



**NOTICE OF REGULAR MEETING  
OF THE PLANNING AND ZONING COMMISSION**

<b>Chair Dan Kovacevic</b>	
<b>Vice Chair Peter Gray</b>	<b>Commissioner Mathew Corrigan</b>
<b>Commissioner Charles McDermott</b>	<b>Commissioner Nick Proctor</b>
<b>Commissioner Scott Schlossberg</b>	<b>Commissioner Phil Sveum</b>

**TIME: 6:00 PM - REGULAR MEETING**  
**DOORS OPEN 15 MINUTES PRIOR TO THE START OF THE MEETING**

**WHEN: MONDAY, MAY 11, 2026**

**WHERE: FOUNTAIN HILLS COUNCIL CHAMBERS**  
**16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, ARIZONA**

**PARTICIPATION IN PUBLIC MEETINGS**

**Request to Comment Cards** - To speak or submit written comments, a **Request to Comment** card is required. **Cards must be completed and submitted to the Clerk before the meeting begins. Late or incomplete cards will not be accepted.** A separate card is required for each agenda item.

**Agenda Items (Consent or Regular)** - Request to Comment cards must include the **agenda item number**, whether the speaker is **FOR** or **AGAINST** the item, and whether the individual wishes to speak or submit written comments.

**Online Request to Comment cards may be submitted for regular agenda items only** to either provide written comments or request to speak at the meeting. **Online submissions must be received by 12:00 PM the day before the meeting** at: <https://www.fountainhillsaz.gov/publiccomment>. Online comments are shared with the commission.

**Call to the Public requests are accepted in person only.** Request to Comment cards must be submitted prior to the meeting commencing. **Online submissions are not accepted for Call to the Public.**

**Speaking Rules** - Speakers may speak only when recognized by the Presiding Officer and are limited to **three (3) minutes**. All comments must be directed through the Presiding Officer, not to individual commission members or staff.

Request to Comment cards and submitted information are public records subject to public disclosure.

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**2. INVOCATION (MOMENT OF SILENCE)**

**3. ROLL CALL**

**4. STATEMENT OF PARTICIPATION**

Anyone wishing to address the Commission regarding items listed on the agenda or during Call to the Public must completely fill out a Request to Comment card located in the back of the Council Chambers and hand it to the Clerk prior to the start of the meeting. Once the meeting has started, late requests to speak cannot be accepted. When your name is called, please approach the podium, speak into the microphone, and state your name and if you are a resident for the public record. Comments may not exceed three minutes. It is the policy of the Commission not to comment on items brought forth under "Call to the Public." However, staff can be directed to report back to the Commission at a future date or to schedule items raised for a future Commission agenda. To avoid disruption of the meeting, to maintain decorum, and provide for an equal and uninterrupted presentation, applause is not permitted, except during Proclamations, Awards, and Recognitions. All meeting participants must maintain proper decorum as specified in Section 6 of the Council Rules of Procedure.

**5. SUMMARY OF CURRENT EVENTS BY DIRECTOR**

**6. CONSENT AGENDA**

All items listed are considered to be routine, non-controversial matters and will be enacted by one motion and vote of the Commission. All motions and subsequent approvals of consent items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Commission Member or member of the public so requests. If a Commission Member or member of the public wishes to discuss an item on the Consent Agenda, he/she may request so prior to the motion to accept the Consent Agenda or with notification to the Director or Chairperson prior to the date of the meeting for which the item was scheduled. The item will be removed from the Consent Agenda and considered as the first item on the Regular Agenda. The remaining items on the Consent Agenda will be enacted by one motion and vote of the Commission.

**7. REGULAR AGENDA**

- a. **CONSIDERATION AND POSSIBLE ACTION:** Approving the regular meeting minutes of the Planning and Zoning Commission April 13, 2026.
- b. **PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating Ordinance 26-11 amending Zoning Ordinance Chapter 6, Sign Regulations, Section 6.08 A. 6. Drive-Through Sign to increase the allowed size of these signs.
- c. **PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating to Ordinance 26-10 amending Zoning Ordinance Chapter 10, Single-family Zoning Districts, to add Section 10.025, Uses Permitted by Special Use Permit, and Chapter 11, Multifamily Zoning Districts, to amend Section 11.03, Uses Permitted by Special Use Permit, to add provisions for office uses in residential zoning districts.
- d. **DISCUSSION AND POSSIBLE DIRECTION:** Regarding draft revisions to Chapter 11, Multifamily Zoning Districts.

**8. CALL TO THE PUBLIC**

Pursuant to A.R.S. §38-431.01, or as prescribed by state law.

**9. COMMISSION DISCUSSION/DIRECTION TO THE DIRECTOR**

**10. FUTURE AGENDA ITEMS**

## 11. ADJOURNMENT

Dated this 4th day of May 2026.



Paula Woodward, Executive Assistant

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The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call (480) 816-5100 (voice) or AZRelay 7-1-1 the Thursday prior to the meeting to request reasonable accommodation.



# TOWN OF FOUNTAIN HILLS

## STAFF REPORT

**Meeting Date:** 5/11/2026  
**Meeting Type:** Planning and Zoning Commission Regular Meeting  
**Submitting Department:** Development Services / Planning  
**Prepared by:** Paula Woodward, Executive Assistant  
**Staff Contact Information:** Phone: 480-816-5122  
 Email: pwoodward@fountainhillsaz.gov

### Request to Town Council Regular Meeting (Agenda Language)

**CONSIDERATION AND POSSIBLE ACTION:** Approving the regular meeting minutes of the Planning and Zoning Commission April 13, 2026.

### Staff Summary (background)

The intent of approving meeting minutes is to ensure an accurate account of the discussion and action that took place at the meeting for archival purposes. Approved minutes are placed on the town's website and maintained as permanent records in compliance with state law.

### Related Ordinance, Policy or Guiding Principle

### Risk Analysis

### Recommendation(s) by Board(s) or Commission(s)

### Staff Recommendation(s)

Staff recommends approval of the minutes of the Regular Meeting held on April 13, 2026.

### Suggested Motion

**MOVE TO APPROVE** the Planning and Zoning Commission meeting minutes dated April 13, 2026.

### FISCAL IMPACT

**Fiscal Impact:**  
**Budget Reference:**  
**Funding Source:**

### ATTACHMENTS

- |                         |
|-------------------------|
| 1. PZ 2026 0413 Minutes |
|-------------------------|

TOWN OF FOUNTAIN HILLS  
MINUTES OF THE REGULAR MEETING  
OF THE FOUNTAIN HILLS PLANNING & ZONING COMMISSION  
APRIL 13, 2026

A Regular Meeting of the Fountain Hills Planning & Zoning Commission was convened at 16705 E. Avenue of the Fountains in open and public session at 6:00 p.m.

Members Present: Chair Dan Kovacevic; Vice Chair Peter Gray; Commissioner Mathew Corrigan; Commissioner Charlie McDermott; Commissioner Nick Proctor; Commissioner Scott Schlossberg and Commissioner Phil Sveum

Staff Present: Development Services Director John Wesley, Senior Planner Farhad Tavassoli and Executive Assistant Paula Woodward.



Post-Production File

**Town of Fountain Hills  
Planning and Zoning Commission Meeting Minutes  
April 13, 2026**

Transcription Provided By:  
eScribers, LLC

\* \* \* \* \*

Transcription is provided in order to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.

\* \* \* \* \*

KOVACEVIC: All right. Here, let's get her going. Are we ready?

GRAY: You're the boss.

KOVACEVIC: All right. I like to call to order the Monday, April 13th, 2026 meeting of the Planning and Zoning Commission. Let's rise for the Pledge of Allegiance, and a moment of silence.

ALL: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands. One nation under God, indivisible, with liberty and justice for all.

KOVACEVIC: Thank you.

Paula, can you please take the roll?

WOODWARD: Chair Kovacevic.

KOVACEVIC: Here.

WOODWARD: Vice Chair Gray.

GRAY: Here.

WOODWARD: Commissioner Proctor.

PROCTOR: Here.

WOODWARD: Commissioner Sveum.

SVEUM: Here.

WOODWARD: Commissioner Schlossberg.

SCHLOSSBERG: Here.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Here.

WOODWARD: Commissioner McDermott.

MCDERMOTT: Here.

KOVACEVIC: Okay. With -- statement of participation. I'll read the statement of participation.

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Okay. Agenda item 5, Summary of Current Events by Director Wesley.

WESLEY: Good evening, Commissioners. Just a couple of things that I will bring you up to speed on. At your last meeting, you had consideration of the rezoning for Toll Brothers up on Aspen. That will be on Town Council next week.

Also, some items that you have dealt with previously. One is the overlay district for the downtown, and the other is the rezoning of the downtown to apply a new overlay district. Those items will also both be on next week's Town Council meeting.

Some of you who have been here for a while. I remember maybe almost two years ago, considering a rezoning request over on Morningside, south of Palisades for some multifamily. That was ultimately denied, but the applicant has continued to work on that, and we have now approved a site plan for the apartments on the part that stayed the multifamily piece of that. So they'll be moving forward with the building permit on that soon.

Looking forward to next month. We do have at least one text amendment that we expect to have on your agenda, and then possibly picking up some of our consideration of the reformatting of the zoning ordinance. And also, I think you're aware that the town engaged a consultant to help with the rewrite of the wireless communication ordinances. I've have had recent communication from them. They're expecting to get

us a first draft of that here sometime in the next few weeks. Just don't know that we'd have that in time for a May meeting, but hopefully in time for a June meeting, at least, for your review and consideration.

KOVACEVIC: And agenda item 6, we have no --

CORRIGAN: Can I ask a question?

KOVACEVIC: Go ahead.

CORRIGAN: What's the overlay zoning item that's going to be on the Council next week?

WESLEY: For the downtown.

CORRIGAN: For what -- can you elaborate a little bit on what --

WESLEY: So again, there's two items. One is the modification to the overlay district itself that you discussed at your meeting last month. And a motion was made to approve the ordinance, which was defeated five to two. And so that's going to Council now for their consideration of any amendment.

Then after they've acted on any changes to the overlay itself, the rezoning of the downtown to take off the two existing overlays and apply the new one.

And also would like to remind you -- thank you, Paula -- that there's the open meeting law training coming up on the 21st. Also, that is mandatory for all Commission members to attend, at 4 p.m.

KOVACEVIC: Okay. Item 6. We have no consent agenda. So moving on to the regular agenda.

Consideration of possible action. Approving the regular meeting minutes of the Planning and Zoning Commission. March 9th, 2026. I have a couple of typo-type changes that I want to bring up.

On page 22 -- well, it's 27 of the meeting packet. The speaker was Richard Rutkowski, R-U-T-K-O-W-S-Ki. I just want his name correct for the record.

Page 32 of the meeting packet, speaker Barinov refers to the NPOA, but it's several times in his text, it's typed as MPOA, M as in Mary.

And on page 28 the speaker Wolf, it reads Idaho Canyon. I believe he means Adero Canyon.

I'd like to see those changes in the minutes. We can approve the minutes subject to those changes. So anybody want to give me a motion subject to those changes?

GRAY: Chair, prior to motion, I'm going to abstain from a vote on this one, as I wasn't present.

KOVACEVIC: Okay.

PROCTOR: Mr. Chair, I'll make the motion. I'll make the motion to approve the minutes with the amendments you suggested.

KOVACEVIC: Looking for a second.

CORRIGAN: Second.

KOVACEVIC: Let's do a roll call.

WOODWARD: Okay. Scott -- excuse me. Commissioner Schlossberg.

SCHLOSSBERG: Aye.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Aye.

WOODWARD: Commissioner Proctor.

PROCTOR: Aye.

WOODWARD: Commissioner Sveum.

SVEUM: Aye.

WOODWARD: Commissioner McDermott.

MCDERMOTT: Aye.

WOODWARD: Commissioner Kovacevic.

KOVACEVIC: Aye.

WOODWARD: And Commissioner Gray abstained.

GRAY: Abstain.

WOODWARD: Five-zero.

KOVACEVIC: Six-zero?

WOODWARD: Six-zero. I'm sorry, six-zero.

KOVACEVIC: Agenda item B, Public Hearing with Consideration and Possible Action relating to a special use permit to allow up to six residential units on a 6000 square foot

property, generally located 150 feet west of the southwest corner of Saguaro and Park View. 16865 East Park View in the C2 commercial zoning district.

Farhad.

FARHAD: Great. Thank you, Mr. Chairman, members of the Commission. Good to be with you this evening.

So the subject property for these proposed six residential units on a commercially zoned property is, as you said, a couple hundred feet west of the -- west of Saguaro Boulevard, just south of Parkview Boulevard. And the zoning is C2, with the overlays. Identified in the general plan as being within the character area of the town center, obviously. And the surrounding uses are as follows.

Listed here, got the two story office building right at the intersection there where -- is home to the Greek restaurant. Immediately to the west and a bit outside the scope of this photograph is the -- is a consignment furniture store and the outdoorsman hunting equipment store as well. And to the south is the plat 208 to common parking area with a vacant property to the north, also part of the plat 208 development.

So details of the special use permit proposal, as I said, six for sale -- well, actually, I would revise that and I call it townhomes, but six residential units ranging anywhere between 1300 to 1400 square feet each on the second and third floors. And I'll show you a floor plan a little bit later. A conceptual floor plan. And 1000 square feet of commercial on the first floor. But this special use permit, again, I want to emphasize, is for the six residential units, as it's already zoned commercial.

It will also feature six private garages is featured here on the rendering to the -- on the lower right. Those garages will be facing the driveway to the -- immediately to the west. There will be access also via track 208 as well as from Park View. And there's also shared and on street parking for commercial. Shared parking being of course, the plat 208 common parking area.

Architecture will feature a desert modern design, and incidentally, the applicant has solicited the services of the same architect that proposed the six residential unit condos immediately across the street that came before you. Right next to the Zap Thai

restaurant. And the height is -- will be limited to 40 feet.

Here's a conceptual floor plan, with the first floor being on the right. As I mentioned, the applicant is proposing six garages for each residential unit. They will be single car garages with a commercial component on the ground floor as well, of about 1000 square feet. And on the second and third floors, with three units on each floor, you'll see a one to two -- actually a two bedroom units being proposed for the -- for those upper floors.

