

WHEN RECORDED, RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 37-23

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, DECLARING THE DOCUMENT ENTITLED “BUCKEYE DEVELOPMENT CODE – DOWNTOWN-FOCUSED CODE AMENDMENTS” AS A PUBLIC RECORD; ADOPTING THE SAME BY REFERENCE; AMENDING THE BUCKEYE CITY CODE, CHAPTER 7, “DEVELOPMENT CODE,” AS SET FORTH IN THE “BUCKEYE DEVELOPMENT CODE – DOWNTOWN-FOCUSED CODE AMENDMENTS”; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND, PROVIDING FOR SEVERABILITY.

WHEREAS, that certain document entitled the “Buckeye Development Code – Downtown-Focused Code Amendments” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk; and,

WHEREAS, the Mayor and City Council are authorized by City Code Chapter 2, Article 2-5, Section 2-5-4 to amend all ordinances necessary or proper for the carrying into effect of the powers vested in the City; and,

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Council has considered the individual property rights and personal liberties of the residents of the City before adopting this ordinance; and,

WHEREAS, in accordance with Ariz. Rev. Stat. § 9-462.01, the Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent; and,

WHEREAS, the recommended zoning changes are in conformity with the General Plan; and,

WHEREAS, the Mayor and City Council believe it is in the best interests of the City to update Chapter 7 of the Code in order to promote the economic vitality and welfare of the community.

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NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council as follows:

Section 1. The foregoing recitals are incorporated as if fully set forth herein.

Section 2. That certain document entitled the “Buckeye Development Code – Downtown-Focused Code Amendments,” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

Section 3. The City Code is amended by amending Chapter 7 “Development Code” as set forth in the “Buckeye Development Code – Downtown-Focused Code Amendments.”

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 1st day of August, 2023.



Eric W. Orsborn, Mayor

ATTEST:



Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:



K. Scott McCoy, City Attorney

2.4.5 Downtown Commercial (DC)

The DC district is intended to provide for and encourage development and redevelopment that preserves and enhances the unique character and vitality of the Buckeye downtown. Permitted uses include public uses, offices, retail, restaurants, entertainment/recreation, and services that are destination-oriented in nature. Residential uses are also permitted if not the dominant ground floor use along the area’s primary main streets, Monroe Avenue and 4th Street. Design standards focus on creating a human-scaled, pedestrian-oriented and walkable downtown, where automobile-oriented uses, if present will be designed to de-emphasize drive throughs and parking from the perspective of adjacent streets. To be eligible for DC zoning, a property must be located within the Downtown Buckeye Activity Center and have direct frontage on either Monroe Avenue between Miller Road (1st Street) and Baseline Road and/or 4th Street between Narramore Avenue and Irwin Avenue.

2.4.6 Downtown Residential (DR)

The DR district allows for development and redevelopment of properties within the Downtown Activity Center that are not located adjacent to the area’s primary main streets, including many of Buckeye’s older residential neighborhoods. The district allows for a variety of residential uses including single-family residential, duplexes, and multi-family residential, as well as a tailored list of compatible commercial and office uses. To be eligible for DR zoning, a property must be located within the Downtown Activity Center but may not have direct frontage on either Monroe Avenue between Miller Road (1st Street) and Baseline Road and/or 4th Street between Narramore Avenue and Irwin Avenue.

3.1.5. Table of Allowed Uses^{1,2,3,4}

Table 3.1-1: TABLE OF ALLOWED USES																									
P=Permitted C=Conditional Use																									
Use Category	Use Type	RESIDENTIAL											MIXED-USE				NON-RESIDENTIAL					Use Standards			
		A G	SF 43	SF 18	SF 10	SF 6	SF 3	SF 1	M F 1	M F 2	M H	N M U	C M U	R M U	D C	D R	P O	C 1	C 2	C 3	B P		I 1	I 2	
RESIDENTIAL USES																									
Household Living	Dwelling, duplex				P	P	P	P	P			P	P	P		P									
	Dwelling, multi-family								P	P		P	P	P	P	P									
	Dwelling, single-family detached	P	P	P	P	P	P	P	C																
	Dwelling, mfd. home	P	P	P	P	P	P	P			P													3.2.1.A	
	Dwelling, mobile home										P													3.2.1.B	
	Dwelling, zero lot line					P	P	P	P	P					P										
	Mobile home park										P														

¹ ORD. 14-15; 07/07/2015

² ORD. 18-17; 07/05/2017

³ ORD. 11-20; 08/17/2020

⁴ ORD. 07-22, 04/19/2022

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	Mfd. home subdivision										P														
Group Living Refer to Section 10.3.1. for buffering distances if applicable	Assisted living, commercial										P	P													
	Assisted living, residential	P	P	P	P	P	P	P	P	P		C	C												
	Boarding house/guest room	P			C	C	C		C	C						P									
	Group home	C	C	C	C	C			C	C		C	C	C		C									
	Group recovery home	C	C	C	C				C	C		C	C	C		C									
	Nursing home								C	C		C	C	C		C					P	P	P		
	Shelter care facility	P	P	P	P	C			C	C		C	C	C		C					P	P	P		
	Shelter care facility, homeless	C	C	C	C	C			C	C		C	C	C		C								P	

