reception Devices, and Satellite Earth Stations are permitted are identified in Section 203. Over-the-air reception devices are permitted accessory uses in all base zoning districts, pursuant to the standards set forth in this ARTICLE.
2. Over-the-Air-Reception Devices (OTARD) Standards. Unless these regulations would cause the installation or use of an OTARD to be unreasonably delayed, prohibited, would cause an unreasonable or increased cost, or would preclude it from reception of an acceptable quality signal, the following standards shall be met.
 - a. Historical Sites. Prior to installing an OTARD on a site listed or eligible for inclusion on the National Register of Historic Places (National Register), the applicant shall notify the City in writing. The City may impose design restrictions no more burdensome than necessary to preserve the site for eligibility on the National Register.
 - b. Equal Restrictions. The City shall not impose any greater restriction on an OTARD than is imposed on the installation, maintenance, or use of other modern appurtenances, devices, or fixtures comparable in size, weight and appearance, or safety risk to the OTARD.
 - c. Safety Requirements. If the antenna will be placed on a mast exceeding 12 feet above the roofline, the applicant shall obtain a building permit before installation due to safety concerns posed by wind loads and the risk of fall. Before installation, the applicant shall submit to the City a technical description of the antenna, anchorage features, and mast. If the City determines the mast will pose a safety hazard to persons or property, the City may prohibit installation.
 - d. Location. Antennas shall be located outside of the required front yard.
3. Large Satellite Dish Antennas. Large Satellite Dish Antennas, other than Satellite Earth Station antennas, are subject to the following standards:
 - a. General Standards.
 - 1) The antenna shall be the smallest diameter allowed by current technology to receive or transmit desired communications, but in no case shall exceed a diameter of ten (10) feet.

- 2) Ground-mounted large satellite dish antennas shall be located in the rear one-half of the lot or parcel.
 - 3) Fencing shall be architecturally compatible with buildings or fencing on the property or adjacent properties.
 - 4) Any portion of the antenna visible from streets or adjacent residential lots or parcels may be required to be painted for screening purposes.
- b. Single Family Residential Districts.
 - 1) No more than one (1) Large Satellite Dish Antenna may be located on any lot or parcel.
 - 2) Large Satellite Dish Antennas shall be ground-mounted unless there is no feasible ground location on the lot or parcel to receive or transmit desired communications.
 - 3) Ground-mounted Large Satellite Dish Antennas shall be screened from streets and adjacent lots or parcels by a six (6) foot high solid fence.
 - c. Multi-Family Residential Districts.
 - 1) No more than one (1) Large Satellite Dish Antenna may be located on a lot or parcel with fewer than ten (10) units; no more than 2 large satellite dish antennas may be located on any lot or parcel with ten (10) or more units.
 - 2) Roof-mounted Large Satellite Dish Antennas shall be fully screened by a parapet wall or other building elements equal to or exceeding the height of the antenna. These building elements shall be an integral part of the building design.
 - d. Nonresidential Districts.
 - 1) Ground-mounted Large Satellite Dish Antennas shall be screened from view from streets, areas accessible to the general public, and from areas shown for residential use in the General Plan. If the Design Review Board determines that the equipment will only be visible from permanently unoccupied areas, or are already screened from public view, the screening requirement may be waived or modified. The screening method shall be depicted on plans submitted with applications for design review and building permits.
 - 2) Roof-mounted Large Satellite Dish Antennas shall be fully screened by a parapet wall or other building elements equal to or exceeding the height of the antenna, but in no event shall such screen exceed a height of 8 feet above the roof deck. These building elements shall be an integral part of the building design.
4. Satellite Earth Stations, Large- and Small-scale. Antennas shall be:
 - a. Separated from adjacent uses and streets by an eight foot high solid fence.
 - b. Located outside of the required perimeter landscape area.
 - c. Set back from adjacent property lines a minimum distance equal to the height of the antenna
 - d. Painted a light, non-reflective color.
 - e. If roof-mounted, screened by a parapet or cornice and shall not extend above the roof line.
 5. Amateur (HAM) Radio Facilities.
 - a. Antenna Standards. Antenna structures shall be:
 - 1) Limited to a maximum of 35 feet in height.
 - 2) Limited to no more than one (1) amateur radio antenna on any lot or parcel.
 - 3) Mounted on the ground unless there is no feasible ground location on the lot or parcel to receive or transmit desired communications.
 - 4) If ground-mounted, located in the rear one-half of the lot or parcel, but in no event shall the antenna structure be required to be set back more than 100 feet from the front property line.
 - 5) Set back a minimum of 20 feet from side and rear property lines.

- b. Waiver of Standards. If an amateur radio signal cannot be obtained when facilities are in compliance with the regulations set forth herein, the Zoning Administrator may permit a waiver from the height and location requirements of this section.
 - 1) The waiver request shall:
 - (a) Provide evidence that a signal cannot be obtained by facilities in compliance with the standards; and
 - (b) Document the minimum waiver from these regulations required in order to receive a signal.
 - 2) If a waiver of the height limit is necessary, the antenna shall be set back from adjacent property lines by a distance established by the Zoning Administrator.
 - 3) The decision of the Zoning Administrator shall be issued in the form of a Notice of Decision and include written findings.

SECTION 617. COMMERCIAL STABLES AND EQUESTRIAN ARENAS

A. COMMERCIAL STABLES

1. The minimum lot area shall be five (5) acres.
2. Structures
 - a. Any structure housing animals shall be set back at least 100 feet from all property lines.
 - b. The location and operation of any arena shall be as set forth in the Use Permit. Conditions may be imposed to minimize noise, dust, light, odors and other negative impacts on adjacent uses.

B. EQUESTRIAN ARENAS

1. The minimum lot area shall be ten (10) acres.
2. Structures
 - a. Any structure housing animals shall be set back at least 100 feet from all property lines.
 - b. Any structure housing animals other than overnight shall be set back at least 50 feet from all property lines.
 - c. The location and operation of any arena shall be as set forth in the Use Permit. Conditions may be imposed to minimize noise, dust, light, odors and other negative impacts on adjacent uses.

SECTION 618. MEDICAL MARIJUANA DISPENSARY AND MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATIONS.

I. PRELIMINARY REQUIREMENTS, APPLICATION, INSPECTION, LIMITATIONS

- A. Transaction Privilege Tax License Required: An operator of a Medical Marijuana Dispensary shall be required to apply for and obtain a Transaction Privilege (Sales) Tax License from the State of Arizona.
- B. Limitations on the Permitted Location of a Dispensary:
 1. Single or Separate Locations: Pursuant to the Arizona Medical Marijuana Act, dispensaries can be located at the same location as grow operations or the dispensary and grow operation may be located at separate locations.
 2. Permissible Zoning for Dispensaries: A dispensary or combined dispensary and grow operation may only be located within the C-1 zoned areas of St Johns located in the MM-01 overlay as so designated in the St Johns Municipal Code and official zoning maps.

3. Permissible Zoning for Separate Grow Operations: A separate grow operation may only be located within the C-1 zoned areas of St Johns located in the MM-01 overlay as so designated in the St Johns Municipal Code and official zoning maps. A Medical Marijuana Offsite Cultivation Location not associated with a Medical Marijuana Dispensary is prohibited, and only one Medical Marijuana Dispensary Offsite Cultivation Location shall be permitted for the single medical marijuana dispensary with which it is associated.
4. Storefront Locations: A dispensary shall only be located in a visible store-front type location which provides public views of the dispensary entrance, its windows, and the entrance to the dispensary premises from a public street or parking lot. Windows should not be impeded, so that citizens and law enforcement can see into the dispensary and visit the non-marijuana area of the dispensary.
5. Offsite Cultivation Location Limitation: The number of Medical Marijuana Dispensary Offsite Cultivation Locations permitted within the town limits of the City of St Johns, Arizona shall be limited to one for every 5,000 residents of the city of St Johns, Arizona. The number of permitted medical marijuana dispensaries shall be increased by one for each St Johns population increase of 5,000 persons over and above the official 2010 census figure for the City of St Johns.
6. Areas and Zones Where Dispensaries Not Permitted: A dispensary shall not be allowed or permitted in the following locations or zones:
 - a) Within 2000 feet from any other Medical Marijuana Dispensary or Medical Marijuana Dispensary Offsite Cultivation Location.
 - b) Within 100 feet from a residential substance abuse diagnostic and treatment facility or other residential drug or alcohol rehabilitation facility, half-way house, or other temporary housing for transients or persons relocated to within the city limits from prison facilities on a temporary basis.
 - c) Within 500 feet from a residential, private, parochial, charter, dramatic, dancing, music, learning center, or other similar school or educational facility that caters to children.
 - d) Within 300 feet from a public library or public park.
 - e) Within 300 feet from a church.
 - f) Within 100 feet of a residentially zoned property.
 - g) Within 500 feet of a preschool, kindergarten, elementary, secondary or high school.
 - h) Within 300 feet of any place of worship, public park, or public community center.
 - i) Within 500 feet of a school existing before the date of the Medical Marijuana Dispensary DHS application date.
 - j) On a parcel not zoned for use as a medical marijuana dispensary or medical marijuana offsite cultivation location.
7. Location Measurements: The distance between a dispensary and the above-listed uses shall be made in a straight line from the dispensary to the parcel line of the real property on which the facility, building, or structure, or portion of the building or structure, in which the above-listed use occurs or is located.

II. CONDITIONAL USE PERMITS

- A. Conditional-Use Permit Required: The operation of a Medical Marijuana Dispensary and/or an offsite medical marijuana cultivation location or any type of Medical Marijuana Infusion or Manufacturing Facility shall be allowed in C-1 Zone in the MM-01 overlay and only upon issuance of a conditional use permit from the City of St Johns Arizona.
- B. Application for Conditional Use Permit: Prior to opening or operating a Medical Marijuana Dispensary and/or an offsite medical marijuana cultivation location, the owner shall apply for a conditional use permit allowing such use. The applicant shall provide to the City, for each intended use, an application provided by the City along with the following information:
 1. A notarized authorization executed by the property owner, acknowledging and consenting to the proposed use of the property as a Medical Marijuana Dispensary or a Medical Marijuana Dispensary Offsite Cultivation Location or the Medical Marijuana Infusion or Manufacturing Facility as applicable.
 2. The legal name(s) and location(s) of the Dispensary, and/or Offsite Cultivation Location, and/or Infusion or Manufacturing Facility.
 3. If the application is for a Medical Marijuana Dispensary Offsite Cultivation Location, the name and location of the Medical Marijuana Dispensary with which it is associated.

4. A copy of the operating procedures for each intended use adopted in compliance with A.R.S. §36-2804(B)(1)(c).
5. The name, address and birth date of each officer and board member of the nonprofit medical marijuana dispensary.
6. The name, address, birth date, and valid registry identification card number for each nonprofit medical marijuana dispensary agent.
7. Architectural drawings or floor plan showing that the Medical Marijuana offsite cultivation facility will be located in a permanent building.
8. Architectural drawings or floor plan demonstrating that the Medical Marijuana offsite cultivation facility will be a maximum 2,500 gross square feet.
9. For an Offsite Cultivation Location, and/or Infusion or Manufacturing Facility, a certified statement that there shall be no emission of dust, fumes, vapors, or odors into the environment from the facility

III. SITE MANAGEMENT

- A. Ventilation: The licensed premises shall be properly ventilated to filter the odor from marijuana so that the odor cannot be detected by a person with a normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.
- B. Trash, Litter, Graffiti:
 1. The operator shall undertake reasonable efforts clear the sidewalks adjoining the premises as well as any parking lots under the control of the operator, as needed to control litter, debris and trash.
 2. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
- C. Illumination of Premises After-hours and during hours of darkness: Dispensaries shall illuminate all areas of the premises, including adjacent public sidewalks, so that all areas are readily visible by law enforcement personnel. During all hours, the medical marijuana dispensary shall illuminate the entire interior of the building, with particular emphasis on the locations of the counter, a safe, and any location where people are prone to congregate.
- D. Good Neighbor: The operator shall be responsible for monitoring the real property of the dispensary site activity (including the adjacent public sidewalk and rights-of-way) and , if directly related to the patrons of the subject dispensary, shall take all reasonable steps to discourage and correct loitering and other objectionable conditions that (a) affect the health, peace, or safety of persons living or working in the surrounding area and (b) constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.
- E. Image: Dispensaries shall be responsible for maintaining a professional medical/pharmaceutical image and appearance consistent with those types of business currently in operation in St Johns.

IV. DISPENSARY SIGNAGE AND NOTICES

- A. Posting of DHS Registration: The Registration document issued by the DHS shall be clearly, conspicuously and legibly posted in the dispensary so that the same may be readily seen by all persons entering the dispensary.
- B. Name and Contact Information: A notice shall be clearly, conspicuously and legibly posted in the dispensary indicating the name and contact information for the owner or owners and operator of the medical marijuana business.
- C. TPST License Posting: The Transaction Privilege (Sales) Tax License issued by the State of Arizona shall be clearly, conspicuously and legibly posted in the dispensary.
- D. Posting of Prohibitions: A notice shall be clearly, conspicuously and legibly posted in the dispensary indicating that ingesting or consuming marijuana with in any public area within the city is prohibited and that ingesting or consuming marijuana on the premises is prohibited.
- E. Non-Obstruction: Signs on the premises shall not obstruct the entrance or windows.

