

# PROPOSED CHANGES TO CONDITIONAL USES

Existing Code	Proposed Changes	Explanation
<p><b>Chapter 18.20</b></p> <p><b>CONDITIONAL USES</b></p> <p>Sections:</p> <p>18.20.010 Purpose.</p> <p>18.20.020 Conditional uses.</p> <p>18.20.030 <del>Authority and approval.</del></p> <p>18.20.040 Location criteria.</p> <p>18.20.050 Application for conditional use.</p> <p>18.20.060 Review procedures.</p> <p>18.20.070 Revocation of a conditional use permit.</p> <p>18.20.080 Automatic termination of a conditional use.</p> <p><b>18.20.010 Purpose.</b> Each district in the town contains designated permitted uses available as a matter of right. In addition to the designated uses in each district, there are conditional uses, neither permitted as a right nor prohibited by law, which may be compatible within the district. These are privileges, which must be applied for and approved by the town.</p> <p>It is the intent of this chapter to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics relative to features of the location, design, size, operations, circulation and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:</p> <p>A. Allow practical latitude for utilization of land and structures and maintain adequate provisions for the protection of the health, safety, convenience and general welfare of the community and adjacent properties;</p> <p>B. Provide procedures for periodic review of conditional use permits to provide for further conditions to assure more appropriate conformity of such uses to the public welfare; and</p> <p>C. Promote the goals of the general development plan with consideration to the aesthetic integrity of the area.</p>	<p style="text-align: center;"><b>Chapter 18.20</b></p> <p style="text-align: center;"><b>CONDITIONAL USES</b></p> <p>Sections:</p> <p>18.20.010 Purpose.</p> <p>18.20.020 Conditional uses.</p> <p>18.20.030 <b>Review considerations</b></p> <p>18.20.040 Location criteria.</p> <p>18.20.050 Application for conditional use.</p> <p>18.20.060 Review procedures.</p> <p>18.20.070 Revocation of a conditional use permit.</p> <p>18.20.080 Automatic termination of a conditional use.</p> <p><b>18.20.010 Purpose.</b> Each district in the town contains designated permitted uses available as a matter of right. In addition to the designated uses in each district, there are conditional uses, neither permitted as a right nor prohibited by law, which may be compatible within the district. These are privileges, which must be applied for and approved by the town.</p> <p>It is the intent of this chapter to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics relative to features of the location, design, size, operations, circulation and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:</p> <p>A. Allow practical latitude for utilization of land and structures and maintain adequate provisions for the protection of the health, safety, convenience and general welfare of the community and adjacent properties;</p> <p>B. Provide procedures for periodic review of conditional use permits to provide for further conditions to assure more appropriate conformity of such uses to the public welfare; and</p> <p>C. Promote the goals of the general development plan with consideration to the aesthetic integrity of the area.</p>	<p><b>New Heading Name</b></p>

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Existing Code	Proposed Changes	Explanation
<p><b>18.20.020 Conditional uses.</b>            Conditional uses which may be permitted in certain districts subject to the standards detailed herein include:</p> <p>A. Utility structures, including but not limited to substations, telephone switching stations, electrical generation facilities and other facilities required for the transmission of power or communications.</p> <p>B. Sewage facilities, including but not limited to pump stations, or sewage or storm water treatment plants.</p> <p>C. Water systems, including, but not limited to treatment plants, storage reservoirs, pump stations or other major facilities associated with the supply or distribution of water.</p> <p>D. Solid waste transfer stations and solid waste landfills.</p> <p>E. Recycling centers.</p> <p>F. Emergency service facilities or other public service facilities needing locations in the area to permit effective service within the area.</p> <p>G. Private clubs, fraternities, sororities and lodges.</p> <p>H. Elementary and high schools.</p> <p>I. Institutional buildings such as hospitals, colleges and churches.</p> <p>J. Day care group homes in residential districts.</p> <p>K. Sending or receiving towers for radio, television or communications.</p> <p>L. Bed and breakfast facilities for short stays with meal service restricted to registered guests only.</p>	<p><b>18.20.020 Conditional uses.</b>            Conditional uses which may be permitted in certain districts subject to the standards detailed herein include:</p> <p>A. Utility structures, including but not limited to substations, telephone switching stations, electrical generation facilities and other facilities required for the transmission of power or communications.</p> <p>B. Sewage facilities, including but not limited to pump stations, or sewage or storm water treatment plants.</p> <p>C. Water systems, including, but not limited to treatment plants, storage reservoirs, pump stations or other major facilities associated with the supply or distribution of water.</p> <p>D. Solid waste transfer stations and solid waste landfills.</p> <p>E. Recycling centers.</p> <p>F. Emergency service facilities or other public service facilities needing locations in the area to permit effective service within the area.</p> <p>G. Private clubs, fraternities, sororities and lodges.</p> <p>H. Elementary and high schools.</p> <p>I. Institutional buildings such as hospitals, colleges and churches.</p> <p>J. Day care group homes in residential districts.</p> <p>K. Sending or receiving towers for radio, television or communications.</p> <p>L. Bed and breakfast facilities for short stays with meal service restricted to registered guests only.</p>	