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PUBLIC/INSTITUTIONAL USES																									
Community Service	Assembly hall, public		C	C	C	C	C	C	C	C	C		C	C	P	P	P		P	P	P	P	C		3.2.2.G
	Cemetery	P	C	C	C	C			C	C			P	P				P	P	P	P	P		3.2.2.C	
	Community recreation center		P	P	P	P	P	P	P	P	P		P	P	P	P	C		P	P					
	Crematorium or funeral parlor												P	P				P	P	P	P	P			
	Government admin. and civic buildings												P	P	P	P	P		P	P	P	P	C	C	
	Government maint. & operations yards/buildings	C	C																				P	P	
	Public safety facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.2.2.F
	Religious assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.2.2.G
	Social service facility								C	C			P	P	P		P	P	P	P	P				
Cultural Facility	Art gallery or museum, public											P	P	P	P	P	C	P	P	P	P			3.2.2.B	
	Library, public			P	P	P	C	C	C	C		C	P	P	P	P	C	P	P					3.2.2.E	
Child Care Facility	Day care, commercial							C	C			P	P	P		P	P	P	P	P	P	C			
	Day care, residential	P	P	P	C	C	C	C	P		P	P	P		P										
Education	College or university											C	C	P	P	P		C	C	P	P			3.2.2.H	
	Private elementary or middle school		P	P	P	P	P	P	P	P		C	P		C		C	C	C					3.2.2.H	
	Private high school		P	P	P	P	P	P	P	P		C	P		C		C	C	P					3.2.2.H	
Health Care Facility	Medical office or clinic							C	C			P	P	P	P		P	P	P	P	P				
	Hospital											C	C	C		C		C	P	P	P		3.2.2.D		
Medical Marijuana Dispensary	Medical Marijuana – ARIZ. REV. STAT. §36-2801 et seq.																					P	P	3.2.3.K	

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	Dairy	P	C																				P	3.2.3.A
	Meat processing																						P	3.2.3.A
	Residential ranch	P	P																					3.2.3.A
Animal Sales and Services	Animal hospital	P	C															C	C	P	P			3.2.3.B
	Animal pet shop, retail										P	P	P	P			P	P	P	P				
	Animal training school	C	C									P	P	P				P	P	P				3.2.3.B
	Kennel, indoor only	P	P									P	P					P	P	P				3.2.3.B
	Kennel, indoor/outdoor	P	P																P					3.2.3.B
	Veterinary clinic	P	P									P	P	P	P			P	P	P	P			3.2.3.B
Assembly	Assembly hall, private							C	C		C	C	P	P			P	P	P	P				3.2.2.G
	Auditorium, private											P	P	P				P	P	P				3.2.2.G
	Fraternal or social club, nonprofit							C	C			P	P	P			P	P	P	P				3.2.2.G
	Country club, private membership		P	P	P	P	P	P	P															3.2.2.G
Financial Service	Check Cashing																C	C	C	C	P			3.2.3.C
	Financial institution, with drive-through											P	P	C			P	P	P	P				
	Financial institution, without drive-through								C		P	P		P		P	P	P	P	P				

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Food and Beverage Service	Food sales, wholesale													P				P	P	P	P	P		
	Bar, lounge, or tavern											P	P	P	P			P	P	P	P			
	Catering service											P	P	P				P	P	P	P	C		
	Drive-in restaurant												P	P	C				P	P	P			
	Farmers market	P	P									C			C			C	P	P				
	Food Truck Court														C	C								
	Nightclub												C	C	P				P	P	P			
	Restaurant, without drive-through									C		P	P	P	P		P	P	P	P	P			
	Restaurant, with drive-through												C	P	C			P	P	P	P			
Office	Office, business or professional									C		P	P	P	P		P	P	P	P	P			
	Data Center												C			C				P	P	P		
	Research laboratory											P	P			P		C	P	P	P	P		
Recreation and Entertainment, Outdoor	General outdoor recreation, commercial											C	P	C	P				P	P	P			
	Golf course, unlighted	P	P	P	P	P	P	P	P				P			P	P	P	P	P			3.2.3.E	
	Golf course/driving range, lighted	C	C	C	C	C	C	C	C				P			P	P	P	P	P			3.2.3.E	
	Major entertainment facility, outdoor	C	C										P	C					P	P	C		3.2.3.E	
	Race track (auto, dog, and horse)	C	C																C	C	C		3.2.3.E	
	RV campground	P	P																				3.2.3.G	
	RV park	P	P																				3.2.3.H	
	Shooting range, outdoor	C	C																				3.2.3.E	
Zoo	C	C											C						C			3.2.3.E		

