# Town of Payson
# Unified Development Code
# Sections 15-11 & 15-12


| SECTION | TITLE | PAGE |
|---|---|---|
| **15-11** | **DEFINITIONS** | |
| 15-11-001 | Rules of Construction | 2 |
| 15-11-002 | Definitions | 2 |
| **15-12** | **TABLES AND CHARTS** | |
| 15-12-001 | Table of Residential Uses | 21 |
| 15-12-002 | Table of Commercial Uses | 23 |
| 15-12-003 | Table of Industrial Uses | 27 |

# 15-11 DEFINITIONS

## 15-11-001 Rules of Construction

For the purpose of this Code, certain terms and words are defined in this chapter;

1. Words used in the present tense include the future, words in the singular include the plural, and words in the plural include the singular;
2. The word "shall" is mandatory and not permissive;
3. The word "person" includes individuals, partnerships, corporations, clubs, associations and all other entities;
4. The following words, when used in this Code, shall carry full force when used interchangeably; used, arranged, occupied or maintained; sold or dispensed; construct, reconstruct, erect, alter (structurally or otherwise).

## 15-11-002 Definitions

The following additional words and phrases shall for the purpose of this Code have the following meanings, unless otherwise indicated in a specified section of this code:

**ABANDONED OR INOPERABLE VEHICLES:** Any vehicle left in a state of disrepair, or partially or wholly dismantled, wrecked, stripped, or scrapped; or any motor vehicle which is inoperable due to mechanical failure or mechanical disassembly; or a vehicle which cannot move on its own volition; or other reasons evidenced by the absence of a current license plate or registration.

**ACCESS:** A means by which the property is approached or, a method of entrance into or upon a property. Access is also a general or specific right of ingress or egress to a given property.

**ACCESSORY BUILDING:** A building used for a purpose other than that of the principle building on the same lot. For example, a garage, pump house or storage shed is considered an accessory building if erected on the same parcel of land as the property's main building.

**ACCESSORY DWELLING UNIT (ADU):** A habitable living unit added to, created within, or detached from a primary dwelling unit that provides basic requirements for living, sleeping, cooking, and sanitation.

**ACCESSORY LIVING QUARTERS:** See ACCESSORY DWELLING UNIT, GUEST HOUSE, or GUEST QUARTERS

**ACCESSORY SPACE:** (for the purpose of 15-14) – Any building space not constructed to residential standards, under the adopted building code of the Town of Payson, which is used for a Home Occupation, including but not limited to an attached garage, detached garage, or shed. Accessory space does not include manufactured dwellings, residential trailers or recreational vehicles.

**ACCESSORY USE:** A subordinate use of a building, other structure or land which is clearly incidental to the use of the main building, other structure or use of land; in conjunction with the main building, other structure or use of the land; and located on the same lot with the main building, other structure or use of the land.

**ADJACENT:** Nearby, and within 100 feet of the property line, but not necessarily touching; or, having a common division line.

**ADULT ENTERTAINMENT ESTABLISHMENT:** A business that, during regular operation offers nude, topless and/or bottomless dancers, male or female striptease dancers, or male or female dancers or models whose clothing less than completely and opaquely covers specified anatomical areas, and/or engage in specified sexual activities. Nothing in this definition shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

**ADULT RETAIL ESTABLISHMENT:** An establishment in an enclosed building with a principle use characterized by the sale and display of merchandise that predominantly depicts or relates to 'specified sexual activities' or 'specified anatomical areas'. Merchandise includes, but not limited to, motion pictures, cassettes, films, books, magazines, posters, cards, pictures, periodicals, instruments, devices, equipment, paraphernalia, or other similar products. For the purpose of this definition ten percent or more of the merchandise constitutes a principle use.

**ADULT THEATER:** An enclosed building or open air theater which:

a. Is regularly used for presenting motion pictures, films, video tapes, slides, transparencies, computer simulations, or television transmissions on a screen or monitor which predominantly describe or relate to specified sexual activities or are characterized by a predominant emphasis on matter depicting, describing, or relating to specified anatomical areas; and
b. Regularly excludes all minors.

**AGRICULTURE:** The tilling of the soil, raising of crops, horticulture, farming, dairying, and/or pasture and livestock production, including incidental, uses but not including slaughter houses, fertilizer yards, or plants for the reduction of animal matter or any other industrial use which is similarly objectionable or may create a nuisance as defined in this code.

**AIRPORT TERMS:**

a. **AIRPORT:** Payson Airport, or other approved Airport located within the Town limits.

b. **AIRPORT ELEVATION:** The highest point of an airport's usable landing area measured in feet from sea level.

c. **APPROACH SURFACE:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in 15-02-008 of this Code. The perimeter of the approach surface coincides with the perimeter of the approach zone.

d. **CONICAL SURFACE:** A surface extending outward and upward from the periphery of the horizontal surface at as slope of 20 to 1 for a horizontal distance of 4,000 feet.

e. **HAZARD TO AIR NAVIGATION:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

f. **HEIGHT:** For the purpose of determining the height limits in all zones set forth in this Code and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

g. **HELIPORT PRIMARY SURFACE:** The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

h. **HORIZONTAL SURFACE:** A horizontal plane 150 feet above the airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

i. **LARGER THAN UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

j. **NONCONFORMING USE:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Code or an amendment thereto.

k. **NON-PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight non-precision instrument approach procedure has been approved or planned.

l. **OBSTRUCTION:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in 15-02-008 of this Code.

m. **PRIMARY SURFACE:** A surface longitudinally centered on a runway. When a runway has a prepared hard surface, the primary surface extends 200 feet beyond each end of the runway. For military uses or if the runway does not have a prepared or planned hard surface, the primary surface terminates at each end of the runway. Width of the primary surface is established in 15-02-008 of this Code. The elevation of any point on the primary surface elevation is the same as the nearest point on the runway centerline.

n. **RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

o. **STRUCTURE:** An object, including a mobile object, constructed or installed, including, without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

p. **TRANSITIONAL SURFACES:** These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontal for each foot vertical from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

q. **UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

r. **VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

**ALLEY:** A public passageway, affording a secondary means of access to abutting property.

**ALTERATION:** Any change in size, shape, character, occupancy, or use of a building or structure.

**ANIMAL HOSPITAL:** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**ANTENNA:** Any exterior device mounted on a tower, alternative tower structure, building, or structure and used for transmitting and receiving wireless communications for a fee to more than one user at one time.

**ANTENNA SUPPORT STRUCTURE:** Any building or structure other than a tower which can be used for location of telecommunication facilities.

**ANTIQUE:** A product that is sold or exchanged due to ancient value, in fact or in style (value based upon the age and/or style of the item in excess of its inherent worth).

**APARTMENT:** A suite of rooms, used for living purposes. Each such suite of rooms having cooking facilities shall constitute a dwelling unit.

**APARTMENT HOTEL:** A building or group of buildings containing a number of independent suites of rooms for dwelling purposes, and in which at least one common dining room is provided.

**APARTMENT HOUSE:** A building containing apartments.

**APPEAL:** A means for obtaining review of a decision, determination, or order, or failure to act pursuant to the terms of this Code.

**APPLICANT:** Any person who applies for a building permit, conditional use permit, rezoning of land, variance, etc.

**APPLICATION:** The process by which the owner or authorized agent of a parcel of land within the Town of Payson submits a request to develop, construct, build, modify, or erect a structure upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Town concerning such a request.

**ARCHAEOLOGICAL RESOURCES:** Any material remains of past human life or activities which are of historic or pre-historic significance. Such material includes, but is not limited to pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, skeletal remains, or any piece of any of the foregoing items.

