



# *City of Apache Junction*

## *Development Services Department*



### **PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT**

**DATE:** July 27, 2021

**CASE NUMBER:** AM-1-21

**REQUEST:** Presentation, discussion and consideration on proposed Text Amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-3 Non-Residential Use Regulations; and Article 1-5-4 Non-Residential Bulk Regulations.

#### **BACKGROUND**

During the City Council meetings of November 16, 2020 and March 1, 2021, at the direction of the Council Development Services Director Larry Kirch presented the city's planning efforts toward developing of a downtown core. Considering the necessary steps to shape the Apache Junction Downtown as directed by the recently approved General Plan, staff was directed to revise the B-3 "City Center" zoning district to eliminate land uses that were considered inappropriate for a downtown core.

Planning staff worked to revise the B-3 land use allowances in the Apache Junction City Code, Volume II, Zoning Ordinance, Article 1-5-3 Non-Residential Use Regulations and minor edits to 1-5-4 Non-Residential Bulk Regulations following this direction, amending the land use allowances within the downtown core to focus the growth and development toward uses that stimulate a vibrant downtown through entertainment, restaurants, and other uses that generate activity. In the process of amending Table 5-3 Non-Residential Use Regulations, staff found many errors, inconsistencies and redundancies throughout the land use table, pertaining to all of the non-residential zoning districts. In the interest of addressing the various issues more efficiently, planning staff expanded the scope of the proposed amendment to include revising the other zoning districts and land use categories.

Two versions of the proposed amendments to Section 1-5-3 "Non-Residential Use Regulations" were presented to the Planning and Zoning Commission on June 22, 2021, with the first version only altering the B-3 "City Center" land use categories, and the second version proposing an amended version of the entire Table 5-3: Non-Residential Use Regulations. The Planning and Zoning Commission was presented the option to limit the changes to the B-3 Land Uses or proceed with amending the entire table. Upon reviewing the proposed amendments the Commission agreed to proceed with amending the entire Section 1-5-3 Non-Residential Use Regulations.

Following this discussion the Planning and Zoning Commission further reviewed the proposed changes and met again on July 13, 2021 to further discuss and refine the amendments.

### **PROPOSAL**

The draft amendment is being presented to the planning and zoning commission for their recommendation to the city council. The proposed text amendment is case AM-1-21, a request to amend the non-residential zoning bulk and use regulations, in Section 1-5-3 Non-Residential Use Regulations; and Article 1-5-4 Non-Residential Bulk Regulations.

### **PLANNING DIVISION RECOMMENDATION**

Planning staff recommends approval of the proposed text amendment and offers the following recommended motion to update the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-3 Non-Residential Use Regulations; and Article 1-5-4 Non-Residential Bulk Regulations.

### **RECOMMENDED MOTION**

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the (APPROVAL/DENIAL) of text amendment case AM-1-21, an amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-3 Non-Residential Use Regulations; and Article 1-5-4 Non-Residential Bulk Regulations described in the attached text exhibits dated July 21, 2021.



Prepared by Nicholas Leftwich  
Associate Planner

Attachments:

Exhibit #1 - Amendments to Non-Residential Use and Bulk Regulations  
(July 21, 2021)

## AMENDMENTS TO NON-RESIDENTIAL USE AND BULK REGULATIONS 7/21/2021

**1-5-3 NON-RESIDENTIAL USE REGULATIONS.** Table 5-3 illustrates the use regulations for all non-residential zoning districts:

**TABLE 5-3: NON-RESIDENTIAL USE REGULATIONS**

USE CATEGORY	SPECIFIC USE TYPE <sup>1</sup>	B-1 Gen.	B-2 Old West	B-3 City Cen.	B-4 <sup>4</sup> Bus Park/ Light Ind.	B-5 <sup>4</sup> Ind.	PI Pub/Inst.
Vehicle Services and Rentals	Motor Vehicle Dealer	YES	YES	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	NO
	General Automotive Repair	YES	YES	<del>YES</del> NO	YES	<del>YES</del> NO	NO
	RV Sales/Service/Repair	<del>CUP</del> NO	<del>YES</del> NO	<del>CUP</del> NO	<del>YES</del> CUP	<del>NO</del> CUP	NO
	Boat, ATV & Motorcycle Sales/Service	YES	YES	<del>YES</del> NO	YES	<del>YES</del> NO	NO
	Semi-Truck Service/Repair	<del>CUP</del> NO	<del>YES</del> NO	<del>CUP</del> NO	<del>YES</del> CUP	<del>YES</del> CUP	NO
	Semi-Truck Stop	NO	NO	NO	CUP	CUP	NO
	Body Shops	<del>CUP</del> NO	<del>CUP</del> NO	NO	YES	YES	NO
	Car Washes	YES	YES	<del>CUP</del> NO	<del>YES</del> NO	<del>YES</del> NO	NO
	Vehicle Rental and Leasing	<del>YES</del> CUP	<del>YES</del> CUP	<del>YES</del> NO	YES	YES	NO
	Truck, Trailer and Moving Vehicle Rentals	CUP	CUP	NO	YES	YES	
	Machinery and Equip. Rental (Indoor)	YES	YES	<del>YES</del> NO	YES	YES	NO
	Machinery and Equipment Rental (Indoor/ Outdoor)	CUP	CUP	<del>CUP</del> NO	YES	YES	NO
Retail Sales and Services	General Retail (Personal Goods, Household Goods, Consumer Electronics, Specialty Goods, etc.)	YES	YES	YES	<del>YES</del> NO	NO	NO
	Automotive Parts and Accessory Sales	YES	YES	<del>YES</del> NO	<del>YES</del> CUP	<del>YES</del> CUP	NO
	Manufactured/Mobile Home Sales	<del>CUP</del> NO	<del>CUP</del> NO	<del>CUP</del> NO	CUP	<del>YES</del> CUP	NO
	Appliances & Parts Sales and Repair Stores	YES	YES	<del>YES</del> NO	YES	YES	NO
	Hardware Store	YES	YES	YES	<del>YES</del> NO	<del>YES</del> NO	NO

USE CATEGORY	SPECIFIC USE TYPE <sup>1</sup>	B-1 Gen.	B-2 Old West	B-3 City Cen.	B-4 <sup>4</sup> Bus Park/ Light Ind.	B-5 <sup>4</sup> Ind.	PI Pub/Inst.
Retail Sales and Services	Building Materials and Supplies Sales (Indoors and/or Outdoors)	CUP	CUP	<del>CUP</del> NO	CUP	YES	NO
	Lawn and Garden Equipment/Supply Sales	YES	YES	<del>YES</del> NO	YES	YES	NO
	Feed and Fertilizer Sales	CUP	CUP	<del>CUP</del> NO	CUP	YES	NO
	Nursery/Greenhouses with On-Site Sales	CUP	CUP	<del>CUP</del> NO	YES	YES	NO
	Grocery Stores	YES	YES	YES	<del>YES</del> NO	NO	NO
	Gasoline Stations and Convenience Stores	YES	YES	YES	<del>YES</del> NO	<del>YES</del> NO	NO
	Liquor Stores	YES	YES	NO	NO	NO	NO
	Alcohol Sales- Accessory Use	YES	YES	YES	NO	NO	NO
	Shopping Centers	YES	YES	YES	<del>YES</del> NO	NO	NO
	Big-Box Stores and Warehouse Clubs	YES	YES	<del>YES</del> NO	<del>YES</del> NO	NO	NO
	Thrift Store/ Used Merchandise Sales	YES	YES	NO	<del>YES</del> NO	NO	NO
	Antique Stores	YES	YES	NO	NO	NO	NO
	Pet and Pet Supply Sales	YES	YES	<del>YES</del> NO	YES	NO	NO
	Pet Care/ Veterinary Clinic	YES	YES	<del>YES</del> NO	YES	NO	NO
	Kennels /Pet Day Care	YES	YES	<del>YES</del> NO	YES	NO	NO
	Tobacco and Related Product Sales	YES	YES	<del>YES</del> CUP	<del>YES</del> NO	NO	NO
	Electronic Shopping and Mail-Order Sales	YES	YES	<del>YES</del> NO	<del>YES</del> NO	NO	NO
	Stand-alone Bottled Gas and Biofuel Dealers	CUP	CUP	<del>CUP</del> NO <sup>6</sup>	CUP	CUP	NO
	Bakery Sales (small- scale, not factory or distribution warehousing)	YES	YES	YES	<del>YES</del> NO	NO	NO
	Bakery Sales (large scale including distribution or warehousing)	NO	NO	NO	YES	YES	NO
	Medical Marijuana Facilities & Dual Licensees	CUP	CUP	NO	CUP	CUP	NO
	Marijuana Establishments	NO	NO	NO	NO	NO	NO