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Existing Code	Proposed Changes	Explanation
<p><b>18.20.030 Authority and approval.</b>                      The planning and zoning commission may approve, approve with conditions, or deny the application for a conditional use permit. In permitting a new conditional use or the alteration of an existing conditional use, the planning and zoning commission may impose, in addition to those standards and requirements specified by the zoning regulations, additional conditions which it finds necessary to avoid detrimental impacts and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:</p> <p>A. Limiting the manner in which the use is conducted, including restricting the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.</p> <p>B. Establishing special yard, open space, parking requirements, lot area or other dimensional requirements.</p> <p>C. Designating the height, size, appearance or location of a building or other structure or use.</p> <p>D. Designating the size, number, <del>and</del> location of vehicle access points.</p> <p>E. Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or loading area.</p> <p>F. Limiting or otherwise designating the size, location, <del>and</del> height of signs.</p> <p>G. Limiting the intensity of outdoor lighting and require its shielding.</p> <p>H. Requiring screening, landscaping or other facilities to protect adjacent or nearby property and designate standards for its installation and maintenance.</p> <p>I. Designating the size, height, and location of screening and materials for a fence.</p> <p>J. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or another significant natural resource.</p>	<p><b>18.20.030 Review Considerations</b>                      The planning and zoning commission (<b>or the hearing officer, in the absence of an active planning and zoning commission</b>) may approve, approve with conditions, or deny the application for a conditional use permit. In permitting a new conditional use or the alteration of an existing conditional use, the planning and zoning commission <b>or hearing officer</b> may impose, in addition to those standards and requirements specified by the zoning regulations, additional conditions which it finds necessary to avoid detrimental impacts and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:</p> <p>A. Limiting the manner in which the use is conducted, including restricting the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.</p> <p>B. Establishing special yard, open space, parking requirements, lot area or other dimensional requirements.</p> <p>C. Designating the height, size, appearance or location of a building or other structure or use.</p> <p>D. Designating the size, number, location <b>and nature</b> of vehicle access points.</p> <p>E. Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or loading area.</p> <p>F. Limiting or otherwise designating the <b>number, size, location, height, and lighting</b> of signs.</p> <p>G. Limiting the intensity of outdoor lighting and require its shielding.</p> <p>H. Requiring screening, landscaping or other facilities to protect adjacent or nearby property and designate standards for its installation and maintenance.</p> <p>I. Designating the size, height, and location of screening and materials for a fence.</p> <p>J. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or another significant natural resource.</p>	<p><b>New Heading Name</b></p> <p><b>Adding hearing officer whenever a Planning and Zoning Commission is inactive. This hearing officer would hold the required public hearing for the application for Conditional Use Permit, following the same criteria.</b></p> <p><b>Adding further clarification</b></p> <p><b>Adding further clarification</b></p>