**ARTERIAL:** A primary roadway or highway used or intended to be used for heavy traffic flow, linking collector and smaller streets and roads.

**ARTIST:** One who practices in art in which imagination and taste presides over execution. This is not deemed to include the business of teaching the mechanics of the arts.

**ATTACHED BUILDING:** A building that shares a wall, or part of such with another building, or which is connected to another building by a roof which exceeds six feet between opposite open ends.

**AUTHORIZED AGENT:** A person or firm duly authorized by the property owner to submit applications on his, her, their, or its behalf.

**AUTOMATED SIGNS:** Any sign utilizing a mechanical, electronic, or other means to automatically change the sign copy subject to the following: (1) the sign copy, including colors, may not change more than one time per twenty (20) seconds and (2) the sign copy may not scroll, flash, or be otherwise animated.

**AUTOMOBILE SERVICE STATION:** A place of business having pumps and/or storage tanks from which liquid fuel and/or lubricants are dispensed at retail directly into the motor vehicle. Service, inspection and minor repairs are considered accessory to the sale of such fuel and lubricants.

**BED AND BREAKFAST ESTABLISHMENT:** The use of a residential structure that is occupied by the owner for commercial lodging purposes and the serving of breakfast only, in which four (4) or fewer rooms are used for overnight lodging of travelers. Any residential structure of more than four (4) rooms shall be considered a hotel/motel.

**BLOCK:** That property fronting on one side of the street and so bounded by other streets, canals, railroad, right-of-ways, unsubdivided acreage, or other barriers, except alleys, of sufficient magnitude as to interrupt the continuity of development on both sides.

**BOARD:** Board of Adjustment of the Town of Payson.

**BOARDING HOUSE:** A dwelling otherwise permitted in the district in which it is situated, in which less than six rooms are occupied as guest rooms.

**BUILDING:** Any structure for the shelter, housing or enclosure of persons, animals, chattels or property of any kind, with the exception of dog houses, play houses, or structures designed to be towed on their own chassis.

**BUILDING AREA:** The total areas, taken on a horizontal plain at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.

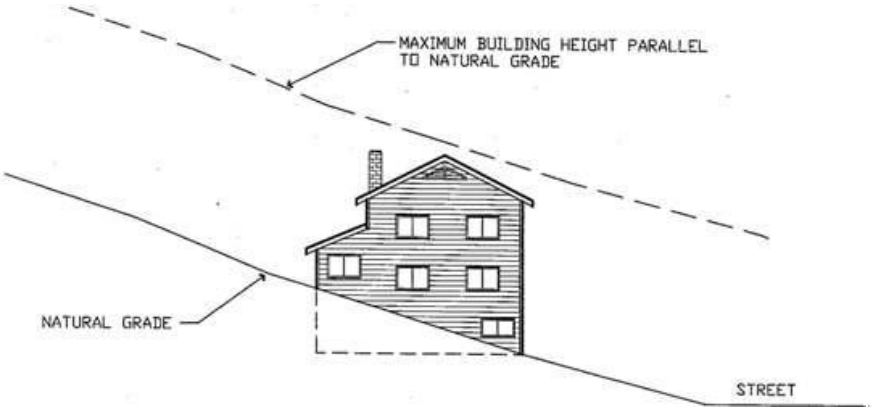
**BUILDING CLOSED:** A building completely enclosed by a roof, walls and doors.

**BUILDING, DETACHED:** A building separated from another building(s) on the same lot. Buildings connected only with the roof of not more than six feet wide between opposite open ends are "detached".

**BUILDING ENVELOPE:** The portion of a lot that is designated by setbacks, yard restrictions, development agreement, or other methods and standards approved by Council, which is established for the primary uses and structures permitted in a given zoning district.

**BUILDING FOOTPRINT:** Portion of a lot contiguous with the land that is covered by a building or other structure.

**BUILDING HEIGHT:** Building height is calculated by measuring the difference within the footprint of a structure between the highest point of natural grade within the building footprint and the highest vertical portion of the building.




**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.

**CARPORT:** A roofed structure with two or more open sides under which a vehicle may be driven and the principal use of which is the parking of one or more vehicles.

**CO-LOCATE:** The use of a single support structure and/or site by more than one wireless communications provider.

**CODE:** The Unified Development Code of the Town of Payson.

**COLLECTOR STREET:** A street which collects traffic from local residential streets and connects with arterial.

**COMMISSION:** Planning and Zoning Commission of the Town of Payson.

**COMMUNITY BUILDING:** A public or quasi-public building used for community activities of an educational, recreational, or public service nature.

**COMMUNITY DEVELOPMENT DIRECTOR:** The Director of the Community Development Department for the Town of Payson, or his designee, who is responsible for enforcement of building and zoning codes and any other responsibilities assigned by the Town Manager.

**COMPREHENSIVE GENERAL PLAN:** A comprehensive plan, or parts thereof, providing for the future growth and improvement of the Town, and for the general location and coordination of streets and highways, schools, and recreation areas, public building sites and other physical development.

**CONDITIONAL APPROVAL:** An affirmative action by the commission or Council indicating based upon satisfaction of specified stipulations.

**CONDOMINIUM:** Ownership of real property wherein the interest in the underlying land is undivided.

**COUNCIL:** Mayor and Common Council of the Town of Payson.

**COUNTRY INN:** An owner occupied and operated establishment engaged in furnishing lodging to the general public on a fee basis, which does not have exterior access to individual rooms (excluding the owner's residence); does not have more than 12 rooms; and serve meals to lodging guests only, unless located in a zoning district which permits restaurant facilities.

**COURT:** Any space, other than a yard, on the same lot with a building or group of buildings which is unobstructed and open to the sky from above the floor level of any room having a window or door opening on such court. The width of a court shall be its least horizontal dimension.

**CUSTOM:** Pertaining to work, service or assembly done to order for individual customers for their own use or convenience.

**DEDICATION:** The transfer of property interests from private to public ownership for a public purpose. The transfer may be fee simple interest or of a less than fee simple interest, including an easement.

**DENSITY, GROSS:** Gross acreage divided into the number of dwelling units, lots, or spaces.

**DENSITY, NET:** Net acreage, excluding streets, alleys and other rights-of-way divided into the number of dwelling units, lots or spaces.

**DEPARTMENT:** The authorized or specified Department of the Town of Payson.

**DETACHED BUILDING:** (See Building, Detached).

**DEVELOPMENT MASTER PLAN (DMP):** A preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages. A development master plan may be designed by the subdivider or by the department and shall be subject to Council approval.

**DIAMETER AT BREAST HEIGHT (DBH):** A measurement of the size of a tree equal to the diameter of its trunk measured 4 ½ feet above the natural grade.

**DIRECTOR:** Means the chief administrator of the referenced department, or assigned staff acting under the direct authority of the director, assigned to administer the given portion of this Code.

**DISTRICT:** Refers to zoning (either use district or density district).

**DRIVE-IN RESTAURANT:** Any establishment where food or beverages are dispensed for consumption on the premises, but not within 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.

**DWELLING:** Any structure, or portion thereof, designed exclusively for residential purposes.

**DWELLING UNIT:** One or more rooms in a dwelling, designed for occupancy by one family for living purposes, and having its own cooking and sanitary facilities.

**EASEMENT:** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

**EMPLOYEE:** (for the purpose of 15-14) – Any on-site person not residing at the residence, whether they work full-time or part-time in a Home Occupation, including but not limited to partners, assistants, and any other persons or family members participating in the operation of the business.