USE CATEGORY	SPECIFIC USE TYPE <sup>1</sup>	B-1 Gen.	B-2 Old West	B-3 City Cen.	B-4 <sup>4</sup> Bus Park/ Light Ind.	B-5 <sup>4</sup> Ind.	PI Pub/Inst.
Retail Sales and Services	Marijuana Cultivation and Infusion Facilities	NO	NO	NO	NO	NO	NO
	Marijuana Cultivation	NO	NO	NO	NO	NO	NO
	Marijuana Testing Facilities	NO	NO	NO	NO	NO	NO
	Swap Meets	CUP	CUP	<del>CUP</del> NO	<del>CUP</del> NO	NO	NO
	Farmers Markets	<del>CUP</del> YES	<del>CUP</del> YES	<del>CUP</del> YES	<del>CUP</del> NO	NO	<del>NO</del> YES
	Pawn Shops	<del>YES</del> NO	YES	NO	<del>YES</del> NO	NO	NO
	Temporary Retail Carts and Kiosks	AUP	AUP	AUP	AUP	NO	AUP
	Printing Shop	YES	YES	<del>YES</del> NO	YES	<del>YES</del> NO	NO
	Cleaning and Janitorial Services	YES	YES	<del>YES</del> NO	YES	<del>YES</del> NO	NO
	Landscaping and Exterminating Services	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	YES	YES	NO
	Business Equipment Maintenance and Repair	YES	YES	<del>YES</del> NO	YES	YES	NO
	Personal and Household Goods Repair (Electronics, Furniture, etc.)	YES	YES	<del>YES</del> NO	YES	YES	NO
	Dry Cleaning Services	YES	YES	YES	<del>YES</del> NO	<del>YES</del> NO	NO
	Laundromat	YES	YES	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	NO
	Linen and Uniform Retail	YES	YES	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	NO
	Linen, Carpet, and Uniform Supply & Cleaning	NO	NO	NO	YES	YES	NO
	Personal Care Services (e.g. Hair, Nails and Skin Care)	YES	YES	YES	<del>YES</del> NO	NO	NO
	Tattoo Services	YES	YES	YES	<del>YES</del> NO	NO	NO
	Death Care Services/ Funeral Homes	<del>YES</del> CUP	<del>YES</del> CUP	<del>YES</del> NO	<del>YES</del> CUP	<del>YES</del> NO	NO
	Crematories	<del>CUP</del> NO	<del>CUP</del> NO	NO	CUP	CUP	NO
	Taxidermist	<del>CUP</del> NO	<del>YES</del> NO	<del>YES</del> NO	YES	YES	NO
	Commercial Parking Lots and Garages	CUP	CUP	CUP	CUP	CUP	CUP