So as I mentioned, and as you -- as you well might know, residential and C2 is allowed in a -- with a special use permit. Parking requirements, one space per 275 square feet of commercial is required. Residential requires two and a quarter spaces for each unit, some of which is being provided by the garage door, but also the plat 208 parking area, which is intended to provide parking for the entirety of plot 208. But mathematically it would require -- and in any other situation would require a -- 50 spaces.

Solid waste is required within 250 feet of the -- would be required within 250 feet of a residential development. And in this particular case, coordination would be required with the track 208 Property Owners Association. And there is in fact, a trash dumpster located well within that 250 foot radius, but perhaps the applicant elaborated a little bit more on the trash receptacle that is also provided in the in the building.

Public -- as far as public outreach is concerned, the applicant did provide written letters sent out to landowners within 300 feet of the subject property, in which the applicant invited landowners to provide written comments or questions and contact the applicant directly for those questions.

As of the publication of this report, there were no written comments received there.

We did receive a letter of concern from a landowner within plat 208 that mentioned some of the concerns being driveway accessibility, site visibility, especially considering that the -- where the building footprint is, and how it might visibility turning in and out of the driveway, as well as some parking concerns. And so more on that in a little bit.

As far as our analysis concerned, as of the publication of the report, we believe the application is consistent with the general plan and the downtown vision by supporting

mixed use and pedestrian scale development. We find it to be compatible as far as the land use is concerned, with the surrounding uses and meets the zoning and overlay district intent.

So our recommendation as stated in the report, is to move to approve subject to the stipulations listed, there is a setback on the documented -- on the plat for this dating back to 1970, that would affect the footprint of this building that would -- and that would need to be amended through an administrative lot line adjustment. And then site plan approval would be required if the Commission recommends approval and ultimately town Council approves the project. And also, we would need solid waste confirmation from track 208.

Now, all that said, there is a provision in the zoning ordinance, and this kind of touches upon one of the concerns that the one of the landowners had with regard to the garage locations. And let me see if I can zoom in a little bit on this footprint.

As I mentioned, the garage doors, as you can see in the rendering here, would be facing the driveway, providing access between Park View Drive and the common parking area to the south.

What came to light is a zoning ordinance provision that requires a minimum of 30 feet between the property line fronting a street, and any parking space. So therefore, if I remember correctly, with my -- some of my earlier measurements, the garage door, the closest to Parkview Drive is only about ten feet. And so in light of that provision, that would significantly alter the site plan with the full understanding that this is very conceptual at this point as the -- as what's coming before you is consideration for the six units and the density.

But, certainly following that recommendation, we would -- certainly would support a continuance to allow the applicant to rework some of the details with regard to the conceptual site plan.

With that, I'll conclude my presentation and I'll open it up to questions.

KOVACEVIC: Any questions for Farhad?

SVEUM: Farhad --

FARHAD: Yep.

SVEUM: -- were you -- aside from the last portion of your comments, so the ten feet versus 30 feet, were you -- were you concerned at all about the access into the in and out, ingress egress into these garage units?

FARHAD: Yes, certainly. That was -- Mr. Chairman. Commissioner. Certainly, that was a concern, given the given the circulation between the Parkview and the plat 208 common area.

There is a we did notice -- at the very initial submittal that there wasn't enough of a setback between the garage doors and the driveway. The garage doors need to be set back six feet from -- at least six feet from any drive aisle. The applicant since made those corrections. Still, there are concerns and -- especially in light of this provision. Uh-huh?

KOVACEVIC: Does the applicant have a presentation?

FARHAD: I'm not -- I'm not sure if he has a presentation, but I'm sure.

GURCZAK: I don't have a presentation, but I can answer any questions.

KOVACEVIC: Okay. Do we have any speaker cards, Paula?

WOODWARD: Yes, chair. We have one speaker card. Roger Isaacs.

ISAACS: Yeah.

FARHAD: If you want to use my slides, feel free to do that.

ISAACS: Oh, that's fine, thank you. Yeah.

I'm Roger Isaacs. I've been a resident here for about 26 years. I own the building across the street that used to be the bank. You may remember me from six, or eight months, or a year ago, which strangely still hasn't finalized, I guess. But some of these things take some time.

So let me just quickly I think you got a copy of some analysis work I did. I apologize, I'm an engineer. And I was asked actually to look at this. I don't live within 300 feet, but the people that own the five adjacent properties approached me and talked to me about the letters they got and some concerns they had.

After the analysis, I think there's two key points that you should take away if you don't

want to read the whole thing, or if it's very confusing to you.

Number one is, I personally think you should approve the special use permit for the density. Number two, you need to recognize that there are very valid concerns, I think, and also some other balls in the air, if you will, that involve the garage placement and parking for the other owners around the property.

There's never really been anybody step forward and explain how 24 hour parking mixed in with existing commercial parking, which is shared parking, will work out. And so there's obviously concerns, even though there's not a lot of spaces required by the building. I think it's eight if they use the garages fully. Of course, there's no -- nothing that says they have to use their garages.

So you could have 14 24-hour a day cars parked out in that area and left all summer, for example. And since there's no existing policy or procedures about that, that's a real concern. It's something everybody up there should understand is when you talk about 208, 208 has a lot of parking spaces, but 208's parking spaces were needed to be all shared parking spaces.

When you bring mixed use in, you make those shared parking spaces disappear. Each parking space that comes in that's allocated to a residential unit becomes a 24 hour parking space, which takes a five to one factor.

So when people tell you that these mixed use actually take less parking spaces, that's absolutely true in terms of count. But when it comes down to code requirement and what you're going to see out there in terms of congestion, it's quite the opposite. It's a five to one multiplier, okay?

So that's I think the key thing. And if you went through all my analysis, what you'd see is two things. One is that if everybody did what John is offering to do, which is to put at least one private parking space in their building. And we built out down in this area, which is probably the most congested parking space area we'll have in terms of mixed use and stuff. We would still have what I feel is an acceptable ratio.

That falls apart, though, if they do what they're allowed to do and not put parking in. If they don't put parking in, then we'll be very congested. We'll be over a five to one ratio.

So that's -- so I want to just make clear that I wasn't not in support of this, but there are some parking issues.

And also, I would point out that the thing that happened on Monday with the --

UNIDENTIFIED SPEAKER: The streetscape.

ISAACS: The streetscape, also, is another concern that I don't know if they've reached out to John and talked to him, but one of the things that the streetscape people are planning on doing is doing some modifications along Parkview and across the front of that, which involves a sidewalk, and that becomes their primary means of getting people from parking. That's going to be placed on Parkview into plot 208.

So again, that throat there becomes very contentious right now. And so I think there needs to be some communication to figure out how that could all be worked out. Thank you.

KOVACEVIC: Thank you.

Any other speaker cards?

WOODWARD: No, Chair.

KOVACEVIC: Okay let's close the public hearing.

Commissioner comments?

Okay. I have an issue. And the issue I have is that this is commercial zoning. It's C2 zoning, and we're considering a special use permit for residential. Residential should be a secondary use in, in C2 zoning. And what we're looking at is a residential building with primary -- where the use is -- the secondary use is commercial, but it's a commercial zoning district, and commercial is an afterthought here.

It's a 6000 square foot commercial lot, and there's only 830 or 890 square feet of commercial space. We're charged with a recommendation on the site plan as well. Am I correct? And I just I can't support a site plan in a commercial district with -- only on a 6000 square foot lot with only 800 square feet of commercial space.

So I'm willing to consider a continuance. I don't have a problem with residential going in there on the second and third floor. I don't like the idea of having all the utility space and everything else taking up commercial space. And so those are my comments on it.

I don't know if the Commissioners want to add anything to that.

Commissioner Corrigan.

CORRIGAN: Just the -- adding on to what you were saying. Chair, I noticed that the 890 square feet is really at the back of the property, and I wasn't quite sure what anticipation the developer had in terms of retail clientele. But that's not my real concern.

My real concern is that -- to share what the Chair said, this is more of a residential property, rather than focusing on the commercial for the C2 area. And so I am also concerned about that. I did notice there was a recommendation from Mr. Isaacs for curb cutting, to kind of mitigate the issue with, with the garage doors. But now I think Farhad has revealed that now the setback needs to be more like 30 feet rather than the ten that's existing.

So I think there are a number of issues here with this particular development. And so I have those concerns and other concerns about the access. And my real contention here is that the access -- it looks like a singular access into the public parking. And that shared eight driveway situation, I see as possibly a detriment to that flow of traffic. And that's all I have.

KOVACEVIC: Commissioner Gray.

GRAY: I concur with all of those statements and more. It's hard. John, it's a nice product. The render is beautiful. If you propose this on the other plat that's commercial, but vying very heavily to be a residential plat, I would -- I would stamp this through instantly.

The problem that I have is the more macro problem here. This is the opening salvo into 208 becoming Swiss cheese. And I can't do it. I don't know. I mean, I also would support a continuance, but to introduce private residential garages. Commissioner Corrigan makes all the points related to the -- just call them conflicts between what's a primary access way in and out of 208 and these and these garages with the short throat that doesn't -- that doesn't end well. And that's not how we should be planning. If we were ever going to entertain a development like this, the private parking spaces

need to be in board. Which means, yes, single roll-up door and all that parking stacked underneath the building. This parcel can't support it. It's not big enough. But to consider a residential biased development inside of 208, that's what I'm looking for.

I like the idea of residential in 208. It just can't be developed this way. And I make the pitch again, we need a more macro lens on this, because this this is the opener into absolute Swiss cheese of this corridor.

KOVACEVIC: Commissioner McDermott.

MCDERMOTT: Yeah. I just want to echo what the Chairman and the other commissioners have said. I think it is slanted incredibly heavily on the residential side and not on the commercial side. I mean, when you look at the floor plan, the commercial -- I'm not even sure how that works. There's no utilities or anything shown, no kitchen or bathrooms or anything in the commercial.

So is it -- is it just an open box? So I'm just not sure even the commercial portion of it is viable. But I think the parking is an issue and needs to be further evaluated. But I would support a continuance.

KOVACEVIC: Commissioner Proctor.

PROCTOR: Well, I'll jump on the bandwagon. I concur with everything that's been said particularly the macro aspect of this. I don't know if there's anything that can be tweaked to this, but I'd be willing to make a motion to defer this to the next meeting to allow the developer, the applicant, to work with staff to see if you can address some of the concerns that you've heard here tonight, and we can address this at the next meeting.

So I'll make that motion.

CORRIGAN: I'll second that.

KOVACEVIC: Okay. We have a motion and a second.

Do we have time in the next meeting or do we need to go out two meetings?

FARHAD: That's precisely why I came up here, Mr. Chairman, I wanted to know if the applicant would be okay with a continuance to a date certain, or continuance indefinitely. Perhaps -- okay. So the -- so the -- well, it would have to occur in May, I

believe. Yeah. The first commission meeting in May. Which --

WOODWARD: May 11th.

FARHAD: May 11th. Thank you. Yeah.

KOVACEVIC: And we can get it on that agenda.

FARHAD: I don't see why not. I don't think we have a full agenda yet.

KOVACEVIC: All right. I think our motion and our second is good then, because they said the next meeting. So May 11th it would be, Commissioner Gray.

Okay. So we have a motion and a second.

Can we get a roll call vote, please?

WOODWARD: Commissioner Schlossberg.

SCHLOSSBERG: Aye

WOODWARD: Commissioner Corrigan.

CORRIGAN: Aye.

WOODWARD: Commissioner McDermott.

MCDERMOTT: Aye.

WOODWARD: Commissioner Proctor.

PROCTOR: Aye.

WOODWARD: Commissioner Sveum.

SVEUM: Aye.

WOODWARD: Chair Kovacevic.

KOVACEVIC: Aye.

WOODWARD: Vice Chair Gray.

GRAY: Aye.

WOODWARD: Seven-zero.

KOVACEVIC: Okay. Moving on to item C, Public Hearing with Consideration of Possible Action relating to ordinance 26-06. Amending sections 1.12 and 2.04A and F, and adding section 19.06H to provide for site plan modification and murals.

Director Wesley.

WESLEY: Chairman, Commissioners. Good evening.

I'll cover this fairly quickly, I hope, but a little bit of background. Currently, our town ordinances do not regulate the opportunity or options for murals to be placed on the exterior of buildings. And as we've done some murals in, in the area downtown, some place making painting the various utility boxes, that's created some interest in murals going on buildings.

Town staff have been approached by a couple of businesses that would like to do so. And discussing with the town Council, asked staff to look into programs and any requirements that might be necessary to help regulate such an activity. In doing so, we have recognized the need to make some amendments on our zoning ordinance to give us an ability to address that possibility.

So what you have before you this evening are changes to three portions of the zoning ordinance. First, in the definitions, to create a definition of mural, we looked at several options and what other communities have used and are able to develop this definition that we think will work well for us.

Maybe I should stop there and see if anybody had any questions about the definition. If not, we can move on.

Okay. And then the second is the ability then to review buildings and modifications to existing buildings to -- if they want to paint the building. So that required two changes in our site plan review requirements. First is what requires a site plan review. So that's applicability section in 204A. So some slight tweaks there. Most of it's just moving some wording around, but the main change is to add the words exterior site or building modification, if you're doing that would require then site plan review.

And then for site plan amendments to add a new provision there. So change the paint colors, materials, themes, or exterior treatments of a facade would require site plan review. Again these would be done administratively.

And then finally, to go into Chapter 19, which is the architectural review standards in the 1906 materials and colors. Currently 1906B limits any exterior building to a maximum of five paint colors, which may work for murals and may not, but wanted to point that out. It gets addressed then in the new section H, for murals.

So we then have the specific provisions that would apply to murals. So they must meet the definition. They are exempt from the limitation on the five colors in 1906B, and then some specific requirements.

They must fit with the and complement the architecture and other design elements of the building, fit the context of the area, and utilize the design themes in the town's most recently approved Call to Artists program.

They cannot cover doors and windows, use metallic paint and other items, containing new electrical or lighting components, containing profane, gory, or violent material contain words except for maybe the artist's name, people, or images of people extend beyond the surface of the wall plain.