**ENGINEER:** An engineer licensed by the State of Arizona with demonstrated competence in the area of work to be sealed as determined by the Public Works Engineer.

E**NGINEERING PLANS:** Plans, profiles, cross sections, and other required details for the construction of public improvements, prepared by a registered civil engineer in accordance with the approved preliminary plat and in compliance with standards of design and construction approved by the Council.

**ERECT:** The incorporation of materials into a building or structure.

**ESTABLISHED DRAINAGE:** Established Drainage shall mean the drainage that exists at the time of development of the property.

**EXCEPTION:** Any parcel of land which is within the boundaries of the subdivision which is not owned by the subdivider.

**FAA:** The Federal Aviation Agency.

**FACADE:** Vertical wall surface extending above a porch roof including a parapet wall.

**FACTORY BUILT BUILDING:** A structure which has been constructed off-site in accordance with building standards of the current Building Code.

**FAMILY:** One or more persons related by blood, marriage or adoption, and servants living together as a single housekeeping unit in a dwelling unit, or a group of not more than four persons, who need not be related, living together as a single housekeeping unit in a dwelling unit.

**FCC:** The Federal Communications Commission.

**FINAL APPROVAL:** Approval of the final plat by the Council, evidenced by certification on the plat by the Mayor, which constitutes authorization to record a plat.

**FREIGHT STATION:** A facility for loading, unloading and warehousing of freight.

**FREIGHT TERMINAL:** A facility for loading and unloading of freight for current distribution and not warehousing.

**FRONT FOOT:** Of a building (or parcel of land) shall mean the maximum width measured on a straight line parallel to the street.

**GARAGE, PRIVATE:** An accessory building occupied primarily by the passenger motor vehicle of the families resident on the same lot.

**GARAGE, PUBLIC:** Any building, other than that herein defined as a private garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

**GARBAGE:** Putrescent animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**GRAFFITI:** An inscription or drawing depicted on a structure or other surface so as to be discernible from the public rights-of-way and which degrades the appearance of the property.

**GROUP HOME:** A residential facility for unrelated persons providing living facilities, sleeping rooms and meals, established as a group home pursuant to laws of the State of Arizona under authority of Title 36 of the Arizona Revised Statutes, or if at the time of application and thereafter annually or sooner in the event of a zoning complaint a person holding a valid and relevant medical, behavioral health, counseling or treatment license pursuant to Title 32, Arizona Revised Statutes, certifies that the non-staff persons residing in the residential facilities are protected persons under federal fair housing laws . The number of persons residing in a group home shall not exceed eight (six protected persons and two staff) without a conditional use permit.

**GUEST HOUSE:** A habitable living unit added to, created within, or detached from a primary dwelling unit that (1) is connected to the same utility services as the primary residence, (2) does not contain kitchen facilities, (3) contains one or more rooms used by guests of the occupants of the primary dwelling unit, and (4) is not rented.

**GUEST QUARTERS:** A habitable living unit added to, created within, or detached from a primary dwelling unit that (1) is connected to the same utility service as the primary residence, (2) contains kitchen facilities, (3) contains one or more rooms used by guests of the occupants of the primary dwelling unit and (4) is not rented.

**GUEST ROOM:** A room which is designed for occupancy by one or more persons for sleeping purposes, having no cooking facilities.

**HILLSIDE SUBDIVISION:** Any subdivision or that portion of a subdivision located in terrain having an cross-slope exceeding 15 percent.

**HOME OCCUPATION:** An occupation or business activity conducted in whole or in part in a residence and/or an accessory space; is conducted by at least one family member occupying the dwelling; and is clearly subordinate to the residential use of the property.

**HOSPICE :** A residential facility for six or fewer unrelated, terminally ill persons wherein living facilities, sleeping rooms and meals and living assistance are provided. The maximum number of persons permitted shall not include the operator, members of the operator's family or persons employed as staff, except that the total number of persons living in the group home shall not exceed eight.

**HOSPITAL:** A place for the treatment or care of human ailments, with a bed capacity of five or more beds for confinement.

**HOTEL:** A building other than a boarding house as defined herein, which building contains more than five guest rooms, and where entrance to the sleeping rooms or apartments is from a common entrance or lobby.

**INCIDENTAL USE:** The use of no more than 25% of the floor area of a structure or 500 square feet, whichever is less.

**INSPECTOR:** Zoning Inspector or any of his Deputy Inspectors.

**IRRIGATION FACILITIES:** Canals, laterals, ditches, conduits, gates, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water and the construction, operation and maintenance of such.

**JUNK:** Any accumulation of the following materials: discarded or scrapped furniture, glass, metal, paper, or machinery parts, inoperative machinery or appliances; building material wastes; or discarded or empty containers. Junk shall also be defined as items that in their present state are of little or no economic value and shall include all types of solid wastes.

**JUNK YARD:** The use of a lot, or portions, for the storage, keeping or abandonment of junk, including scrap metal or other scrap material or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. Such use of less than 100 sq. ft. of the rear half of an interior lot or 100 sq. ft. of the rear interior quarter of a corner lot shall not be considered a junk yard.

**KENNEL:** A building lot or premises on which five or more pets, including dogs, cats or other small animals are kept, maintained, trained, boarded, or offered for sale with or without compensation.

**KINDERGARTEN:** Same as Nursery School, except when operated in conjunction with a school of general instruction and having accredited instruction.

**LANDSCAPING:** Landscaping shall include living trees, shrubs, ground covers, vines and natural materials that are native to Payson.

**LITTER:** Garbage, refuse and rubbish and all other waste material which, if thrown or deposited in a manner prohibited by this article, tends t create a danger to public health, safety and welfare, and includes, but not by way of limitation, paper and metal such as containers or cans.

**LIVESTOCK:** Livestock are non-fowl, domestic animals raised and kept in association with agricultural, ranching, equestrian or other similar uses, and include such animals as cattle, horses, sheep, goats and other such animals, and do not include pets.

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

**LOT:** A parcel of land, plot or premises of two or more parcels to be used as a unit and having its principal frontage on a dedicated street or street easement. Where a half street has been dedicated from such parcel, such shall be qualification for street frontage.

**LOT, CORNER:** A lot abutting on two or more intersecting or intercepting streets, where the angle of intersection does not exceed 135 degrees. A corner lot shall be considered to be in that block in which the lot fronts.

**LOT DEPTH:** The distance between the mid-point of each of the front and rear lines.

**LOT, INTERIOR:** Lots having no sides abutting on a street.

**LOT, KEY:** An interior lot having at least one side contiguous to the rear line of a corner lot.

**LOT OF RECORD:** A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Recorder of Gila County; or a lot, parcel or tract of land, the deed of which has been recorded in the Office of the County Recorder of Gila County.

**LOT, SUBSTANDARD:** A parcel of land that is deficient in either the minimum area, width or depth requirements of the zoning regulations.

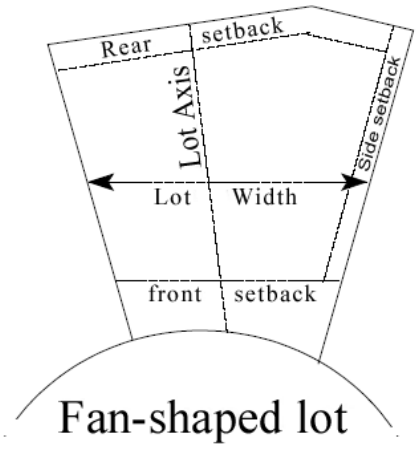
**LOT, THROUGH:** A lot in which the front and rear lines abut on a street.