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Recreation and Entertainment, Indoor	Art gallery or museum, private										C	C		P	P	P	P	P	C	P	P	P	C			
	Fitness and recreational sports center										C	C		P	P	P	P	P	P	P	P	P	C	C		
	General indoor recreation, commercial													C	P	P	P			P	P	P	C	C		
	Major entertainment facility, indoor														C	P	P			P	P	P	C	C		
	Movie theater														C	P	P			P	P	P	C			
Personal Services	Dry cleaning and laundry service										C	C		P	P	P			P	P	P	P	P	C		
	General personal services										C	C		P	P	P	P		P	P	P	P	P			
	Instructional services or trade school													C	P	P	P		P	P	P	P	P	P	P	
Retail (Sales)	Alcoholic beverages, retail sale													C	P	P	P			P	P	P				
	Convenience store with gas sales										C	C		C	P	P				P	P	P	C	P	C	
	Feed store	P	C																		P	P		P		
	General retail													P	P	P	P		P	P	P	P	P			3.2.3.D
	Large retail															P					C	P	C			3.2.3.F
	Open-air market or flea market	P	P													C								C		
	Nursery and plant sales, wholesale	P	P																			C	P	P		
	Plant sales, retail	P	P											P	P		C			P	P	P				
	Sexually oriented business																						C		C	C
Vehicles and Equipment	Tobacco Oriented Retailer													C	P	P	C			C	P	P				3.2.3.L
	Boat, RV storage																						C	P	P	
	Boat, RV sales and rental														P						P	P		P		

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	Car wash											P	P				P	P	P	P	P		
	Gasoline sales	C	C								C	C	C				P	P	P	C	P		
	Parking structure								C	P		C	P	P	P		P	P	P	P	P	P	
	Truck stop	C																				C	P
	Truck repair and overhaul	C																				C	P
	Vehicle sales and rental											C	C	P				P	P	P	P	P	C
	Vehicle service and repair, major											C	P	P				P	P			P	P
	Vehicle service and repair, minor											P	P	P				P	P	P		P	P
	Vehicle storage																			C		P	P
Visitor Accommodation	Bed and breakfast	C	C	C	C	C	C	C	C	C		P	P	P			P	P					
	Hotel or motel									C		C	P	P	P		C	P	P	P	P		
	Resort											C	P	P				P	P				
INDUSTRIAL USES																							
Industrial Service	Building materials sales, indoor retail											P	P					P	P	P	P		3.2.4.A
	Building material sales, outdoor or wholesale											C	C						P		P	P	
	Drilling company, no outside storage																					P	P
	Drilling company, with outside storage																						P
	Resource extraction	C																					C
	General industrial service																					P	P
Manufacturing and Production	Assembly, light																				P	P	
	Mfg., heavy																						P
	Mfg., light																				P	P	P

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	Maker Space, up to a maximum of 30,000 square feet														P										
Warehouse and Freight Movement	Mini-storage, indoor												C	C				P	P	P	P	P			
	Mini-storage, outdoor												C	C				C	C	C	P	P			
	Motor freight terminal																					C	P		
	Storage yard																						C	P	
	Office warehouse																				P	P	P		
	Warehouse																				C	P	P		
	Wholesale establishment																	C	P	P	P	P			
Waste and Salvage	Auto wrecking and salvage yard																						P		
	Recycling center outdoor																						P		
	Recycling center indoor																				C	P	P		
	Landfill																						C	3.2.4.C	

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TEMPORARY USES																									
	Antennas, temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.4.2.A
	Expansion or replacement facilities, temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.4.2.B
	Food Trucks; Mobile Food Vendor	P												P	P	P	P	P	P	P	P	P	P	P	3.4.2.G
	Office space/ equipment storage, temporary	P												P	P	P	P	P	P	P	P	P	P	P	3.4.2.B
	Retail sales, temporary	P												P	P	P	P	P	P	P	P	P	P	P	3.4.2.C
	Roadside stand	P	P																						
	Sales office, temporary		P	P	P	P	P	P	P	P	P														3.4.2.E
	Yard sale, temporary	P	P	P	P	P	P	P	P	P	P	P	P												3.4.2.F
	Other temporary uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.4.2.H

4.1.2 Mixed-Use Districts

TABLE 4.1-2: DIMENSIONAL STANDARDS – MIXED-USE DISTRICTS

[Bracketed numbers refer to notes at the bottom of the table.]

District		NMU	CMU	RMU	DC	DR
Residential density, maximum (DU/gross acre)		10.0	15.0	no max; >15.0 minimum	No maximum	15.0
Lot Size, minimum (sq. ft.)		-	Minimum district size: 5.0 acres	Minimum district size: 15.0 acres	-	-
Setbacks	Front (ft)	-	Minimum: 0 Maximum: 20	Minimum: 0 Maximum: 20	Minimum: 0 Maximum: 8 [3]	Minimum: 0 Maximum: 20
	Side (ft) [1]	-	-	-	-	-
	Rear(ft) [2]	-	-	-	-	5
Lot Coverage, maximum (percent)		70	90	90	-	-
Building Height, maximum (feet)		50	90	Min: 30 No Max	60	40

NOTES:

[1] Corner lots shall have a minimum 10-foot side setback on the street sides.

[2] If alleys are used in a development, there is a minimum 30' building face to building face separation across the alley.

[3] If a Public Utility Easement (PUE) is provided adjacent to the front of a lot, the maximum building setback can be increased to 12 feet by the Development Services Director or their designee.