Murals cannot contain signed copy or logos, and goes into a little bit more detail on that -- or be installed on designated historic property. They must be maintained in good condition, and artists used to paint murals must come from the town selected list of qualified artists.

So those are the provisions in the ordinance you have before you.

KOVACEVIC: Commissioner Gray?

GRAY: Two questions, John. One, I assume with all the exclusionary guiding language in here, you feel protected in relation to the famous Gilbert content Supreme Court case?

WESLEY: Yes, of course, that had to do specifically with signs. And one of things we're trying to do here is avoid these being used as signs. We have discussed this with the town attorney in terms of any First Amendment rights for free expression. And she feels like that these criteria will follow with that.

GRAY: Okay. And then second question, you got basic maintenance criteria in the language. Eventually, it's all going to fade and degrade and so on and so forth. How do we -- how do you enforce that? Is there a -- is there a bonding component or a public art fee that's contributory when you solicit your mural license?

WESLEY: Chair, Vice Chair, at this point, we have not included anything like that in the ordinance. We would consider it the same as maintaining compliance with any other zoning ordinance standard for parking lot maintenance or landscape maintenance,

those types of things. If it comes out of compliance, they'll get a letter notifying them of the violation and given a time to correct it. If, for whatever reason that doesn't take place, then we can go talk to the judge or consider appropriate action to remedy the situation.

GRAY: So you would have -- that's ultimately, you would have some ability to go in through town authority and cover it, I suppose?

WESLEY: Yes. Chair, Vice Chair, I believe we would if it got to that state.

GRAY: And then as does -- last thing. Does there need to be any sort of -- we call it in another context -- reasonable accommodation escalation criteria for content appeals or anything of those sorts?

WESLEY: We don't believe so.

KOVACEVIC: Commissioner Sveum.

SVEUM: Who's going to approve the design and the mural itself?

WESLEY: So Chair, Commissioner, they would submit site plan modification to the planning department, just like any other site plan modification. And so it would be the planning staff primarily that would look at it. If we have any questions that we might need to involve any other staff, we could, but --

SVEUM: Well, this is art.

WESLEY: Right.

SVEUM: And I realize that some design is considered art, but it seems like there should be an art commission to people that are artists in the community that should review these with the color combinations and the design itself, and provide an approval or disapproval.

I was surprised, I guess, that there wasn't -- that wasn't part of this.

WESLEY: Chair, Commissioner, again, given the criteria in the Call to Artists, that kind of set some parameters on what types of things are being allowed or expected and parameters that way. And then the other criteria about what you can and can't do, we feel like we'll handle those issues without needing to get a committee involved.

SVEUM: Well, there's some big building sites. For instance, the 12 unit we approved

about a year ago that now is a six unit on the avenue. That side of that building was all stucco. And who knows when, if -- when and if Chase would ever, develop their lot. That would be a very large canvas that would be there for a long time. And I think it's important to -- personally, I think it's very important to have those that have artistry backgrounds to have some input.

CORRIGAN: I mean, I'm not looking for that.

KOVACEVIC: Commissioner Schlossberg.

SCHLOSSBERG: And I think you scrolled through it pretty fast, but you said no people or -- I don't know, the way it was on the on the murals. There's no people.

WESLEY: No people or images of people, correct.

SCHLOSSBERG: There it was okay. Yeah. And I mean, that's for political reasons, not to offend anybody one way or the other?

WESLEY: Correct.

SCHLOSSBERG: Okay. Yeah. I mean, I take it -- I'm speaking from Wickenburg.

Obviously, I've got another office there and they've engaged in this mural program, which is amazing, and it's really revitalized the historic downtown area. And there's, indigenous peoples, there's miners, there's a lot of people on the murals, and I haven't heard any negative feedback on that.

So I mean, that might be something to reconsider, possibly.

KOVACEVIC: Commissioner McDermott.

MCDERMOTT: Yeah, I'm just curious, so who owns the mural? Would it be the building owner or --

WESLEY: Chair, Commissioner, it would depend. There have been some situations where building owners have approached the town and encouraging the town to step forward and have the mural done. If that were done, then it would be -- the town would certainly have more authority over it and to change it.

There's also been some discussion about 50 over 50 kind of match program between the property owner and the town. Those are things that the Economic Development Office is working with and developing program kind of as a parallel to this. And so that

could happen. But otherwise, if it is just a property owner painting their building, than it is totally their responsibility to paint it and maintain it.

MCDERMOTT: And maintain it. But if but if not, if it was some other mechanism that produced the mural, then then there could be an issue with ownership of -- ownership and rights of the mural itself?

WESLEY: Correct. And again, that's what economic development department would be working out in their programs.

MCDERMOTT: Yeah. I'm just curious and -- to the other Commissioner's point about, perhaps you could limit the size of it, and the mural could be a maximum square foot of something, but to your point, if you had a pretty large side of a building, you could end up with a pretty large mural that not everybody may love it and mount it, and everybody may not love it. And it's -- and it's there. And if it's owned by the building owner, it's to their discretion to do with it as they please.

So I'm just curious. Maybe a size limitation would be appropriate or a maximum percentage of a side of a building or -- so.

WESLEY: Yeah. Chair, Commissioner, we did give some thought to that. We came down on the side of not including that because each situation can be so unique and different.

MCDERMOTT: Yeah.

WESLEY: We put in arbitrary size, and maybe times we regret that it couldn't be larger and better fill a vacant space and provide more of an attraction by having that, again, that arbitrary limitation.

MCDERMOTT: Yeah. But also to the Commissioner's point, I think it seems like there should be some someone to approve it and say that's a mural that's suitable for the community, or somehow get community input or so -- but it sounds like that's -- it's considered that right? Okay. Okay.

KOVACEVIC: Commissioner Corrigan.

CORRIGAN: I'll yield to Commissioner Gray. I think he might have been first, Chair.

GRAY: No, that's okay. Go ahead.

CORRIGAN: Is that right? Okay. Great.

I've seen this just -- maybe I should have stayed in art school. The 3000 to 4000 sounds really attractive right now. But in all seriousness, I've seen this happen in other areas where they paint the murals on the side of the buildings, and I can think of a particular small town in Oregon where there are six of these. And although I like art, I love art, and I love the utility boxes. I love renderings all over town. I want to see that continue. And I'm 100 percent in support of it. And there's some fantastic work out there. And those people should be commended, complimented, and encouraged.

What I have reservations about is the building of murals, and again referencing this small town. Now it's out of state, it's in Oregon. But I've seen what started off as a historic rendering, which was representative of history and the chronological order of from beginning, in this particular case, Native American beginnings up to current contemporary industrial, commercial enterprise type things true capitalism.

But what happened -- what I saw happened was that it became artistic interpretation, and it went a different direction.

And I'm concerned about what could potentially happen with that palette, with that building being the size, it is, number one. And then with the artist freedom and interpretation, which I've evidenced. And not everyone -- art's art. Some love, Norman Rockwell, Pablo Picasso, Cezanne. So the list goes on. But it's not everybody's -- one man's art is another man's --

Anyway my point is that I'm very concerned about the building murals, and I think maybe we should take a second look at that, and maybe consider confining it to just the utility boxes and other smaller venues.

There you go.

KOVACEVIC: Thank you.

Commissioner Gray.

GRAY: I don't have the same reservation that Commissioner Corrigan has. I also want to say I do support Commissioner Sveum's thoughts on a commission of sorts. And the reason, I think, is if -- I think it's Clause H that kind of bridges us into trademarks, copy,

logos, advertisement in general. And H starts out as underneath -- and maybe I'm just misreading this, but H starts out as underneath mural shall not -- and then halfway through it, it kind of makes you think, well, maybe, maybe you can put an abstract Chevy emblem into your into your mural.

I guess I -- my thought is maybe H needs wordsmithing or needs to come out. And maybe you temper everything by saying a mural can only be flora, fauna, and landscape or something. Like, let's just let's remove all of the -- I must have hit a nerve.

WESLEY: So Chair, that's why I look back at Amanda to talk about that a little bit, that comes back to the Call to Artists Program and the themes that are in there. That's one of the things will help control that. But you can talk about some of those things you had in the past.

JACOBS: Chair, Vice Chair, Commissioners, Commissioner McDermott. We haven't met yet but I'm Amanda Jacobs, the economic development director. And John went like this and told me to come over.

So a couple of things. One, through the Call to Artists Process, right now we have two staff and we invite a business person in to help us select our artist and themes. So when we talk about maybe another commission, I would say too, to Commissioner Corrigan's point, be careful what you wish for. Art is in the eye of the beholder, I think, is what you were you were saying.

So to get five people or seven people to try to approve art might be hard. And then two of some of our business people that have helped with the Call to Artists Process.

Sometimes it's -- they're wanting to push the envelope. And I think trust staff and we know our commissioners and the public.

And so with the Call to Artists Process, Vice Chair Gray, we actually specify exactly what you said, adding also into their Dark Sky, anything fountain related, or events, et cetera, to just to try to keep those themes very focused.

When we started a couple of years ago with utility boxes, everyone was afraid. And I'm like, we have to just dab our toe in it. And as many of you have mentioned, everyone loves it on a weekly basis. We're asked for more. And to director Wesley's point, we

have several businesses who need us to get through this process with the Commission as well as Council, because they're ready to get through this process to actually pay for their own mural, and not on huge, large walls.

Some of the folks that have approached us it's a small panel. Some of it could be hidden in a -- in a walkway. But I hope that answers some of your questions. And I think John added a third attachment, which shows that Call to Artists -- what we did last year. But each year we go through that, we actually work with a third-party called Art State, Arizona. And so they'll initiate the Call to Artists Process.

We'll get national, local, regional submittals. We had over 18 artists submit last year. And then just based off of what we were looking for we then commissioned four artists, and then we ensure with what they provided us, that they meet what they provided. So there's a couple times last year with one of the artists who was newer of, hey, Amanda, I was thinking of adding this. Can you come on site? Can you look at that? Am I authorized to do that?

So the artists too, want to make sure that they're doing right by the town.

KOVACEVIC: Commissioner Proctor.

PROCTOR: Amanda, I think you answered one of my questions. Did I hear correctly that the town's public art committee -- commission will be in the process of reviewing this?

JACOBS: No. So Chair, Commissioner Proctor, it's actually with the utility boxes.

It's an -- excuse me. I didn't bring my water.

So we've got two people from staff, and then we invite in or rotate a business to sit on that process with us. And then what John is referring to is -- with the submittals for the business ones, it will go through Development Services. So John and his team. And then he mentioned if he needed to pull someone in.

Economic development is ready. But we're strongly against -- or at least I'll say -- I won't speak for John -- of having a commission look at this. Just because we're not sure if people will be able to decide on the art, or if they'd be willing to push the envelope, which we've seen happen when we invite a business owner.

PROCTOR: Okay. Just pushing back just a little, this public art commission is doing the

same thing with the art that goes in the community, the structural art, the different things. The same problem applies there. I'm just curious why we're not engaging a commission that's already up and running to look at this stuff.

JACOBS: And I'll say Chair, Commissioner, of what we're seeing with the utility boxes, just -- we'll say from experience -- that we think the easiest and fastest way is for this to be an internal process.

It's the same -- so take with a business that just wants to paint their building. John, do we give that to a commission or is that administrative approval?

WESLEY: Administrative.

JACOBS: He said administrative for the microphone and the record.

PROCTOR: Okay.

JACOBS: So following along that path.

PROCTOR: Okay. I argue that painting a building is a little different than public art, but I do have another question. If I could, Mr. Chair, one more. And being on the Dark Sky Discovery Center Board that I kind of honed in on that there was some specificity on lighting to B and C uplighting I was wondering, is uplighting also something that we could prohibit here, or does that fall into another ordinance that the town has on lighting?

WESLEY: Chair, Commissioner Proctor, that would fall under chapter eight of the zoning ordinance, which is our outdoor lighting control ordinance, which regulates the lighting that you -- shot on the building.

PROCTOR: Thank you, thank you.

WESLEY: Yeah.

KOVACEVIC: Commissioner Sveum.

SVEUM: I just think, even if it's a three person committee to review these that are people from the art industry, would be a good idea, because you're absolutely right. Half the people won't like it, half the people will like it. It's art. And if it's -- if it's a big piece of art, it's going to be a big problem.

I don't -- I think these the boxes are awesome. What Laura the muralist does extremely

talented, but those are all natural. I should say, not all of them, perhaps, but most all of them are from a natural theme, whether it's desert scape or birds or animals, so on. Except for Dark Sky, I think that's even natural.

But I think it's it really would behoove you to have some other people review these things that are experienced artists. It will take a lot of the burden off of you if there's a problem. And I think that there's -- if there's three people and they're only -- did you say they're limited to three -- five colors, or something there?

WESLEY: Chair, Commissioner, the current ordinance limits if you're just painting a building, to five colors. But if you're doing a mural, there's no limit.

SVEUM: Okay. But I think some ideas that they could provide the artists that's going to be -- that has been contracted to do that work. It'd be very helpful. And I think it would -- you could end up with the best product possible by having that input from people. And I'm not looking -- I'm not -- I'm not suggesting a big commission. But if there's two, or three, or four people that have that live here that have experience, it would behoove you to include that in your requirements.

KOVACEVIC: Just a quick question. There's art required for a -- in a new development situation. Somebody wanted to come in and build a shopping center. When the Bashas Center was built, there was a requirement to put in art. Do you happen to know off the top of your head what that requirement is?

WESLEY: Chair, I won't be able to cite it exactly, but it's based on the cost of the building. And it's a percentage of that. I don't know if you remember the first million, it's like a three quarter percent. And above that it goes to half, and then above that, it goes to a quarter percent of the valuation of the improvements.

KOVACEVIC: And is the art -- so that I mean, in the center that might cost -- I'll pick a number, a million dollars to build, so they would -- there would be 100,000 or \$75,000 worth of art. Is that is the art that gets is the art to satisfy that requirement? Is that at developer's discretion or --

WESLEY: That does go through the Community Services Department and they review that and it goes ultimately to Council if they're actually doing the art. A lot of

developers go ahead and pay the fee in lieu of the art itself.