**LOT WIDTH:**

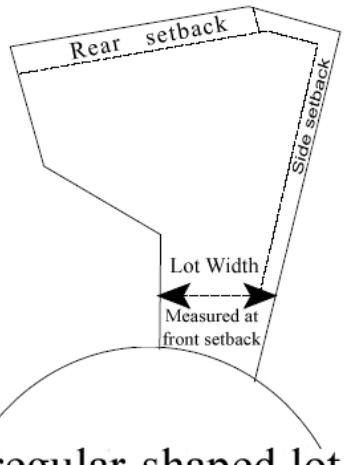
The width of a lot is the shortest distance between the side property lines measured at the front lot line, except along cul-de-sac lots where the following apply:

a. If the side property lines are not parallel, but are fanned-shaped and on a curved frontage with a radius of less than 100 feet, width of the lot shall be the length of a line at right angles to the lot axis, at a distance midway along the lot axis line measured from the front lot line to the rear lot line. The axis of the lot shall be determined by a line through the midpoint of the rear lot line and through the midpoint of the curve length of the front lot line.

b. If side property lines are not parallel, width of the lot shall be the length of a line at right angles to the axis of the lot, at a distance equal to the required front or rear building setback lines, whichever is the lesser. The axis of a lot shall be a line generally perpendicular to the fronting street which divides the lot into two equal parts.



Fan-shaped lot



Irregular-shaped lot

**LOT LINE, FRONT:** That part abutting a street. The front line of a corner lot shall be the shorter of the two street lines as originally platted or if such are equal, the most obvious front by reason of usage by adjacent lots. The front line of a through lot shall be that line which is obviously the front by reason of usage by adjacent lots. Such a lot exceeding 188 feet in depth may be considered as having two front lines.

**LOT LINE, REAR:** That lot line opposite the front line. Where the side lines of the lot meet in a point, the rear line shall be considered parallel to the front line or a tangent of the midpoint of a curved front line and lying ten feet within the lot.

**LOT LINE, SIDE:** Those property lines connecting the front and rear property lines.

**MAIN BUILDING:** (See Building, Main).

**MAINTAIN:** The replacing of a part or parts of a building which have been made unusable by ordinary wear or tear or by the weather.

**MAJOR REPAIR:** The removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan.

**MANUFACTURED HOME:** A structure developed subsequent to June 14, 1976 that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities, and developed in accordance with the Federal Manufactured Home Standards, 24 CFR 3280, as amended.

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

**MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION:** The one additional location, if any, duly identified pursuant to A.R.S. §36-2804(B)(1)(b) 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. For the purposes of 15-12-001, 15-12-002, and 15-12-003, MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION shall include any location where more than 24 medical marijuana plants are being cultivated.

**MINI-STORAGE:** A structure containing separate storage spaces of varying sizes leased, or rented on an individual basis. Spaces are usually 30 to 400 square feet and one story tall with direct access from a paved driveway. Mini-Storage does not include outside storage.

**MITIGATION:** A compensatory means, either in-kind or monetary, to replace the loss of a resource with equal or greater value as determined by the Town.

**MOBILE HOME:** A structure developed prior to June 15, 1976 that is transportable in one or more sections, and built on a permanent chassis.

**MOBILE HOME: TRAILER PARK:** Land developed for single family residential uses, in which such land is developed by a single owner for rent (or lease) to others, but title to the land is not conveyed, and where such residences consist of mobile homes, travel trailers, motor homes or R.V. vehicles.

**MOTEL:** A building or group of buildings containing at least 5 guest rooms or apartments, each of which maintains a separate outside entrance, used primarily for the accommodation of automobile travelers, and providing automobile parking space on the premises.

**MULTIPLE DWELLING:** A building containing two or more dwelling units.

**NATIONAL ELECTRICAL CODE:** Shall mean the current edition of the National Electrical Code as adopted by the Town of Payson.

**NEIGHBORHOOD PLAN:** A plan designed by the department to guide the platting of remaining vacant parcels in a partially built-up neighborhood so as to make reasonable use of all land, correlate street patterns and achieve the best possible land use relationships.

**NEWSPAPER OF GENERAL CIRCULATION:** A newspaper published daily in the Town of Payson; if no daily newspaper is published, a weekly newspaper may be used.

**NONCONFORMING LOT**: A lot existing at the effective date of the adoption of this Code, as amended, that does not meet the minimum lot size, dimension and area, restrictions designated for the district in which that lot is located.

**NONCONFORMING USE:** A situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located.

**NUISANCE:** (Also, Public Nuisance) Use(s) or activities that may produce explosion or fire hazard, objectionable or hazardous smoke, dust, radiation, odor, noise in violation of Section 130.20 of the Town Code, glare, fumes, trash, pollen, disease, or other conditions such as abandoned or inoperable vehicles, garbage, graffiti, junk, litter, refuse, rubbish, or unsightly premises, that adversely affect public health, safety and general welfare, constitute a nuisance.

**NURSERY:** An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items, not power equipment such as gas or electric lawn mowers and farm implements directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizer, insecticides, containers, rakes and shovels.

**NURSERY SCHOOL:** (See School, Nursery).

**OASIS AREA:** An “Oasis Area” may be used for turf or lawns, flower or vegetable gardens, but shall be limited to 1,000 square feet or 3% of the entire development site or parcel, whichever is less.

**OPEN PORCH:** (See Porch, Open).

**OPERATOR:** (For the purpose of 15-14) The person who conducts a Home Occupation, has majority ownership interest in the business, lives full-time in a dwelling on the subject property, and is responsible for strategic decisions and day-to-day operations of the business.

**OVERNIGHT HOOKUP LOT:** A lot in the Mobile Home/Trailer Park exclusively used by the park owner to rent on a daily basis to owners of travel trailers, motor homes, or other transient recreational vehicles on a strictly temporary basis.

**OWNER:** The person having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

**PARCEL:** A delineated land area shown on a subdivision map, record of survey map, parcel map, or parcel described by metes and bounds, that constitutes a development site composed of a single unit of land or contiguous units under common ownership or development.

**PEDESTRIAN WAY:** A public walk dedicated entirely through a block from street to street or providing access to a school, park, recreation area, or shopping center.

**PERSON:** An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

**PET:** Domestic animal under 150 pounds raised and kept in a dwelling unit or on a residential lot for individual or family use and may include dogs, cats, rabbits, birds, potbellied pigs (not pigs or swine raised for food or sale) and small caged animals among other species.

**PLAT:** A map of a subdivision.

a. "Preliminary plat" means a preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with this Code.
b. "Final plat" means a map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by a registered land surveyor in accordance with this Code.
c. "Recorded plat" means a final plat bearing all of the certificates of approval required in this Code and duly recorded in the Gila County Recorder's Office.

**PLATE LINE:** Shall mean the point at which any part of the roof structure first touches or bears upon an external wall.

**PLAZA:** For the purpose of this code, a plaza shall mean any number of businesses greater than one that share the same structure(s) using common points of ingress and egress, and common parking facilities.

**PORCH, OPEN:** A porch in which any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other material higher than 54 inches above the natural grade line adjacent thereto; which porch is to be used solely for ingress and egress, and not for occupancy as a sleeping porch or washroom.

**PORTION:** A terminology applied to the general plan amendment process to mean one or more elements or part of an element to be considered for the first time or less than the whole general plan.

**PRELIMINARY APPROVAL:** Approval of the preliminary plat by the Council as evidenced in its meeting minutes which constitutes authorization to proceed with final engineering plans and final plat preparation.