- F. No Loitering Posting: A “No Loitering” sign shall be posted on the front exterior of the premises.
- G. Business identification signage: Business identification signage shall comply with the all applicable signage ordinances in St Johns and be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed twelve square feet in area or 20 percent of the window area, whichever is less.
- H. Advertisements: Dispensaries must not under any circumstances direct advertisements to persons under the age of 21 or within 500 feet of areas in which they congregate.

ARTICLE 7 SITE DEVELOPMENT REGULATIONS

SECTION 701. GENERAL PROVISIONS

- A. APPLICATION. Except as hereinafter provided, no building, structure, or premise shall be used and no building or structure or part thereof shall be constructed, altered, repaired, improved, moved, removed, erected, demolished, or materially altered except in conformity with these provisions and the provisions of the zone in which it is located. Any use that is not specifically allowed is hereby declared to be prohibited.
- B. NONCONFORMING LOTS OF RECORD. Notwithstanding any other provisions of this Ordinance, a building may be constructed on any lot of record existing before the adoption of this Ordinance in any zone in which such buildings are permitted even though such lot fails to meet the area or width requirements within the zone, except that such construction shall conform to any lot coverage and yard requirements of the zone.
- C. REDIVIDING OR RECORDED LOTS. No lot may be divided to create a lot not in conformance with these regulations.
- D. STREET DEDICATION REQUIREMENTS
 - 1. All lots shall abut a public street connecting with the public street system.
 - 2. A building permit shall not be issued for a lot which does not abut a dedicated public street or which abuts an undedicated portion of a partly-dedicated public street.
 - 3. Prior to accepting the dedication of a public street, such street shall be designed, graded and surfaced in accordance with the provisions of all applicable street standards of the City of St. Johns.
- E. EXCAVATION. A Conditional Use Permit shall be required for any person, firm or corporation to strip, excavate, or otherwise remove soil, earth, gravel, etc., for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

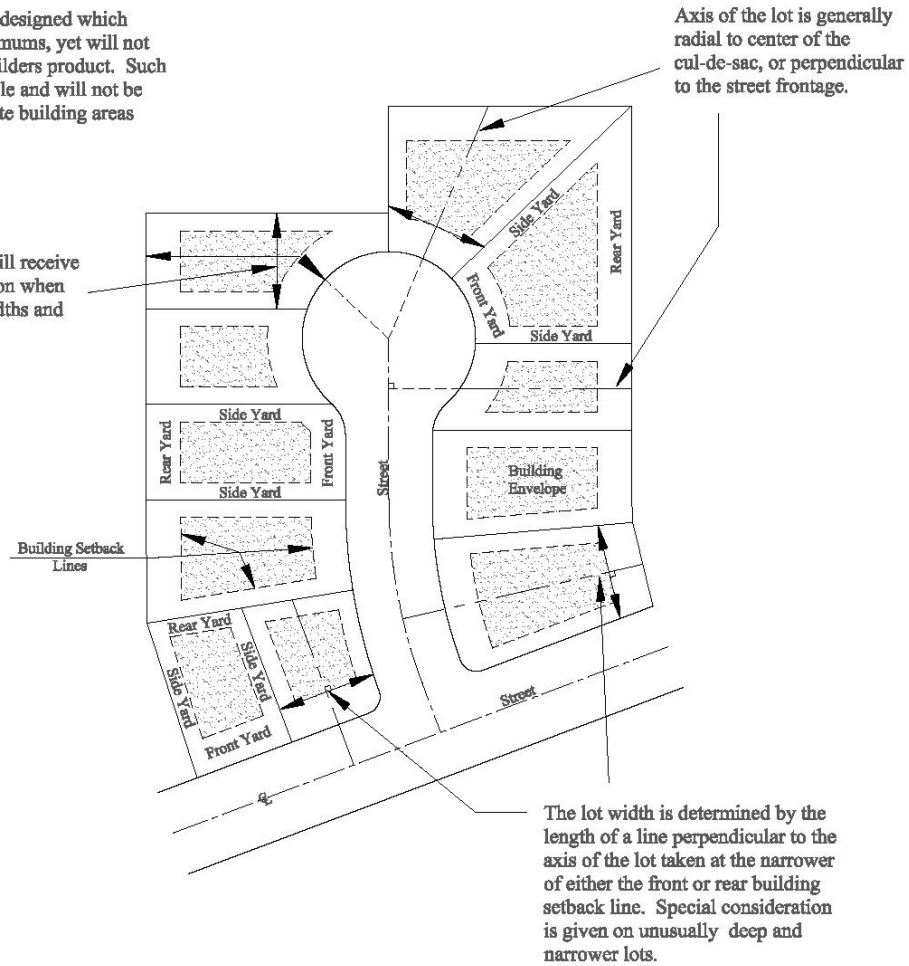
SECTION 702. PROPERTY DEVELOPMENT STANDARDS

- A. YARD, LOT AND AREA REQUIREMENTS
 - 1. Application: No building shall be erected, nor shall any existing building be altered, enlarged, moved, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot, area and building location regulations, hereinafter designated for the zone in which such building or open space is located, except as otherwise specifically provided.
 - 2. Yards: Except as provided herein, every part of a required yard shall be open to the sky and unobstructed. Trees, shrubbery, etc. and accessory structures as allowed in this ordinance, shall not be considered obstructions. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as a yard or open space for any other building; and no yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot (refer to figure below).

Yard Determination

Note: lots may be designed which meet all code minimums, yet will not accommodate a builders product. Such lots are unacceptable and will not be approved. Adequate building areas must be provided.

Special lot types will receive special consideration when determining lot widths and depths.



3. Projections Over And Into Required Yards:

- a. Awnings, open fire, escape balconies, fire escape stairs, window-type refrigeration units, suspended or roof evaporative coolers, and similar features, may project not more than five (5) feet over any required yard, provided that they shall be no closer than three (3) feet from any lot line.
 - b. Architectural details such as canopies, cornices, and eaves may project not more than two (2) feet over any required yard, provided that they shall be no closer than two (2) feet from any lot line.
4. Patios And Steps: Unroofed terraces, patios, steps or similar features not over three (3) feet in height above grade, may project into any required yard, provided that they shall be no closer than two (2) feet from any lot line.
 5. Accessory Buildings (Attached): A private automobile garage, carport or accessory building having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot, and area requirements.

6. Accessory Buildings (Detached) And Swimming Pools: Any detached accessory building or swimming pool in any zone shall not be located in the required front yard, shall be at least five (5) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines, and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.
7. Solar Units And Dish Antennas. Solar heating and solar cooling units, dish antennas, solar greenhouses and associated apparatus may, notwithstanding any other provision of this Ordinance, be located in a required rear or side yard provided that such apparatus does not cover more than 30% of that side yard and shall be no closer than five (5) feet to any lot line.
8. Service Station Pumps: No automobile service station pump shall be located closer than 12 feet to a street property line.

B. BUILDING HEIGHT REQUIREMENTS

1. Application: No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided.
2. Exceptions: Height regulations established elsewhere in this Ordinance shall not apply:
 - a. In any district, to church spires, belfries, cupola, windmills, wind vane, and domes not for human occupancy; monuments; water-towers; flagpoles; provided that such structures 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. In industrial districts, to chimneys, smokestacks, derricks, conveyors, grain elevators, or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted, provided that such structures 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.
 - c. In any district to solar heating or cooling apparatus, the plans of which have been approved by the Zoning Administrator.
3. Residential Accessory Buildings: No building which is accessory to any residential building shall be erected to a height greater than 25 feet except as otherwise may be permitted by a particular zone regulation.
4. Buildings, Structures, Tree Or Vegetation Near Airplane Runway Or Landing Strip
 - a. Limitation of Height: No building or structure, tree or vegetation, or any portion thereof, which exceeds a height of 20 feet shall be erected or structurally altered or planted within 500 feet of the projected center line of an existing or proposed runway or landing strip for a distance of 1,000 feet from the end of the building or proposed runway or landing strip. No building, structure, tree or vegetation, or any portion thereof, shall be erected or allowed to grow to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one (1) foot vertical for every forty (40) feet horizontal, such glide angle to be computed as beginning at a point on the extended center line of the runway 200 feet beyond and at the same elevation as the end of the runway pavement, or, if runway pavement is not provided, 100 feet beyond and at the same elevation as the end of the landing strip. This subsection shall conform to current FAA standards.
 - b. Removal: The owner of any tree or vegetation which encroaches into the above-described air space shall trim or remove said tree or vegetation to comply with the above provisions notification of such encroachment. If trimming or removal is not accomplished within 60 days of said notification, the City shall be entitled to remove the encroachment, and the cost thereof shall be paid by the owner of the tree or vegetation and/or the owner of the land upon which the same is situated, and said cost shall become a lien upon the real and personal property of said owner or owners upon recording of a Notice of Lien by the City with the Apache County Recorder.

C. HEIGHT LIMITATIONS ON CORNER LOTS

1. Within a triangle formed by the street front and side lot lines and line connecting these lot lines at points measured along these lot lines a distance of 25 feet from their intersection, all fixtures, construction,

hedges, shrubbery and other planting shall be limited to a height not over three (3) feet above the elevation of the street line level at the same intersecting streets. Within the same triangle, and in the cases where front yards are terraced, the ground elevation of such front yards shall not exceed three (3) feet above the established street line elevation at the said intersecting streets.

D. WALLS AND FENCES

1. Height: No wall, fence, or hedge over four (4) feet high shall be constructed or maintained nearer to the street line than the required front building set back line, and no wall, fence or hedge shall be more than six (6) feet in height in any rear or side yards, provided that fences exceeding the above heights may be allowed when a Conditional Use Permit has been secured for such purposes. When deciding on a Conditional Use Permit request, the Commission shall insure that fences shall not cause a visibility hazard or nuisance. Nothing in this paragraph shall alter the requirements of Section 702(C) above for height limitations on corner lots.
2. Materials And Design: Fences and walls in all Zoning Districts shall be constructed of wood, plastic, woven wire, barbed wire, masonry, iron or steel, of conventional design. Fences or walls of other than the above specified material or of other than conventional design, shall be allowed only by Conditional Use Permit. No barbed wire fence shall be constructed within five (5) feet of any public right-of-way or property except as allowed in the Agricultural Zone. Razor wire use in commercial, industrial, and public facilities zoning districts shall be allowed under a Conditional Use Permit (Section 404).
3. Electrical Fences: Electrical fences shall be allowed only in the Agriculture Zone where the keeping of livestock is allowed.
4. Swimming Pools: All swimming pools shall be enclosed by a solid, wall, wood, or chain link fence not less than five (5) feet or more than six (6) feet in height so as to prevent uninvited access.
5. Fees: No fee shall be charged for Conditional Use Permits concerning fences.

E. GATED FACILITIES

1. Gated Facility Entrances: A minimum of 40 feet shall be provided behind each security control point. The minimum width of the vehicular entry land shall be 20 feet. A vehicular turn-around area shall be provided between the control point and the security gate. The vehicular turn-around area shall have minimum interior and exterior radii as approved by the Public Works Department, but in no case shall the minimum interior turning radius be less than 14 feet and the minimum exterior turning radius shall not be less than 39 feet. Minimum turning radii are measured from edge of pavement or face of curb.

F. EXTERIOR LIGHTING All lighting for off-street parking or loading areas or for the external illumination of buildings or signs shall be directed away from and shielded from any adjacent residential property and shall not detract from driver visibility on adjacent streets.

G. PUBLIC SERVICE FACILITIES. A Conditional Use Permit shall be required by all Public Service Companies in order to establish or substantially expand utility buildings, structures, or appurtenances thereto, in any zoning district. Extension of public service lines in public or private right-of-way is exempt from these requirements.

H. TRASH ENCLOSURES

1. A permanent enclosure for temporary storage of garbage, refuse and other waste materials shall be provided for every use, other than single family dwelling, multiple family dwellings of less than four (4) units, and mobile homes in every zoning district except where a mechanically-loaded steel bin approved by the Zoning Administrator is used for the purpose or where a property is entirely surrounded by screen walls or buildings. Trash enclosures shall comply with the following regulations:
 - a. Construction: Trash enclosures shall be so constructed that contents are not visible from a height of five (5) feet above grade from any abutting street or property. The floor shall be sloped for drainage, and the enclosure shall be designed to ensure the maintenance of sanitary conditions. Enclosures shall be of sufficient height to conceal contents, including containers, but in no case shall be less than four (4) feet in height above grade. Gates shall be solid or baffled, equal in height to the enclosure and equipped with latches to ensure closure when not in use.
 - b. Location: Trash enclosures and receptacles shall not be located in any required front yard.