5.12.5. Downtown⁵

The purpose of the Downtown Overlay is to preserve and enhance Buckeye's unique rural downtown historic character. The overlay also protects the identity of a downtown main street, by developing standards and creating allowances that promote a downtown to be an economically viable part of the City by encouraging revitalization with new commercial and residential infill development. Downtown Buckeye reflects a pedestrian and mixed use area that is supported by a Governmental Center.⁶

A. Downtown Boundary

The Downtown Area is shown on the "City of Buckeye Downtown Boundary Map." The boundaries of the Downtown Area are generally bounded by Miller Road on the west, Maricopa Road on the north, 239th Avenue on the east and Irwin Avenue/Beloat Road on the south.⁷

The Downtown boundaries are designated in two areas, Area I and Area II. Area I is intended to be the core area where most of the new standards and allowances in this Section occur. Area I is centralized around the "Monroe Avenue Corridor" (located between Miller Road and 9th Street on Monroe Avenue) and many of its directly adjacent commercial and residential uses. Area II was also considered to be part of the original core area or a gateway into the core area of the City. Since Area II is located on the outskirts of the "Monroe Avenue" Core it was not given as many allowances.

B. Signage

Signs are an essential element that defines the character of a Downtown Area. They are the initial communication between a business and a customer. As such, they must be attractive, easy to read and compliment the architecture of the building, while providing adequate identification of the business. The City's desire is to encourage unique and distinctive signage Downtown which may not be found or allowed in other areas.

1. Standards and Guidelines-General

The following types of signage shall be permitted pursuant to the issuance of a Sign Permit and compliance with the established standards and guidelines.

a. General

- (i) Encourage the use of signs that reflect the pedestrian scale of downtown.
- (ii) Signage should have the capability of being illuminated in the evening, although the source of light must be hidden or shielded from the direct view of motorists or pedestrians. However, neon, LED and digital signs are allowed.

⁵ ORD. 19-12; 10/16/2012

⁶ This overlay is adopted pursuant to A.R.S. Section 9-462.01(D), as an "overlay zoning district" that includes regulations that modify and not replace the existing zoning district regulations currently applicable to the properties within the overlay.

⁷ Boundaries established by ORD. 19-12, 10/16/2012

- (iii) A sign's letters should not appear to occupy more than 75% of the sign panel area.
- (iv) Building numbering is required and the location and size shall be approved by the Fire Department.
- (v) Each business area shall be permitted a sign area of 32 square feet.
- (vi) Signage will not be located in any sight lines.

b. Freestanding/Monument Signs (See Table 5.12-1: Maximum Size Allowed for Freestanding Signs in Downtown)

- (i) Must be located within the front setback and must be at least five feet from the building.
- (ii) Must be at least five feet from the property line and not blocking any site visibility lines.
- (iii) The height must not exceed the height of the principal structure.
- (iv) An architectural enhanced base is required for monument signs.
- (v) Sign area is calculated by sign panel or copy area, architectural embellishments will not be calculated as part of the sign area.

TABLE 5.12-1: MAXIMUM SIZE ALLOWED FOR FREESTANDING SIGNS IN DOWNTOWN		
Uses	Maximum Sign Height (Feet)	Maximum Sign Area (Square Feet)
Multi-family /Office	6	20
Single-tenant commercial Mixed-use Religious Assembly	8	32
Multi-tenant commercial	12	48

c. Wall Signs

- (i) Rectilinear box wall cabinet signage is prohibited. Individual pan-channel letter signs, metal, wood, etc. signs are allowed.
- (ii) Wall Signs shall fit proportionally with building massing and architectural features of the elevation.
- (iii) Wall Signs Facing Residential Uses. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:
 - (1) Not be illuminated
 - (2) Not exceed 6 square feet in area

d. Awning Signs

- (i) Locate signage text on the valance of the awning or the edge of the canopy.

(ii) Shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.

e. Window Signs

(i) Web addresses and telephone numbers are encouraged on windows.

(ii) Paint on windows shall be prohibited except during the promotion of temporary holiday events/sales.

(1) The painted signs are limited to 30 days at a time with 15 days between promotions and shall not be painted more than 180 days a year.

(iii) Letter height on window signage is recommended to be a minimum of six inches tall.

(iv) Window signage is allowed to cover up to 25 percent of the total window area on the building.

(v) Select a letter color that is in high contrast from shadows created by the store display.