**PRIVATE GARAGE:** (See Garage, Private).

**PRIVATE USE:** (See Use, Private).

**PROFESSIONAL USE:** (See Use, Professional).

**PUBLIC GARAGE:** (See Garage, Public).

**PUBLIC IMPROVEMENT STANDARDS:** A set of regulations setting forth the details, specifications and instructions to be followed in the planning, design, and construction of certain public improvement in the town, formulated by the town engineer, the county health department, and other town departments.

**RECREATIONAL VEHICLE:** A vehicle type of unit 40 feet or less in length and eight feet or less in width, primarily designed for temporary living quarters, recreation, camping or travel use, which either:

a. Contains its own motor as in the case of motor homes, mini-motor homes or recreational vans;
b. Is drawn by another vehicle as in the case of travel trailers, tent trailers, camper trailers, or watercraft on boat trailers; or
c. Is mounted on another vehicle as in the case of truck campers.

**REFUSE:** All putrescent and non-putrescent solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof and solid market and industrial wastes.

**RESIDENTIAL CARE FACILITY:** A residential facility licensed or operated by the State of Arizona for six or more persons providing custodial care, living facilities, sleeping rooms and meals, established pursuant to laws of the State of Arizona under authority of Title 36 of the Arizona Revised Statutes.

**RESORT HOTEL:** A building or group of buildings containing guest rooms providing a variety of outdoor recreation activities such as golf, tennis, horseback riding, or swimming for guests. A resort may provide services customarily furnished by a hotel including restaurant, gift shop, bar, and convention facilities. A resort may contain dwelling units in conjunction with guest rooms.

**RESTAURANT:** An establishment other than a boarding house, where meals are prepared therein and may be procured by the public.

**REVERSE FRONTAGE:** A lot having frontage on two nonintersecting streets. The front of the lot shall be considered facing the interior street. Also known as a through lot.

**RIGHT OF WAY:** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and is intended to be used as a roadway, crosswalk, railroad, electric transmission lines or other utility.

**RUBBISH:** Non-putrescent solid wastes consisting of both combustible and non-combustible wastes such as paper, wrappings, cigarettes, cardboard, metal cans, yard clippings, leaves, metal, wood, glass bedding, crockery and similar materials.

**ROOF LINE:** Shall mean the highest point of the main roof structure and not include cupolas, pylons, projections or minor raised portions of the roof.

**SCHOOL:** A place of general instruction having accredited instruction acceptable to the educational authorities.

**SCHOOL, NURSERY:** An institution for the daytime care of children of pre-school age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a "school" within the meaning of this Code.

**SCREENING DEVICES:** Screening devices shall include any structures and/or landscaping installed to conceal areas used for refuse, mechanical equipment, parking, storage, service and loading, or separation of one land use from another.

**SECRETARY OF THE COMMISSION:** Shall mean the Community Development Director or his designated representative.

**SELF-HELP LAUNDRY:** A building in which domestic type washing machines and/or dryers are provided on a rental basis by individuals doing their own laundry.

**SETBACK AREA:** Shall mean the open space area and yards defined in Section 15-02, of this Code.

**SHOPPING CENTER:** A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site.

**SIGN:** Shall mean any device conveying either commercial or noncommercial messages or both commercial and noncommercial messages for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public; but not including any flag, badge or insignia of any government or governmental agency, and further not including any lawful display of merchandise.

**SIGN TERMS:**

| | |
|---|---|
| a. **AWNING OR CANOPY SIGNS:** | A sign that is printed, painted, or affixed to an awning or canopy. |
| b. **BANNER AND PENNANTS:** | A temporary sign composed of fabric, pliable plastic, paper, or other light material not enclosed in a rigid frame, and secured or mounted so as to allow movement of the atmosphere to cause movement of the sign. |
| c. **BILL BOARDS:** | A sign which promotes a business, commodity, service or entertainment which takes place at another location. |
| d. **FACIA SIGN:** | A sign permanently affixed to the horizontal piece covering the joint between the top of the wall and the projecting eaves of the roof. |
| e. **FIXED AERIAL SIGN:** | A sign which is lighter than air and tethered. This also includes inflated promotional signs. |
| f. **FLASHING SIGN:** | Shall mean an illuminated sign which exhibits changing light or color effect by blinking or any other means to provide inconstant illumination. |
| g. **HIGH PROFILE SIGN:** | A sign which is positioned at least seven feet from the ground, and no more than 20 feet in total height from grade level, as measured by the nearest adjacent natural grade at base of sign. |
| h. **ILLUMINATED SIGN:** | A sign whose surface is lit internally or externally and that identifies, advertises, or attracts attention to a use or activity on the premises. |
| i. **LOW PROFILE SIGN:** | Shall mean a sign not to exceed five feet in height, as measured from the existing natural grade at base of sign. |
| j. **MULTI-TENANT SIGN:** | A sign which includes the names of two or more businesses, places, organizations, buildings or persons it identifies. |
| k. **NON-CONFORMING SIGN:** | Shall mean any sign which is not allowed under this Code, but which, when first constructed, was legally allowed by the Town of Payson or the political subdivision then having the control and regulation over construction of signs. |
| l. **OFF PREMISE SIGN:** | Shall mean a sign which directs attention for a commercial purpose to a business, commodity, service, entertainment or product not related to the other commercial uses existing on the premises upon which the sign is located. Nothing contained in this definition shall be construed to apply to noncommercial messages or information placed on any sign. |
| m. **ON STREET SIGN:** | A sign, any portion of which is within or extends into existing or projected right-of-ways or street easements. |
| n. **POLITICAL SIGN:** | A temporary sign which promotes the election of an individual campaigning for a political office or the promotion of a political action item. |
| o. **PORTABLE SIGN:** | Shall mean any sign not permanently affixed to the ground or a structure on the premises it occupies, including 'A' frame type. |
| p. **ROOF SIGN:** | Shall mean a sign erected in any way upon a building or structure which extends above the roof line of the building or structure, not to include signs defined as a wall sign. |

q. **SOFFIT SIGN:** A sign which is suspended from the underside of a lintel, arch or other overhead spanning member and is hung perpendicular to a vertical wall surface.

r. **TEMPORARY SIGN:** Any sign not permanently affixed, including A-shaped and V-shaped signs.

s. **VEHICLE SIGN:** Signs mounted or painted on vehicles are not affected by this Code unless the vehicle is used primarily to advertise or direct customers to a business. In such cases the sign area on the vehicle shall be deducted from the allowed sign area of the business being advertised.

t. **WALL MOUNTED SIGN:** Shall mean a sign mounted flat against, or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of said wall. No wall mounted sign shall be located above the plate line or project more than 15 inches from the wall.

u. **WINDOW SIGN:** Window signs are allowed for all nonresidential uses. The area of such signs shall not be deducted from the total area of signs allowed but the total of all window signs shall not exceed the total allowed sign area for the use.

**SLEEPING ROOM:** A room other than a guest room in which cooking facilities are not provided.

**STORY:** That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement, the ceiling of which is less than 4'6" above the grade level shall not be considered a floor. A mezzanine floor shall be considered a story if it exceeds 40% of the area of the floor next below it.

**SPECIFIED ANATOMICAL AREAS:** Less than completely and opaquely covered human genitals, pubic region buttock, and female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED ACTIVITIES SEXUAL:** Human genitals in a state of sensual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**STEALTH:** A design that enhances compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower, such as light poles, power poles, and trees.

**STREET:** Any street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access or other way that is an existing state, county, or municipal roadway; or a street or way shown in a plat approved pursuant to law or approved by official action; or, a street or way in a plat duly filed and recorded in the county recorder's office. A street includes the land between the right-of-way lines whether improved or unimproved and may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas, and lawns.