I. PERFORMANCE STANDARDS

1. Any permitted or conditional use shall conform to the following performance standards. In conjunction with the Plan Review or Development Review process the developer-applicant shall provide to the Zoning Administrator and Development Review Board data which are sufficient to show what the proposed use and the manner of its conduct shall meet these performance standards.
 - a. Noise or Vibration. No noise or vibration shall be permitted which is loud or intense enough to create a nuisance or hazard beyond the property lines.
 - b. Smoke, 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.
 - c. Liquids and Solid Waste. No wastes shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.
 - d. 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 property lines.
 2. Burning for agricultural purposes or other purposes as permitted by the City Fire Department shall be exempted from the above Performance Standards.
- J. FUELING FACILITY ABANDONMENT. All types of fueling facility structures and tanks that are unused and/or vacant for at least one (1) year are assumed to be abandoned. Abandoned structures and facilities shall be removed; and the fuel tanks shall be removed per Arizona Department of Environmental Quality (ADEQ) requirements relating to temporary and/or permanent closure.

K. Property Development Standards Matrix

ZONE	Min. Lot Area (sq. ft.)	Min. Lot Area Per Dwelling Unit	Min Average Cul-De-Sac Lot Width (ft.)	Min. Lot Frontage (ft.)	Min. Front Yard (ft.)	Min. Interior Side Yard (ft.)	Min. Street Side Yard (ft.)	Min. Rear Yard (ft.)	Min. Dwelling Size (sq. ft.)	Max. Bldg Height (ft.)	Max. Lot Coverage
A-1	43,000	N/A	100	100	25	5 ¹	15	20	Type of Unit Min. Floor Area Main Dwelling 1,100 Guest House 750 (shall meet zoning setback)	25	25%
R-1	9,500	N/A	70	75 ²	25	5 ¹	15	20	1,100	25	40%
R-2	7,000	N/A	50	70 ³	25	5 ¹	15	20	Single Family: 900 Ea. Unit in Duplex: 600	25	40%
R-3	5,600	Min. Lot Area per Dwelling Unit: Area of Lot Up to 7,500 sq. ft. 3,750 7,501 to 10,000 sq. ft. 3,000 10,001 to 15,000 sq. ft. 2,500 15,001 to 24,000 sq. ft. 2,000 24,001 sq. ft. and over 1,500	50	30	25	5 ¹	15	20	Type of Unit Min. Floor Area Efficiency or Studio 400 One Bedroom 600 Two Bedroom 750 Over Two Bedrooms 750 ⁴ Mobile Home 500	25	40%
HO-1 ¹	43,000	N/A	100	100	25	5 ¹	15	20	1,600	35	25%

¹ As adopted by City Council on 11/02/2006

ZONE	Min. Lot Area (sq. ft.)	Min. Lot Area Per Commercial Building	Min. Lot Frontage (ft.)	Min. Front Yard (ft.)	Min. Interior Side Yard (ft.)	Min. Interior Side Yard (ft.)	Min. Interior Side Yard (ft.)	Commercial Building Size	Max. Bldg Height (ft.)	Max. Lot Coverage
C-1	None	None	54 ft.	None	None	None	None	None	25 ft.	None
C-2	None	None	54 ft.	None	None	None	None	None	25 ft.	None
I-1	None	None	None	None	None	None	None	None	25 ft.	None
P-1				25	15 (non-residential) 25 (institutional)	25	15 (non-residential) 25 (institutional)	15 ft. Building separation for single story 20 ft. Building separation for multiple story	55ft. ⁵	

NOTES:

1. Provided the total of opposite side yards is no less than 15 ft.
2. Except for Lots on a Cul-de-Sac: 70 ft.
3. Except for Lots on a Cul-de-Sac: 30 ft.
4. Plus 150 sq. ft. per bedroom over one.
5. Building height above that permitted in the P-1 district may be granted through the issuance of a Conditional Use Permit (Section 404 Conditional Use Permits)

SECTION 703. PARKING AND LOADING REQUIREMENTS

- A. **PURPOSE.** The purpose of this section is to alleviate or prevent congestion of the public streets, and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles in accordance with the use to which the property is put. It is the further purpose of this section to place upon the property owner the primary responsibility for relieving public streets of the burden of on-street parking.
- B. **GENERAL REGULATIONS**
1. **Size:** A parking space shall mean an area of not less than 200 square feet, with a minimum width of ten (10) feet, and minimum depth of 20 feet, which is specifically designated for, and used for, the parking of an automobile or light truck, exclusive of all driveways and access ways.
 2. **Permits:** An applicant for Plan Review or Development Review shall submit plans showing the off-street parking required by this Section. These plans shall show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress. Whenever approval has been issued in compliance with the requirements of this section, subsequent use of the structure, or use of the land is conditioned upon the unqualified availability of off-street parking as shown in the approved plans.
 3. **Alterations, Additions, and Expansion of a Business**
 - a. If a use is changed to another use which requires more off-street parking spaces than the original use, such change shall require either that the additional parking spaces be furnished or that a Conditional Use Permit be secured.
 - b. It is unlawful to reduce the amount of existing parking below the minimum required by this Section without first supplying other spaces as are required.
 - c. If a building or use is destroyed, and if it is allowed to be reconstructed subject to the provision of ARTICLE 8 it shall be required to provide only the number of parking spaces which existed prior to the destruction.
 - d. If a building or use expands, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion.
 4. All garages or other space allocated for the parking of vehicles, within buildings, basements, or on roofs of buildings, shall be considered part of the off-street parking facilities and may be included as such in computing the parking area requirements.
 5. **Access:** All off-street parking shall have access from a public street or alley.
 6. Ingress, egress, internal traffic circulation, off-street parking and loading facilities, and pedestrian ways shall be designed so as to promote safety and convenience and so that traffic visibility is not obstructed.
- C. **DESIGN AND LOCATION OF PARKING SPACES**
1. **Single-Family Residences, Mobile Homes, Multiple-Family Residences of four (4) or less dwelling units, and Agricultural Uses:**
 - a. **Location:** Required off-street parking shall be located on the same lot or parcel as the use it is intended to serve.
 - b. **Driveway Width:** Driveways and access-ways shall not be less than 12 feet wide for one-way traffic, and not less than 24 feet wide for two-way traffic.
 2. **All uses except as provided above:**
 - a. **Location:** Required off-street parking shall be located on the same lot or parcel as the use it is intended to serve.
 - b. **Design:** All off-street parking lots and spaces shall be so designed as to prevent automobiles from backing onto a public street or from projecting beyond the property lines except that a vehicle shall be

allowed to back onto a public street from a driveway which serves a residence. All parking lot setback areas which are not used for parking shall be landscaped and maintained with trees, shrubs, ground cover, undisturbed natural growth, pedestrian walkways, and /or plazas. Access to off-street parking areas from a public street shall be from a minimum of two (2) two-way driveways each with a minimum width of 24 feet and a maximum width of 28 feet, or two (2) one-way driveways each with a minimum width of 12 feet and maximum width of 15 feet. No access driveway shall be located closer than 25 feet from a street intersection, nor closer than 20 feet from any other access driveway, nor closer than ten (10) feet from any property line.

- c. Dimensions: Arrangements of parking spaces within the parking lot and driveway widths shall conform with the following requirements:

(Diagram to be provided by City of St. Johns)

- d. Surfacing: All off-street parking areas, access ways, and driveways shall be improved and surfaced with asphalt, concrete, chip and seal, gravel, or some other dust-free material. The surfacing of the parking area shall be of sufficient grade so that there will be no impoundment of surface water and all surface drainage is contained within a surface drainage
- e. Lighting: Parking lots used during hours of darkness shall be lighted to minimum level of five (5) foot-candles. Lighting shall be indirect, hooded and arranged so that the source of light does not create a nuisance or hazard to traffic or adjacent properties.

D. SCHEDULE OF REQUIRED OFF-STREET SPACES

1. Off-street parking spaces shall be provided for each specified use in accordance with the schedule below.
2. Definitions: In calculating the total number of required parking spaces, "usable floor area" as used herein shall mean the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.), and the term "seat" shall also include each 30 inches of bench seating when individual seats are not provided. Parking requirements based on number of employees shall mean employees in the largest shift.
3. Mixed Uses: In the event of mixed uses, the total requirement for off-street parking spaces is the sum of the requirements of the various uses computed separately.
4. Fractional Amount: In calculating the total number of required off-street parking spaces, fractional amounts are to be disregarded.
5. Unlisted Uses: Parking requirements for a specific use not listed in this section shall be determined by the Zoning Administrator based on its similarity of the uses listed below.
6. Schedule:

USE	SPACES
(1) RESIDENTIAL USE	
(a) One or two-family residences:	2 per dwelling unit
Multiple dwellings:	
Efficiency units	1½ per dwelling unit
One-bedroom units	1½ per dwelling units
Two or more bedroom units	2 per dwelling unit
(c) Rooming Houses, fraternities sororities, resident clubs, lodges	1 per sleeping room or 1 per bed, whichever is greater
(d) Mobile home parks and subdivisions:	2 per mobile home site plus 1 per 2 employees
(2) COMMERCIAL SALES AND SERVICES:	
(a) Restaurants, bars, cocktail lounges:	1 per 50 sq. ft. of usable floor area, plus 1 per 2 employees
(b) Drive-in food or drink places with on-site consumption:	1 per 50 sq. ft. of usable floor area, plus 1 per 2 employees

USE	SPACES
(c) Mortuaries, funeral homes:	1 per 3 seats, plus 1 per 20 sq. ft. of assembly room area, whichever is greater plus 1 per employee, plus 1 per commercial funeral vehicle.
(d) Self-service laundries and dry cleaners:	1 per 2 machines
(e) Open-air business:	1 per 500 sq. ft. of sales area for first 2000 sq. ft. plus 1 per additional 2000 sq. ft.
(f) Used car lots:	1 per each 100 sq. ft. of sales area for first 4000 sq ft., plus 1 per additional 2000 sq. ft.
(g) Gas service stations:	1 per 2 gasoline pumps, plus 2 per service bay
(h) Carwash:	1 per employee, plus reserve spaces equal to 5 times the wash line capacity
(i) Motor vehicle and machinery sales, auto repair shops	1 per 800 sq. ft. of floor area
(j) Planned shopping centers:	Requirements for all uses elsewhere specified herein, plus 1 per 200 sq ft. of remaining usable floor area
(k) Barber shops, beauty shops:	2 per service chair
(l) Furniture and appliance stores household equipment:	1 per 800 sq. ft. usable floor area
(m) Supermarkets, drug stores:	1 per 100 sq. ft. of usable floor area
(n) Hotels, Motels:	1 per guest room or suite plus 1 per 2 employees
(o) Bus depots:	1 per 150 sq. ft. of waiting room space
(p) Skating rinks, dance halls, dance studios:	1 per 3 persons of maximum capacity permitted by fire regulation
(q) Bowling alleys:	7 per bowling lane, plus 1 per 5 seats in gallery plus 1 per 2 employees
(r) Billiard parlors:	1 per 2 billiard tables, plus 1 per 2 employees
(s) Gymnasiums, health studios:	1 per 400 sq. ft. of usable floor area, plus 1 per 2 employees
(t) Private golf clubs, swimming clubs, tennis clubs, and similar uses:	1 per 2 member families or individuals
(3) OFFICES AND CLINIC USES:	
(a) Offices, banks, saving and loan agencies:	1 per 200 sq. ft. of usable floor area
(b) Medical and dental offices and clinics:	1 per 100 sq. ft. of waiting room, plus 1 per examination room or dental chair, plus 1 per 2 employees
(4) SCHOOLS AND INSTITUTIONS:	
(a) Elementary and intermediate schools:	1 per employee
(b) High schools:	1 per 8 students, plus 1 per employee
(c) Junior colleges, colleges, universities	1 per 3 enrolled full-time day students
(d) Trade schools, business colleges:	1 per 150 sq. ft. of gross floor area
(e) Hospitals:	1 per 2 beds, plus 1 per resident employee, plus 1 per 2 non-resident employees
(f) Sanitariums, children's homes, homes for aged, asylums, nursing and convalescent homes:	1 per 5 beds, plus 1 per resident employees, plus 1 per 2 non-resident employees
(5) PUBLIC ASSEMBLY:	
(a) Golf courses:	5 per hole, plus 1 per employee

USE	SPACES
(b) Auditoriums, exhibition halls, theaters, convention facilities, meeting rooms:	1 per 3 fixed seats, plus 1 per 25 sq. ft. of unfixed seating space, plus 1 per 2 employees
(6) WHOLESALING AND WAREHOUSING USES:	1 per 1700 sq. ft. of usable floor area, or 1 per employee, whichever is greater, plus 1 per company-owned motor vehicle
(7) MANUFACTURING AND INDUSTRIAL USES:	1 per 500 sq. ft. of gross floor area, or 1 per employee, whichever is greater

E. OFF-STREET LOADING REQUIREMENTS

1. In all zoning districts, for every building or part thereof, erected or enlarged after the effective date of this Ordinance, which is occupied by a use receiving or distributing materials or merchandise by motor truck, there shall be provided and maintained on the same premises as the building or use, adequate off-street loading space meeting the minimum requirements hereinafter specified. Loading space shall not be considered as satisfying requirements for off-street parking space.
2. Schedule Of Loading Space Requirements:

<u>TOTAL FLOOR AREA OF BUILDING</u>	<u>NUMBER OF LOADING SPACES REQUIRED</u>
1,000 sq. ft. to 10,000 sq. ft.	1
10,000 sq. ft. to 30,000 sq. ft.	2
30,000 sq. ft. to 50,000 sq. ft.	3
For each 100,000 additional sq. ft. or fraction thereof	1 additional

3. Location: Required off-street loading space shall not be permitted in any required front yard, nor in any required side yard except in a non-residential district where a side yard abuts an alley. Off-street loading space may occupy all or any part of a required rear yard, except as otherwise provided herein, and may be partially or entirely enclosed within a building.
4. Alleys: Where a building or use in a non-residential district abuts an alley, such alley may be used as maneuvering space for loading and unloading spaces; provided, however, that no alley abutting any residential district may be so used.
5. Size: Every required off-street loading space shall have a minimum width of 12 feet, a minimum length of 45 feet and a minimum height of 14 feet, exclusive of access aisles and maneuvering space.