# PROPOSED CHANGES TO CONDITIONAL USES

Existing Code	Proposed Changes	Explanation
<p><b>18.20.040 Location criteria.</b></p> <p>A. The provisions of this section are designed to provide siting criteria and guidelines for the imposition of additional conditions not specifically provided for herein, to the end that such uses will:</p> <ol style="list-style-type: none"> <li>1. Be consistent with the intent and purpose of the district in which it is proposed to locate such use;</li> <li>2. Meet the requirements of the general development plan with regard to providing benefit to the general welfare of the public;</li> <li>3. Fill a probable need of the public, which can best be met by a conditional use at this time and in this place.</li> </ol> <p>B. Conditional uses shall be located subject to the following specific standards:</p> <ol style="list-style-type: none"> <li>1. Buffering, screening or other means shall be used where necessary to protect the privacy and safety of neighboring properties.</li> <li>2. Solid waste landfills, transfer stations, natural gas storage, sewage treatment plants and electrical generating facilities shall not be in or adjacent to established residential areas.</li> <li>3. Solid waste landfills, transfer stations, natural gas storage, sewage treatment plants and electrical generating facilities <b>will</b> not be provided access from residential streets. Recycling centers, water reservoirs, telephone communication and switching facilities shall not provide access from residential streets.</li> <li>4. The site layout conforms to the established street and circulation pattern and the general development plan.</li> <li>5. Noise levels and lights from the facility will not interfere with adjacent land uses, or in any way create a nuisance.</li> </ol>	<p><b>18.20.040 Location criteria.</b></p> <p>A. The provisions of this section are designed to provide siting criteria and guidelines for the imposition of additional conditions not specifically provided for herein, to the end that such uses will:</p> <ol style="list-style-type: none"> <li>1. Be consistent with the intent and purpose of the district in which it is proposed to locate such use;</li> <li>2. Meet the requirements of the general development plan with regard to providing benefit to the general welfare of the public;</li> <li>3. Fill a probable need of the public, which can best be met by a conditional use at this time and in this place.</li> </ol> <p>B. Conditional uses shall be located subject to the following specific standards:</p> <ol style="list-style-type: none"> <li>1. Buffering, screening or other means shall be used where necessary to protect the privacy and safety of neighboring properties.</li> <li>2. Solid waste landfills, transfer stations, natural gas storage, sewage treatment plants and electrical generating facilities shall not be in or adjacent to established residential areas.</li> <li>3. Solid waste landfills, transfer stations, natural gas storage, sewage treatment plants and electrical generating facilities <b>shall</b> not be provided access from residential streets. Recycling centers, water reservoirs, telephone communication and switching facilities shall not provide access from residential streets.</li> <li>4. The site layout conforms to the established street and circulation pattern and the general development plan.</li> <li>5. Noise levels and lights from the facility will not interfere with adjacent land uses, or in any way create a nuisance.</li> </ol>	<p><b>Changing wording from “will” to “shall” makes it mandatory</b></p>

# PROPOSED CHANGES TO CONDITIONAL USES

Existing Code	Proposed Changes	Explanation
<p><b>18.20.050 Application for conditional use.</b></p> <p>A. A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit shall be initiated by the property owner or his authorized agent by filing an application with the <del>building official</del> which application shall include:</p> <ol style="list-style-type: none"> <li>1. <del>Full</del> information regarding the proposed locations, area, height, and placement of such use, and shall be accompanied by a site plan.</li> <li>2. A vicinity ownership map drawn to scale showing all parcels in the vicinity adjacent to and surrounding the property proposed for conditional use within 300 feet of the exterior boundaries of the <del>property</del>.</li> <li>3. A typed or printed list containing the names and mailing addresses of the owners of parcels within 300 feet of the boundaries as indicated in subsection (A)(2) of this section and identified by the same number as on the vicinity ownership map. Correct zip codes must be shown for each address.</li> </ol> <p>B. An application filed pursuant to this section shall be accompanied by the required fee. Such fee shall be determined according to a fee schedule established by the town council.</p> <p>C. The zoning administrator shall review each application for technical compliance with established application requirements. <del>The application shall be formally accepted for approval processing or rejected within five working days.</del></p>	<p><b>18.20.050 Application for conditional use.</b></p> <p>A. A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit shall be initiated by the property owner or his authorized agent by filing an application with the <b>zoning administrator</b> which application shall include:</p> <ol style="list-style-type: none"> <li>1. <b>Complete</b> information regarding the proposed locations, area, height, <b>bulk</b> and placement of such use, and shall be accompanied by a site plan <b>prepared in accordance with the provisions outlined in Title 15.</b></li> <li>2. A vicinity ownership map drawn to scale showing all parcels in the vicinity adjacent to and surrounding the property proposed for conditional use within 300 feet of the exterior boundaries of the <b>land subject to the application.</b></li> <li>3. A typed or printed list containing the names and mailing addresses of the owners of parcels within 300 feet of the boundaries as indicated in subsection (A)(2) of this section and identified by the same number as on the vicinity ownership map. Correct zip codes must be shown for each address.</li> <li>4. <b>All conditional uses are subject to the citizen review process as outlined in 18.135.035. Required information shall be included on the application.</b></li> </ol> <p>B. An application filed pursuant to this section shall be accompanied by the required fee. Such fee shall be determined according to a fee schedule established by the town council.</p> <p>C. The zoning administrator shall review each application for technical compliance with established application requirements <b>and shall formally accept or reject the application within five working days.</b></p>	<p><b>Keeping official consistent in this Section</b></p> <p><b>Adding further clarification</b></p> <p><b>Adding further clarification</b></p> <p><b>Adding requirement for Citizen Review Process</b></p> <p><b>Adding further clarification</b></p>