**STREET TERMS:**

a. **ARTERIAL ROUTE**: A general term including freeways, expressways, and major arterial streets; and interstate, state, or county highways having regional continuity.

b. **COLLECTOR STREET**: Provides the traffic movement within neighborhoods and between major streets and local streets and for direct access to abutting property.

c. **LOCAL STREET**: Provides for direct access to residential, commercial, industrial, or other abutting land or for local traffic and connects to collector or major streets.

d. **CUL DE SAC**: Short local street permanently terminated in a vehicular turn-around.

**STRUCTURE:** Any piece of work constructed or erected, including a building that requires a location on the ground or is attached to something having a location on the ground.

**SUBDIVIDER:** The individual, firm, corporation, partnership, association, syndication, trust, or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of this section, and said subdivider need not be the owner of the property as defined by this section.

**SUBDIVISION:** Improved or unimproved land(s) divided, for the purpose of financing, sale, or lease, whether immediate or future, into four or more lots, tracts, or parcels, or, if a new street is involved, any such property that is divided into two or more lots, tract, 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 buildings or the manner in which buildings or airspace above the property shown on the plat are to be divided. "Subdivision" does not include the following:

a. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
b. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
c. The leasing of apartments, offices, stores, or similar space within a building or trailer park, nor to mineral, oil, or gas leases.

**SUBDIVISION COMMITTEE:** A committee established to review preliminary subdivision plats.

**TELE-COMMUNICATION FACILITIES:** Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunication facilities shall not include:

a. Any satellite earth station two (2) meters or less in diameter which is located in an area zoned industrial or commercial; or
b. Any satellite earth station one (1) meter or less in diameter, regardless of zoning category.

**THOROUGHFARE:** A major street that carries a high capacity of traffic, such as a collector or arterial.

**TOWNHOUSE:** A dwelling unit on its own individual lot that shares one or more common abutting walls with one or more dwelling units.

**TOWER:** A self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunication facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

**TRAILER HOUSE:** A dwelling unit erected for vehicular movement.

**TRAILER PARK:** A parcel of land used to locate trailer houses for dwelling purposes.

**TURF:** An area of grass ground cover grown together in a thick mat.

**CURRENT BUILDING CODE:** Shall mean the current edition of the Building Code as adopted by the Town of Payson.

**USE:** The purpose for which a building or lot is arranged, designed, occupied or maintained.

**UNSIGHTLY PREMISES:** Property visible from the street or adjoining properties that is so unsightly or untidy as to substantially detract from the appearance of the immediate neighborhood or tend to threaten the safety and welfare of anyone.

**USE, ACCESSORY:** A subordinate use of a building, other structure or land which is; clearly incidental to the use of the main building, other structure or primary use of land; customarily in connection with the main building, other structure or use of the land; and is located on the same lot with the main building, other structure or use of the land.

**USE, PRIMARY:** The main or principle use on any lot or parcel which establishes the basic land use characteristics of the property, as opposed to an accessory use. In some instances, a property may have more than one principle use.

**USE, PRIVATE:** A use restricted to the occupants of the lot or building, together with their guests, where compensation is not received, and where no commercial activity is associated with the same.

**USE, PUBLIC:** A use which is open to all, generally not for compensation, and is not restricted to those dwellings on the same lot with the public use or public building.

**USE, NON-CONFORMING:** A use operated in an otherwise lawful manner, which does not conform to the provisions of the district in which it is located.

**USE, PERMITTED:** A use in a district which is allowed therein by reason of being listed among the “permitted uses" in the district.

**USE, PROFESSIONAL:** The rendering of services of a professional nature by:

a. Members of the professions licensed by competent authority.
b. Teachers in a school of general instruction.
c. Artists practicing the fine arts.
d. Consultants recognized by organizations of licensed professions.

**USE, RESIDENTIAL:** Shall be deemed to include single and multiple dwellings, hotels, motels and trailer parks.

**USABLE LOT AREA:** That portion of a lot usable for or adaptable to the normal uses made of residential property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

**UTILITIES:** Installations or facilities, underground or overhead, furnishing for the use of the public electricity, gas, steam, communication, water, drainage, sewage disposal or flood control, owned and operated by any person, firm, corporation, municipal department or board, duly authorized by state or municipal regulations. Utilities as used herein may also refer to such persons, firms, corporations, departments, or boards as sense requires.

**UTILITY COMPANY:** Any utility company that legally provides electric, natural or bottled gas, communication, sanitary disposal, sewerage, water, or other approved utility service within the Town.

**VARIANCE:** A grant or relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited.

**VEHICLE:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks, except for a device propelled solely by human power. Vehicle (for the purpose of 15-14) – Any motorized or non-motorized transportation equipment intended for use on public roads and associated with a Home Occupation, including but not limited to a car, van, pickup, motorcycle, truck, detached trailer or truck tractor with no more than one trailer. An exception may be made for a detached trailer or trailers, which may be categorized as equipment if stored within an enclosed building approved for

this use through a Home Occupation permit. Accessory space utilized for storage of a trailer shall be included in the calculation of total accessory space approved for the home occupation.

**VEHICULAR REPAIR, MAJOR:** The services and repair of major components of vehicles including engines, and transmissions. These vehicles may include automobiles, boats, motorcycles, trucks, motor homes or travel trailers.

**VEHICULAR REPAIR, MINOR:** An establishment which provides minor service and maintenance of the ancillary systems of vehicles including accessories, lubrication, minor repair and tune-up of engines, and/or washing and polishing services.

**VEHICLE TRIP:** A vehicular movement either to or from the subject property by any vehicle used in a Home Occupation, including, but not limited to delivery vehicles associated with a Home Occupation and customer, client, or employee vehicles.

**WAREHOUSING:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**WATER FEATURES:** Water features shall include fountains, waterfalls, ponds, or the use of water to provide a landscaping feature.

**WRECKING YARD:** (See Junk Yard).

**YARD:** An area of uniform width behind which the exterior walls of any main building must be established. Such yard is measured as the minimum horizontal distance from a lot line or an existing or projected right-of-way line. A yard shall be unobstructed by structures, except where otherwise permitted under the terms of this Code.

**YARD, FRONT:** Shall mean an open, unoccupied space on the same lot as a main dwelling, extending the full width of the lot and situated between a dedicated street line or easement line of a duly recorded 20-foot wide easement, and the front line of the building, projected to the side lines of the lot. The 20-foot width requirement shall not apply to easements which have been recorded prior to the effective date of this Code. The front yard of a residential corner lot is the yard adjacent to the shorter street frontage. The front yard of a commercial corner lot is the yard adjacent to the major street, as determined by the Zoning Inspector.

**YARD, REAR:** A yard abutting the rear lot line.

**YARD, SIDE:** A yard abutting that portion of a side lot line lying between the front and rear yards.

**ZONING ADMINISTRATOR:** The official responsible for administration and/or enforcement of the Zoning provisions of this Code.