USE CATEGORY	SPECIFIC USE TYPE <sup>1</sup>	B-1 Gen.	B-2 Old West	B-3 City Cen.	B-4 <sup>4</sup> Bus Park/ Light Ind.	B-5 <sup>4</sup> Ind.	PI Pub/Inst.
Retail Sales and Services	Fraternal Organizations (Clubs and Lodges)	YES	YES	YES	<del>YES</del> NO	<del>YES</del> NO	NO
	Banks and Credit Unions	YES	YES	YES	<del>YES</del> NO	<del>YES</del> NO	NO
	Securities/Commodities Office/Sales/Exchanges	YES	YES	YES	<del>YES</del> NO	<del>YES</del> NO	YES
	Check Cashing Store	<del>YES</del> CUP	<del>YES</del> CUP	NO	<del>YES</del> NO	NO	NO
	Adult Oriented Uses	NO	NO	NO	NO	CUP	NO
Office	General Offices	YES	YES	YES	YES <sup>7</sup>	YES <sup>7</sup>	NO
	Data Processing/ Call Center	YES	YES	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	NO
Educational Services	Elementary, Middle, and High Schools & Colleges/Universities	YES	YES	YES	YES	YES	YES
	Trade Schools	YES	YES	NO	YES	YES	YES
	Administrative Services	YES	YES	YES	YES	YES	YES
Health Care and Social Assistance	Physicians, Dental and Health Practitioners	YES	YES	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	YES
	Outpatient & Ambulatory Care Centers	YES	YES	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO
	Medical and Diagnostic Labs	YES	YES	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO
	Home Health Care Services	YES	YES	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO
	Blood and Organ Banks	YES	YES	NO	YES	<del>YES</del> NO	<del>YES</del> NO
	General Medical and Surgical Hospitals	YES	YES	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	YES
	Psychiatric & Substance Abuse Facilities	YES	YES	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO
	Nursing and Residential Care Facilities	YES	YES	<del>CUP</del> NO	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO
	Individual and Family Care Services	YES	YES	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO
	Homeless Shelter	YES	YES	NO	NO	NO	NO
	Community Food and Relief Services	YES	YES	NO	YES	<del>YES</del> NO	<del>YES</del> NO
	Vocational Rehab Services	YES	YES	<del>YES</del> NO	YES	<del>YES</del> NO	<del>YES</del> NO
	Child & Adult Day Care Services	YES	YES	YES <sup>6</sup>	YES	<del>YES</del> NO	YES

USE CATEGORY	SPECIFIC USE TYPE <sup>1</sup>	B-1 Gen.	B-2 Old West	B-3 City Cen.	B-4 <sup>4</sup> Bus Park/ Light Ind.	B-5 <sup>4</sup> Ind.	PI Pub/Inst.
<b>Arts, Entertainment, Recreation, and Open Space</b>	Movie Theaters	YES	YES	YES	NO	NO	NO
	Performing Arts Facilities	YES	YES	YES	<del>YES</del> NO	<del>YES</del> NO	YES
	Spectator Sports Facilities	CUP	CUP	CUP	<del>CUP</del> NO	<del>CUP</del> NO	CUP
	Museums and Historical Sites	YES	YES	YES	<del>YES</del> NO	NO	YES
	Zoos, Nature Parks and Botanical Gardens	CUP	CUP	<del>CUP</del> NO	<del>CUP</del> NO	NO	CUP
	Amusement Parks	CUP	CUP	<del>CUP</del> NO	<del>CUP</del> NO	NO	CUP
	Indoor Arcades	YES	YES	YES	<del>YES</del> NO	NO	NO
	Gambling Facilities	CUP	CUP	CUP	<del>CUP</del> NO	NO	CUP
	Private Recreational Facilities (Outdoor) (Private Sports Complexes, Golf Courses, etc.)	CUP	CUP	<del>CUP</del> NO	CUP	NO	CUP
	Private Recreational Facilities (Indoor) (Gyms, Martial Arts Studios, Yoga Studios, Paintball Courses, etc.)	YES	YES	YES	YES	NO	CUP
	Event Centers & Venues	CUP	CUP	CUP	CUP	NO	NO
	Public Recreational Facilities	AUP	AUP	AUP	AUP	AUP	AUP
	Public Outdoor Music Festivals/Events	AUP	AUP	AUP	AUP	AUP	AUP
	Private Outdoor Music Festivals/Events	CUP	CUP	CUP	CUP	NO	CUP
	Commercial Equestrian Boarding, Rentals, Arenas and Academies	CUP	CUP	<del>CUP</del> NO	CUP	CUP	CUP
	Cemeteries/ Mausoleum	CUP	CUP	NO	NO	NO	CUP
<b>Food and Drinking Establishments</b>	Restaurants & Delicatessen	YES	YES	YES	<del>YES</del> NO	NO	CUP
	Caterers	YES	YES	<del>YES</del> NO <sup>6</sup>	YES	<del>YES</del> NO	NO
	Confectionary and Ice Cream Sales	YES	YES	YES	<del>YES</del> NO	NO	NO
	Bars, Breweries, Brew Pubs and Tasting Rooms	YES	YES	YES	<del>YES</del> NO	NO	NO
	Restaurants/Bars/Clubs (With Amplified Outdoor Music)	CUP	CUP	CUP	<del>CUP</del> NO	NO	NO