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<p><b>18.20.060 Review procedures.</b></p> <p><del>A. All applications for conditional use permits shall be considered by the planning and zoning commission at a public hearing.</del></p> <p><del>B. The public hearing notice shall contain:</del></p> <p style="padding-left: 20px;"><del>1. The location and description of the proposed conditional use; and</del></p> <p style="padding-left: 20px;"><del>2. The time and place of the public hearing at which comments on the proposed use may be presented.</del></p> <p><del>C. The planning and zoning commission shall review each application to ensure compliance with the criteria and requirements set forth in this title.</del></p>	<p><b>18.20.060 Review procedures.</b></p> <p>All applications for conditional use permits shall be considered by the planning and zoning commission <b>(or hearing officer) and Council in accordance with this Chapter.</b></p> <p><b>A. Prior to the public hearing, a citizen review process is required as outlined in 18.135.035.</b></p> <p><b>B. Consideration by the planning and zoning Commission or Hearing Officer at a public hearing</b></p> <p style="padding-left: 20px;"><b>1. Public Notice. Notice of the time, date and place of the public hearing, including a general explanation of the conditional use permit, shall be given at least 15 days before the hearing in the manner outlined in 18.135.040.</b></p> <p style="padding-left: 20px;"><b>2. The planning and zoning commission or hearing officer shall recommend approval, approval with conditions, or denial of the request based on compliance with the following findings:</b></p> <p style="padding-left: 40px;"><b>a. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements, and natural features.</b></p> <p style="padding-left: 40px;"><b>b. Noise levels and lights from the facility do not interfere with adjacent land uses.</b></p> <p style="padding-left: 40px;"><b>c. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the zoning district.</b></p> <p style="padding-left: 40px;"><b>d. The proposed use satisfies those goals, objectives, and policies of the General Plan that are applicable to the proposed use specifically with regard to providing benefit to the general welfare of the public, and filling a probable need of the public which can best be met by a conditional use.</b></p> <p style="padding-left: 40px;"><b>e. Be consistent with the intent and purpose of the zoning district in which the use is proposed to locate such use.</b></p>	<p><b>Adding further clarity for the entire review process</b></p>

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	<p><b>3. After the hearing, the planning and zoning commission or hearing officer shall render a decision in the form of a written recommendation to the Council and to the applicant. The recommendation shall include the reasons for the recommendation.</b></p> <p><b>C. Council Action</b></p> <p><b>1. The Council may adopt the recommendations of the planning and zoning commission (or hearing officer) without holding a second public hearing if there is no objection, request for public hearing, or other protest.</b></p> <p><b>2. If an objection, request for public hearing, or other protest is formally submitted, a public hearing shall be required before the Council. Requests for a public hearing, objections, or protests, shall be submitted no more than seven days after the planning and zoning commission or hearing officer has rendered their decision.</b></p> <p><b>3. The Council shall act to approve, approve with conditions, or deny the request. Any decisions must include a determination on whether the request is compliant with findings in 18.20.060B(2). The zoning administrator shall notify the applicant of the Council action.</b></p> <p><b>4. Written notice of the Council's decision shall be forwarded to the applicant.</b></p>	