**ZONING DISTRICT:** A zoned area in which the same zoning regulations apply throughout.

# 15 - 12 TABLES

## 15-12-001 Table of Residential District Uses

| P = Permitted Use N = Use Not Permitted C = Conditional Use Permit<br>**Use Description** | District<br>R-1 | R-2 | R-3 |
|---|---|---|---|
| **Residential Uses** | | | |
| Single family dwelling unit, site built | P | P | P |
| Manufactured, detached (allowed in MH overlay districts or MHP districts) | N | N | N |
| Multiple-family dwelling units | N | P | P |
| Guest Houses, subject to 15-02-004(E)(1) | P | n/a | n/a |
| Guest Quarters, subject to 15-02-004(E)(2) | P | n/a | n/a |
| Accessory Dwelling Units, subject to 15-02-004(E)(3) | P | n/a | n/a |
| Group Home (as defined in Section 15-11-002) | P | P | P |
| Recreational vehicle/travel trailer park (allowed only in MHP district) | N | N | N |
| **Public, Institutional and Quasi-Commercial Uses** | | | |
| Home Occupations (Refer to 15-02) | P | P | P |
| Bed and Breakfast establishments and ~~country inns~~ | C | C | P |
| Rooming and boarding houses | N | N | P |
| Fraternities and Sororities | N | N | C |
| Places of Worship, convents and monasteries | C | C | P |
| Nursery Schools and day care centers | N | N | C |
| Elementary and secondary schools including associated facilities | C | C | P |
| Vocational and business schools | N | N | C |
| Colleges and universities including associated facilities | N | N | C |
| Libraries, museums, and fine art galleries | N | N | C |
| Clubs, union halls and lodges | N | N | C |
| Long term nursing care institutions | N | N | C |
| “Halfway homes”, institutions for temporary care and rehabilitation | N | N | C |
| Foster homes and residential facilities for developmentally disabled | P | P | P |
| Hospitals | N | N | C |

Back to top
Back to top

| P = Permitted Use N = Use Not Permitted C = Conditional Use Permit<br>**Use Description** | District<br>R-1 | R-2 | R-3 |
|---|---|---|---|
| **Public, Institutional and Quasi-Commercial Uses** | | | |
| Public & private utilities; substations, pumping plants, reservoirs, utility centers | C | C | C |
| Publicly owned recreational uses, community buildings | P | P | P |
| Telecommunication Facilities | C | C | C |
| Hospice | C | C | C |
| **Accessory and Interim Uses** | | | |
| Accessory uses and structures located on same site as primary use | P | P | P |
| Temporary construction sheds & sales offices (during construction only) | P | P | P |
| Temporary outside storage materials/equipment during construction only | P | P | P |
| Temporary construction sheds & sales offices (during construction only) | P | P | P |
| Temporary outside storage materials/equipment during construction only | P | P | P |
| Temporary model homes/subdivision sales offices, three years maximum | C | C | P |
| Accessory home operated radio antenna towers (60' height maximum) | P | P | P |
| **Livestock and Poultry** | | | |
| Keeping of Horses and Other Livestock (15-02-004 .B.3) - minimum one acre lots | P | P | P |
| Keeping of Poultry (15-02-004.B.3.) | P | P | P |
| **Neighborhood Services Uses** | | | |
| Professional offices, building complex not to exceed 10,000 square feet | N | N | C |
| Neighborhood retail sales, and personal services, within full enclosed buildings, including convenience market (no gasoline sales), clothing alteration and shoe repair shops, self-service laundries, hotels and motels, mini-storage, small appliance repair, copying, banks (no drive thru windows), small animal clinics in sound attenuated buildings and similar uses as determined by the Zoning Administrator. | N | N | C |
| Medical Marijuana Dispensary and/or Medical Marijuana Dispensary Offsite Cultivation Location. | N | N | N |

## 15-12-002 Table of Commercial District Uses

| P = Permitted Use N = Use Not Permitted C = Conditional Use Permit<br>**Use Description** | District<br>C-1 | C-2 | C-3 |
|---|---|---|---|
| **Agricultural and Related Uses** | | | |
| All types of agriculture and horticulture, except Medical Marijuana Dispensary Offsite Cultivation Location. | P | P | P |
| Keeping of horses and other livestock | N | N | N |
| Keeping of poultry | N | N | N |
| Apiaries/aviaries in rear ½ of lot; minimum 30' from any property line | C | C | C |
| Animal clinics in fully enclosed building | C | C | C |
| Animal clinics, not fully enclosed | N | N | C |
| Kennels | N | N | C |
| Medical Marijuana Dispensary Offsite Cultivation Location. (Subject to provisions of 15-15) | N | N | P |
| **Residential Uses** | | | |
| Single family dwelling unit, site built | P | P | P |
| Manufactured home, detached | N | N | N |
| Multiple-family dwelling units | P | P | P |
| Recreational vehicle/travel trailer park | N | C | C |
| **Public, Institutional and Quasi-Commercial Uses** | | | |
| Home Occupations | P | P | P |
| Bed and Breakfast establishments and country inns | P | P | P |
| Rooming and boarding houses | P | P | P |
| Fraternities and Sororities | P | P | P |
| Places of Worship, convents and monasteries | P | P | P |
| Nursery Schools and day care centers | P | P | P |
| Elementary and secondary schools including associated facilities | P | P | P |
| Vocational and business schools | P | P | P |

| P = Permitted Use N = Use Not Permitted C = Conditional Use Permit<br>**Use Description** | District<br>C-1 | C-2 | C-3 |
|---|---|---|---|
| **Public, Institutional and Quasi-Commercial Uses** (continued) | | | |
| Colleges and universities including associated facilities | P | P | P |
| Libraries, museums, and fine art galleries | P | P | P |
| Clubs, union halls and lodges | P | P | P |
| Long term nursing care institutions | P | P | P |
| “Halfway homes”, institutions for temporary care and rehabilitation | C | C | C |
| Hospice | C | C | C |
| Foster homes and residential facilities for developmentally disabled | P | P | P |
| Group Homes and Residential Care Facilities | P | P | P |
| Hospitals | C | C | P |
| Public & private utilities; substations, pumping plants, reservoirs, community utility centers | P | P | P |
| Publicly owned recreational uses, community building & campgrounds | P | P | P |
| Penal and correctional facilities | N | N | C |
| **Accessory and Interim Uses** | | | |
| Accessory home operated radio antenna towers (60' height maximum) | P | P | P |
| Accessory uses and structures located on same site as primary use | P | P | P |
| Temporary travel trailers and recreational facilities | P | P | P |
| Temporary construction sheds & sales offices (during construction only) | P | P | P |
| Temporary outside storage materials/equipment during construction only | P | P | P |
| Temporary model homes/subdivision sales offices, three years maximum | P | P | P |
| **General Retail and Services** | | | |
| Professional and general offices | P | P | P |
| General retail sales, antique shops | P | P | P |
| Second hand stores | P | P | P |
| Personal and household services | P | P | P |
| Self-service laundries and dry cleaning shops | P | P | P |

| P = Permitted Use N = Use Not Permitted C = Conditional Use Permit<br>**Use Description** | District<br>**C-1** | **C-2** | **C-3** |
|---|---|---|---|
| **General Retail and Services** (continued) | | | |
| Commercial laundry and cleaning services | C | P | P |
| Banks without drive thru windows | P | P | P |
| Banks with drive-thru windows | C | P | P |
| Small appliance repair shops | P | P | P |
| Copying shops, office supplies and services | P | P | P |
| Convenience markets (no gasoline sales) | P | P | P |
| Convenience markets (with gasoline sales) | N | C | C |
| Grocery stores | P | P | P |
| Discount/Warehouse retail stores | N | P | P |
| Plant nurseries | C | C | P |
| Mortuaries | N | P | P |
| Telecommunication Facilities | C | C | C |
| Public auction buildings | N | C | P |
| Small engines sales and repair (inside only) | C | P | P |
| Mini-storage | P | P | P |
| Outside display or storage of merchandise or equipment | N | C | P |
| Cabinet / Wood Products Shops | N | C | C |
| Medical Marijuana Dispensary (Subject to provisions of 15-15) | N | P | P |
| **Food, Beverage, Lodging and Entertainment** | | | |
| Restaurants, without drive-thru or drive-ins | P | P | P |
| Restaurants, with drive-thru or drive-ins | C | P | P |
| Night clubs, bars or lounges | N | C | P |
| Adult entertainment, video, and bookstores | N | N | C |
| Auditoriums | N | C | P |
| Theaters, indoor | C | C | C |
| Theaters, drive-in and amphitheaters | N | N | C |
| Indoor commercial recreation | C | C | C |