SECTION 704. MOBILE HOME STANDARDS

- A. PURPOSE. The purpose of this Section is to set forth requirements for the installation and support of mobile homes to protect property values, to promote a desirable aesthetic character for the City, and to protect the general public from damage and injury which may be caused by faulty or uncontrolled installation or maintenance of mobile homes.
- B. APPLICABILITY. The provisions of this Section shall apply to all mobile homes situated within the City of St. Johns.
- C. REGULATIONS APPLICABLE TO MOBILE HOMES IN ALL ZONES
 1. All mobile homes shall be tied down according to the provisions of state law; at a minimum, the tongue and undercarriage shall be removed, and the floor joist shall be no less than 18 inches nor more than 24 inches above ground level, and the entire parameter shall be skirted with flame-retardant material. Notwithstanding the above requirements, if the topography and ground conditions where the mobile home is situated so require, the zoning administrator may issue a permit allowing the floor joist of the mobile home to exceed 24 inches from ground level.

2. All provisions of State law for mobile home footings, piers and wedges shall be met; at a minimum, the following provisions shall apply.
 - a. Support: an adjustable steel pier. The flange on top of the pier shall be staggered so that every other flange is on the opposite side of the beam
 - b. Footing: maximum of two 4" x 12" x 12" concrete or minimum 3/4" x 12" x 12" pressure treated exterior plywood or wood product for ground contact conforming to Uniform Building Code standard no. 25-12, tables no. 25-12-B or 25-12-C.

Note: when stacked vertically two pressure treated exterior plywood or wood product footings shall be glued together with water proof glue, or fastened with galvanized nails, 1/2" widecrown galvanized staples, or screwed with corrosion resistant screws.

- c. Support: precast concrete.
- d. Wedges: there shall be two (2) wedges placed on each support, both placed longitudinal or crosswise with the beam.
- e. Support and footing: one or no more than three (3) 4" x 12" x 12" concrete footings stacked vertically.
- f. Support: no more than two (2) courses of concrete masonry units (CMU's) building block per ASTM C90-75 or better.
- g. Footing: maximum of one (1) 4" x 16" x 16" concrete footing.
- h. Cap: maximum of one (1) solid 2" x 8" x 16" CMU cap per ASTM C90-75 pressure treated wood cap.
- i. Support: more than two (2) courses of concrete masonry units (CMU's) building block per ASTM C90-75 or better shall be interlocking.
- j. Cap: maximum of two (2) solid 2" x 8" x 16" CMU caps per ASTM C145-75 or pressure treated wood cap running crosswise of frame.
- k. Support: more than two (2) courses of concrete masonry units (CMU's) building block per ASTM C90-75 or better shall be grouted solid with 1/2" O rebar.

General Notes:

1. Support shall be located under the main beams of the chassis at intervals not greater than six (6) feet no more than two (2) feet from either end of each main beam. When intervals not greater than six (6) feet cannot be complied with due to running gear, the remainder of the support shall perform to the six (6) feet and two (2) feet requirements.
2. No more than 25% of the support along the main beams of the chassis, including footing, shall have a height in excess of 36" or less than 12".
3. The minimum height of the bottom of the floor joist should be 18" above the soil base unless otherwise specified by the manufacturer.
4. Footings shall be placed only on surfaces adequately prepared to distribute equalized transfer of applied loads and to minimize settling of the footings.
5. The minimum size of each footing shall be compatible with the local soil conditions to minimize settling of the unit.

SECTION 705. SITE DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS

A. PROPERTY DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

1. Development standards as set forth in Section 702, PROPERTY DEVELOPMENT STANDARDS, and in Section 704, Mobile Home Standards.

2. Driveways and Vehicular Access:

- a. Mobile home parks shall be located on or have direct access to a public street, except that no individual mobile home space within the mobile home park shall have direct access to a public street.
 - b. Any driveways shall have a minimum width of 24 feet, except that when a driveway is located between trailer parking spaces, it shall have a minimum width of 30 feet.
 - c. All driveways and interior streets shall be surfaced in a manner acceptable to the Development Review Board.
 - d. All plans and traffic engineering shall be subject to approval of the Development Review Board and shall be based upon the spacing and maneuverability requirements of 60 foot long trailers.
3. Utilities: Each mobile home shall be fully self-contained to include cooking facilities, toilet facilities and bathing or shower facilities, and shall be permanently connected to electric power, water supply, and sewage disposal, all in compliance with applicable City codes, and all utility distribution and service lines shall be installed underground.
4. Skirting: All mobile homes shall be skirted with fire resistant material which is not susceptible to rapid weathering.
5. Maximum Number of Spaces That May be Occupied by Recreational Vehicles or Travel Trailers: 20% of the total number of spaces in the mobile home park. All other property development standards for mobile home parks shall apply to recreational vehicles or travel trailers situated within mobile home parks.

B. PROPERTY DEVELOPMENT STANDARDS FOR RECREATIONAL VEHICLE PARKS

1. Minimum Park Size: One (1) acre.
2. Minimum Recreational Vehicle Space: 1,500 square feet.
3. Minimum Recreational Vehicle Space Width: 25 feet.
4. Maximum Building Height: 25 feet, not to exceed two (2) stories.
5. Maximum Coverage, Including Buildings, Mobile Homes, Recreational Vehicles, and Paved Areas: 60% of the entire park area.
6. Placement of the Recreational Vehicle or its Accessory Structures:
 - a. Minimum distance from front space line: five (5) feet from the nearest edge of an interior drive or roadway.
 - b. Minimum distance from rear space line: five (5) feet.
 - c. Minimum distance from other space boundaries not in common with the edge of an interior drive or roadway: five (5) feet.
 - d. Minimum distance from an exterior boundary of the park abutting public streets: 20 feet.
 - e. Minimum distance from all exterior boundaries of the park not abutting public streets: ten (10) feet.
 - f. Minimum distance from another travel trailer or accessory structure on an adjoining recreational vehicle space: eight (8) feet.
7. Access: Access to all recreational vehicle spaces shall be from the interior private streets of the recreational vehicle park.
8. Minimum Parking: one (1) automobile parking space for each recreational vehicle space.

9. Lay Out:

- a. Every trailer park shall be located on a well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. The premises shall also be properly surfaced so as to prevent excessive dust from the passage of vehicles through the park area.
- b. Trailer plots shall be clearly designated and the park so arranged that all trailer plots shall face or abut a driveway of not less than 20 feet in width, giving easy access from all units to a public street. Such driveway shall be suitably surfaced, maintained in good condition, have natural drainage, be well lighted at night and shall not be obstructed.
- c. The park shall be so laid out that no trailer shall be located farther than 400 feet from the toilets and service buildings provided for herein, and walkways to such buildings, shall be well lighted at night.
- d. Every trailer shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse of not less than thirty amperes capacity and a heavy duty outlet receptacle.

10. Water Supply:

- a. An adequate supply of potable water shall be furnished for drinking and domestic purposes. It shall be furnished through a pipe distribution system connected directly with the City water main, with supply faucets located not more than 20 feet from any trailer.
- b. No common drinking vessels shall be permitted nor shall any drinking water faucets be placed in any toilet room or water closet compartment.
- c. An abundant supply of hot water shall be provided at all times for bathing, washing and laundry facilities.

11. Service Building and Accommodations:

- a. Every trailer park shall have erected thereon, at a distance not greater than 200 feet from any trailer it is designated to serve, a suitable building for housing toilets and showers.
- b. There shall be provided separate toilet rooms for each sex. Flush toilets provided with an adequate water supply shall be enclosed in separate compartments and shall be provided for each sex in the ration of one toilet to each six trailer spaces or fraction thereof. Each male toilet room shall have one urinal for each sixteen trailer spaces but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with hot and cold water in the ration of one lavatory to every two or less water closets.
- c. Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment for each eight trailer spaces or fraction thereof.
- d. The floor of toilets, showers and the laundry, if provided, shall be of concrete, tile or similar material impervious to water and easily cleaned and pitched to a floor drain.

12. Waste and Garbage Disposal:

- a. All waste from showers, toilets, laundries, faucets and lavatories shall be drained into a sewer system extended from and connected with the City sewer system.
- b. All sanitary facilities in any trailer which are not connected with the town sewer system by means of sewer hose of sufficient size shall be sealed, and it shall be not lawful to use the same.
- c. Each faucet site shall be equipped with facilities for drainage of waste and excess water into the sewer. In no case shall any wastewater be thrown or discharged upon the surface of the ground or disposed of by means other than as herein provided.

ARTICLE 8 SIGNS

SECTION 801 PURPOSE

This section provides a set of standards for the design and construction of signs within the City of St. Johns in order to protect property values; to promote a desirable aesthetic character for the City; to protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs; to protect pedestrians and motorists from damage or injury cause, or partially attributed to the distractions and obstructions which are caused by improperly situated signs; to promote the public safety, welfare, convenience and enjoyment of travel and free flow of traffic.

SECTION 802 APPLICABILITY

- A. The provisions of this section shall apply to all signs placed or maintained within the City of St. Johns with the exception of the following:
 - 1. Government Signs: Signs required by law or signs of a duly-constituted governmental body acting in its governmental capacity, such as traffic signs, warning signs, or no trespassing signs.
 - 2. Public Utility Signs: Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cables.
 - 3. Vehicle Signs: Signs upon a vehicle, provided that any such vehicle is not conspicuously parked so as to constitute a sign; nothing herein contained shall prevent such a vehicle from being used for bona fide delivery and other vehicular purposes.

SECTION 803 PERMITS

- A. A sign permit shall be required before a sign may be placed, constructed, re-constructed, or altered within the City of St. Johns with the exception of the following:
 - 1. Nameplate signs and address signs.
 - 2. Repainting or maintenance of signs, provided there is no change in size or shape. (Changes in wording, composition, or color shall be allowed without a permit.)
 - 3. Property sale, rental, or lease signs.
 - 4. Directional signs.
 - 5. Dedication Plaques: Non-illuminated names of building, dates or erection, monument citations, commemorative tables and the like when carved into stone, concrete, metal or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
 - 6. Yard Sale/Garage Sale signs: in compliance with Section 805.L.
 - 7. Political Signs: in compliance with Section 805.K.
- B. An application for a sign permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall include the following:
 - 1. Sketch showing size, height and shape of sign.
 - 2. Description of materials used and method of mounting.
 - 3. Landscaping.
 - 4. Existing signs.
 - 5. Any other information the Zoning Administrator might need to evaluate the Sign Permit.

6. Payment of the filing fee in an amount established by a schedule adopted by resolution of the Council. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is an official or agency of the City, County, State, or Federal Government.

SECTION 804 PLAN REVIEW

Within ten (10) days after receipt of a complete application for a sign permit, the Zoning Administrator shall review the sign plans, and deny, approve, or conditionally approve said plans, basing his decision on the conformity of the proposal with the provisions of this Section.