# PROPOSED CHANGES TO CONDITIONAL USES

Existing Code	Proposed Changes	Explanation
<p><b>18.20.070 Revocation of a conditional use permit.</b>                      A. Any previously granted conditional use permit may be revoked by the planning and zoning commission or hearing officer, after a hearing conducted in the manner required for approval of the original conditional use permit, upon any one of the following grounds:</p> <ol style="list-style-type: none"> <li>1. Failure to comply with the conditions of approval.</li> <li>2. Discontinuance of the use for a period in excess of one year.</li> <li>3. A change in the general development plan or requirements of the district within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such district.</li> </ol> <p>B. Revocations shall have the effect of making the previously granted conditional use permit void until a new application is submitted.</p> <p><b>18.20.080 Automatic termination of a conditional use.</b>                      Unless otherwise approved, a conditional use permit shall automatically become null and void one year after the effective date upon which it was granted unless <b>utilization was started.</b></p>	<p><b>18.20.070 Revocation of a conditional use permit.</b>                      A. Any previously granted conditional use permit may be revoked by the planning and zoning commission or hearing officer, after a hearing conducted in the manner required for approval of the original conditional use permit, upon any one of the following grounds:</p> <ol style="list-style-type: none"> <li>1. Failure to comply with the conditions of approval.</li> <li>2. Discontinuance of the use for a period in excess of one year.</li> <li>3. A change in the general development plan or requirements of the district within which the use is located that have the effect of no longer allowing a new conditional use permit application to be considered in such district.</li> </ol> <p>B. Revocations shall have the effect of making the previously granted conditional use permit void until a new application is submitted.</p> <p><b>18.20.080 Automatic termination of a conditional use.</b>                      Unless otherwise approved, a conditional use permit shall automatically become null and void one year after the effective date upon which it was granted unless <b>one of the following events occurs:</b></p> <p><b>A. The applicant or his successor in interest has secured a building permit within said one-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said one-year period.</b></p> <p><b>B. The applicant or his successor in interest has commenced the activity or installation of the building or structure authorized by the permit within said one-year period.</b></p> <p><b>C. The applicant submits a request to the zoning administrator for an extension of time on the conditional use permit to avoid the permit becoming null and void.</b></p>	<p><b>Adding further clarity what circumstances would warrant a termination of an approved conditional use permit</b></p>



# PROPOSED CHANGES TO CONDITIONAL USES

Existing Code	Proposed Changes	Explanation
<p><b>Chapter 18.35</b></p> <p><b>R-1 RESIDENTIAL DISTRICTS</b></p> <p>Sections:            18.35.010 Intent.            18.35.020 Permitted principal uses.            18.35.030 Permitted conditional uses.            18.35.035 Trailers/accessory vehicles.            18.35.040 Use regulations.            18.35.050 Requirements.            18.35.060 Detached accessory buildings.</p> <p><b>18.35.010 Intent.</b>            These districts comprise single-family residential areas and certain open land areas where such development is desirable and appears likely to occur. Regulations are designed to stabilize and protect the single-family character of the districts, to promote and encourage creation of a desirable environment for family life where most families include children, and to prohibit all incompatible activities. Principal uses are therefore restricted to single-family dwellings on individual lots. Certain essential and complementary uses are also permitted under conditions and standards which ensure protection of the character of the districts.</p> <p><b>18.35.020 Permitted principal uses.</b>            One single-family residence per lot; provided, that for purposes of this section, the length of the dwelling shall not be greater than three times the width, and the roofing and siding material must blend in with the immediate neighborhood, as determined by the building official.</p> <p>Recreational uses such as public or private golf courses and related facilities and improvements to include: clubhouses, restaurants, locker rooms, pro shops, cart storage facilities, driving ranges, tennis courts, health clubs, spas, etc.; provided, that such related facilities are located on real property contiguous to the primary recreational attraction.</p> <p><b>18.35.030 Permitted conditional uses.</b>            The following uses are permitted as principal uses, subject to the approval of application for a specific use by the building official. Said application shall include full information regarding the proposed location, area, height, bulk and placement of such uses, and shall, at the discretion of the building official, include submission of the proposed site plan.</p>	<p><b>Chapter 18.35</b></p> <p><b>R-1 RESIDENTIAL DISTRICTS</b></p> <p>Sections:            18.35.010 Intent.            18.35.020 Permitted principal uses.            18.35.030 Permitted conditional uses.            18.35.035 Trailers/accessory vehicles.            18.35.040 Use regulations.            18.35.050 Requirements.            18.35.060 Detached accessory buildings.</p> <p><b>18.35.010 Intent.</b>            These districts comprise single-family residential areas and certain open land areas where such development is desirable and appears likely to occur. Regulations are designed to stabilize and protect the single-family character of the districts, to promote and encourage creation of a desirable environment for family life where most families include children, and to prohibit all incompatible activities. Principal uses are therefore restricted to single-family dwellings on individual lots. Certain essential and complementary uses are also permitted under conditions and standards which ensure protection of the character of the districts.</p> <p><b>18.35.020 Permitted principal uses.</b>            One single-family residence per lot; provided, that for purposes of this section, the length of the dwelling shall not be greater than three times the width, and the roofing and siding material must blend in with the immediate neighborhood, as determined by the building official.</p> <p>Recreational uses such as public or private golf courses and related facilities and improvements to include: clubhouses, restaurants, locker rooms, pro shops, cart storage facilities, driving ranges, tennis courts, health clubs, spas, etc.; provided, that such related facilities are located on real property contiguous to the primary recreational attraction.</p> <p><b>18.35.030 Permitted conditional uses.</b>            The following uses are permitted subject to the approval by the <b>zoning administrator. At the discretion of the zoning administrator, submission of a proposed site plan may be required:</b></p>	<p><b>Adding further clarity conditional uses that can be approved by the zoning administrator without further action needed.</b></p>