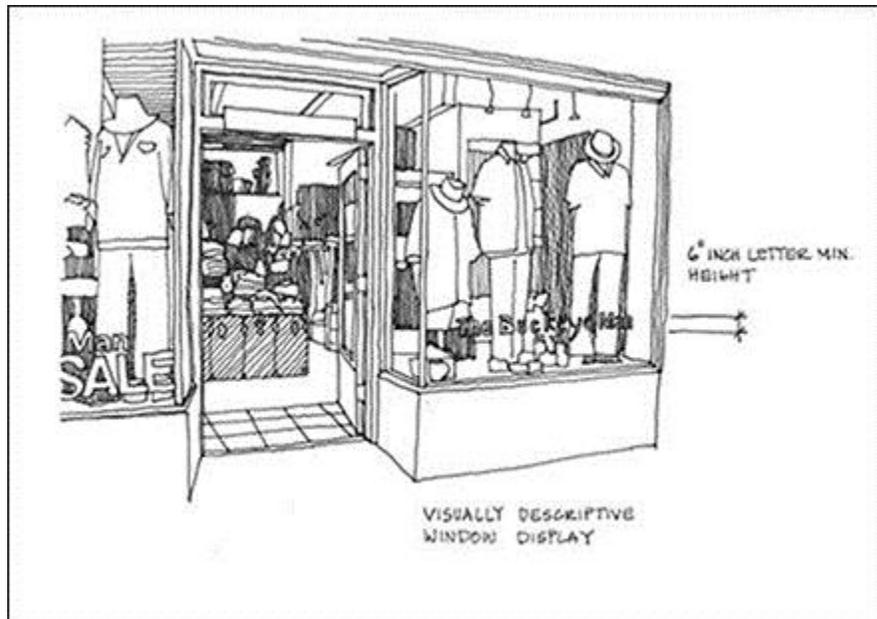


Figure 5.12-A: Window Signage

f. Home Occupation Signs (See Table 5.12-2: *Extended Table of Home Occupations Downtown*) in conjunction with Section 10.3.4, shall allow for a non-illuminated sign not to exceed three square feet.

(i) The design and placement shall be approved by the Development Services Department.

(ii) A three square foot sign can be attached to the primary residence, or

- (iii) A three square foot monument sign can be placed on the property perpendicular to the ROW, as long as the sign including the base is not taller than three feet.

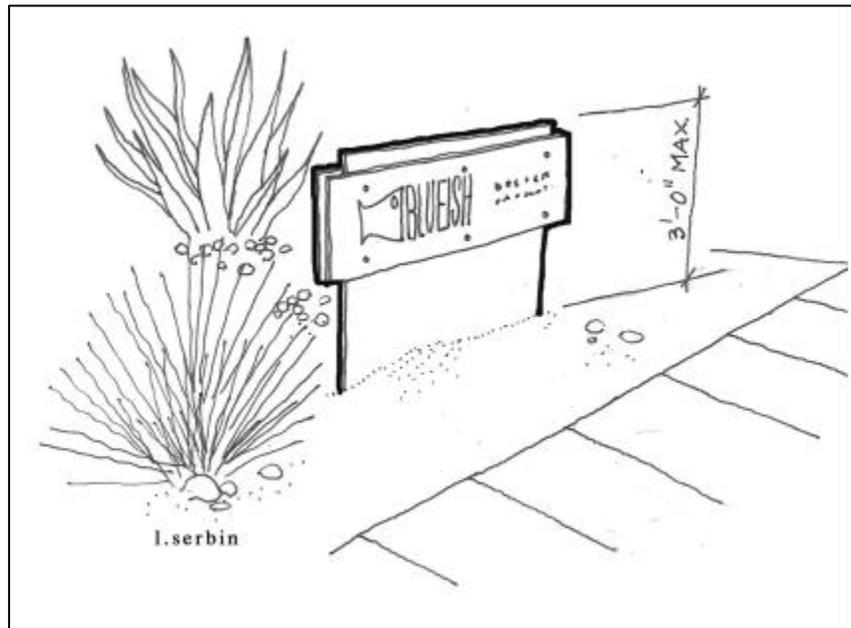


Figure 5.12-B: Home Occupation Sign

2. Signage- Area I

a. Roof Mounted Signage

- (i) Permitted along Monroe Avenue.
- (ii) Cannot extend more than six feet above the roofline.
- (iii) A height greater than six feet can be approved by the Director taking in consideration the height of the pre-existing historic sign.

b. Monument signs can be located on the property line with the Director's approval.

c. Temporary Signs

- d. Allow use of sandwich or "A-frame" signs during regular business hours without a temporary sign permit.

(i) On-Site A-Frame Signs

- (1) Placement must allow for a minimum 3 foot pedestrian pathway to/from all building entrances and exits.⁸
- (2) Shall not exceed 4 feet in height and 3 feet in width.
- (3) Shall be constructed of durable materials with a stable, weighted base.

⁸ ORD. 18-17; 07/05/2017

- (4) Shall be limited to one per business or tenant per public street frontage.
- (5) Shall not be illuminated or animated in any way.
- (6) Except as otherwise specified in this Section, A-frame signs shall only be displayed during normal business hours of operation.
- (7) Shall not be placed upon, affixed or attached to any object, including, but not limited to, light poles, trees, traffic signals, benches, tables, street signs, fencing, or bike racks.

(ii) Off-Site A-frame Signs

A-frame signs may be placed off-site if all of the following standards are met:

- (1) Must obtain written approval of the property owner of record for the property where the sign is to be located.
- (2) A site plan or illustration depicting the location of the off-site A-frame sign must be submitted and approved by the City prior to the placement of the sign.

e. Suspended Signs

- (i) Buildings with a front setback of zero to 10 feet are encouraged to have double-sided attached perpendicular signs.
- (ii) The bottom of the sign must have seven feet of clearance.
- (iii) Symbolic and historic three-dimensional signs such as barber shop poles and appropriately-sized projecting signs are allowed.
- (iv) Creatively shaped signs are encouraged.
- (v) Suspended Signs are not included in the total allowable business sign area.