KOVACEVIC: Again, I'm thinking of the Basher Center with the sculptures that are that are out there. Is it the same -- the Community Services, that the same people that review the murals?

WESLEY: No, that's Community Services versus Development Services.

KOVACEVIC: Okay. Thank you.

Okay. Commissioner Corrigan.

CORRIGAN: Just general curiosity question, John. I know this is restricted to Arizona artists, which is fantastic. In the qualifications -- that's correct, right? I think it's only Arizona artists. I thought I read that somewhere. Maybe I'm wrong.

JACOBS: Chair, Commissioner Corrigan, so with the Call to Artists process, it is national where we received. Yeah, we actually received artists that submitted from Tennessee and other states. But a lot of preference is placed on Arizona also too, because it's cheaper. If you're giving just 1000 or 3000, and then you're going to fly from Tennessee, no one's then going to pay for your airfare, et cetera.

CORRIGAN: Okay. Just maybe a suggestion that we make that restriction to keep it to Arizona artists. We have a lot of talent here in Arizona, and I'm very much in favor of not only, keeping Fountain Hills -- doing business in Fountain Hills, but doing business in Arizona. And I just don't like exporting -- I'd rather have the theme consistent with Arizona, Artists consistent with Arizona, and why should we go outside Arizona?

Let's keep the dollars in Arizona. And I'd like to keep them in Fountain Hills. But maybe we don't have that many gifted artists. I'm sure we have a lot, but maybe not that many. And just a tag on question. Do we know how many of the total artists that are represented here in town? How many are from Fountain Hills?

JACOBS: So I can say, Chair Commissioner Corrigan, the last couple of times we've done a Call to Artist, I don't believe we've received any submittals from Fountain Hills. So it's been from the Phoenix region who then ultimately have been selected.

CORRIGAN: Okay. Thank you.

JACOBS: You're welcome.

KOVACEVIC: Any further comments?

Seeing none, we have an ordinance. We talked about a commission. We've talked about enforcing the appearance when they -- as they get faded. We talked about restricting Arizona artists. What else am I missing?

WESLEY: Chair, there were some size limitations mentioned also.

KOVACEVIC: That's right.

Commissioner Gray?

GRAY: I'm just --

KOVACEVIC: Oh. So do we want to make a motion and modify the ordinance as presented, or -- what do you want to do here, Commissioners?

Commissioner Corrigan.

CORRIGAN: I'd like to have my microphone work. Okay.

Oh. Thank you, thank you.

I'd like to make a motion to add three contingencies to the existing requirements -- or ordinance. And that would be have the all Arizona submitted artists on only from Arizona. And the other two -- remind me, Chair. What were those other two?

KOVACEVIC: There were three.

CORRIGAN: Three.

KOVACEVIC: There was a mechanism to enforce the appearance, that it was kept fresh, or if it faded that there could be some sort of mechanism to -- some mechanism to refresh it, that we have an appointed art commission, and size limitations.

CORRIGAN: Great. So I would like to amend that existing ordinance to include the size issue. So have a size limitation. The second would be only Arizona artists and then have a bonding process or some sort of protection process to protect the integrity of the art. I think that was the third thing. And there was one other, I apologize.

KOVACEVIC: A commission.

CORRIGAN: The commission, which I think Commissioner Sveum suggested three to five, maybe. Keeping again -- well, anyway -- a commission --

SVEUM: Two or three.

CORRIGAN: Two or three, whatever number. Number to follow. And that would be the -- my proposed -- yeah, that's my proposal.

Thank you, Chair.

KOVACEVIC: Commissioner.

Do you have that, Paula?

WOODWARD: I do.

SVEUM: Second.

KOVACEVIC: We have a motion and a second.

GRAY: Chair, can I propose an amendment?

KOVACEVIC: Yes, please.

GRAY: I'd just like to propose -- not convicted, but propose we remove the recommendation on size restrictions and let that default to either the appointed commission that we're recommending or back to staff. I just don't think we should dabble in that, or if we're going to dabble in it, we need to set some boundaries around it.

KOVACEVIC: Okay. Commissioner Corrigan, do you accept the amendment?

CORRIGAN: Yeah, I would accept that amendment.

KOVACEVIC: Commissioner Sveum, do you accept that amendment?

SVEUM: Yes. Yes.

KOVACEVIC: Okay. So we're striking the size limitation and leaving that at the -- to the discretion of the Commission.

WOODWARD: Okay.

KOVACEVIC: Okay. We have a motion and a second.

Commissioner McDermott?

MCDERMOTT: Oh, no, no. I was just --

KOVACEVIC: Okay. Can we have a roll call vote, please?

WOODWARD: Commissioner Proctor.

PROCTOR: Aye.

WOODWARD: Commissioner Sveum.

SVEUM: Aye.

WOODWARD: Commissioner Schlossberg.

SCHLOSSBERG: Aye.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Aye.

WOODWARD: Commissioner McDermott.

MCDERMOTT: Aye.

WOODWARD: Chair Kovacevic.

KOVACEVIC: Aye.

WOODWARD: Vice Chair Gray.

GRAY: Aye.

WOODWARD: Seven-zero.

KOVACEVIC: Okay. Moving on to item D, Public Hearing with Consideration of possible action relating to ordinance 26-03, amending zoning ordinance, Section 5.13 community residences to remove sections moved to town code, article 8-8.

Director Wesley.

WESLEY: Commissioner I think that was my whole report and presentation here, but I'll summarize quickly.

So again, some months ago, the town Council asked staff to look at amending our community residents ordinance and requirements to allow for inspections and insurance.

When we did so, it was determined that it would really be better for our whole registration provisions to be moved into the business regulations in town code, rather in the zoning ordinance. So we prepared that ordinance amendment for Town Council. So it moved -- many of the provisions that are currently in section 1.5.13 of the zoning ordinance over into a new section 8-8 of the town code and provided for the inspections and insurance as Council was asking.

And so that means we need to come back now into section 5.13 and take out all the things that we moved over into the other section of the town code. So that's what this

does this evening. Ordinance 2603 removes those provisions. It adds one provision, which tells people they're looking at how to register, to go to section eight of the town code to find those provisions.

Any questions?

KOVACEVIC: Commissioners.

MCDERMOTT: Make a motion to approve.

KOVACEVIC: We have a motion.

PROCTOR: I'll support.

KOVACEVIC: Okay. We have a motion and a second.

KOVACEVIC: Any comments?

Commissioner Corrigan?

CORRIGAN: All right. By the way, I self-muted myself. My apologies. I'm concerned about some of the community housing issues in general, and I don't know if we should delve into this at this point, item by item, or are we just ready to move ahead?

KOVACEVIC: All this -- all we're -- all this does is it takes language out --

CORRIGAN: Okay.

KOVACEVIC: -- that was already moved. So we're not -- there's really no action regarding the housing issue. It's just a matter of striking items --

CORRIGAN: Okay.

KOVACEVIC: -- that are redundant in the ordinance.

CORRIGAN: Thank you, Chair. And just an add on question. Will we be addressing some of these issues later on, or does this then move to Council?

KOVACEVIC: I don't know that we have anything coming on our agenda related to housing.

CORRIGAN: Okay. I mean, then this is not the time to discuss --

KOVACEVIC: I don't --

CORRIGAN: -- specific issues about community housing.

KOVACEVIC: Right. The specific issues aren't agendized.

CORRIGAN: Correct.

WESLEY: Only housekeeping amendment is on your agenda.

CORRIGAN: Okay. Thank you.

KOVACEVIC: Uh-huh.

Okay. So we have a motion and a second.

Can we have a roll call vote?

WOODWARD: Commissioner Proctor.

PROCTOR: Aye.

WOODWARD: Commissioner McDermott.

MCDERMOTT: Aye.

WOODWARD: Commissioner Sveum.

SVEUM: Aye.

WOODWARD: Commissioner Schlossberg.

SCHLOSSBERG: Aye.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Aye.

WOODWARD: Chair Kovacevic.

KOVACEVIC: Aye.

WOODWARD: Vice Chair Gray.

GRAY: Aye.

WOODWARD: Seven-zero.

KOVACEVIC: Okay. 7E, Annual Update for the 2020 General Plan.

Farhad.

FARHAD: Yes. Thank you, Mr. Chairman. Members of the Commission.

So I think this is my maybe my sixth year, or maybe fifth year presenting the annual update to the general plan before you for the calendar year -- in this case, calendar year 2025.

The last time I presented this, I think -- I think two of the Council, or rather the two of the Commissioners that are up here probably weren't part of the Commission at that time. But -- and as many of you know, I'd like to start off my presentations with just

highlighting some of how the general plan is organized. And so to some of you, it'll be repetitive, others might be a good refresher.

So apologies in advance for sounding like a broken record, but I think it might be important before I start talking about some of the achievements or the milestones we've reached in 2025.

So the purpose of this presentation is to present before you, progress that the town has made on the general plan. Partly because it's a state statute requirement to not only have a general plan, but to update the governing body every year. And so the report that I've provided in your packets there, it talks about the adoption of the 2020 general plan and the three overarching principles which contain the eight general plan elements, but particularly the report before you talks about the implementation project progress. And as I mentioned, the report is -- that you have is in regards to the 2025 calendar year.

General plan, as many of you already know, was approved in May -- on May 2020 by town Council. It was ratified in November 2020 by the by the voters.

So the plan is organized according to three overarching principles. And those three are -- and you might want to add the word thriving before this, because that's how it's how it appears in the general plan. But thriving neighborhoods, thriving environment, and thriving economy. Those are the three overarching principles.

It also identifies various character areas, such as the town center, various gateways to the town, such as those on either end of Shea Boulevard, as well as Fountain Hills Boulevard to the north by the State land piece. And it also establishes amendment procedures and requirements for an annual report.

And by the way, there have been no amendments to the general plan in 2025, and as you'll -- as I'll discuss later, that may change for the upcoming calendar year, not this calendar year, 2026, but maybe next year.

The -- it also, at the very end of the general plan, and perhaps might have been beneficial to have a copy of the general plan before you, but there's also an implementation strategy that outlines how the goals, policies and objectives are to be

carried out, and the steps to achieving those goals.

This is a page out of the implementation strategy. As I mentioned, it lists the goals, policies, and implementation actions, as well as the lead agencies. In this case, it talks about the connectivity using various access -- using the access and mobility plan to be carried out by public works. It is a short range goal. More on that in a minute.

It mentions some of the potential funding sources, and there are footnotes to go with this that are not on this slide, but it does identify various funding sources, as well as some private and public partnerships that might be beneficial in achieving those goals. There are anticipated time frames for each of those implementation actions, ranging from ongoing and immediate. So very short time frame for some of those goals to be achieved, as well as long range goals to be achieved within ten years, and everything in between there.

The annual report requires a review of the plan amendments process. During the previous year, I already mentioned there have been no amendments, as there haven't been any in the past six years since this -- actually, since the general plan was ratified. Progress and status of implementation, as well as some a review of some policy issues that have been identified, as well as some recommendations for amendments.

Some highlights from 2025 that I've listed in the report that touch upon those overarching principles and the -- and the subsequent elements.

So in 2025, we've completed about one mile of sidewalk, much of which is right here adjacent to us along Montana Drive, along the Keystone development and the Bashas shopping center.

We completed about one and a half miles of new bike lanes. As many of you know, Palomino Boulevard is currently under construction, but earlier in the year the -- a \$5 million budget was approved to make those improvements along Palomino -- Palomino, rather.

3.2 million, not \$3.2, but \$3.2 million was approved for the Shay widening construction. That 3.2 million was to hire the contractors that are currently performing that widening. Two new trails were completed in our trail system in the mountain preserve area. That

completes our trail system for the entire town with those two miles.

There were over \$126,000 in grants that were awarded to -- awarded to the town, most of which came from the salt River Pima Indian Reservation, as well as the Arizona Office of Tourism. The permanent mural project, as many of you know about, was completed at Fountain Park, replacing the Pump House Art Project, which was rotating.

The design phase for the Verde River Drive and Parkview Drive intersection was initiated. In fact, we had a very recently had an open house.

There's a new effort now to add the fountain to the National Register of Historic Places. Our initial effort last November, failed. And so our Community Services Department is taking another stab at it with a -- just starting from scratch and perhaps learning from the previous process. And multiple -- there have been multiple inquiries about the State land piece.

Already talked about the anticipated time frames, because I wanted to go into some of the actions that have not been completed. And many of you have heard this over and over again. And just in case there's any new discussion that you wish to bring up, I'll present them again. But amongst some of the immediate actions that we have not yet been able to accomplish, is employing a part time grant writer, and also establishing a general plan monitoring system coordinated with the -- with the -- a review of the cost of development or the Capital Improvements Program.

Due to some I guess feasibility and logistical issues as well as like the very interdisciplinary nature of -- particularly this last bullet, having the general plan monitoring system established, kind of creates some logistical challenges across various departments.

Policy implementation issues, some short-term actions that have yet to be accomplished, I've listed here. I'm not going to read from read them word for word, but you have them before you in your in your in your packet.

I'll just skip down to the last two bullet points real quick. The safe by design concepts and low impact development. The general plan contains a -- contains goals to implement those through our zoning ordinance. And I will say that Safe by Design

Concepts and Low Impact Development, they're very -- yeah, those are proper names associated with a certain set of standards.

But they haven't been formally implemented in the zoning ordinance, but they are, in some form or another, already established or provided in the zoning ordinance in various chapters.

So -- and mid-long-range actions particularly preparing a feasibility study for the State -- for State -- for the State Trust land based on the results of a cost recovery study. It's kind of hard to do that when we don't have any prospective developers. However, that may very well change soon as we've had a series of meetings with various developers interested in pursuing the State land piece. And as I mentioned, we're it's very possible that an auction will be scheduled in the coming year, if not by the end of the year.

Decided to put this up here for purposes of discussion. Many of you already know the State land piece, which originally went up for auction back in 2008. It was bought by the Ellman Company, and that was right around the Great Recession, and they have since gone -- or I should say, any fruition of this development has since gone belly up.

But the zoning, as you can see here, is very established and it's some very specific areas establishing very specific zoning designations. That is almost certainly going to change once a new developer gets on board.