## PROPOSED CHANGES TO CONDITIONAL USES

Existing Code	Proposed Changes	Explanation
A. Residential structures employing energy-saving devices.  B. Any use customarily incidental to a permitted principal use.  C. Private garage or carport for storage of not more than three vehicles.  D. Garden house, tool house, ramada, and swimming pool.	A. Residential structures employing energy-saving devices.  B. Any use customarily incidental to a permitted principal use.  C. Private garage or carport for storage of not more than three vehicles.  D. Garden house, tool house, ramada, and swimming pool.	

# PROPOSED CHANGES TO CONDITIONAL USES

Existing Code	Proposed Changes	Explanation
<p style="text-align: center;"><b>Chapter 18.40</b></p> <p style="text-align: center;"><b>R-2 RESIDENTIAL DISTRICTS</b></p> <p>Sections:            18.40.010 Uses and structures.            18.40.020 Use regulations.            18.40.030 Site plan approval.            18.40.040 Requirements.            18.40.050 Detached accessory buildings.</p> <p><b>18.40.010 Uses and structures.</b>            Within any Class R-2 residential district, no buildings, structures or premises shall be used, and no building or structure shall be erected, which shall be used except as permitted in this section, or for any other than the following specified purposes and uses:</p> <p>A. All buildings or structures and all uses permitted in Class R-1 residential districts.</p> <p>B. Two-family residences.</p> <p><del>C. Public utility buildings, water pumping plants and storage tanks, and electric substations serving district residents, but excluding repair or storage facilities in connection therewith.</del></p>	<p style="text-align: center;"><b>Chapter 18.40</b></p> <p style="text-align: center;"><b>R-2 RESIDENTIAL DISTRICTS</b></p> <p>Sections:            18.40.010 Uses and structures.            18.40.020 Use regulations.            18.40.030 Site plan approval.            18.40.040 Requirements.            18.40.050 Detached accessory buildings.</p> <p><b>18.40.010 Uses and structures.</b>            Within any Class R-2 residential district, no buildings, structures or premises shall be used, and no building or structure shall be erected, which shall be used except as permitted in this section, or for any other than the following specified purposes and uses:</p> <p>A. All buildings or structures and all uses permitted in Class R-1 residential districts.</p> <p>B. Two-family residences.</p>	<p style="text-align: center;"><b>Already covered by Section 18.20.020. Does not need to be repeated here</b></p>

# PROPOSED CHANGES TO CONDITIONAL USES

Existing Code	Proposed Changes	Explanation
<p style="text-align: center;"><b>Chapter 18.45</b></p> <p style="text-align: center;"><b>R-3 RESIDENTIAL DISTRICTS</b></p> <p>Sections:            18.45.010 Uses permitted.            18.45.020 Requirements.            18.45.030 Detached accessory buildings.            18.45.040 Site plan approval.</p> <p><b>18.45.010 Uses permitted.</b></p> <p>A. Any use permitted in the R-1 and R-2 zones.</p> <p>B. Multiple dwellings which consist of three family units or more.</p> <p>C. Boarding or rooming house for any number of guests, but not for transients.</p> <p>D. <del>Local alcoholism reception center</del></p> <p>E. <del>Hospital, clinic, dispensary or sanatorium for treatment of human beings only.</del></p> <p>F. <del>By conditional use permit from the planning and zoning commission.</del></p>	<p style="text-align: center;"><b>Chapter 18.45</b></p> <p style="text-align: center;"><b>R-3 RESIDENTIAL DISTRICTS</b></p> <p>Sections:            18.45.010 Uses permitted.            18.45.020 Requirements.            18.45.030 Detached accessory buildings.            18.45.040 Site plan approval.</p> <p><b>18.45.010 Uses permitted.</b></p> <p>A. Any use permitted in the R-1 and R-2 zones.</p> <p>B. Multiple dwellings which consist of three family units or more.</p> <p>C. Boarding or rooming house for any number of guests, but not for transients.</p> <p>D. <b>Residential treatment facility and recovery homes (6 or less persons)</b></p>	<p><b>More modern wording</b></p> <p><b>Already covered by Section 18.20.020. Does not need to be repeated here</b></p>