C. Lighting

Lighting in the downtown should serve to illuminate façades, entrances and signage and provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings. The following lighting is allowed in the downtown area:

1. Standards and Guidelines- General

- a. Shielded Security Lighting is required along service entrances and along alleys for all commercial buildings.
- b. Ornate or accent lighting that enhances the building or property is encouraged.
- c. Roof mounted sign may only be illuminated internally or with down lighting.

- d. “Shoebox” site lighting is prohibited. Site lights need to be architecturally sensitive to the building architecture.
- e. Lights may not be exposed beyond the lighting array
- f. Buildings on a zero foot setback will be allowed to have down lighting spillover the property.
- g. Lighting under covered awnings or arcades is required.
- h. All lighting must be in accordance with ARS § 49-1101 et seq.

D. Building Materials

Building materials and color should help establish a human scale and provide visual interest. The predominant color should be respectful to the architectural style of the building and compatible with buildings in the Downtown District. These materials are listed in addition to Section 5.8.3 F.

1. Standards and Guidelines- General

General Materials should appear similar to those used historically. Appropriate building materials include, but are not limited to:

a. Primary Building Materials:

- (i) Smooth Stucco
- (ii) Brick
- (iii) Striated Brick (raked or directional grain brick)
- (iv) Adobe Block
- (v) Integral Colored Concrete Masonry Unit (CMU)
- (vi) Terra cotta
- (vii) Architectural Cast Concrete

b. Secondary or Accent Materials (not to be used for more than 20 percent of the building façades)

- (i) Steel
- (ii) Standing Seam Metal
- (iii) Stamped Metal

c. Transparency

- (i) On properties with direct frontage on either Monroe Avenue and/or 4th Street or separated from either street by undeveloped strips of land with a depth of twenty (20) feet or less, building facades facing either street must consist of transparent glazing for at least 50 percent of the ground floor wall area between two and 10 feet above grade, and for at least 35 percent of the wall area of upper floors. If a single-story building has a façade taller than 20 feet, the façade area above 15 feet shall consist of transparent glazing for at

least 35 percent of the wall area of the portion greater than 15 feet.

- (ii) Excluding those properties covered in item (i) above, for all other properties in the Downtown Activity Center, building facades facing a public street must consist of transparent glazing for at least 30 percent of the ground floor wall area between two and 10 feet above grade, and for at least 20 percent of the wall area of upper floors. If a single-story building has a façade taller than 20 feet, the façade area above 15 feet shall consist of transparent glazing for at least 20 percent of the wall area of the portion greater than 15 feet.

2. Building Colors-

- a. Primary colors or other brilliant colors are to be only used as an accent on the building or for corporate logo colors.
- b. No more than 10 percent of any commercial building façade shall use primary (red, yellow or blue) or other brilliant non-earth tone paint color.
- c. No commercial building may use paint colors with a Light Reflective Value (LRV) greater than 60 percent.
- d. Fluorescent colors are prohibited.
- e. Murals on a building façade or any portion thereof may be permitted on a case-by-case basis if the mural does not act as a sign or portray a commercial message. Subsections (a) through (d) above shall not apply to any approved mural.

E. Building Orientation

All new commercial buildings on properties directly adjacent to Monroe Avenue and/or 4th Street, or on properties adjacent to Monroe Avenue or 4th Street but separated from either street by undeveloped strips of land with a depth of twenty (20) feet or less, shall be designed to accommodate primary customer access from the adjacent Monroe Avenue and/or 4th Street public sidewalks. Buildings which feature a dual orientation where customers can access the building/business from the public sidewalk as well as on-site parking, behind, are also supported.

F. Landscape/ Shading

Plants serve multiple purposes and improve the aesthetics of an area by providing color, texture, and visual interest. Plants also assist in defining spaces and compliment building architecture. Landscaping/shading treatments should be used to enhance the pedestrian experience and compliment architectural features.

- 1. Buildings with a 0-foot front setback have no minimum landscape requirement, though provision of landscape in the adjacent right-of-way

in the form of sidewalk tree grates, potted plants, or similar treatments within the right-of-way are required.

2. Unless existing site conditions limit on-site landscaping, all property must meet the standards provided in Section 5.4.3 Landscaping Required of this Code.
3. For all development adjacent to Monroe Avenue between Miller Road (1st Street) and Baseline Road, and/or 4th Street from Narramore Avenue to Irwin Avenue, or separated from either street by undeveloped strips of land with a depth of twenty (20) feet or less, awnings, canopies and/or covered arcades are required on street-adjacent sides of a building, to extend at least 50 percent of the length of the building. For all other locations within the downtown, awnings, canopies, and/or covered arcades are encouraged. An awning or covered arcade may be allowed in public right-of-way with an encroachment permit.
 - a. Awnings and canopies must have a minimum 5 foot projection from the building and a maximum of 10 feet unless additional projection is required to cover the adjacent public sidewalk
 - b. Covered arcades and covered walkways must extend to the edge of sidewalk on buildings with a 0 foot setback.