SECTION 805 REGULATIONS APPLICABLE TO SIGNS IN ALL ZONES

- A. No sign shall be constructed or erected in such a manner as to interfere in any way with, or confuse traffic or present a traffic hazard.
- B. No private signs shall be posted on City fences or property.
- C. FLASHING SIGNS: Signs shall not be animated or have intermittent illumination or flashing lights, except that "time and temperature" signs such as used by banking institutions may be allowed by Conditional Use Permit.
- D. LIGHTING: Lighting shall be so installed so as to avoid any glare or reflection into any building used for residential purposes, or into any street, alley, or driveway if such glare or reflection might create a traffic hazard. All exposed neon, freon, incandescent or similar type of illumination shall be no less than ten (10) feet above grade. Below these ten (10) feet, any such lighting shall be shielded by transparent or translucent protective material.
- E. No sign shall have audible devices.
- F. BUILDING CODES: All signs shall be constructed, designed, or attached to structures in conformance with the building codes adopted by the City of St. Johns.
- G. REAL ESTATE SIGNS: Temporary property sale, rental, or lease signs shall be allowed along each street frontage of the property to which the sign refers. Each sign shall not exceed six (6) square feet in area, shall not exceed five (5) feet in height and shall be located no nearer than ten (10) feet from another lot, nor nearer than 50 feet from any other real estate sign along the same street frontage. Signs of up to 36 square feet may be allowed by Conditional Use Permit.
- H. ENTRANCE, EXIT, AND DIRECTIONAL SIGNS: Two (2) utility signs not more than two (2) square feet each denoting "Entrance" or "Exit" shall be permitted at each driveway, entrance, or exit if necessary for that purpose. In addition, two (2) directional signs such as "office" signs and arrows not more than two (2) square feet each shall be allowed.
- I. HEIGHT LIMITATIONS AT STREETS, DRIVEWAYS, AND SIDEWALKS: When located within a distance of 25 feet from a street or driveway, or within two (2) feet from a sidewalk, no sign shall be placed between a height of three (3) feet and seven (7) feet above the level of said street, driveway, or sidewalk. When located over a sidewalk, no part of any sign shall be less than eight (8) feet above said sidewalk. When located over any driveway, no part of any sign shall be less than 14 feet above said driveway.
- J. LOCATION: No free-standing, projecting, or canopy sign shall be located closer than ten (10) feet from any abutting lot.
- K. No sign shall obstruct any door or fire escape of any building.
- L. POLITICAL SIGNS: Political signs up to 16 square feet are permitted on property zoned for residential use. Political Signs up to 32 square feet are permitted on property zoned for nonresidential use, undeveloped City property, and City rights-of-way. Political Signs shall be removed no later than ten (10) days following the

election, unless otherwise set forth in this ARTICLE. Political Signs shall not exceed 6 feet in height. Political Signs may be placed in City rights-of-way and on City property used as a polling place, only in compliance with the following requirements:

1. Political signs placed in the right-of-way shall not block visibility to any roadway or property. Political Signs located within 15 feet of back of curb, or edge of pavement if there is no curb, shall be presumed to block visibility.
 2. Political signs posted on property owned by the City of St. Johns, which is used as a polling place, shall be:
 - a. Limited to a single sign not exceeding four (4) square feet for each candidate or ballot question.
 - b. Posted only during the early voting period or on the date of an election.
 - c. Located outside the 75 foot limit.
 - d. Removed from the property by 11:59 pm on the date of completion of early voting period or the date of the election.
- M. YARD SALE/GARAGE SALE SIGNS: Yard Sale and Garage Sale Signs are permitted during the hours the sale is being conducted. The signs shall not be greater than six (6) square feet in area and six (6) feet in height. No more than three (3) signs may be displayed. Signs shall only be placed on private property and shall not be placed on any sign, tree, light pole, traffic signal or controller, utility box or other structure within the right-of-way. The person who installed the signs shall remove all signs at the end of the sale. If the person installing the signs is unknown, the property owner shall be responsible for removal.
- N. If a nonconforming sign is abandoned or destroyed it shall be allowed to be re-used or reconstructed provided such re-use or reconstruction is undertaken and completed within one (1) year of abandonment or destruction, otherwise it shall be considered a new sign and shall conform to all provisions of this Ordinance. When reconstructed, a non-conforming sign shall be no more non-conforming than it was prior to its destruction.
- O. MAINTENANCE: All signs shall be maintained in a state of good order and repair, and if any outdoor advertising sign becomes a danger to the public, or becomes deteriorated or is abandoned, the property owner or owner of the signs shall be notified to remove or repair the sign. If he does not comply within ten (10) days, the Zoning Administrator shall have the sign removed and the cost assessed to the owner of the property on which such sign is located.

SECTION 806 REGULATIONS APPLICABLE TO SIGNS IN ALL AGRICULTURAL, RESIDENTIAL, AND MOBILE HOME ZONES

- A. LOCATION: All signs shall be located on the same lot as the activity to which they refer.
- B. HOME OCCUPATION AND BUSINESS SIGNS: One (1) sign not exceeding four (4) square feet in area shall be allowed for each street frontage for each professional office, business, or home occupation, in those zones which such office or business is permitted, provided such signs shall be wall or canopy signs, except that signs other than wall or canopy signs shall be allowed by Conditional Use Permit.
- C. SUBDIVISION SALE SIGNS: Two (2) signs, not to exceed 36 square feet each shall be allowed for each subdivision to designate the availability of lots or homes for sale. These signs shall be erected at least 200 feet apart. Permits for these signs shall be valid for a period of one (1) year, and the signs shall be removed after expiration of the permit unless a subsequent permit has been received.
- D. SUBDIVISION I.D. SIGNS: A maximum of two (2) signs containing only the name of the subdivision and not exceeding a combined total area of 36 square feet, may be erected at each entrance to a subdivision.
- E. APARTMENT HOUSE I.D. SIGNS: One (1) sign containing the name of the apartment house, not exceeding 36 square feet in area, may be allowed on each street frontage of any apartment complex. These signs shall be

only wall signs or freestanding signs. Freestanding signs shall not exceed four (4) feet in height. (Note: the height regulations of Section 805 shall apply.)

- F. HEIGHT: No sign shall exceed eight (8) feet in height. (Note: the height regulations of Section 805 shall apply.)

SECTION 807 REGULATIONS APPLICABLE TO SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES

- A. HEIGHT: No sign shall exceed a height of 24 feet above grade. (Note: the height regulations of Section 805 shall apply.)
- B. ATTACHED SIGNS: A total of two (2) wall, projecting, roof, and/or canopy signs, not exceeding a total combined area of 200 square feet, shall be allowed along each street property line.
- C. FREESTANDING SIGNS FOR BUSINESSES NOT IN A SHOPPING CENTER: One (1) freestanding sign shall be permitted in addition to the attached signs permitted in this Section along each street property line. No such sign shall be greater in area than 150 square feet from any abutting property line except where a Conditional Use Permit has been issued for the combining of two or more signs on one structure.
- D. SHOPPING CENTER SIGNS: One (1) freestanding sign, not exceeding 200 square feet in area, shall be allowed along each shopping center street property line to designate the name of the shopping center and/or the names of the businesses located therein.
- E. OFF-SITE SIGNS: All off-site signs which are located within 660 feet from the right-of-way of any federal or state highway shall first be approved by the State Highway Department before a sign permit shall be issued. This regulation shall not be construed to affect the use of signs which are not visible from such highways.
- F. SALE, RENT, OR LEASE SIGNS: One (1) temporary property sale, rental, or lease sign not exceeding 36 square feet in area shall be allowed for each lot to which said sign refers. Such sign shall be removed within 20 days of the sale, rental, or lease, of which they refer.
- G. DEVELOPMENT SIGNS: Development signs shall be allowed subject to the following regulations:
1. One (1) temporary sign, not to exceed 36 square feet in area shall be allowed for each lot or parcel of property to designate that the same is to be occupied at a future date by the business or concern designated thereon.
 2. One (1) non-illuminated temporary sign, not to exceed 36 square feet in area for each contractor, developer, architect, or engineer, shall be allowed for each lot or parcel of property to designate that such contractor, developer, architect, or engineer is engaged in the construction or repair of a building on such lot or parcel of property.
 3. Each such development sign shall be removed from the lot or parcel of property upon which the same is placed within 20 days after any occupancy of the building constructed on the premises, or, in the event of repairs to the building, within 20 days after the completion of such repairs.
- H. WINDOW SIGNS: Window signs which are temporary in nature such as "sale" signs, "open" and "closed" signs, etc, and Service Identification (ID) signs such as "MasterCard", "Visa", "American Express", etc., shall be allowed in addition to other sign allowances, provided such signs are placed on the inside of the window and are unlighted. Permanent signs which are attached to or hung in a window shall be considered "wall signs" for the purposes of this Ordinance and the regulations for "wall signs" shall apply.
- I. ADDRESS SIGNS: One (1) set of numbers not exceeding one (1) square foot in area indicating the street address, shall be allowed in addition to normal sign allowances.

ARTICLE 9 Non-Conforming Uses, Lots, Parcels, Structures and Signs

- A. Purpose. This ARTICLE establishes uniform provisions for the regulation of uses, lots, parcels, structures, and signs that were lawfully established prior to the adoption of the Zoning Ordinance, but which would now be prohibited or regulated differently under the requirements of the Zoning Ordinance. It is the intent of this ARTICLE to encourage the conversion of non-conforming uses, lots, parcels, structures, and signs to conforming status.
- B. Definitions
1. Non-Conforming Use. A use that is lawfully being conducted in a structure or on a lot or parcel on the effective date of the Zoning Ordinance, or the effective date of amendments to the Zoning Ordinance, but does not conform with the regulations for the district in which it is located, is non-conforming and may be continued, except as otherwise provided in this ARTICLE. A change to the parking, loading, landscaping, or screening regulations in the district does not cause the use to be nonconforming; provided however that the existing parking, loading, landscaping, or screening shall become non-conforming as of the effective date of the change.
 2. Non-Conforming Lot or Parcel. A legally established lot or parcel that conformed to the dimensional requirements for the district in which it was located at the time of recordation.
 3. Non-Conforming Structure. A structure that was lawfully constructed under the provisions of the Zoning Ordinance or regulations of the district in effect at the time of construction. A change to the parking, loading, landscaping, or screening regulations in the district does not cause the structure to be non-conforming; provided however that the existing parking, loading, landscaping, or screening shall become non-conforming as of the effective date of the change.
 4. Non-Conforming Sign. A sign that:
 - a. Was lawfully established prior to the effective date of the Zoning Ordinance or of amendments thereto; or
 - b. Was lawfully established in another political jurisdiction prior to annexation to the City; and
 - c. That does not conform to the regulations for signs for the district in which it is located.

SECTION 901. GENERAL PROVISIONS

- A. USES IN NON-CONFORMING STRUCTURES. A permitted use may be extended into any portion of a non-conforming structure.
- B. EXPANSION OF NON-CONFORMING USES. A non-conforming use that occupies any portion of any structure, lot or parcel shall not be expanded to occupy additional building or land area. A non-conforming use shall not be expanded in intensity or hours of operation.
- C. NON-CONFORMING OR SUBSTANDARD LOT OR PARCEL. A non-conforming or substandard lot or parcel that contains at least 80 percent of the minimum lot area required in the district, and has at least 80 percent of all required lot dimensions, may be developed for a use permitted in the district.
- D. NON-CONFORMING STRUCTURES. A non-conforming structure shall not be altered unless required or permitted by law, unless the alteration shall result in reduction or elimination of the nonconformity.
- E. NON-CONFORMING SIGNS. Non-conforming signs shall be governed by Section 904: Non-Conforming Signs.

SECTION 902. Abandonment of Non-Conforming Uses

- A. CESSATION OF NON-CONFORMING USE. A non-conforming use shall terminate one (1) year following cessation of the use unless the Zoning Administrator determines that the non-conforming use has not been abandoned, pursuant to Section 902.B: DETERMINATION OF STATUS.
- B. DETERMINATION OF STATUS. A property owner or the City Clerk may request the Zoning Administrator to determine if a use has been abandoned. The property owner shall have the burden of establishing intent not to have abandoned the use. The Zoning Administrator shall set forth his decision in a Notice of Decision. The Notice of Decision shall be mailed to the property owner by first class mail within 30 days of the filing of the request.
- C. APPEAL OF ZONING ADMINISTRATOR DETERMINATION. The applicant may file an appeal of the Zoning Administrator's determination to the Board of Adjustment within ten (10) days of the date of mailing of the Notice of Decision.
- D. FACT FINDING BY HEARING OFFICER.
 - 1. Prior to the Board of Adjustment appeal hearing, the Zoning Administrator shall conduct a fact finding hearing to gather a complete record of all information pertaining to the request.
 - 2. The Zoning Administrator shall have the authority to request all information necessary to compile a complete record pertaining to the request.
 - 3. City officials and the applicant shall fully disclose all information pertinent to the fact finding.
 - 4. The Zoning Administrator shall prepare a report and recommendation for Board of Adjustment consideration within 60 days of the filing of the request.
- E. BOARD OF ADJUSTMENT HEARING.
 - 1. The Board of Adjustment shall conduct a public hearing on the request pursuant to the procedures set forth in ARTICLE 2, Section 202: BOARD OF ADJUSTMENT.
 - 2. In its deliberations, the Board of Adjustment shall consider only the applicant's written request, the findings of fact prepared by the Zoning Administrator, and the Zoning Administrator's recommendation. No new evidence shall be submitted.
 - 3. The Board of Adjustment shall uphold or reverse the determination of the Zoning Administrator or remand the matter to the Zoning Administrator to develop additional findings.