# PROPOSED CHANGES TO CONDITIONAL USES

Existing Code	Proposed Changes	Explanation
<p>F. Retail trade of apparel and accessories.</p> <p>G. New and used car sales lots where no mechanical work is done nor are wrecked, junked, or disabled cars stored or parked on the lot.</p> <p>H. Business and professional services.</p> <p>I. Repair services, electrical, radio and television, watch, clock, jewelry, reupholstery and furniture repair, and similar light duty maintenance.</p> <p>J. <del>Special and higher education services including university, college, junior college and professional, vocational, trade and business schools.</del></p> <p>K. Drug stores, dry goods stores, hardware stores, grocery stores, department stores, and the like.</p> <p>L. Banks, savings and loan, finance companies, and the like.</p> <p>M. Building supplies and materials, lumber yards.</p> <p>N. Medical marijuana dispensary.</p> <p>O. Recreational marijuana establishment.</p> <p>P. Retail sale of industrial hemp products.</p> <p>All buildings shall be completely enclosed and shall be so constructed and maintained as to prevent objectionable noise and odor outside the walls of the building.</p> <p><b>18.75.030 Adult oriented businesses.</b> The town of Huachuca City has adopted ARS Section 13-1422: Adult oriented businesses; location; hours of operation; injunction; classification; definitions. Refer to the ARS for complete details.</p> <p>A. An adult oriented business shall not be located within one-fourth mile of a child care facility, a private, public or charter school, a public playground, a public recreational facility, a residence or a place of worship.</p>	<p>F. Retail trade of apparel and accessories.</p> <p>G. New and used car sales lots where no mechanical work is done nor are wrecked, junked, or disabled cars stored or parked on the lot.</p> <p>H. Business and professional services.</p> <p>I. Repair services, electrical, radio and television, watch, clock, jewelry, reupholstery and furniture repair, and similar light duty maintenance.</p> <p>J. <b>Mini warehouse facility.</b></p> <p>K. Drug stores, dry goods stores, hardware stores, grocery stores, department stores, and the like.</p> <p>L. Banks, savings and loan, finance companies, and the like.</p> <p>M. Building supplies and materials, lumber yards.</p> <p>N. Medical marijuana dispensary.</p> <p>O. Recreational marijuana establishment.</p> <p>P. Retail sale of industrial hemp products.</p> <p><b>Q. Contract construction services, including general building construction services.</b></p> <p><b>R. Recreational vehicle and travel trailer parks</b></p> <p>All buildings shall be completely enclosed and shall be so constructed and maintained as to prevent objectionable noise and odor outside the walls of the building.</p> <p><b>18.75.030 Adult oriented businesses.</b> The town of Huachuca City has adopted ARS Section 13-1422: Adult oriented businesses; location; hours of operation; injunction; classification; definitions. Refer to the ARS for complete details.</p> <p>A. An adult oriented business shall not be located within one-fourth mile of a child care facility, a private, public or charter school, a public playground, a public recreational facility, a residence or a place of worship.</p>	<p><b>Mini-warehouses previously requiring conditional use permit now listed as permitted uses</b></p> <p><b>Higher education services already covered by Section 18.20.020. Does not need to be repeated here</b></p> <p><b>Uses previously requiring conditional use permit now listed as permitted uses</b></p>