G. Screening

Screening of mechanical equipment is used to keep an area aesthetically appealing to residents and visitors of domiciles and businesses. The downtown area has a mix of uses with no traditional suburban-style development buffering. This unique situation makes the need for screening mechanical equipment from the public view essential to this area.

1. Utility areas and mechanical equipment should be located so that they do not detract from the aesthetic appeal of the district.
2. Whenever practicable, relocate or screen outdoor utilities and mechanical equipment from public view from adjacent streets. If the screening detracts from the architecture of the building or aesthetics of the area, a waiver of this requirement may be issued by the Development Services Director.
3. Landscape screening is acceptable.
4. Consider the impact of fencing and walls on adjacent commercial to residential properties.

H. Setbacks

The downtown area is comprised of many different plats and lots. Some of the plats had implied setbacks and others had recorded standards. Some of the commercial buildings were developed by standards of the time. Due to pre-

existing conditions, there is no uniform standard for commercial or residential setbacks.

1. Commercial

Traditional commercial setbacks in a downtown area range from 0 to 15 feet encompassing an entry treatment for the business establishment. The current development code primarily addresses only strip-center or pad type of development with setbacks large enough to allow parking along street frontages. This approach is counter-productive in a downtown setting.

- a. For all development adjacent to Monroe Avenue between Miller Road (1st Street) and Baseline Road, and/or 4th Street from Narramore Avenue to Irwin Avenue, or separated from either street by undeveloped strips of land with a depth of twenty (20) feet or less, the maximum building setback shall be 8', except that restaurants and similar uses that provide integrated space for outdoor dining may be set back up to 30 feet if the outdoor dining area extends from the front face of the building to within 8' of the street adjacent property line. In instances where a Public Utility Easement (PUE) is provided directly adjacent to either Monroe Avenue and/or 4th Street, the maximum building setback can be increased to 12 feet to allow for provision of landscaping by the Development Services Director or their designee.
- b. For all other properties within the Downtown Activity Center, the maximum building front setback for commercial buildings is calculated using the average of the two adjacent building front setbacks.

2. Residential

Design setbacks to reflect the existing streetscape including the location of other buildings on the block. An appropriate setback can be determined by drawing an imaginary line along the front facades of the buildings on a block. Unlike a more suburban setting, the primary building facades should be located parallel to the street. Please refer to *Section 5.7-A Residential Infill*.

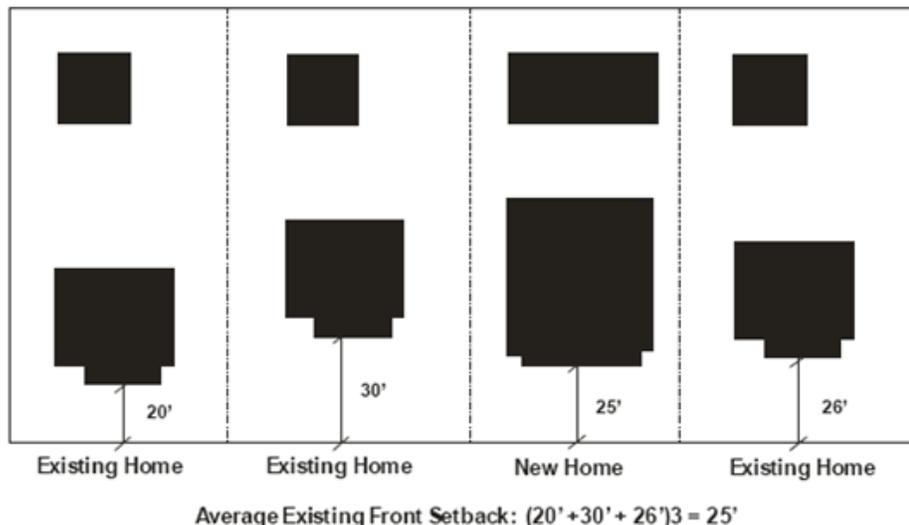


Figure 5.7-A: Example of Contextual Front Building Setback

I. Parking

The downtown area is not intended to accommodate suburban commercial and residential development. What makes a downtown unique is the availability of on-street and common off-street public parking and pedestrian activity.

1. Sole on-street parking may be utilized.
2. If on-site parking is provided, the parking shall be designed to the rear or sides of the building. Parking within a front setback area shall be prohibited. Parking to the side of any building, visible from the right-of-way, shall be limited to one aisle with a single row of spaces on each side.
3. If off-site parking is provided (not including on-street or City-owned public parking lots), please refer to Section 5.6.7B Parking Alternatives of this Code.

J. Use-Specific Requirements

1. Multi-Family Dwellings

- a. For any properties with frontage on 4th Street between Irwin Avenue and Narramore Avenue, or with frontage on Monroe Avenue between Miller Road/1st Street and 9th Street, multi-family residential uses (including leasing offices and ancillary resident spaces such as fitness centers), where permitted, may not occupy more than 40 percent of the linear frontage of any building façade directly adjacent to 4th Street or Monroe Avenue.
- b. There shall be no restriction on ground floor multi-family use of any building facades not facing 4th Street or Monroe, or any limitation on use of upper floors for multi-family residential use.