SECTION 903. REPAIR OR REBUILDING OF A DAMAGED STRUCTURE

- A. If a non-conforming structure has been damaged so that the cost of repair or rebuilding in compliance with current construction codes is less than 50 percent of the value of the structure prior to the damage, the structure may be repaired or rebuilt. The extent of non-conformity shall not be increased by the repair or rebuilding.
- B. If a non-conforming structure has been damaged so that the cost of repair or rebuilding in compliance with current construction codes equals or exceeds 50 percent of the value of the structure prior to the damage, the structure may be repaired or rebuilt, but only in conformance with the Zoning Ordinance.
- C. The value of a structure and costs of repair or rebuilding shall be determined by the Building Official. The Building Official may consider appraisals, insurance adjuster's estimates, contract amounts, and similar information.
- D. An appeal of the determination of value may be made to the Zoning Administrator. The decision of the Zoning Administrator shall be final.

SECTION 904. NON-CONFORMING SIGNS

- A. Non-conforming signs may receive reasonable repairs or alterations to the face, letters, and frame.
- B. If a non-conforming sign is structurally changed or is damaged by fire, lack of maintenance, or other causes by more than 50 percent of its reproduction value, or is temporarily or permanently removed by any means, including "an act of God," then such sign shall be rebuilt, repaired, or replaced only in conformance with the provisions of this ARTICLE.
- C. If a non-conforming sign which no longer advertises a current use remains, with or without copy, for a period of 90 days, it shall be presumed abandoned, and shall be removed by the City after written notice to the property owner, unless the property owner establishes facts sufficient to rebut the presumption of abandonment.
- D. If a property or development is expanded or modified to add new signage, all non-conforming signs shall be removed or rebuilt to comply with the provisions of this ARTICLE.
- E. Sign faces may be replaced on non-conforming signs.
- F. Any change to a property that adds to or changes existing signage shall be prohibited until all non-conforming signs are removed or rebuilt in conformance with of this ARTICLE. Nothing herein shall prevent the replacement of sign faces on a non-conforming sign. Nothing herein shall require that existing signage which does not conform to the restrictions on cabinet signs or raceways be brought into conformance where it is demonstrated to the Zoning Administrator that the type of signage permitted by this ARTICLE is not structurally feasible.

ARTICLE 10 ZONING DISTRICTS

SECTION 1001. PURPOSE

- A. The broad purpose of the Zoning Ordinance is to implement the General Plan, to promote and protect the public health, safety, comfort, and general welfare of the residents of the City of St. Johns, and to preserve and enhance property values. Generally, the Zoning Ordinance is intended to:
1. Direct growth with priority to those areas where infrastructure and urban services can be economically provided;
 2. Ensure consistency and conformity among the General Plan, zoning districts, and zoning ordinances;
 3. Maintain and enhance the appearance and function of both new and existing development;
 4. Promote an efficient use of land resources;
 5. Ensure compatibility among land uses;
 6. Ensure the provision of adequate open space for light, air, and fire safety;
 7. Ensure that service demands of new development shall not exceed the capacities of existing or planned streets, utilities, or public facilities and services;
 8. Conserve the natural environment and protect environmentally sensitive areas; and
 9. Establish standards regulating the use and physical development of land.

SECTION 1002. ESTABLISHMENT OF ZONING DISTRICTS

- A. In order to carry out the purposes of this Ordinance, the City of St. Johns is hereby divided into the following zoning districts:
- “A-1” Zone, Agricultural
 - “R-1” Zone, Single Family Residential
 - “R-2” Zone, Single and Two Family Residential
 - “R-3” Zone, Single Family, Multiple Family and Mobile Home Parks
 - “C-1” Zone, Commercial
 - “C-2” Zone, Commercial – Mobile Home Parks, Recreational Vehicle Parks and Multiple Family Dwellings on a Single Lot
 - “I-1” Zone, Industrial
 - “P-1” Zone, Public Facility/Institutional
- B. The locations and boundaries of the zoning districts are established as they are shown on the map entitled “The Zoning Map of the City of St. Johns” which is hereby adopted and incorporated into this Ordinance.
- C. Where uncertainty exists with respect to the boundaries of any zoning districts as shown on the zoning map, the following rules shall apply:
1. Where district boundaries are shown by specific dimensions, such specific dimensions shall apply.
 2. Where district boundaries are indicated as approximately following streets, alley, or right-of-way lines, such streets, alleys, or right-of-way lines shall be deemed to be such boundaries.
 3. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be deemed to be said boundaries.

4. Where district boundaries are so indicated that they are approximately parallel to the streets, alleys, or right-of-way lines, such district boundaries shall be deemed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.
 5. Where the application of the above rules does not clarify the zone boundary location, then the Board of Adjustment shall determine the location.
- D. Annexed Territory: Territory annexed by the City shall be zoned to a comparable City zoning district within six (6) months of the annexation becoming final, unless such territory is the subject of an active rezoning request in the City.

SECTION 1003. USE MATRIX

The following table is a guide to the uses allowed within each of the districts which are further described in this section.

Uses Type	A-1	R-1	R-2	R-3	C-1	C-2	I-1	P-I
	Agriculture	Single-Family Residential	Single and Two Family Residential	Single Family, Multiple Family	Commercial	Commercial	Industrial	Public Facilities
Accessory Use Buildings	P	P	P	P	P	P	P	P
Amateur Radio Facilities	C	C	C	C	C	C	C	C
Animal Services, Animal Shelter	P	C	C	C	C	C	C	P
Auto, Truck, Boat, Mobile Home & Agricultural Equipment Sales					C	C	C	
Automobile Repair Shops					C	C	C	P
Automobile Wrecking Yards							P	
Banks, Stock Brokerage Firms					P	P	C	
Bed & Breakfasts	C	C	C	C	C			
Boarding/Rooming Houses				C		C		
Campgrounds	C				C		C	P
Carwashes					P	C		P
Cemeteries								P
Colleges & Universities	C	C	C	C	C	C	P	P
Commercial Broadcasting & Receiving Antennas	C				C	C	C	C
Construction Yards & Equipment Yards	C				C	C	C	P
Cultural Institutions								P
Customary Accessory Uses & Buildings (barns, corrals, etc.)	P	C	C	C				P
Developmentally Disabled Residential Facilities	P	P	P	P			C	P
Day Care Centers			C	C	C	C	C	P
Drive-In Theatres					C	C	C	
Duplex		C						
Equestrian Arenas	P							P
Commercial Stables	C				C		C	P
Farming & Agriculture, Except for Pigs	P							
Feed Stores	P				C	C	C	
Furniture & Appliance Stores					P	P	C	
Golf, Rod & Gun, Tennis & Country Clubs	C					C		P
Government Offices & Facilities					P	P	C	P
Group Homes for Handicapped	C	C	C	C			C	P
Guest House (1) up to 4 Bedrooms in Addition to Principal Residence	P	P	P	P				
Heavy Equipment Yards							P	P
Home Occupations	P	P	P	P		P		
Hospitals					P	P	C	P
Clinics, Medical, Professional Businesses				C	P	C	C	P

Uses Type	A-1	R-1	R-2	R-3	C-1	C-2	I-1	P-I
	Agriculture	Single-Family Residential	Single and Two Family Residential	Single Family, Multiple Family	Commercial	Commercial	Industrial	Public Facilities
Hotels/Motels					P	P	C	
Indoor Commercial Recreation-Bowling/Skating Rinks/Billiard Parlors					C	P	C	
Indoor Theatres, Assembly Halls, Ballrooms, Lodges		C	C	C	C	P	C	P
Indoor/Outdoor Sales of Nursery Stock	P				P	P	C	
Industrial & Manufacturing Establishments							P	
In-Vehicle Sales & Service Facilities					C	C	C	
Light Manufacturing					P	C	C	
Lumber Yards & Building Supplies					C	C	C	
Massage Establishments					C		C	
Medical Marijuana Dispensary					C			
Medical Marijuana Dispensary Offsite Cultivation Location					C			
Medical Offices & Clinics		C	C	C	P	P	C	C
Mini-Warehouse					P			
Mobile Home Parks				C	C	C		
Mobile Homes	P	P	P	P	C		C	
Mortuaries, Funeral Homes					C	C	C	
Motor Vehicle & Machinery Sales					P	P	C	
Multiple Family Dwelling Less than 4 Units				P		P		
Multiple Family Dwelling More than 4 Units				C		P		
Nursing/Convalescent Homes/Assisted Living	C	C	C	C		C	C	P
Outdoor Commercial Recreation Establishments					C	P	C	P
Outdoor Sales					C	P	C	P
Outdoor Storage	C						P	
Junk Yards/ Wrecking Yards	C						P	
Pawn Shops					P	C	C	
Personal Services Barbers Beauty Shops, Health Clubs, Cleaners					P	P	C	
Pet Shops	C				C	C	C	
Pharmacy, Apothecary Shop, Corrective Garments, Prosthetic Devices, Optical Goods, Medical & Dental Labs					P	P	C	
Professional Offices Exceeds 2,500 SF				C	P	P	C	
Professional Offices Under 2,500 SF		C	C	C	P	P	C	
Public Utility Buildings, Structures	C	C	C	C	C	C	P	P
Public Works Yards						C		P
Publicly Owned Parks & Recreation Areas & Centers	C	C	C	C	P	P	P	P
Radio/TV Studios					C	C	C	P
Recreational Vehicle Parks				C	C	P		P
Religious Institutions	C	C	C	C		C		
Repair Services					C	C	C	

Uses Type	A-1	R-1	R-2	R-3	C-1	C-2	I-1	P-I
	Agriculture	Single-Family Residential	Single and Two Family Residential	Single Family, Multiple Family	Commercial	Commercial	Industrial	Public Facilities
Research, Design & Experimental Product Development					C		C	
Residences & Uses allowed in the "R-3" Zone & Standards				P	C	C		
Residences for Owner, Manager or Watchman in Building					P	P	C	P
Restaurant, Cafes, and Bars					P	P	C	P
Retail Stores					P	P	C	
Rodeos, Auctions, Fairgrounds	C					C	C	P
Sand & Gravel Plants, Mines							P	
Schools Public & Private Elementary & High School	C	C	C	C	C	C	C	P
Schools Colleges, Public & Private	C	C	C	C	C	C	C	P
Second Hand Stores					P	C	C	
Self-Serve Laundry & Dry Cleaning				C	C	C	C	
Service Stations					P	C	C	P
Sexually-Oriented Businesses							C	
Single-Family Dwelling or One Mobile Home Skirted	P	P	P	P				
Single-Family Dwelling/Mobile Home as Principal Residence	P	P	P	P				
Social Services Use, Homeless Shelters, Day Labor Hiring Centers, Substance Abuse Detoxification and Treatment Centers, Rescue Missions, Custodial Release for Community Re-introduction facility, and others similar to the above					C	C	C	C
Tattoo Parlors & Body Piercing Salons					P		C	
Taxi Stand, Public Parking lots & Garages					C	C	C	P
Temporary Buildings for Construction Work	P	P	P	P	P	P	P	P
Temporary Carnivals, Circuses, Revivals, Swap Meets, Outdoor Retail Sales					C	C	C	P
Temporary Home & Land Sales Offices & Model Homes	C	C	C	C	C	C	C	
Temporary Produce Sale Stands	P				P	C	C	
Trade Schools, Dancing, Art, Music					P	C	C	P
Transitional Homes			C	C	C		C	
Veterinary Clinics & Kennels	P				C	C	C	P
Warehouses					C	C	P	
Wastewater Treatment Facility								P
Wholesale Establishments					P	C	C	
Wireless Telecommunications Towers & Antennas	C				C		C	C

Note: Some uses are subject to ARTICLE 3, Supplemental Use Regulations.

'P' – Permitted without special conditions. 'C' – Conditional Use Permit required.

In all cases the Zoning Ordinance prevails.

PERMITTED USES (P): Those uses listed as "Permitted Uses" shall be allowed to establish within any zone district in which they are listed, subject to the specific requirements of this ordinance. All other uses shall be prohibited except as otherwise provided in this ordinance.

CONDITIONAL USES (C): Those uses listed as "Conditional Uses" shall require a "Conditional Use Permit" in order

to establish within the zone district in which they are listed, and shall be subject to all conditions and requirements imposed by the Planning and Zoning Commission in connection with the “Conditional Use Permit”.