So I'll leave it at -- I'll conclude with that and open it up to any discussions you might have about 2025, or the general plan in general.

KOVACEVIC: Commissioner Sveum.

SVEUM: You're looking for grant writers to employ, or are you looking for independent contractors that could come in and --

FARHAD: Yeah.

SVEUM: -- help write specific grants that are in need?

FARHAD: Right. The general plan simply states that we are to consider employing a part time grant writer. I think as a -- particularly as you can see parenthetically here, an economic development goal would take advantage of things such as like CDBG block grants among other things that our folks in Washington pass every now and then, and

we like to pounce on it, but --

SVEUM: I think you'd have luck reaching out if there was a need for someone to write a specific grant.

FARHAD: Absolutely.

SVEUM: Yeah.

FARHAD: Yeah.

SVEUM: You wouldn't have to hire.

FARHAD: Correct. Yeah.

SVEUM: Except for like, an independent contractor.

FARHAD: Yeah. Our public works department takes advantage of -- particularly takes advantage of all the grant opportunities out there. And so -- yeah.

KOVACEVIC: Any other comments?

I just have one -- a type of -- typo comment on page five of the of your report. You're talking about the farmers market and an increase in number -- in the number of vendors. And this says an increase of approximately in vendors. It doesn't give a number. I was wondering if you knew what that number was.

FARHAD: Yeah, it should be -- it should be ten.

KOVACEVIC: Okay.

Farhad: Ten new vendors. But I don't know what that brings the total up to. So -- yeah, I'll fix that typo. And I also did notice a series of bullet points here that was repeated. And so I'll be sure to remove that.

KOVACEVIC: Great.

FARHAD: Yeah.

KOVACEVIC: All right. Thanks. Anybody else?

And there's no action on this, right?

FARHAD: The only action really is -- I guess we're looking for you to, I guess either revise and resubmit, or just approval to forward it to the town Council, and it will most likely be communicated to them via email, rather than coming before -- formally before the Town Council.

KOVACEVIC: Yeah, the agenda doesn't call for action.

Director Wesley, do we -- do we need to take a vote on this or -- it just says you're going to give us an update.

FARHAD: I think in the past we've asked you --

WESLEY: We've asked you to revise and resubmit a few times.

So, chair, usually we do just look for an acknowledgment of receipt of it. And you're right. However, the agenda didn't specifically state that. So I'm -- we're probably fine just saying thank you for the report and moving on.

KOVACEVIC: Thank you for the report.

Do we have anybody for the call to the public tonight?

WOODWARD: No, Chair.

KOVACEVIC: Does anybody have anything for the director?

And you talked about future agenda items already at the beginning of the meeting.

I'll take a motion to adjourn.

MCDERMOTT: I move to adjourn.

SVEUM: Second.

KOVACEVIC: All right. All in favor?

ALL: Aye.

WOODWARD: Did we get a second?

KOVACEVIC: Commissioner Sveum.

WOODWARD: Thank you.

KOVACEVIC: Okay.

Having no further business, Chair Kovacevic adjourned the Regular Meeting of the Planning and Zoning Commission held on April 13, 2026, at 7:25 p.m.

**TOWN OF FOUNTAIN HILLS**

\_\_\_\_\_  
Dan Kovacevic, Chairperson

**ATTEST AND PREPARED BY:**

\_\_\_\_\_  
Paula Woodward, Executive Assistant

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting held by the Planning & Zoning Commission of Fountain Hills in the Town Hall Council Chambers on the 13 of April 2026. I further certify that the meeting was duly called and that a quorum was present.

DATED this 11 Day of May 2026.

\_\_\_\_\_  
Paula Woodward, Executive Assistant





# TOWN OF FOUNTAIN HILLS

## STAFF REPORT

**Meeting Date:** 5/11/2026  
**Meeting Type:** Planning and Zoning Commission Regular Meeting  
**Submitting Department:** Development Services  
**Prepared by:** John Wesley, Development Services Director  
**Staff Contact Information:** Phone: 480-816-5138  
Email: [jwesley@fountainhillsaz.gov](mailto:jwesley@fountainhillsaz.gov)

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### **Request to Town Council Regular Meeting (Agenda Language)**

**PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating Ordinance 26-11 amending Zoning Ordinance Chapter 6, Sign Regulations, Section 6.08 A. 6. Drive-Through Sign to increase the allowed size of these signs.

### **Staff Summary (background)**

Chapter 6 of the Zoning Ordinance sets the standards and regulations for signs. Sign regulations are based on time, place, and manner provisions and cannot be based on content.

Section 6.08 provides the standards and allowances for each type of sign allowed in Fountain Hills. One of the sign types is Drive-through Sign. Based on some recent inquiries regarding the provisions for this sign type, staff have looked at the need to recommend some changes.

A major update was made to the sign ordinance in 2021 to bring it into conformance with the US Supreme Court Decision in *Reed v. Town of Gilbert* to make such ordinance content neutral. The Town sign ordinance prior to that update had the limitation on menu board signs at 5' tall and 20 sq. ft. That same standard was continued in the revised ordinance for drive-through signs.

Cities and towns use different approaches and language to describe sign types. Two cities that also specifically list drive-through signs in their sign ordinance are Gilbert and Scottsdale. The Town of Gilbert zoning ordinance states drive-through signs can be 7' tall and up to 50 sq. ft., the City of Scottsdale also allows these signs to be 7' tall but limits the size to 45 sq. ft.

An internet search of standard drive-through menu board sizes provided the following common sizes:

- Small (Coffee Shops): 3' - 4' width, 2' - 3' height (6 - 12 sq. ft.)
- Medium (Fast Food): 4' - 6' width, 3' - 4' height (12 - 24 sq. ft.)
- Large (Full-Service QSRs): 6' - 8' width, 4' - 5' height (24 - 40 sq. ft.)

Digital Menu Boards: The best visibility is obtained with dimensions between 55" and 75" giving customers a clear view of the board from a distance

An increase in the allowed sign area to 30 sq. ft. and a maximum height of seven feet would be in keeping with industry standards.

### **Related Ordinance, Policy or Guiding Principle**

Zoning Ordinance Chapter 6

**Risk Analysis**

N/A

**Recommendation(s) by Board(s) or Commission(s)**

N/A

**Staff Recommendation(s)**

Staff finds that our current code allowance is smaller than what is standard in the industry and recommends approval of Ordinance 26-11.

**Suggested Motion**

**MOVE TO** recommend adoption of Ordinance 26-11.

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**FISCAL IMPACT**

**Fiscal Impact:**

**Budget Reference:**

**Funding Source:**

**ATTACHMENTS**

1. ORDINANCE NO 26-11
-----------------------

**ORDINANCE NO. 26-11**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE CHAPTER 6, SIGN REGULATIONS, SECTION 6.08 A 6, DRIVE-THROUGH SIGNS TO INCREASE THE SIZE OF SIGNS ALLOWED

**WHEREAS**, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) adopted Ordinance No. 93-22 on November 18, 1993, which adopted the Zoning Ordinance for the Town of Fountain Hills (the “Zoning Ordinance”); and

**WHEREAS**, the Town Council desires to amend Chapter 6, Sign Regulations, Section 6.08 D. 6. Drive-Through Signs to allow larger signs; and

**WHEREAS**, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings regarding this ordinance were advertised in the April 22, 2026, and April 29, 2026, editions of the Fountain Hills Times; and

**WHEREAS**, a public hearing was held by the Town Council on June 16, 2026; and

**WHEREAS**, in accordance with Article II, Sections 1 and 2, Constitution of Arizona, and the laws of the State of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town and the probable impact of the proposed ordinance on the cost to construct housing for sale or rent before adopting this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA**, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. Chapter 6, Sign Regulations, is hereby amended as provided in Exhibit A.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This ordinance shall become effective thirty (30) days after its passage and adoption by the Town Council of the Town of Fountain Hills, Arizona, and its approval by the Mayor and attestation by the Town Clerk.

**PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills,  
Arizona, this 16<sup>th</sup> day of June, 2026.**

**TOWN OF FOUNTAIN HILLS, ARIZONA**

**ATTEST:**

\_\_\_\_\_  
Gerry M. Friedel, Mayor

\_\_\_\_\_  
Bevelyn Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Rachael Goodwin, Town Manager

\_\_\_\_\_  
Jennifer J. Wright, Town Attorney

**ORDINANCE NO. 2026-11**

**EXHIBIT A**

Chapter 6. Sign Regulations

...

Section 6.08 Sign Requirements and Allowances

...

6. Drive-Through Sign

...

c. *Size/Height.* Maximum sign area shall be ~~twenty~~ **THIRTY** (~~20~~**30**) square feet. Maximum sign height is ~~five~~ **SEVEN** feet.

...



# TOWN OF FOUNTAIN HILLS

## STAFF REPORT

**Meeting Date:** 5/11/2026  
**Meeting Type:** Planning and Zoning Commission Regular Meeting  
**Submitting Department:** Development Services  
**Prepared by:** John Wesley, Development Services Director  
**Staff Contact Information:** Phone: 480-816-5138  
 Email: [jwesley@fountainhillsaz.gov](mailto:jwesley@fountainhillsaz.gov)

### Request to Town Council Regular Meeting (Agenda Language)

**PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating to Ordinance 26-10 amending Zoning Ordinance Chapter 10, Single-family Zoning Districts, to add Section 10.025, Uses Permitted by Special Use Permit, and Chapter 11, Multifamily Zoning Districts, to amend Section 11.03, Uses Permitted by Special Use Permit, to add provisions for office uses in residential zoning districts.

### Staff Summary (background)

Staff has recently been working with the Fountain Hills Unified School District to consider possible re-uses of under-utilized and vacant school buildings. Through that review and discussion, staff realized that with changing demands for schools and other existing non-residential uses established in residential zoning districts, there is a need in the zoning ordinance to provide for viable alternative uses for these buildings.

As an example, the former McDowell Mountain school has been under-utilized for a number of years. It is located in a residential neighborhood. Under the current R1-8 zoning designation, reuse of the building is limited. Given the location in the middle of a single-family neighborhood, rezoning to a commercial or multifamily zoning district is challenging.

Given these challenges, staff is proposing a zoning text amendment to provide a mechanism to allow consideration of office uses in existing nonresidential buildings in residential zoned areas. The attached ordinance provides the opportunity for consideration of a Special Use Permit to allow approval of uses in the C-O, Office District, with the listed conditions.

Changes are being proposed for both the single-family and multifamily zoning districts.

Chapter 10, Single Family Zoning Districts, does not currently have any provisions for Special Use Permits. Therefore, in this chapter, a new section is being added, Section 10.025.

Chapter 11, Multi-family Zoning Districts, has a section for Special Use Permits, so this section is being amended to allow the new use. The provisions being added in both chapters are the same.

The proposed requirements as provided in Chapter 10 are:

### Section 10.025 Uses Subject to Special Use Permit

A. Uses permitted in the C-O zoning district subject to the following conditions and

requirements:

1. Minimum lot size: 2 acres
2. There must be existing non-residential development and historic non-residential use of the property.
3. Uses are limited reuse of existing buildings. No expansion of footprint, no new detached structures, and no outdoor storage shall be permitted unless specifically approved as part of the special use permit.
4. Signage. Except as may be specifically approved as part of the special use permit, no exterior signage visible beyond the property line.
5. Outdoor activity. No outdoor activity except for playground or sports activities for children.
6. Traffic, parking, and circulation. The use shall provide adequate on-site parking, safe pick-up and drop-off operations, and circulation designed to avoid material traffic, queuing, or safety impacts on adjacent residential streets.
7. Hours of operation. Unless otherwise specified in the approval of the special use permit, the hours of operation are limited to 7:00 am – 6:00 pm., Monday through Friday.
8. Approval shall be limited to the applicant requesting the special use permit and shall not be transferable.

Uses permitted in the C-O zoning district are:

1. Any business office in which chattels or goods, wares, or merchandise is not commercially created, repaired, sold or exchanged.
2. Offices for:
  - a. Accountant
  - b. Advertising agency
  - c. Architect
  - d. Business Association
  - e. Chiropodist
  - f. Chiropractor
  - g. Collection Agency
  - h. Dentist
  - i. Engineer

- j. Geologist
- k. Insurance broker
- l. Lawyer
- m. Labor Union
- n. Marriage Counselor
- o. Minister
- p. Naturopath
- q. Optometrist
- r. Osteopath
- s. Physician
- t. Private Detective
- u. Private Employment Agency
- v. Professional Membership Organization
- w. Public Stenographer
- x. Real Estate Broker
- y. Surgeon
- z. Surveyor
- aa. Talent Agency
- bb. Telephone Message Service
- cc. Other similar professional and semi-professional work.

3. Banks, building and loan associations, savings and loan associations, credit unions, finance companies, and investment companies.

4. Studios for photography, fine or commercial arts or other professional work.

5. Medical and clinical laboratories.

6. Post office.

7. Pharmacy, when in conjunction with a medical center consisting of offices occupied by five (5) or more doctors provided that there shall be no outside entrance for business purposes, and that no sign or display be located so as to be visible from a public thoroughfare or adjacent property.

8. Single and multifamily residential dwellings, subject to special use permit.

Reviewing the Town's maps, staff have identified 11 parcels that could be impacted by this zoning provision. Four are school properties, one is the Boys and Girls Club parcel, and the other six are churches.

In summary, this text amendment would allow the property owner of a residentially zoned property that has a non-residential building and has a history of being used for a non-residential use (typically a church or school), to apply for a SUP to allow an office use to occupy some or all of the existing building. The review of the SUP will require the same citizen participation process and public hearings as all other SUP's so the public will have the opportunity to be informed of the potential use and attend the hearings before the Planning and Zoning Commission and Town Council.

**Related Ordinance, Policy or Guiding Principle**

Zoning Ordinance Chapter 10, Single Family Zoning Districts  
Zoning Ordinance Chapter 11, Multi-family Zoning Districts

**Risk Analysis**

N/A

**Recommendation(s) by Board(s) or Commission(s)**

N/A

**Staff Recommendation(s)**

Staff recommends adoption of Ordinance 26-10.