2. Drive-through uses

- a. Where permitted, any proposed/new drive-through use must be located a minimum of 1,320 feet of the nearest existing drive-through on the same side of the street, measured from nearest building wall to nearest building wall.
- b. No parcel to be developed with a drive-through use shall share a property line with a parcel developed with a single-family residence.
- c. A business' drive-through is to be visually minimized. The design focus of any business with a drive-through must first be on accommodating pedestrians utilizing the adjacent public sidewalk. From the perspective of the adjacent street, it should not be readily apparent that the business features a drive-through component.
- d. No drive-through lane or drive aisle may be located between the building's front, street-facing façade and the public sidewalk.
- e. All drive-through menu boards, speaker boxes, or other features inherent to drive-through uses must be fully screened from adjacent streets.

3. Mini-Storage and Gas Station Uses

- a. Where permitted, any proposed/new mini-storage facility or gas station within the downtown overlay must be separated from the nearest existing storage facility or gas station by a minimum of 2,640 feet, measured from nearest property line of the proposed use to the nearest property line of the closest existing use.
- b. The 2,640-foot separation requirement is inclusive and applies to gas stations from other gas stations, gas stations from mini-storage facilities, and mini-storage facilities from other mini-storage facilities.
- c. The required separation applies to any proposed/new gas station or mini-storage facility within the downtown overlay from any other existing mini-storage facility or gas station, whether located within or outside of the downtown overlay. Conversely, proposed/new gas stations or mini-storage facilities located outside of the downtown overlay are not required to meet this minimum separation requirement.

4. Outdoor Dining

- a. Any building constructed prior to January 1, 2024, shall maintain a minimum 6-foot-wide continuous sidewalk free from any seating, furnishings, or other obstructions adjacent to any street frontage.
- b. Any building constructed after January 1, 2024, shall maintain a minimum 10-foot-wide continuous sidewalk free from any seating, furnishings, or other obstructions adjacent to any street frontage.
- c. Required sidewalk width may be located within the public right-of-way, on private property within a dedicated sidewalk easement, or a combination of both.

K. Conversion from Single Family Dwelling to a Commercial Use

The downtown area has residential homes that currently have commercial zoning. The downtown area also encourages adaptive reuse. This means that the need for converting residential uses to commercial uses is present and will need guidelines and regulations.

- 1. Locate parking off-site. If parking is necessary on-site, it must be located in the rear or sides only.
- 2. On-site parking should be screened from adjacent residential properties.
- 3. Landscape area in the interior of the lot as well as the street frontage shall be in conformance to Section 5.4.3 Landscaping Required.
- 4. Create a pedestrian walkway or corridor from the parking area to the building entrance using a change in material.

**TABLE 5.12-2: EXTENDED TABLE OF
HOME OCCUPATIONS IN DOWNTOWN**
P=Permitted C=Conditional

Use Category	Use Type	Area 1	Area 2
Food Service	Baked Goods or prepared Meals (Delivery or Pick-up)	C	C
Personal Services	Massage Therapy	P	P
	Naturopathic Medicine	P	P
	Chiropractor/Acupuncture	P	P
	Personal Training	P	P
	Palm Reading/Fortune Telling	P	C
	Tutoring	P	C
	Music Lessons	P	C
Retail	Web Based	P	P
Office	Personal Office	P	P
Visitor Accommodation	Bed and Breakfast	P	-
Services	Art Studio	P	C
	Music Studio	P	C
	Custom Wood-working	C	C

10.3.3.E

Food Truck Court

A commercial property where multiple mobile food vendors (i.e. food trucks) may operate simultaneously. In addition to providing spaces or stalls for mobile food vendors, food truck courts shall, at a minimum, provide for restroom facilities, drinking fountains, trash and recycling receptacles, shade and seating. Recreational or entertainment activities, such as playground equipment or live music, may be provided on-site. All portions of a food truck court site used for parking (of customer vehicles or food trucks) and/or circulation must be an approved paved surface. Though individual vendors within a food truck court may change cyclically, the food truck court use itself is considered permanent or semi-permanent.

10.3.3.J.8

Open-Air Market or Flea Market

An indoor or outdoor premises where the main use is the sale of new or used household goods, personal effects, tools, artwork, appliances, and similar merchandise, objects, or equipment in small quantities, in stalls, lots, parcels, or in bulk, for the use, sale or consumption by the immediate purchaser in a building, open air on an approved dust-free surface, or partly enclosed booths or stalls not within a wholly enclosed building on an approved dust-free surface. This definition does not include retail sidewalk sales, farmers markets, or garage sales.

10.3.3.N

Maker Space

A business or non-profit co-working space for low-intensity assembly or craft manufacturing, where members are afforded access to a shared workshop typically featuring equipment, tools, software, technical training, and a community of people with similar interests. Tools and equipment within a maker space may include, but may not be limited to, instruments for prototyping (such as 3D printers) or for working with metal, wood, electronics/robotics, textiles, and glass. Tools and equipment for higher intensity manufacturing or assembly, including, but not limited to welding equipment, impact wrenches, and noxious chemicals, or any equipment used for auto repair, may not be provided within a maker space.