USE CATEGORY	SPECIFIC USE TYPE <sup>1</sup>	B-1 Gen.	B-2 Old West	B-3 City Cen.	B-4 <sup>4</sup> Bus Park/ Light Ind.	B-5 <sup>4</sup> Ind.	PI Pub/Inst.
<b>Public Administration</b>	Government Offices and Courts	YES	YES	YES	YES	YES	YES
	Public Services (Libraries, Parks, Public Safety Buildings)	YES	YES	YES	YES	YES	YES
	Detention/Correctional Facilities or Institutions	NO	NO	NO	CUP	CUP	CUP
<b>Mining, Quarrying, Gas and Oil</b>	Oil and Gas Extraction	CUP	CUP	NO	CUP	CUP	CUP
	Mining	NO	NO	NO	CUP	CUP	CUP
	Quarrying	NO	NO	NO	CUP	CUP	CUP
<b>Utilities</b>	Electric Power Generation <sup>3</sup>	CUP	CUP	CUP	CUP	CUP	CUP
	Water and Sewerage Systems/Facilities	CUP	CUP	CUP	CUP	CUP	<del>CUP</del> YES
	Telecommunication Facilities (Antennas or Towers)	CUP	CUP	CUP	CUP	CUP	YES
	Telecommunication Facilities (Antennas or Towers) on land owned, leased, or otherwise controlled by the City	YES	YES	YES	YES	YES	YES
	Other Utilities	See § 1-6-21					
	Alternative Energy Generation Facilities	See § 1-6-16					
<b>Manufacturing</b>	Light Manufacturing (Located within an enclosed building and only generates moderate and manageable traffic, noise, vibration, odor, glare and/or light impacts)	NO	NO	NO	YES	YES	NO
	Heavy Manufacturing (Indoor and/or Outdoor: Assembly, manufacturing, processing, repair and/or storage, and that may generate traffic, noise, vibration, odor, glare, and/or light impacts that need to be conditionally managed)	NO	NO	NO	NO	CUP	NO
	Ancillary Manufacturing <sup>2</sup>	YES <sup>2</sup>	YES <sup>2</sup>	YES <sup>2</sup>	N/A	N/A	YES

USE CATEGORY	SPECIFIC USE TYPE <sup>1</sup>	B-1 Gen.	B-2 Old West	B-3 City Cen.	B-4 <sup>4</sup> Bus Park/ Light Ind.	B-5 <sup>4</sup> Ind.	PI Pub/Inst.
Construction	Contractors office, shop and/or storage (indoors)	YES	YES	<del>YES</del> NO	YES	YES	NO
	Contractors office, shop and/or storage (indoors and/or outdoors)	CUP	CUP	<del>CUP</del> NO	CUP	YES	NO
	Craftsman and Artisan (Indoors)	YES	YES	YES	YES	YES	NO
	Craftsman and Artisan (Indoors or outdoors)	CUP	CUP	<del>CUP</del> NO	CUP	YES	CUP
Transportation and Warehousing	Truck Transportation Terminal	NO	NO	NO	CUP	CUP	NO
	Bus Transportation Terminal	<del>CUP</del> NO	<del>CUP</del> NO	<del>CUP</del> NO	<del>YES</del> CUP	<del>YES</del> CUP	<del>YES</del> CUP
	Air Transportation Terminal	NO	NO	NO	YES	YES	YES
	Taxi and Limousine Service	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	YES	YES	YES
	Towing Truck Parking and Storage	NO	NO	NO	CUP	YES	NO
	Scenic and Sightseeing Terminal/Parking	CUP	CUP	<del>CUP</del> NO	CUP	CUP	CUP
	Postal, Courier and Delivery Service	CUP	CUP	<del>CUP</del> NO	CUP	YES	CUP
	General Warehouse and Storage (Indoor)	NO	NO	NO	YES	YES	NO
	Mini-Warehouse	<del>CUP</del> NO	<del>CUP</del> NO	<del>CUP</del> NO	<del>YES</del> CUP	<del>YES</del> CUP	NO
	Distribution Facilities	NO	NO	NO	<del>CUP</del> YES	<del>CUP</del> YES	NO
	Outside Storage Yards	<del>CUP</del> NO	<del>CUP</del> NO	NO	CUP	<del>YES</del> CUP	NO
Information	Motion Pictures and Sound Recording Indus.	CUP	CUP	CUP	YES	YES	<del>YES</del> NO
	Broadcasting and Recording	YES	YES	YES	YES	YES	NO
Waste Management And Remediation	Transfer Station/ Material Recovery Center	NO	NO	NO	NO	CUP	CUP
	Solid Waste Disposal Sites	NO	NO	NO	NO	CUP	CUP
	Recycling Facilities	NO	NO	NO	NO	CUP	CUP
	Waste Tire Collection and/or Storage	NO	NO	NO	<del>CUP</del> NO	CUP	<del>CUP</del> NO