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<p>B. An adult arcade, adult bookstore or video store, adult cabaret, adult motion picture theater, adult theater, escort agency or nude model studio shall not remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday and between the hours of 1:00 a.m. and 12:00 noon on Sunday.</p> <p><b>18.75.040 Conditional uses permitted.</b> The following uses may be allowed by the planning and zoning commission as conditional uses upon application and compliance with such additional on-site or off-site specific requirements as the commission deems appropriate in consideration of the surrounding affected areas:</p> <p><del>A. Recreational vehicles and travel trailer parks.</del></p> <p><del>B. Transfer or express service,</del> Warehouse or storage building</p> <p><del>C. Contract construction services, including general building construction services and</del> special construction trade services, concrete services, and water well drilling services.</p> <p><del>D. Auto repair, vehicle wash racks, body and fender shops.</del></p> <p><b>18.75.050 Permitted accessory buildings and uses.</b> Any accessory building or use customarily incidental to a permitted use may be permitted.</p> <p><b>18.75.060 Additional regulations.</b> Any use, including incidental or accessory storage, not within a completely enclosed building shall be screened by a solid fence or wall at least six feet in height.</p> <p>Any lighting shall be placed so as to reflect the light away from adjoining residential districts.</p> <p>Any part of the lot not otherwise surfaced shall be landscaped.</p> <p>A minimum six-foot-wide landscaping strip is required along the street side(s) of each property.</p> <p><b>18.75.070 Site plan approval.</b> Any plan approval shall be obtained prior to any issuance of a building or use permit.</p>	<p>B. An adult arcade, adult bookstore or video store, adult cabaret, adult motion picture theater, adult theater, escort agency or nude model studio shall not remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday and between the hours of 1:00 a.m. and 12:00 noon on Sunday.</p> <p><b>18.75.040 Conditional uses permitted.</b> The following uses may be allowed by the planning and zoning commission <b>or hearing officer in the absence of an active planning and zoning commission</b>, as conditional uses upon application and compliance with such additional on-site or off-site specific requirements as the commission <b>or hearing officer</b> deems appropriate in consideration of the surrounding affected areas:</p> <p><b>A. Warehouse or storage building as principal use (except mini-warehouse facilities).</b></p> <p><b>B. Special construction trade services</b> such as construction services and water well drilling services</p> <p><b>C. Outdoor storage as principal use</b></p> <p><b>18.75.050 Permitted accessory buildings and uses.</b> Any accessory building or use customarily incidental to a permitted use may be permitted.</p> <p><b>18.75.060 Additional regulations.</b> Any use, including incidental or accessory storage, not within a completely enclosed building shall be screened by a solid fence or wall at least six feet in height.</p> <p>Any lighting shall be placed so as to reflect the light away from adjoining residential districts.</p> <p>Any part of the lot not otherwise surfaced shall be landscaped.</p> <p>A minimum six-foot-wide landscaping strip is required along the street side(s) of each property.</p> <p><b>18.75.070 Site plan approval.</b> Any plan approval shall be obtained prior to any issuance of a building or use permit.</p>	<p><b>Adding hearing officer whenever a Planning and Zoning Commission is inactive.</b></p> <p><b>New listing of uses requiring an approved conditional use permit</b></p> <p><b>This was inadvertently included in 2006 rewrite of zoning code. Table one does not exist in code.</b></p>



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Existing Code	Proposed Changes	Explanation
<p><del><b>18.75.080</b> — Use regulations.</del>  <del>All residential uses shall comply with the requirements for the corresponding residential districts as shown in Table One. All business uses shall comply with the B requirements as shown in Table One.</del></p> <p><b>18.75.090</b>    <b>Requirements.</b>  A. Maximum building height: two stories or 30 feet.  B. Minimum front yard: 25 feet.  C. Minimum side yard: none.  D. Minimum rear yard: none unless adjoining a residential zone, then a 20-foot setback.</p> <p><del><b>18.75.100</b>    <b>Medical marijuana dispensary.</b>  <i>Repealed by Ord. 21-02.</i></del></p>	<p><b>18.75.080</b>    <b>Requirements.</b>  A. Maximum building height: two stories or 30 feet.  B. Minimum front yard: 25 feet.  C. Minimum side yard: none.  D. Minimum rear yard: none unless adjoining a residential zone, then a 20-foot setback.</p> <p><b>18.75.90</b>    <b>Medical marijuana dispensary.</b>  <i>Repealed by Ord. 21-02.</i></p>	<p><b>Renumbering required due to elimination of original Section 18.75.080.</b></p>