**Suggested Motion**

**MOVE TO** recommend adoption of Ordinance 26-10.

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**FISCAL IMPACT**

**Fiscal Impact:**

**Budget Reference:**

**Funding Source:**

**ATTACHMENTS**

1. ORDINANCE NO 26-10
-----------------------

**ORDINANCE NO. 26-10**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE CHAPTER 10, SINGLE-FAMILY ZONING DISTRICTS, ADDING SECTION 10.025, USES PERMITTED BY SPECIAL USE PERMIT, AND AMENDING CHAPTER 11, MULTIFAMILY ZONING DISTRICTS, SECTION 11.03, USES PERMITTED BY SPECIAL USE PERMIT, TO ADD PROVISIONS FOR OFFICE USES IN RESIDENTIAL ZONING DISTRICTS

**WHEREAS**, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) adopted Ordinance No. 93-22 on November 18, 1993, which adopted the Zoning Ordinance for the Town of Fountain Hills (the “Zoning Ordinance”); and

**WHEREAS**, the Town Council desires to amend Chapters 10, Single-family Zoning Districts, and 11, Multifamily Zoning Districts to allow for office uses in residential districts through approval of a Special Use Permit; and

**WHEREAS**, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings regarding this ordinance were advertised in the April 22, 2026, and April 29, 2026, editions of the Fountain Hills Times; and

**WHEREAS**, a public hearing was held by the Town Council on June 16, 2026; and

**WHEREAS**, in accordance with Article II, Sections 1 and 2, Constitution of Arizona, and the laws of the State of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town and the probable impact of the proposed ordinance on the cost to construct housing for sale or rent before adopting this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA**, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. Chapters 10, Single-family Zoning Districts and 11, Multifamily Zoning Districts, are hereby amended as provided in Exhibit A.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This ordinance shall become effective thirty (30) days after its passage and adoption by the Town Council of the Town of Fountain Hills, Arizona, and its approval by the Mayor and attestation by the Town Clerk.

**PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, this 16<sup>th</sup> day of June, 2026.**

**TOWN OF FOUNTAIN HILLS, ARIZONA**

**ATTEST:**

\_\_\_\_\_  
Gerry M. Friedel, Mayor

\_\_\_\_\_  
Bevelyn Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Rachael Goodwin, Town Manager

\_\_\_\_\_  
Jennifer J. Wright, Town Attorney

**ORDINANCE NO. 2026-10**

**EXHIBIT A**

Chapter 10 Single-Family Residential Zoning Districts: R1-190, R1-43, R1-35, R1-35H, R1-18, R1-10, R1-10A, R1-8, R1-8A, R1-6, R1-6A

...

**SECTION 10.025 USES SUBJECT TO SPECIAL USE PERMIT**

**A. USES PERMITTED IN THE C-O ZONING DISTRICT SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:**

- 1. MINIMUM LOT SIZE: 2 ACRES**
- 2. THERE MUST BE EXISTING NON-RESIDENTIAL DEVELOPMENT AND HISTORIC NON-RESIDENTIAL USE OF THE PROPERTY.**
- 3. USES ARE LIMITED REUSE OF EXISTING BUILDINGS. NO EXPANSION OF FOOTPRINT, NO NEW DETACHED STRUCTURES, AND NO OUTDOOR STORAGE SHALL BE PERMITTED UNLESS SPECIFICALLY APPROVED AS PART OF THE SPECIAL USE PERMIT.**
- 4. SIGNAGE. EXCEPT AS MAY BE SPECIFICALLY APPROVED AS PART OF THE SPECIAL USE PERMIT, NO EXTERIOR SIGNAGE VISIBLE BEYOND THE PROPERTY LINE.**
- 5. OUTDOOR ACTIVITY. NO OUTDOOR ACTIVITY EXCEPT FOR PLAYGROUND OR SPORTS ACTIVITIES FOR CHILDREN.**
- 6. TRAFFIC, PARKING, AND CIRCULATION. THE USE SHALL PROVIDE ADEQUATE ON-SITE PARKING, SAFE PICK-UP AND DROP-OFF OPERATIONS, AND CIRCULATION DESIGNED TO AVOID MATERIAL TRAFFIC, QUEUING, OR SAFETY IMPACTS ON ADJACENT RESIDENTIAL STREETS.**
- 7. HOURS OF OPERATION. UNLESS OTHERWISE SPECIFIED IN THE APPROVAL OF THE SPECIAL USE PERMIT, THE HOURS OF OPERATION ARE LIMITED TO 7:00 AM – 6:00 PM., MONDAY THROUGH FRIDAY.**
- 8. APPROVAL SHALL BE LIMITED TO THE APPLICANT REQUESTING THE SPECIAL USE PERMIT AND SHALL NOT BE TRANSFERABLE.**

...

Chapter 11 Multifamily Zoning Districts M-1, M-2, M-3, R-2, R-3, R-4 and R-5

...

Section 11.03 Uses Subject to Special Use Permit in an M-1, M-2, M-3, R-3, R-4, and R-5 Zoning District are as follows

A. Hotels and motels in an R-5 Zoning District only.

B. Nursing homes, convalescent homes and homes for the aged.

C. Nonresidential buildings ~~over 30 feet in height, but not to exceed 40 feet in height:~~

**1. INCREASING THE MAXIMUM HEIGHT ABOVE 30' TO A MAXIMUM OF 40'.**

**2. MODIFICATION OF THE ALLOWED SETBACKS.**

**3. USES PERMITTED IN THE C-O ZONING DISTRICT, AS APPROVED BY THE COUNCIL THROUGH THE SPECIAL USE PERMIT, SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:**

**a. MINIMUM LOT SIZE: 2 ACRES**

**b. THERE MUST BE EXISTING NON-RESIDENTIAL DEVELOPMENT AND HISTORIC NON-RESIDENTIAL USE OF THE PROPERTY.**

**c. USES ARE LIMITED REUSE OF EXISTING BUILDINGS. NO EXPANSION OF FOOTPRINT, NO NEW DETACHED STRUCTURES, AND NO OUTDOOR STORAGE SHALL BE PERMITTED UNLESS SPECIFICALLY APPROVED AS PART OF THE SPECIAL USE PERMIT.**

**d. SIGNAGE. EXCEPT AS MAY BE SPECIFICALLY APPROVED AS PART OF THE SPECIAL USE PERMIT, NO EXTERIOR SIGNAGE VISIBLE BEYOND THE PROPERTY LINE.**

**e. OUTDOOR ACTIVITY. NO OUTDOOR ACTIVITY EXCEPT FOR PLAYGROUND OR SPORTS ACTIVITIES FOR CHILDREN.**

**f. TRAFFIC, PARKING, AND CIRCULATION. THE USE SHALL PROVIDE ADEQUATE ON-SITE PARKING, SAFE PICK-UP AND DROP-OFF OPERATIONS, AND CIRCULATION DESIGNED TO AVOID MATERIAL TRAFFIC, QUEUING, OR SAFETY IMPACTS ON ADJACENT RESIDENTIAL STREETS.**

**g. HOURS OF OPERATION. UNLESS OTHERWISE SPECIFIED IN THE APPROVAL OF THE SPECIAL USE PERMIT, THE HOURS OF OPERATION ARE LIMITED TO 7:00 AM – 6:00 PM., MONDAY THROUGH FRIDAY.**

**h. APPROVAL SHALL BE LIMITED TO THE APPLICANT REQUESTING THE SPECIAL USE PERMIT AND SHALL NOT BE TRANSFERABLE.**

~~D. Required setbacks for nonresidential buildings may be modified at the discretion of the Town Council.~~

All uses subject to a special use permit are subject to the lot coverage, setback, density and other requirements stated in Chapter 11, Section 11.10, of this Ordinance. Sign regulations for a C-1 Zoning District are applicable for a hotel/motel use in an R-5 Zoning District.



# TOWN OF FOUNTAIN HILLS

## STAFF REPORT

**Meeting Date:** 5/11/2026  
**Meeting Type:** Planning and Zoning Commission Regular Meeting  
**Submitting Department:** Development Services  
**Prepared by:**  
**Staff Contact Information:** Phone:  
 Email:

### Request to Town Council Regular Meeting (Agenda Language)

**DISCUSSION AND POSSIBLE DIRECTION:** Regarding draft revisions to Chapter 11, Multifamily Zoning Districts.

### Staff Summary (background)

At the January 2026 Planning and Zoning Commission meeting, staff introduced an ongoing process to totally update the format of the Zoning Ordinance. The proposed update will reorganize the chapters, create use categories rather than rely on a list of specific uses, create use tables in each district to clearly state what uses are allowed, and organize development standards and requirements.

Prior to bringing the changes forth in a public hearing for consideration and adoption, staff is bringing individual chapters to the Commission for review, discussion, and direction. Once the Commission has been through all the chapters and initial issues and comments have been addressed, staff will bring forth the full ordinance for public hearing and adoption. While there will be a few substantive changes proposed along the way to address known issues, the primary focus is the re-organization and the establishment of the use tables to facilitate the use of the ordinance.

At the February Commission meeting, staff presented the proposed new Sec. 1.13, Use Classifications. This section was not specifically reviewed but will be reviewed as it applies to each of the subsequent zoning districts. That section is attached again for your use.

This report reviews the revised multifamily zoning districts chapter. In the current ordinance, it is Chapter 11, in the new ordinance it will be Chapter 7. This report uses the new section numbers as the organization for discussion.

Section 7.01, Purpose and Intent  
No changes

Section 7.02, Permitted Uses  
All of the existing uses listed in current Sections 11.02, 11.03, and 11.04. are provided for in the new Sec. 7.02, Table 7.02. and Sec. 7.03.

One significant change included in the revised ordinance is a provision for attached single-family dwellings, also known as townhomes or rowhouses. In our current ordinance, this development type is not permitted. The only options are apartments or condominiums. The difference is with a townhome or rowhouse the owner of the home would also own the land as

a separate lot. Section 7.04 A. provides the details on this building form.

The current Section 11.02 A, Permitted Uses, includes #12, which allows: "Accessory buildings and uses customarily incidental to the above uses, including those uses detailed in Chapter 5, Section 5.10 of this Ordinance. Section 5.10 of the Zoning Ordinance has been changed and addresses canyon-side lot regulations. Section 5.02 C. provides a general allowance for accessory uses, so this specific allowance has not been included in the updated ordinance.

The specific provisions listed for uses in current Sections 11.02, 11.03, and 11.04 have been addressed either as a footnote to the table or in the new Section 7.04 and are referenced in the table.

The current Section 11.03 C. and D. are moved to footnotes at the end of the new Section 7.10.

**Section 7.03, Prohibited Uses**

This is Section 11.02 C. in the current ordinance.

**Section 7.04 Specific Regulations**

This section lists all the standards associated with specific uses that are now provided in Sections 11.02, 11.03, and 11.04. Most of the provisions are the same as the current ordinance.

A new provision in this section is Sec. 7.04 A. This section provides the lot size, lot frontage and setback requirements for attached single-family lots and buildings.

**Sections 7.05 - 7.10**

There are no changes to these sections compared to the current ordinance except the new footnotes h and i added to Table 7.10 relocated from the current 11.03 C and D.

**Related Ordinance, Policy or Guiding Principle**

**Risk Analysis**

**Recommendation(s) by Board(s) or Commission(s)**

**Staff Recommendation(s)**

**Suggested Motion**

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**FISCAL IMPACT**

**Fiscal Impact:**

**Budget Reference:**

**Funding Source:**

**ATTACHMENTS**

- |  |
|--|
| 1. New Chapter 7 Multifamily             |
| 2. Section 1.13 Land Use Classifications |

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## Chapter 7

### Multifamily Zoning Districts

#### Section 7.01 Purpose and Intent

A. M-1. Multifamily Residential Zoning District: The principal purpose of this Zoning District is to provide for multiple-family residential developments in locations which are suitable and appropriate, taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is twenty-four thousand (24,000) square feet, and the minimum lot area required for each dwelling unit is five thousand, four hundred and forty-five (5,445) square feet, or eight dwelling units per acre. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.

B. M-2. Multifamily Residential Zoning District: The principal purpose of this Zoning District is to provide for multiple-family residential developments in locations which are suitable and appropriate, taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is twenty-four thousand (24,000) square feet, and the minimum lot area required for each dwelling unit is four thousand, three hundred and fifty-six (4,356) square feet, or ten dwelling units per acre. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.

C. M-3. Multifamily Residential Zoning District: The principal purpose of this Zoning District is to provide for multiple-family residential developments in locations which are suitable and appropriate, taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is twenty-four thousand (24,000) square feet, and the minimum lot area required for each dwelling unit is three thousand, six hundred and thirty (3,630) square feet, or twelve dwelling units per acre. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.

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D. R-2. Limited Multiple-Family Residential Zoning District: The principal purpose of this Zoning District is to provide for efficient use of land and facilities by allowing single-family attached or detached dwellings, taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is six thousand (6,000) square feet, and the minimum lot area required for each dwelling unit is four thousand (4,000) square feet. Principal uses permitted in this Zoning District include single-family, two-family, and other uses permitted in the single-family residential Zoning District.

E. R-3. Multifamily Residential Zoning District: The principal purpose of these Zoning Districts is to provide for multiple-family residential developments in locations which are suitable and appropriate, taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is six thousand (6,000) square feet, and the minimum lot area required for each dwelling unit is three thousand (3,000) square feet. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.

F. R-4. Multifamily Residential Zoning District: The principal purpose of these Zoning Districts is to provide for multiple-family residential developments in locations which are suitable and appropriate taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is six thousand (6,000) square feet, and the minimum lot area required for each dwelling unit is two thousand (2,000) square feet. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.

G. R-5. Multifamily Residential Zoning District: The principal purpose of these Zoning Districts is to provide for multiple-family residential developments in locations which are suitable and appropriate taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is six thousand (6,000) square feet, and the minimum lot area required for each dwelling unit is one thousand, seven hundred, forty (1,740) square feet. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.

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## Section 7.02 Permitted Uses

"P" designates use classifications permitted in the Agriculture District.

"SUP" designates use classifications permitted on approval of a Special Use Permits.

"--" designates use not allowed in that zoning district.

"TUP" designates use classifications permitted on approval of a Temporary Use Permit.