USE CATEGORY	SPECIFIC USE TYPE <sup>1</sup>	B-1 Gen.	B-2 Old West	B-3 City Cen.	B-4 <sup>4</sup> Bus Park/ Light Ind.	B-5 <sup>4</sup> Ind.	PI Pub/Inst.
<b>Agriculture</b>	Crop Production	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	YES	YES	NO
	Feed Lots	NO	NO	NO	NO	NO	NO
	Greenhouse and Nursery	CUP	CUP	NO	YES	YES	NO
	Beef, Dairy, Sheep, Goat and Hog Production	NO	NO	NO	NO	CUP	NO
	Poultry and Egg Production	NO	NO	NO	CUP	CUP	NO
	Aquaculture	NO	NO	NO	CUP	CUP	NO
<b>Residential Uses<sup>8</sup></b>	Single-Family Detached Residential	NO	NO	NO	NO	NO	NO
	Multi-Family Residential (Including Apartments, Condominiums or Townhouses)	CUP	CUP	CUP (13 DU/ AC Min.)	NO	NO	CUP
	Assisted Living Facility	YES	YES	<del>YES</del> CUP	<del>YES</del> NO	NO	<del>CUP</del> NO
	Group Care Home	CUP	CUP	CUP	NO	NO	<del>YES</del> NO
	Live/Work Unit	CUP	CUP	<del>CUP</del> YES	NO	NO	CUP
<b>Accommodation and Lodging</b>	Hotels, Motels and Resorts	YES	YES	YES	<del>YES</del> NO	NO	NO
	Bed and Breakfast Inns	YES	YES	<del>YES</del> NO	<del>YES</del> NO	NO	NO
	RV Campgrounds	CUP	CUP	<del>CUP</del> NO	<del>CUP</del> NO	NO	NO
	Boarding House	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	<del>YES</del> NO	NO	NO
<b>Religious Institutions/ Places of Worship</b>	Institution (seating capacity of up to 1,500 persons)	YES	YES	YES	YES	YES	YES
	Large Institution (seating capacity greater than 1,500 persons)	CUP	CUP	CUP	CUP	CUP	CUP

“YES” = Permitted Use by Right. A “Yes” indicates that the listed use is permitted by-right within the respective zoning district.

“CUP” = Conditional Use Permit. A “CUP” indicates that the listed use is permitted within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review and approval procedures of § 1-16-12 (D).

“AUP” = Administrative Use Permit. An “AUP” indicates that the use and/or structure is permitted within the respective zoning district following review and approval of an administrative permit by the Development Services Director or designee in accordance with § 1-16-12 (C).

“NO” = Prohibited Uses. A “NO” indicates that the listed use type is expressly not allowed within the respective zoning district.

Footnotes from Table 5-3:

1. Where land use category definitions are not provided or unclear, the Zoning Administrator shall be responsible for interpretation.
2. An ancillary manufacturing use is a subsidiary or secondary use or operation connected to the main use of a building. Ancillary manufacturing uses shall be allowed in the B-1, B-2 or B-3 zoning districts if incidental and subordinate to the primary retail, office, public or quasi/public use, provided that not more than 50%, up to a maximum of 1,500 square feet, of the floor area of the business is engaged in these ancillary manufacturing activities. No outside manufacturing, processing, repair or equipment/inventory storage shall be allowed for ancillary uses (see Section 1-6-26).

Ancillary manufacturing uses proposed to be greater than 1,500 square feet and/or 50% of the total floor area may be approved as a conditional use by the Planning and Zoning Commission (see Section 1-6-26).