| P = Permitted Use N = Use Not Permitted C = Conditional Use Permit<br>**Use Description** | District<br>**C-1** | **C-2** | **C-3** |
|---|---|---|---|
| **Food, Beverage, Lodging and Entertainment** (continued) | | | |
| Outdoor commercial recreation | N | C | C |
| Hotels and motels | C | C | P |
| Resorts | N | C | P |
| Amusement parks, miniature golf, driving & batting ranges, skating rinks | N | C | C |
| **Vehicle Sales and Services** | | | |
| Motor Vehicle sales, general automotive services, rental, towing, and major vehicular repair (see def. "Vehicular Repair, Major", 15-11-002) | N | C | P |
| Recreational vehicle, trailer, boat sales, rental and repair | N | C | P |
| Manufactured home sales | N | C | P |
| Vehicle painting and body work | N | N | P |
| Gasoline sales, automotive maintenance, and minor vehicular repair (see def. "Vehicular Repair, Minor", 15-11-002) | N | C | C |
| Truck Stop | N | N | C |
| Car wash | N | C | C |
| **Uses with Unique Compatibility Concerns** | | | |
| Uses with unique compatibility concerns involving: indoor gun and archery ranges, machine shops, pet shops, animal grooming, animal skins processing, wild animal meat processing, taxidermy and similar uses as determined by the Zoning Administrator, may be allowed in sound attenuated and enclosed buildings. | C | C | C |
| **Uses Involving Flammable or Explosive Materials** | | | |
| Uses involving flammable or explosive materials; propane sales, kerosene sales, fireworks sales, gun shops, and similar uses as determined by the Zoning Administrator with potential flammable or explosive hazards are required to obtain an approved Conditional Use Permit if dwelling units, with no intervening structures, are within 150' of the intended use area. Notice of the proposed use shall be given as provided for conditional use permits. | C | C | C |
| Uses involving flammable or explosive materials; propane sales, kerosene sales, fireworks sales, gun shops, and similar uses with potential flammable or explosive hazards are allowed, when requirements determined by the Fire Department are met and dwelling units are not within 150' of the intended use area or if dwelling units are within 150' but there are intervening structures between the dwelling units and the intended use area. Notice of the proposed use shall be given as provided for conditional use permits. | P | P | P |

## 15-12-003 Table of Industrial District Uses

| P = Permitted Use N = Use Not Permitted C = Conditional Use Permit<br>**Use Description** | **District**<br>**M-1** | **M-2** |
|---|---|---|
| **Agricultural and Related Uses** | | |
| All types of agricultural and horticulture | P | P |
| Keeping of horses and other livestock | C | P |
| Keeping of poultry | C | P |
| Apiaries/aviaries in rear ½ of lot; minimum 30' from any property line | P | P |
| Animal clinics in fully enclosed building | P | P |
| Animal clinics, not fully enclosed | P | P |
| Kennels | P | P |
| All types of agriculture and horticulture, including Medical Marijuana Dispensary Offsite Cultivation Location. (Subject to provisions of 15-15) | P | P |
| **Residential Uses** | | |
| Single family dwelling unit, for caretaker and family | N | N |
| For Caretaker and Family (Accessory Use Only) (Site Built Only) | P | P |
| **Public, Institutional and Quasi-Commercial Uses** | | |
| Vocational and business schools | P | P |
| Colleges and universities including associated facilities | P | P |
| Hospitals | P | P |
| Public & private utilities; substations, pumping plants, reservoirs, community utility centers | P | P |
| Penal and correctional facilities - Note; Item D.2.b.(12) Page 90, may apply | C | P |
| **Accessory and Interim Uses** | | |
| Accessory uses and structures located on same site as primary use | P | P |
| Temporary travel trailers and recreational facilities | P | P |
| Temporary construction sheds & sales offices (during construction only) | P | P |
| Temporary outside storage materials/equipment during construction only | P | P |
| Temporary model homes/subdivision sales offices, three years maximum | P | P |

| P = Permitted Use N = Use Not Permitted C = Conditional Use Permit<br>**Use Description** | District<br>**M-1** | **M-2** |
|---|---|---|
| **General Retail and Services** | | |
| Professional and general offices | P | P |
| General retail sales | P | P |
| Medical Marijuana Dispensary (subject to provisions of 15-15) | P | P |
| Personal and household services and repairs | P | P |
| Discount/Warehouse retail stores | P | P |
| Plant Nurseries | P | P |
| Mortuaries | P | P |
| Telecommunication Facilities | P | P |
| Public auction buildings | P | P |
| Small and large engine sales and repair | P | P |
| Swap Meet | C | C |
| Mini storage | P | P |
| Outside display or storage of merchandise or equipment | P | P |
| Crematoriums | C | P |
| **Food, Beverage, Lodging and Entertainment** | | |
| Restaurants, without drive-thru or drive-ins | P | P |
| Restaurants, with drive-thru or drive-ins | P | P |
| Night clubs, bars or lounges | P | P |
| Adult entertainment, video, and bookstores | C | C |
| Auditoriums | P | P |
| Theaters, indoor | P | P |
| Theaters, drive-in and amphitheaters | C | P |
| Indoor commercial recreation | P | P |
| Outdoor commercial recreation | P | P |
| Hotels and motels | P | P |

| P = Permitted Use N = Use Not Permitted C = Conditional Use Permit<br>**Use Description** | District<br>**M-1** | **M-2** |
|---|---|---|
| **Food, Beverage, Lodging and Entertainment** (continued) | | |
| Resorts | P | P |
| Amusement parks, miniature golf, driving & batting ranges, skating rinks | P | P |
| **Vehicle Sales and Services** | | |
| Motor Vehicle sales, rental and repair | P | P |
| Recreational vehicle, trailer, boat sales, rental and repair | P | P |
| Manufactured home sales | P | P |
| Vehicle painting and body work | P | P |
| Gasoline sales, and general automotive repair | C | C |
| Car wash | C | C |
| **Warehousing, Storage, Manufacturing, Assembly & Intensive Industries** | | |
| Research, development and manufacturing businesses | P | P |
| Communications, informational, and other technical service businesses | P | P |
| Manufacturing and processing facilities | P | P |
| Warehousing | P | P |
| Heavy equipment repair, sales and rentals | C | P |
| Outside storage of equipment and supplies | C | P |
| Industrial condominiums for storage, aircraft hangars and other similar uses | P | P |
| Extraction industries, including gravel, sand, rock or soil removal | N | P |
| Manufacturing, disposal, distribution, warehousing or transfer of hazardous materials | C | C |
| Tanneries, oïl refineries, cement plants | N | N |
| Industrial metal smelting, refining, casting and extrusion | N | C |
| Incineration, reduction, or disposal of garbage, sewage or other organic matter | N | C |
| Recycling | C | C |
| Meat and poultry slaughter houses, rendering plant and packing plants | N | N |
| Automobile wrecking yard, junkyards, recycling centers, outdoor storage and similar open land uses, screened with minimum of 8' high solid masonry wall | C | C |