SECTION 1004. A-1 ZONE, AGRICULTURAL

- A. PURPOSE. This District is intended to preserve agricultural areas with large lots (1) acre minimum and very low-density residential development. Land use is composed of farming, agriculture, and livestock raising, together with residences and customary accessory uses and buildings. The keeping of pigs, except for pet pigs weighing less than 100 pounds, is prohibited.
- B. PERMITTED USES
1. Accessory Use Buildings
 2. Animal Services, Animal Shelter
 3. Customary Accessory Uses & Buildings (barns, corrals, etc.)
 4. Developmentally Disabled Residential Facilities
 5. Equestrian Arenas
 6. Farming & Agriculture, Except for Pigs
 7. Feed Stores
 8. Guest House (1) up to 4 Bedrooms in Addition to Principal Residence
 9. Home Occupations
 10. Indoor/Outdoor Sales of Nursery Stock
 11. Mobile Homes
 12. Single-Family Dwelling or 1 Mobile Home Skirted
 13. Single-Family Dwelling/Mobile Home as Principal Residence
 14. Temporary Buildings for Construction Work
 15. Temporary Produce Sale Stands
 16. Veterinary Clinics & Kennels
- C. CONDITIONAL USES
1. Amateur Radio Facilities
 2. Bed & Breakfasts
 3. Campgrounds
 4. Colleges & Universities
 5. Commercial Broadcasting & Receiving Antennas
 6. Construction Yards & Equipment Yards
 7. Commercial Stables
 8. Golf, Rod & Gun, Tennis & Country Clubs
 9. Group Homes for Handicapped
 10. Nursing/Convalescent Homes/Assisted Living
 11. Outdoor Storage
 12. Junk Yards/ Wrecking Yards
 13. Pet Shops
 14. Public Utility Buildings, Structures
 15. Publicly Owned Parks & Recreation Areas & Centers
 16. Religious Institutions
 17. Rodeos, Auctions, Fairgrounds

18. Schools Public & Private Elementary & High School
19. Schools Colleges, Public & Private
20. Temporary Home & Land Sales Offices & Model Homes
21. Wireless Telecommunications Towers & Antennas
22. Other uses determined by the Planning and Zoning Commission to be substantially similar to those uses set forth in Section 1003, USE MATRIX and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS

1. Development standards as set forth in ARTICLE 7, SITE DEVELOPMENT REGULATIONS.

SECTION 1005. R-1 ZONE, SINGLE FAMILY RESIDENTIAL

- A. PURPOSE. This District is intended to promote and preserve low-density single-family residential development. Regulations and property development standards are designed to protect the single family residential character of the District and to prohibit incompatible activities. Land use is composed chiefly of individual homes, together with small offices and recreational, religious, and educational facilities.

B. PERMITTED USES

1. Accessory Use Buildings
2. Developmentally Disabled Residential Facilities
3. Duplex
4. Guest House (1) up to 4 Bedrooms in Addition to Principal Residence
5. Home Occupations
6. Mobile Homes
7. Single-Family Dwelling or 1 Mobile Home Skirted
8. Single-Family Dwelling/Mobile Home as Principal Residence
9. Temporary Buildings for Construction Work

C. CONDITIONAL USES

1. Amateur Radio Facilities
2. Animal Services, Animal Shelter
3. Bed & Breakfasts
4. Colleges & Universities
5. Customary Accessory Uses & Buildings (barns, corrals, etc.)
6. Group Homes for Handicapped
7. Indoor Theatres, Assembly Halls, Ballrooms, Lodges
8. Medical Offices & Clinics
9. Nursing/Convalescent Homes/Assisted Living
10. Professional Offices Under 2,500 SF
11. Public Utility Buildings, Structures
12. Publicly Owned Parks & Recreation Areas & Centers
13. Religious Institutions
14. Schools Colleges, Public & Private
15. Schools Public & Private Elementary & High School

16. Temporary Home & Land Sales Offices & Model Homes
17. Other uses determined by the Planning and Zoning Commission to be substantially similar to those uses set forth in Section 1003, USE MATRIX and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS

1. Development standards as set forth in ARTICLE 7, SITE DEVELOPMENT REGULATIONS.

SECTION 1006. R-2 ZONE, SINGLE AND TWO FAMILY RESIDENTIAL

- A. PURPOSE. This District is intended to promote and preserve medium-density single-family residential development. Regulations and property development standards are designed to protect the single-family and two-family residential character of the District and to prohibit incompatible activities. Land use is composed chiefly of individual homes, duplexes, and mobile homes, together with small offices and recreational, religious, and educational facilities.

B. PERMITTED USES

1. Permitted
2. Accessory Use Buildings
3. Developmentally Disabled Residential Facilities
4. Guest House (1) up to 4 Bedrooms in Addition to Principal Residence
5. Home Occupations
6. Mobile Homes
7. Single-Family Dwelling or 1 Mobile Home Skirted
8. Single-Family Dwelling/Mobile Home as Principal Residence
9. Temporary Buildings for Construction Work

C. CONDITIONAL USES

1. Amateur Radio Facilities
2. Animal Services, Animal Shelter
3. Bed & Breakfasts
4. Colleges & Universities
5. Customary Accessory Uses & Buildings (barns, corrals, etc.)
6. Day Care Centers
7. Group Homes for Handicapped
8. Indoor Theatres, Assembly Halls, Ballrooms, Lodges
9. Medical Offices & Clinics
10. Nursing/Convalescent Homes/Assisted Living
11. Professional Offices Under 2,500 SF
12. Public Utility Buildings, Structures
13. Publicly Owned Parks & Recreation Areas & Centers
14. Religious Institutions
15. Schools Public & Private Elementary & High School
16. Schools Colleges, Public & Private
17. Temporary Home & Land Sales Offices & Model Homes

18. Transitional Homes

19. Other uses determined by the Planning and Zoning Commission to be substantially similar to those uses set forth in Section 1003, USE MATRIX and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS

1. Development standards as set forth in ARTICLE 7, SITE DEVELOPMENT REGULATIONS.

SECTION 1007. R-3 ZONE, SINGLE FAMILY, MULTIPLE FAMILY, AND MOBILE HOME PARKS

A. PURPOSE. This District is intended to fulfill the need for high density and multiple family residential development and mobile home parks. Regulations and property development standards are designed to allow maximum flexibility and variety. Land use is composed chiefly of individual and multiple family homes and mobile home parks together with required recreational, religious, and educational facilities.

B. PERMITTED USES

1. Accessory Use Buildings
2. Developmentally Disabled Residential Facilities
3. Guest House (1) up to 4 Bedrooms in Addition to Principal Residence
4. Home Occupations
5. Mobile Homes
6. Multiple Family Dwelling Less than 4 Units
7. Residences & Uses allowed in the "R-3" Zone & Standards
8. Single-Family Dwelling or 1 Mobile Home Skirted
9. Single-Family Dwelling/Mobile Home as Principal Residence
10. Temporary Buildings for Construction Work

C. CONDITIONAL USES

1. Amateur Radio Facilities
2. Animal Services, Animal Shelter
3. Bed & Breakfasts
4. Boarding/Rooming Houses
5. Colleges & Universities
6. Customary Accessory Uses & Buildings (barns, corrals, etc.)
7. Day Care Centers
8. Group Homes for Handicapped
9. Clinics, Medical, Professional Businesses
10. Indoor Theatres, Assembly Halls, Ballrooms, Lodges
11. Medical Offices & Clinics
12. Mobile Home Parks
13. Multiple Family Dwelling More than 4 Units
14. Nursing/Convalescent Homes/Assisted Living
15. Professional Offices Exceeds 2,500 SF
16. Professional Offices Under 2,500 SF
17. Public Utility Buildings, Structures

18. Publicly Owned Parks & Recreation Areas & Centers
19. Recreational Vehicle Parks
20. Religious Institutions
21. Schools Public & Private Elementary & High School
22. Schools Colleges, Public & Private
23. Self-Serve Laundry & Dry Cleaning
24. Temporary Home & Land Sales Offices & Model Homes
25. Transitional Homes
26. Other uses determined by the Planning and Zoning Commission to be substantially similar to those uses set forth in Section 1003, USE MATRIX and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS

1. Development standards as set forth in ARTICLE 7, SITE DEVELOPMENT REGULATIONS.

SECTION 1008. C-1 ZONE, COMMERCIAL

- A. PURPOSE. This District is intended to provide for general commercial uses. Land use is composed chiefly of retail service businesses, together with necessary accessory uses.

B. PERMITTED USES

1. Permitted
2. Accessory Use Buildings
3. Banks, Stock Brokerage Firms
4. Carwashes
5. Furniture & Appliance Stores
6. Government Offices & Facilities
7. Hospitals
8. Clinics, Medical, Professional Businesses
9. Hotels/Motels
10. Indoor/Outdoor Sales of Nursery Stock
11. Light Manufacturing
12. Medical Offices & Clinics
13. Mini-Warehouse
14. Motor Vehicle & Machinery Sales
15. Pawn Shops
16. Personal Services Barbers Beauty Shops, Health Clubs, Cleaners
17. Pharmacy, Apothecary Shop, Corrective Garments, Prosthetic Devices, Optical Goods, Medical & Dental Labs
18. Professional Offices Exceeds 2,500 SF
19. Professional Offices Under 2,500 SF
20. Publicly Owned Parks & Recreation Areas & Centers
21. Residences for Owner, Manager or Watchman in Building
22. Restaurant, Cafes, and Bars

23. Retail Stores
24. Second Hand Stores
25. Service Stations
26. Tattoo Parlors & Body Piercing Salons
27. Temporary Buildings for Construction Work
28. Temporary Produce Sale Stands
29. Trade Schools, Dancing, Art, Music
30. Wholesale Establishments

C. CONDITIONAL USES

1. Amateur Radio Facilities
2. Animal Services, Animal Shelter
3. Auto, Truck, Boat, Mobile Home & Agricultural Equipment Sales
4. Automobile Repair Shops
5. Bed & Breakfasts
6. Campgrounds
7. Colleges & Universities
8. Commercial Broadcasting & Receiving Antennas
9. Construction yards & Equipment Yards
10. Day Care Centers
11. Drive-In Theatres
12. Commercial Stables
13. Feed Stores
14. Indoor Commercial Recreation-Bowling/Skating Rinks/Billiard Parlors
15. Indoor Theatres, Assembly Halls, Ballrooms, Lodges
16. In-Vehicle Sales & Service Facilities
17. Lumber Yards & Building Supplies
18. Massage Establishments
19. Mobile Home Parks
20. Mobile Homes
21. Mortuaries, Funeral Homes
22. Outdoor Commercial Recreation Establishments
23. Outdoor Sales
24. Pet Shops
25. Public Utility Buildings, Structures
26. Radio/TV Studios
27. Recreational Vehicle Parks
28. Repair Services
29. Research, Design & Experimental Product Development
30. Residences & Uses allowed in the "R-3" Zone & Standards
31. Schools Public & Private Elementary & High School

32. Schools Colleges, Public & Private
33. Self-Serve Laundry & Dry Cleaning
34. Social Services Use, Homeless Shelters, Day Labor Hiring Centers, Substance Abuse detoxification and Treatment Centers, Rescue Missions, and others similar to the above
35. Taxi Stand, Public Parking lots & Garages
36. Temporary Carnivals, Circuses, Revivals, Swap Meets, Outdoor Retail Sales
37. Temporary Home & Land Sales Offices & Model Homes
38. Transitional Homes
39. Veterinary Clinics & Kennels
40. Warehouses
41. Wireless Telecommunications Towers & Antennas
42. Medical Marijuana Dispensary offsite cultivation location, subject to the conditional use permit procedure set forth in Article 4, §404 and the requirements of Article 6.(Supplemental Use Regulations), §618 (Medical Marijuana Dispensaries and Medical Marijuana Dispensary Offsite Cultivation Locations) Conditional use permits may only be granted in the area of C-1 zoning.
43. Medical Marijuana Dispensary, subject to the conditional use permit procedure set forth in Article 4, § 404 and subject to the requirements found in Article 6, §618.Conditional use permits may only be granted in the MM-01 Overlay area of C-1 zoning
44. Other uses determined by the Planning and Zoning Commission to be substantially similar to those uses set forth in Section 1003, USE MATRIX and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS

1. Development standards as set forth in ARTICLE 7, SITE DEVELOPMENT REGULATIONS.

SECTION 1009. C-2 ZONE, COMMERCIAL – MOBILE HOME PARKS, RECREATIONAL VEHICLE PARKS AND MULTIPLE FAMILY DWELLINGS ON A SINGLE LOT

- A. **PURPOSE.** This District is intended to fulfill the need for multiple family commercial development and mobile home parks. The property development standards are designed to encourage orderly and compatible development in existing and future multiple family commercial areas.
- B. **PERMITTED USES**
 1. Permitted
 2. Accessory Use Buildings
 3. Banks, Stock Brokerage Firms
 4. Furniture & Appliance Stores
 5. Government Offices & Facilities
 6. Home Occupations
 7. Hospitals
 8. Hotels/Motels
 9. Indoor Commercial Recreation-Bowling/Skating Rinks/Billiard Parlors
 10. Indoor Theatres, Assembly Halls, Ballrooms, Lodges
 11. Indoor/Outdoor Sales of Nursery Stock

12. Medical Offices & Clinics
13. Motor Vehicle & Machinery Sales
14. Multiple Family Dwelling Less than 4 Units
15. Multiple Family Dwelling More than 4 Units
16. Outdoor Commercial Recreation Establishments
17. Outdoor Sales
18. Personal Services Barbers Beauty Shops, Health Clubs, Cleaners
19. Pharmacy, Apothecary Shop, Corrective Garments, Prosthetic Devices, Optical Goods, Medical & Dental Labs
20. Professional Offices Exceeds 2,500 SF
21. Professional Offices Under 2,500 SF
22. Publicly Owned Parks & Recreation Areas & Centers
23. Recreational Vehicle Parks
24. Residences for Owner, Manager or Watchman in Building
25. Restaurant, Cafes, and Bars
26. Retail Stores
27. Temporary Buildings for Construction Work