3. See § 1-6-16 (B) for alternate energy production regulations.
4. Land uses listed in the B-4 and B-5 district that propose outdoor assembly, repair, manufacturing, processing and/or storage shall require conditional use permit approval even if identified in Table 5-3 as a permitted use by right.
5. See § 1-6-15 for adult oriented business regulations.
6. Day Care Services, Beer, Wine and Liquor Sales, Caterers, and Bottled Gas Dealers shall only be permitted in the B-3 district as incidental uses and not as primary uses with stand-alone facilities
7. Offices in B-4 and B-5 zoning districts shall only be permitted as ancillary uses.
8. Where a non-residential property was previously developed for commercial uses and is being redeveloped for residential uses, the new development plan shall contain whichever is greater of either:
  - (i) a minimum of 25% of the previous building square footage on the new site for commercial uses, or;
  - (ii) a minimum of 45% of the acreage shall be used for commercial uses.This definition of commercial uses shall be interpreted in a broad sense to include all typical retail, commercial and office uses.

**1-5-4 NON-RESIDENTIAL BULK REGULATIONS.** Table 5-4 illustrates the bulk requirements for all non-residential zoning districts:

**TABLE 5-4: NON-RESIDENTIAL BULK REGULATIONS**

USE TYPE <sup>4</sup>	B-1 General	B-2 Old West	B-3 City Cen.	B-4 Bus. Park	B-5 Industrial	PI Public/Inst.
Minimum Lot Area <sup>1</sup>	7,000 sf.	5,000 sf.	7,000 sf.	15,000 sf.	15,000 sf.	15,000 sf.
Minimum Lot Width <sup>2</sup>	50 ft.	50 ft.	50 ft.	75 ft.	75 ft.	75 ft.
Maximum Residential Density <sup>3</sup>	22 units/ac	22 units/ac	40 units/ac	Not Applicable	Not Applicable	22 units/ac
Minimum Lot Area per Dwelling Unit	1,980 sf.	1,980 sf.	1,089 sf.	Not Applicable	Not Applicable	1,980 sf.
Minimum Front Setback (main structure)	20 ft.	0 ft.	0 ft.	20 ft.	20 ft.	20 ft.
Minimum Front Setback (accessory structure)	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Interior Side Setback (accessory structure)	10 ft.	5 ft.	5 ft.	10 ft.	10 ft.	10 ft.
Minimum Street Side Setback (all structures)	10 ft.	0 ft.	0 ft.	10 ft.	10 ft.	10 ft.
Minimum Rear Setback (all structures)	10 ft.	5 ft.	5 ft.	10 ft.	10 ft.	10 ft.
Minimum. Front Setback (Parking)	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Maximum Size for Accessory Structure	No limit	No limit	No limit	No limit	No limit	No limit
Maximum Height for Main Structure	35 ft.	35 ft.	60 ft.	35 ft.	35 ft.	35 ft.
Maximum Height for Accessory Structures	20 ft.	20 ft.	20 ft.	35 ft.	35 ft.	35 ft.

Footnotes from Table 5-4:

- <sup>1</sup> Minimum lot area shall be calculated as net land area. For condominiums or townhomes no minimum lot size or width shall be required.
- <sup>2</sup> Minimum lot width is the distance between side lot lines measured perpendicular to the lot depth at the front setback line. Minimum lot width measurement for flag lots shall be interpreted by the Zoning Administrator. Lot width, as measured at the front setback line, shall not be less than 25% of the lot depth, unless waived by the Zoning Administrator due to unique environmental or geographic conditions.
- <sup>3</sup> Maximum density shall be calculated as the total number of dwelling units/net land area.

<sup>4</sup> In addition to the standards listed in Table 5-4, the following supplemental standards shall apply to Institutional and Business Zoning Districts

Fences and Walls	See Section 1-6-3
Landscaping and Screening	See Article 1-8
Lighting and Illumination	See Article 1-10
Parking and Loading	See Article 1-7
Outdoor Storage	See Section 1-6-9
Solar Panels and Alternative Energy	See Section 1-6-16
Signs	See Article 1-11
Visibility at Intersections	See Section 1-6-13
Temporary Use and Structures	See Section 1-6-23
Design Guidelines	See Article 1-13

NOTE: A Site Plan and Design Review application is required for all new development prior to applying for building permits.