"(x)" a number in parentheses refers to footnotes following the table.

Table 7.02 Uses Permitted in Multi-family Districts

Land Use Category (See Sec. 1.13)	Zoning Districts		Zoning Requirements
	R-2	M-1, M-2, M-3, R-3, R-4, R-5	
<b>A. Open Space</b>			
Golf Course	P (1)	P (1)	
Parks and Nature Preserves	P	P	
<b>C. Residential</b>			
Community Residence	P	P	Sec. 15.13
Duplex	P	P	
Multiple Residence	--	P	
Single Residence			
Attached	P	P	Sec. 7.04 A.
Detached	P	P	
<b>D. Public/Quasi-Public</b>			
Community and Cultural Activities	P	P	
Educational Facilities			
Primary and Secondary Schools	P	P	
Nursing and Convalescent Facilities	--	SUP (2)	
Parks and Recreation Facilities	P	P	
Place of Worship	P (3)	P (3)	
Protective Services	P	P	

<b>F. Commercial</b>			
Hotels/Motels/Lodging	--	SUP (2, 4)	
<b>H. Utilities</b>			
Utility Services	P (5)	P (5)	
<b>I. Accessory</b>			
Child/Adult Day Care Facility	TUP	TUP	Sec. 7.04 B.
Home Day Care Center	P	P	Sec. 7.04 C.
Home Occupation	P	P	Sec. 15.14
Master-Planned Village Sales and Information Center	TUP	TUP	Sec. 7.04 D.
Model Home	TUP	TUP	Sec. 7.04 E.
Wireless Communication Towers and Equipment	P	P	Chapter 24

- (1) Includes clubhouses but not miniature golf courses.
- (2) All uses subject to a special use permit are subject to the lot coverage, setback, density and other requirements stated in Table 7.10.
- (3) Includes accessory columbaria provided that the building area of the columbaria shall not exceed ten (10) percent of the total building area of the church buildings.
- (4) Allowed only in the R-5 district with approval of a Special Use Permit.
- (5) Not including public utility treatment plants, generating plants, and wireless communications towers and antennas, unless otherwise specifically permitted elsewhere in the ordinance.

### Section 7.03 Prohibited Uses

Except for items listed above, nonresidential uses or activities of property or dwellings and associated structures are prohibited.

### Section 7.04 Specific Regulations

A. Attached single residence homes have the following area and yard regulations:

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1. Allowed in the "R" zones only. Only two dwelling units maybe attached in one building in the R-2 District.

2. Requirements of Section 7.10 apply based on the zoning district with the following modifications:

a. Minimum lot width for an internal lot: 20 feet.

b. Side yard on attached side: 0 feet, subject to compliance with building code requirements.

c. Minimum side yard on a non-attached side is the same as the specific zoning district.

B. Child/Adult Day Care Facility: A day care center for the care of more than five (5) people is permitted by temporary use permit only. A day care center for the care of more than five (5) people may be operated in Multifamily Residential Zoning Districts with the following minimal stipulations:

1. The day care operator must reside in the house. If a nonresidential facility is legally used for another purpose, such as a church building, this requirement may be waived.

2. No more than ten (10) nonresidents may be cared for in a residential structure.

3. Only one nonresident employee may be allowed and one (1) additional on-site parking space shall be required for this employee.

4. One non-tandem parking space shall be required for each five (5) persons, or fraction thereof, allowed in the day care facility.

5. Any operation of a day care facility prior to 6:00 A.M. and after 8:00 P.M. is permitted only by a separate special use permit.

6. Only one sign not to exceed two (2) square feet in size and mounted flatly on the wall of the residence shall be permitted.

7. The play yard must be fenced with a minimum five (5) foot high fence.

8. No playground equipment and ornamental figures or designs denoting a day care facility shall be allowed in front of the house line.

9. Any day care facility with a swimming pool or other applicable body of water, must meet the requirements for a pool enclosure described in Section 5.09 C. of this Ordinance.

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10. Any day care facility, which cares for more than five (5) people, shall be required to have a valid Town business license and be licensed by the State of Arizona.

C. Home Day Care Center in an operator's residence, with no swimming pool, for five (5) or less people, operation only between the hours of 6:00 A.M. and 8:00 P.M. No signage or other evidence of a day care center is permitted. One additional off-street parking space is required.

D. Master-Planned Village Sales and Information Center: The developer of a master-planned village may operate a master-planned village sales and information center within a residentially zoned area by temporary use permit only. In the review for a master-planned village sales and information center temporary use permit, the staff may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. At a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall the center be open before 7:00 A.M. or after 9:00 P.M.
2. The center shall be for the purpose of marketing the specific master-planned village, the sale of lots in the master-planned village and the distribution of material concerning the attributes of the Town and surrounding areas. The office may not be used as an office for the sales of houses, the resale of lots, subdivisions with model homes, nor property outside of the master-planned village. The master-planned village is permitted as an accessory use only if the master-planned village has such a country club.
3. There shall be at least twenty (20) off-street parking stalls provided.
4. The center must be a permanent structure that meets the adopted building codes of the Town.
5. There shall be no more than one such center in the master-planned village.
6. The center shall be removed upon termination of the temporary use permit or the completion of the master developer's marketing activities, whichever comes first.
7. Signage shall in conformance with Chapter 6 of this ordinance.
8. There shall be a landscape buffer of at least one hundred fifty (150) feet between the sales and information center and any occupied residential structures.

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- a. Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and nonorganic ground cover materials. Landscaping shall consist of one (1) plant for each twenty (20) square feet of landscape area. At least twenty-five (25) percent of the plants shall be Fifteen (15) gallon or greater plants and the remaining plants must be at least five (5) gallon plants. The approval of the above mixture of landscape materials shall be by Zoning Administrator with appeal to the Planning and Zoning Commission.
  - b. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.
  - c. All landscaped areas adjacent to vehicular parking and access areas shall be protected by six (6) inch vertical concrete curbing in order to control storm water flows and minimize damage by vehicular traffic.

E. Model Homes: Model Homes may be permitted in a multifamily residential area by Temporary Use Permit only. In the review for a model home, the staff may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. At a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall a model home be open before 7:00 A.M. or after 9:00 P.M.
2. The model home shall be for the purpose of marketing the construction of custom or tract homes with a given product line in Fountain Hills. A model home may not be used as an office for the marketing of developed property, or the marketing of property outside of Fountain Hills.
3. An off-street parking space for each person stationed on site, plus two (2) spaces shall be provided. Parking lots for model homes may be located on an adjacent lot owned by the owner of the model home.

## **Section 7.05 General Provisions**

The general provisions in Chapter 15 herein shall apply.

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## Section 7.06 Signs

The sign regulations in Chapter 16 herein shall apply.

## Section 7.07 Parking and Loading

The parking and loading regulations in Chapter 17 herein shall apply.

## Section 7.08 Outdoor Lighting

The lighting provisions in Chapter 18 herein shall apply.

## Section 7.09 Plan Review

The site plan review provisions of Chapter 2, Section 2.04 shall apply.

## Section 7.10 Density, Area, Building and Yard Regulations

Table 7.10 specifies the minimum lot sizes, minimum area per dwelling unit, minimum lot widths, maximum building height and length, minimum yard setbacks and maximum lot coverage percentages, and minimum distance between buildings.

Table 7.10 Density, Area, Building, and Yard Regulations

District	Lot Area (Sq. Feet)	Area/ D.U.	Width (Feet)	Bldg. Height (Feet) <sup>h</sup>	Bldg. Length (Feet)	Minimum Yard Setbacks <sup>i</sup>				Lot Coverage	Distance Between Bldgs. (Feet)
						Front	Side	Street Side	Rear		
M-1	24,000	5,445	150	30 <sup>e</sup>	200 <sup>f</sup>	30 <sup>a</sup>	10 <sup>b</sup>	30 <sup>a</sup>	30 <sup>a</sup>	50%	<sup>c</sup>

District	Lot Area (Sq. Feet)	Area/ D.U.	Width (Feet)	Bldg. Height (Feet) <sup>h</sup>	Bldg. Length (Feet)	Minimum Yard Setbacks <sup>i</sup>				Lot Coverage	Distance Between Bldgs. (Feet)
						Front	Side	Street Side	Rear		
M-2	24,000	4,356	150	30 <sup>e</sup>	200 <sup>f</sup>	30 <sup>a</sup>	10 <sup>b</sup>	30 <sup>a</sup>	30 <sup>a</sup>	50%	<sup>c</sup>
M-3	24,000	3,630	150	30 <sup>e</sup>	200 <sup>f</sup>	30 <sup>a</sup>	10 <sup>b</sup>	30 <sup>a</sup>	30 <sup>a</sup>	50%	<sup>c</sup>
R-2	6,000	4,000	60	30	200 <sup>f</sup>	20 <sup>d</sup>	5	20 <sup>d</sup>	25 <sup>d</sup>	50%	10 <sup>g</sup>
R-3	6,000	3,000	60	30 <sup>e</sup>	200 <sup>f</sup>	30 <sup>a</sup>	10 <sup>b</sup>	30 <sup>a</sup>	30 <sup>a</sup>	50%	<sup>c</sup>
R-4	6,000	2,000	60	30 <sup>e</sup>	200 <sup>f</sup>	30 <sup>a</sup>	10 <sup>b</sup>	30 <sup>a</sup>	30 <sup>a</sup>	50%	<sup>c</sup>
R-5	6,000	1,740	60	30 <sup>e</sup>	200 <sup>f</sup>	30 <sup>a</sup>	10 <sup>b</sup>	30 <sup>a</sup>	30 <sup>a</sup>	50%	<sup>c</sup>

**a** 1.5 times the height of the abutting building wall plane, whichever is greater.

**b** Or height of abutting building wall plane, whichever is greater. For non-residential buildings, Council may approve a height of up to forty (40) feet through a special use permit.

**c** The horizontal separation must be at least equal to the vertical height of the highest adjacent building.

**d** Or height of the building, whichever is greater.

**e** By special use permit only, nonresidential buildings may have a height over 30 feet, but not higher than 40 feet.

**f** Including any exterior stairwells.

**g** For inhabited structures, accessory structures are regulated in Chapter 15, Section 15.06 F and G.

**h.** Non-residential buildings over 30 feet in height, but not to exceed 40 feet in height.

**i.** Required setbacks for non-residential buildings may be modified at the discretion of the Town Council.

## **Section 1.13 Land Use Classifications**

Land use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Zoning Administrator shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Section. The Zoning Administrator may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification.

### **A. Open space.**

**Golf Course.** An area of land laid out for playing golf with a series of 9 or 18 holes, each including tee, fairway, and putting green and often with one or more natural or manmade hazards. This use classification includes associated clubhouses and maintenance facilities. Does not include miniature golf or practice driving ranges.

**Parks and Nature Preserves.** Includes passive and active parks, natural area preservation, public and private wildlife reservations, and archeological and historic sites.

**Trails, Trail Heads.** Improved trails for biking and hiking. May include provision of trailhead facilities such as parking lots, restrooms, benches, ramadas, and similar features.

**Undeveloped Natural Land.** Land that has been left in it's natural, unaltered condition including topography and vegetation.

### **B. Agricultural.**

**Corrals.** Areas set aside and fenced for the keeping of livestock.

### **C. Residential.**

**Assisted Living Facility.** A residential care institution, including adult foster care, that is licensed by the State of Arizona to provide supervisory care services, personal care services or directed care services on a continuing basis for eight (8) or more residents.

**Community Residence.** A dwelling unit shared by five (5) or more unrelated individuals as defined in Sec. 1.12 of the Zoning Ordinance.

**Family Community Residence.** A community residence with five (5) to eight (8) beds, including resident staff, that is a relatively permanent living arrangement with no limit on the length of tenancy as determined in practice or by the rules, charter, or other governing documents of the community residence. The minimum length of tenancy is typically a year or longer.

**Transitional Community Residence.** A community residence with five (5) to six (6) beds, including resident staff, that provides a relatively temporary living arrangement with a limit on length of tenancy more than thirty (30) days and less than a year, as determined either in practice or by the rules, charter, or other governing document of the community residence.

**Duplex.** Two attached dwelling units on one lot.

**Multiple Residence.** Three or more primary dwelling units on a single lot. Types of multiple residence dwellings include garden apartments, multi-story apartments, and condominiums.

**Single Residence.** A dwelling unit designed for occupancy by one household, and located on a separate lot from any other unit (except for an accessory dwelling unit where allowed). This classification includes individual manufactured housing units and individual recreational vehicles when used as residences in RV parks and subdivisions.

**Attached.** A single residence dwelling unit, located singly on a lot, but attached through common vertical walls to one or more dwellings on abutting lots. An attached single residence dwelling unit is sometimes referred as a "townhome" or a "rowhouse."

**Detached.** A single residence dwelling unit that is not attached to any other dwelling unit (except accessory living quarters, where allowed).

#### D. Public/Quasi-Public.

Community and Cultural Activities. Public or non-profit facilities and institutions providing services and activities to the population of the community such as recreation centers, community centers, libraries, and museums.

Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls and social clubs.

Detoxification Center, Inpatient. Facilities that provide onsite, inpatient detoxification services. These same facilities may also provide outpatient detoxification services.

Educational Facilities.

Colleges and Universities. Public or private post-secondary institutions of higher learning that grant associates or higher degrees and may also have research facilities. This classification includes community colleges that grant associate degrees and/or certificates of completion in business or technical fields.

Primary and Secondary Schools. Public facilities for primary or secondary education having curricula of general academic education consistent with the academic requirements of the State of Arizona, including kindergarten, elementary, junior high school, and high school, including accessory facilities traditionally associated with schools, such as athletic stadia, cafeterias and libraries.

Trade School, Commercial. Public schools established to provide teaching of clerical, medical, managerial, or artistic skills such as nursing, accounting, data processing, or computer repair. This classification excludes establishments providing training for activities that are not otherwise allowed in the zoning district.

Trade School, Industrial. Public schools offering training in industrial trades such as welding or metal fabrication.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. This classification excludes equipment service centers and similar centers and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.