C. CONDITIONAL USES

1. Amateur Radio Facilities
2. Animal Services, Animal Shelter
3. Auto, Truck, Boat, Mobile Home & Agricultural Equipment Sales
4. Automobile Repair Shops
5. Boarding/Rooming Houses
6. Carwashes
7. Colleges & Universities
8. Commercial Broadcasting & Receiving Antennas
9. Construction yards & Equipment Yards
10. Day Care Centers
11. Drive-In Theatres
12. Feed Stores
13. Golf, Rod & Gun, Tennis & Country Clubs
14. Clinics, Medical, Professional Businesses
15. In-Vehicle Sales & Service Facilities
16. Light Manufacturing
17. Lumber Yards & Building Supplies
18. Mobile Home Parks
19. Mortuaries, Funeral Homes
20. Nursing/Convalescent Homes/Assisted Living
21. Pawn Shops
22. Pet Shops

23. Public Utility Buildings, Structures
24. Public Works Yards
25. Radio/TV Studios
26. Religious Institutions
27. Repair Services
28. Residences & Uses allowed in the “R-3” Zone & Standards
29. Rodeos, Auctions, Fairgrounds
30. Schools Public & Private Elementary & High School
31. Schools Colleges, Public & Private
32. Second Hand Stores
33. Self-Serve Laundry & Dry Cleaning
34. Service Stations
35. Social Services Use, Homeless Shelters, Day Labor Hiring Centers, Substance Abuse detoxification and Treatment Centers, Rescue Missions, and others similar to the above
36. Taxi Stand, Public Parking lots & Garages
37. Temporary Carnivals, Circuses, Revivals, Swap Meets, Outdoor Retail Sales
38. Temporary Home & Land Sales Offices & Model Homes
39. Temporary Produce Sale Stands
40. Trade Schools, Dancing, Art, Music
41. Veterinary Clinics & Kennels
42. Warehouses
43. Wholesale Establishments
44. Other uses determined by the Planning and Zoning Commission to be substantially similar to those uses set forth in Section 1003, USE MATRIX and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

1. Development standards as set forth in ARTICLE 7, SITE DEVELOPMENT REGULATIONS.

SECTION 1010. I-1 ZONE, INDUSTRIAL

- A. PURPOSE. This District is intended to provide for and encourage commercial, industrial, and manufacturing development within the City while insuring that such activities shall in no manner affect in a detrimental way any of the surrounding districts.
- B. PERMITTED USES
 1. Permitted
 2. Accessory Use Buildings
 3. Automobile Wrecking Yards
 4. Colleges & Universities
 5. Heavy Equipment Yards
 6. Industrial & Manufacturing Establishments
 7. Outdoor Storage
 8. Junk Yards/ Wrecking Yards
 9. Public Utility Buildings, Structures

10. Publicly Owned Parks & Recreation Areas & Centers
11. Sand & Gravel Plants, Mines
12. Temporary Buildings for Construction Work
13. Warehouses

C. CONDITIONAL USES

1. Amateur Radio Facilities
2. Animal Services, Animal Shelter
3. Auto, Truck, Boat, Mobile Home & Agricultural Equipment Sales
4. Automobile Repair Shops
5. Banks, Stock Brokerage Firms
6. Campgrounds
7. Commercial Broadcasting & Receiving Antennas
8. Construction yards & Equipment Yards
9. Developmentally Disabled Residential Facilities
10. Day Care Centers
11. Drive-In Theatres
12. Commercial Stables
13. Feed Stores
14. Furniture & Appliance Stores
15. Government Offices & Facilities
16. Group Homes for Handicapped
17. Hospitals
18. Clinics, Medical, Professional Businesses
19. Hotels/Motels
20. Indoor Commercial Recreation-Bowling/Skating Rinks/Billiard Parlors
21. Indoor Theatres, Assembly Halls, Ballrooms, Lodges
22. Indoor/Outdoor Sales of Nursery Stock
23. In-Vehicle Sales & Service Facilities
24. Light Manufacturing
25. Lumber Yards & Building Supplies
26. Massage Establishments
27. Medical Offices & Clinics
28. Mobile Homes
29. Mortuaries, Funeral Homes
30. Motor Vehicle & Machinery Sales
31. Nursing/Convalescent Homes/Assisted Living
32. Outdoor Commercial Recreation Establishments
33. Outdoor Sales
34. Pawn Shops
35. Personal Services Barbers Beauty Shops, Health Clubs, Cleaners

36. Pet Shops
37. Pharmacy, Apothecary Shop, Corrective Garments, Prosthetic Devices, Optical Goods, Medical & Dental Labs
38. Professional Offices Exceeds 2,500 SF
39. Professional Offices Under 2,500 SF
40. Radio/TV Studios
41. Repair Services
42. Research, Design & Experimental Product Development
43. Residences for Owner, Manager or Watchman in Building
44. Restaurant, Cafes, and Bars
45. Retail Stores
46. Rodeos, Auctions, Fairgrounds
47. Schools Public & Private Elementary & High School
48. Schools Colleges, Public & Private
49. Second Hand Stores
50. Self-Serve Laundry & Dry Cleaning
51. Service Stations
52. Sexually-Oriented Businesses
53. Social Services Use, Homeless Shelters, Day Labor Hiring Centers, Substance Abuse detoxification and Treatment Centers, Rescue Missions, and others similar to the above
54. Tattoo Parlors & Body Piercing Salons
55. Taxi Stand, Public Parking lots & Garages
56. Temporary Carnivals, Circuses, Revivals, Swap Meets, Outdoor Retail Sales
57. Temporary Home & Land Sales Offices & Model Homes
58. Temporary Produce Sale Stands
59. Trade Schools, Dancing, Art, Music
60. Transitional Homes
61. Veterinary Clinics & Kennels
62. Wholesale Establishments
63. Wireless Telecommunications Towers & Antennas
64. Other uses determined by the Planning and Zoning Commission to be substantially similar to those uses set forth in Section 1003, USE MATRIX and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS

1. Development standards as set forth in ARTICLE 7, SITE DEVELOPMENT REGULATIONS.

SECTION 1011. P-I PUBLIC FACILITY/INSTITUTIONAL

- A. **PURPOSE.** The purpose of the Public Facility/Institutional District is to provide for utilities, public and quasi-public uses (such as schools, hospitals, libraries, recreation centers and parks), public works yards, water and wastewater facilities, and other public uses.
- B. **PERMITTED USES**
 1. Permitted

2. Accessory Use Buildings
3. Animal Services, Animal Shelter
4. Automobile Repair Shops
5. Campgrounds
6. Carwashes
7. Cemeteries
8. Colleges & Universities
9. Construction yards & Equipment Yards
10. Cultural Institutions
11. Customary Accessory Uses & Buildings (barns, corrals, etc.)
12. Developmentally Disabled Residential Facilities
13. Day Care Centers
14. Equestrian Arenas
15. Commercial Stables
16. Golf, Rod & Gun, Tennis & Country Clubs
17. Government Offices & Facilities
18. Group Homes for Handicapped
19. Heavy Equipment Yards
20. Hospitals
21. Clinics, Medical, Professional Businesses
22. Indoor Theatres, Assembly Halls, Ballrooms, Lodges
23. Nursing/Convalescent Homes/Assisted Living
24. Outdoor Commercial Recreation Establishments
25. Outdoor Sales
26. Public Utility Buildings, Structures
27. Public Works Yards
28. Publicly Owned Parks & Recreation Areas & Centers
29. Radio/TV Studios
30. Recreational Vehicle Parks
31. Residences for Owner, Manager or Watchman in Building
32. Restaurant, Cafes, and Bars
33. Rodeos, Auctions, Fairgrounds
34. Schools Public & Private Elementary & High School
35. Schools Colleges, Public & Private
36. Service Stations
37. Social Services Use, Homeless Shelters, Day Labor Hiring Centers, Substance Abuse detoxification and Treatment Centers, Rescue Missions, and others similar to the above
38. Taxi Stand, Public Parking lots & Garages
39. Temporary Buildings for Construction Work
40. Temporary Carnivals, Circuses, Revivals, Swap Meets, Outdoor Retail Sales

41. Trade Schools, Dancing, Art, Music
42. Veterinary Clinics & Kennels
43. Wastewater Treatment Facility
- C. CONDITIONAL USES
 1. Amateur Radio Facilities
 2. Commercial Broadcasting & Receiving Antennas
 3. Medical Offices & Clinics
 4. Day Care Centers
 5. Wireless Telecommunications Towers & Antennas
 6. Other uses determined by the Planning and Zoning Commission to be substantially similar to those uses set forth in Section 1003, USE MATRIX and not detrimental to the public health, safety and general welfare.
- D. PROPERTY DEVELOPMENT STANDARDS
 1. Development standards as set forth in ARTICLE 7, SITE DEVELOPMENT REGULATIONS.
 2. Public Facility/Institutional Uses Adjacent to Residential Districts. Public facility/institutional uses located within 50 feet of an existing residential district designated for residential use in the General Plan shall be conducted within an enclosed building.
 3. This District shall not be used to provide primary vehicular access to adjoining residential uses.

SECTION 1012. PLANNED AREA DEVELOPMENT OVERLAY

- A. PURPOSE. The purposes of the PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT (PAD) are to:
 1. Modify base district regulations.
 2. Provide opportunities for unique or mixed-use development.
 3. Provide opportunities for development intensity greater than permitted by base district regulations for affordable housing, senior housing, and congregate living facilities.
 4. Provide a mechanism for establishment of a Protected Development Right Plan as required by State laws.
- B. USE OF A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT
 1. PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT (PAD) may overlay any base district or contiguous districts. Base district regulations that are not modified by the PAD shall remain in effect. The Official Zoning Map shall identify the area covered by each PAD.
 2. A PAD may only be adopted for the following:
 - a. To modify base district regulations to implement policies in the General Plan.
 - b. To permit unique or mixed-use development.
 - c. To permit development intensity greater than permitted by base district regulations for affordable housing, senior housing, and congregate living facilities.
 3. Use of the PAD
 - a. A PAD shall not be used to modify sign regulations.
 - b. A PAD shall not be used to add, eliminate or restrict uses permitted in the base district regulations.
 - c. A PAD shall be applied only to contiguous property so as to create a unified and cohesive development.
- C. LAND USE AND DEVELOPMENT REGULATIONS

1. Use and development of land within a PAD shall conform to the base zoning district regulations and other requirements of the Zoning Ordinance, except as modified by the PAD zoning ordinance.

D. APPROVAL

1. Development Plan. The use and development of the property in a PAD shall substantially conform to the development plan, including any site plan, preliminary landscape plan, building elevations, design guidelines, residential lot layout, open space plan, or other plan approved by the City Council as an exhibit to the PAD zoning ordinance.
2. Conditions. The Planning Commission may recommend, and the City Council may impose, conditions of approval including, but not limited to, the following:
 - a. Timing or phasing of development;
 - b. Off-site and on-site improvements;
 - c. Development standards;
 - d. Design guidelines;
 - e. Conditions of use;
 - f. Dedication of land for public purposes;
 - g. Granting of utility easements;
 - h. Granting of easements for public use of trails and open space areas;
 - i. Requirements for establishment of homeowners or property owners associations or other mechanisms to assure continued maintenance of landscape areas, trails, open spaces, shared parking and access areas, homeowners association facilities, and fences; and
 - j. Reservation of land for future public acquisition.

SECTION 1013. DOWNTOWN COMMERCIAL DISTRICT OVERLAY

A. RESERVED

SECTION 1014. HO-1 ZONE, HOUSING OVERLAY DISTRICT²

- A. PURPOSE.** This district is intended to promote and preserve single-family residential development. Regulations and property development standards are designed to protect the single family residential character of the district and to prohibit any residential structure that is not site built. Land use is composed chiefly of individual homes, together with recreational, religious, and educational facilities.
- B. PERMITTED USES**
1. Accessory Use Buildings
 2. Developmentally Disabled Residential Facilities
 3. Guest House (1) up to 4 Bedrooms in Addition to Principle Residence
 4. Home Occupations
 5. Single-Family Dwelling Site Built (not a manufactured or mobile home)
 6. Temporary Buildings for Construction Work
 7. Customary Accessory Uses & Buildings (barns, corrals, etc.)
- C. CONDITIONAL USES**
1. Bed & Breakfasts

² As adopted by City Council on 11/02/2006

2. Colleges & Universities
3. Medical Offices & Clinics
4. Public Utility Buildings, Structures
5. Publicly Owned Parks & Recreation Areas & Centers
6. Religious Institutions
7. Schools Colleges, Public & Private
8. Schools Public & Private Elementary & High School
9. Temporary Home & Land Sales Offices & Model Homes
10. Other uses determined by the Planning and Zoning Commission to be substantially similar to those uses set forth in section B & C of this recommendation.

D. PROPERTY DEVELOPMENT STANDARDS

1. Development standards as set forth in ARTICLE 7 of the Zoning Ordinance of The City of St. Johns, SITE DEVELOPMENT REGULATIONS