Hospitals. Institutions providing medical and surgical care to the sick or injured, including operating facilities and beds for patients to stay overnight. These establishments may include ancillary uses such as nursing facilities, extended care facilities, physical therapy, gift shops, retail pharmacies, temporary housing for families of patients, cafeterias or restaurants, and related uses operated primarily for the benefit of patients, staff, and visitors.

Nursing and Convalescent Facilities. Establishment that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of Arizona, including but not limited to, rest homes and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.

Parks and Recreation Facilities. Parks, playgrounds, wildlife preserves, and related open spaces, all of which are noncommercial. This classification includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and botanical gardens and ancillary concessions or other support facilities.

Places of Worship. A facility of religious worship and incidental religious education and offices and may include private schools (grades K -12) for primary or secondary education, as defined in this section. This classification includes churches, synagogues, temples, and other facilities primarily used for religious services and activities.

Protective Services. Facilities providing public safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, and maintenance facilities.

Public Maintenance Facilities. Facilities providing maintenance and repair services for vehicles and equipment and materials storage areas for government entities. This classification includes equipment service centers and similar public facilities.

Substance Abuse or Addiction Treatment Center, Lodging. Facilities providing treatment, training, or education as part of an alcoholism or drug addiction program. May include providing detoxification services in conjunction with the treatment and may include provisions where clients can lodge at the facility and receive meals.

E. Office.

Business and Professional. Offices of firms or organizations providing professional, executive, management, administrative, or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, real estate, and legal services.

Detoxification Center, Outpatient. Facilities providing outpatient drug or alcohol detoxification services with or without training, education, or treatment services at the same location.

Medical. Offices where medical and dental services are provided by physicians, dentists, chiropractors, optometrists, and similar medical professionals. This classification includes medical laboratories, massage therapy, and counseling services.

Radio and Television Broadcasting Stations. An establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio, or television programs or motion pictures. This use category does not include transmission towers.

Substance Abuse or Addiction Treatment Centers. Facilities providing treatment, training or education as a part of an alcoholism or drug addiction program without on-site detoxification, lodging, or meals.

#### F. Commercial.

Adult Businesses. An adult business is a commercial establishment that regularly offers, sells, or distributes adult-oriented material or sexually-oriented merchandise, or that features entertainment or services characterized by depictions or descriptions of specified sexual activities or anatomical areas. This often includes establishments like adult bookstores, arcades, theaters, cabarets, and motels.

#### Animal Services.

Day Care and Training. Commercial facilities for the keeping or training of four (4) or more dogs, cats, or other household pets not owned by the facility owner or operator for periods no longer than twelve (12) hours.

Groomers. Facilities providing grooming services for dogs and cats including incidental keeping of animals associated with drop off and pick up.

Kennels. Facilities for keeping, boarding, breeding or maintaining for commercial purposes, four (4) or more dogs, cats, or other household pets not owned by the kennel owner or operator. This classification excludes pet shops, grooming services, and animal hospitals that provide 24-hour accommodation of animals receiving medical.

Veterinary. Medical care for small and large animals on a commercial basis. This classification allows 24-hour accommodations of animals receiving medical services but does not include kennels. This classification includes animal hospitals and clinics providing services such medical examinations, diagnosis, and procedures; dispensing of medications for animals; providing surgical procedures, and space for supervised recuperation from medical and surgical procedures.

#### Automotive Sales and Rentals.

Automobile Rentals. Rental of automobiles, including storage and incidental maintenance.

Automobile Sales. Sales or leasing of motorcycles, automobiles and trucks up to 14,000 pounds gvw, including storage and incidental maintenance.

Golf Cart and ATV's. Sales or leasing of electric or gas-powered golf carts and ATV's up to 2000 pounds in size.

Large Trucks and RV's. Sales and leasing of large vehicles, boats, motor homes and recreational vehicles including storage and incidental maintenance.

Construction Equipment. Sales, service, rental and storage of construction equipment such as forklifts, excavators, backhoes, dump trucks, etc.

#### Automotive Maintenance and Repair.

Automotive Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, but excludes vehicle dismantling or salvaging and tire re-treading or recapping.

**Automotive Repair, Minor.** The service and repair of automobiles, light-duty trucks, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes quick-service oil, tune-up, wheel and brake shops, muffler shops, auto glass services, and tire sales and installation, where repairs are made, or service is provided in enclosed bays and no vehicles are stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, or towing. It also excludes repair of heavy (14,000 pounds or more) trucks or construction vehicles.

**Carwash.** Washing, waxing, vacuuming, or cleaning of automobiles or similar light vehicles, including automatic, self-serve, and hand washing facilities.

**Business Support Services.** Establishments that primarily provide goods and services to other businesses on a fee or contract basis, including such things as printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photo finishing, and model building.

**Child/Adult Day Care Facilities.** Establishments providing non-medical care for persons on a less than 24-hour basis other than in a residential home. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of Arizona.

**Commercial Entertainment.** Provision of spectator entertainment to the general public including live and motion picture theaters and concert halls. This category excludes cabarets, nightclubs, and similar establishments providing entertainment incidental to food or beverage sales.

**Commercial Parking.** Surface lots and structures offering parking to the public for a fee when such use is not incidental to another activity.

**Contractors, Building and Property Maintenance.** Establishments engaged in providing contracting, or building, property and landscape maintenance services. This classification includes uses such as land surveyors, pest control, plumbers, electricians, homebuilders, etc.

**Offices Only.** Establishments for the uses described above that maintain an office only with parking for company vehicles but no other onsite storage of equipment or materials.

Indoor Storage. Establishments for the above uses that also include provisions for indoor storage and warehousing of equipment and supplies.

Outdoor storage/Large Equipment. Establishments for the above uses that include onsite storage and maintenance of large construction equipment and/or outdoor storage of other equipment, material, or supplies.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bar, Club, Lounge. Businesses serving beverages for consumption on the premises as a primary use including on-sale service of alcohol including beer, wine, or mixed drinks, and businesses that do not meet the definition of restaurant.

Catering. Businesses that prepare food and drinks for delivery to an event which takes place off-site.

Restaurants. Establishments providing food and beverage sales and services to patrons for consumption on-site, take out, or delivery. At least 40% of gross sales revenue must be from serving food to be classified as a restaurant.

Event and Reception Centers. Facilities that are rented on a short-term basis for events such as weddings, receptions, banquets, and conferences as a principle business activity (not as an accessory to an other use such as a place of worship or a community center).

Financial Institutions. Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions and businesses offering check-cashing facilities, but excluding non-chartered financial institutions.

Food and Beverage Stores. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, liquor stores, and retail bakeries.

Convenience Stores. Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption and typically found in establishments with long or large hours of operation and relatively small building of less than 5,000 square feet. This

classification includes small retail stores located on the same parcel as or operated in conjunction with a fueling station.

General Market. Retail markets of food and grocery items for off-site preparation and consumption. Typical uses include supermarkets and specialty food stores, such as bakeries, candy, nuts and confectionary stores, meat or produce markets, vitamins and health food stores, cheese stores and delicatessens.

Liquor Stores. Retail establishments that sell a variety of beer, wine, and other spirituous liquors for off-site consumption.

#### Fueling Stations.

Electric Vehicle Charging Stations. Establishments providing stations for charging of electric vehicles as a primary use.

Gasoline Stations. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing convenience or grocery services.

Funeral Parlors and Mortuaries. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human dead and conducting memorial services. Includes facilities for pets.

Crematory, columbarium, or mausoleum.

Furniture and Appliance Repair. The on-site maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see Automotive Maintenance and Repair) and personal apparel (see Personal Care).

Hotels/Motels/Lodging. Establishments offering lodging to transient patrons. These establishments may provide additional accessory services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs. The length of stays for the majority of guests at these facilities are for 30 days or less.

Landscape Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products - such as trees, shrubs, plants, seeds, bulbs, and sod - that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves as well as other related products such as pavers, fence materials, landscape lighting, etc. This classification includes wholesale and retail nurseries offering plants for sale.

Live/Work Units. A commercial or industrial unit with integrated residential accommodations that include adequate working space reserved for office, commercial or industrial use and regularly used for such purpose by 1 or more persons residing in the unit and a cooking space and sanitary facilities in conformance with applicable building code standards.

Medical Marijuana. A nonprofit facility operating as medical marijuana dispensary and/or cultivation site in conformance duly registered and certified pursuant to ARIZ. REV. STAT. § 36-2801 - 2822.

Personal Care. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.

Recreation. Provision of commercial participant or spectator recreation to the general public, excluding public park and recreation facilities.

Indoor. This classification includes indoor facilities such as billiard parlors, bowling centers, card rooms, dance studios, exercise studios, health clubs, yoga studios, dance halls, small tennis club facilities, poolrooms, archery and gun ranges, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small. Occupy less than 15,000 square feet of building area,

Large. Occupy 15,000 square feet of building area or more.

Outdoor. This classification includes outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, driving ranges, golf courses (daily fee), riding stables, pickleball, tennis facilities, campgrounds etc. This

classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small. Occupy less than 2 acres and do not have stadium seating.

Large. Occupy more than 2 acres or have stadium seating.

Retail/Rental. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, hardware stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. This classification includes secondhand and wholesale stores.

Small. Occupy less than 25,000 square feet of building area and maintain all merchandise and materials indoors.

Large. Occupy 25,000 square feet of building area or more or include outdoor display or storage of merchandise for sale.

Pawn Shops. A business in which a principal business activity involves advancing money on the security of pledged goods or purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time.

Schools, Private. An institution conducting regular academic instruction at kindergarten, elementary, secondary, and tertiary levels operated by a nongovernmental organization.

Primary and Secondary Schools. Private facilities for primary or secondary education having curricula of general academic education consistent with the academic requirements of the State of Arizona, including kindergarten, elementary, junior high school, and high school, including accessory facilities traditionally associated with schools, such as athletic stadia, cafeterias and libraries.

Trade School, Commercial. Private schools established to provide teaching of clerical, medical, managerial, or artistic skills such as nursing, accounting, data processing, or computer repair. This classification excludes establishments providing training for activities that are not otherwise allowed in the zoning district.

Trade School, Industrial. Private schools offering training in industrial trades such as welding or metal fabrication.

Self-storage. Commercial facilities offering storage for individual use. An on-site residence may be present for use by the site manager and family.

Indoor. Facilities which have all of the individual storage units accessed from a climate controlled interior hallway.

Exterior. Facilities which have some or all of the individual storage units accessed from an exterior door.

Vehicle, Boat and RV. Facilities providing outdoor storage for cars, trucks, boats, RV's and similar vehicles.

Studios (art, dance, music, photography, etc.) Galleries and workspace for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. There may be incidental retail sales of items produced on the premises. This category may also include incidental instruction.

Taxidermists. Businesses involved in the art of preparing, stuffing, and mounting the skins of animals with lifelike effect

Tattoo and Body Piercing Studios. Establishments whose principal business activity is one (1) or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. Exception: Piercing earlobes as an accessory or subordinate activity when done at a shop or store selling jewelry as primary activity.

## G. Employment and Industrial.

Art, Metal and Ornamental Iron Shops. Manufacture of crafts, art, sculpture, stained glass, jewelry, apparel, furniture, cabinet making, and similar items using hand tools and small mechanical devices.

Light Assembly/Cabinet Shops. Putting together, fabricating, or making minor modifications to pre-manufactured items or pre-cut lumber as a last step for items intended to be sold as finished products. Includes assembling cabinets, furniture making and welding of pre-made parts, but excludes metal extrusion, sawmills, and manufacturing.

General Industrial. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as biomass energy conversion; food and beverage processing; textile mills; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; recycling materials processing facilities in which post-consumer materials are sorted, condensed, baled, or transformed; and automotive, ship, aircraft, and heavy equipment manufacturing.

Light Industrial. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes operations such as manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

Impound Yard. These facilities are for the temporary storage of abandoned, wrecked or legally impounded vehicles regardless of running condition. Such facilities are not to be used for the dismantling of any vehicle, the storage of parts, nor the retailing or wholesaling of any vehicle or vehicle parts.

Indoor Warehousing and Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber.

Also includes cold storage, draying or freight, moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

Outdoor Storage. Storage of materials, vehicles or commercial goods (other than construction materials and commercial vehicle storage facilities) in open lots.

Recycling. A center for the collection and/or processing of recyclable materials.

Research and Testing Laboratories. Establishments primarily engaged in scientific research, and the design, development, engineering, and testing of high-technology electronic, industrial or scientific products in advance of product manufacturing. The production of products, plans, or designs may be part of this classification when the primary purpose of such production is research, development, or evaluation, rather than sale. Typical uses include biotechnology firms, electronic research firms, or pharmaceutical research laboratories.

Salvage. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Wholesale. Establishments engaged in the distribution and sale of items for resale by retail stores, or bulk sale of goods to other professional business, industrial, or institutional users. Such activities are characterized through sales of items in large or gross quantities and not as individual items, and such establishments are typically not open to the general public for the purpose of offering items for individual sale or consumption of goods.

#### H. Utilities.

Utility Facilities. Electric substations, solid waste collection, including transfer stations and materials recovery (recycling processing) facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utility Services. Includes distribution mains with attendant facilities and appurtenances, water tanks, control cabinets, and related equipment to facilitate the functioning of the utility system.

I. Accessory Uses. In addition to uses listed above that could become an accessory use to another primary activity on a property, the following uses may only occur as an accessory use.

Guest House. Living or sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. The accessory building may be attached to or detached from the main building. Such quarters shall not be rented, and/or otherwise used for income producing purposes.

Home Day Care Center. A residential facility in which care for nonresidents is provided for periods of less than twenty-four hours per day, for five or less people.

Home occupation. Any occupation or profession carried on in a dwelling unit by residents thereof which use or activity is incidental and subordinate to the use of the dwelling unit for dwelling purposes and which does not change the character thereof.

Master-Planned Village Sales and Information Center. A temporary facility as part of a master planned development offering information about the development.

Model Home. Temporary use of a home built in a subdivision for the purposes of demonstrating the types of homes and features that can be built in the subdivision.

Stand-alone ATM. An automated teller machine located away from and not part of any other building or structure.

Swim school. A school provided from a single-family dwelling providing swimming lessons.

Wireless Communications Towers. Towers erected on a property to contain antennas for broadcast of radiofrequencies.