



NOTICE OF REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

Chair Dan Kovacevic

Vice Chair Peter Gray

Commissioner Charles McDermott

Commissioner Scott Schlossberg

Commissioner Mathew Corrigan

Commissioner Nick Proctor

Commissioner Phil Sveum

TIME: 6:00 PM - REGULAR MEETING
DOORS OPEN 15 MINUTES PRIOR TO THE START OF THE MEETING
WHEN: MONDAY, AUGUST 10, 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. 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. REGULAR AGENDA

- a. **CONSIDERATION AND POSSIBLE ACTION:** Approving the regular meeting minutes of the Planning and Zoning Commission May 11, 2026.
- b. **PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION:** Relating to a request for approval of a Special Use Permit to allow residential use of property zoned C-1, Neighborhood Commercial and Professional, located at 11669 N. Saguaro Boulevard.
- c. **DISCUSSION AND POSSIBLE DIRECTION:** Regarding draft revisions to Chapters 12, Commercial Zoning Districts, and Chapter 18, Town Center Commercial District, of the Zoning Ordinance.

7. CALL TO THE PUBLIC

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

8. COMMISSION DISCUSSION/DIRECTION TO THE DIRECTOR

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

Dated this 3 day of August, Year 2026



Paula Fisher, Executive Assistant

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: 8/10/2026
Meeting Type: Planning and Zoning Commission Regular Meeting
Submitting Department: Development Services / Planning
Prepared by: Paula Fisher, Executive Assistant
Staff Contact Information: Phone: 480-816-5122
Email: pfisher@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 May 11, 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 May 11, 2026.

Suggested Motion

MOVE TO APPROVE the Planning and Zoning Commission meeting minutes dated May 11, 2026.

ATTACHMENTS

1. PZ 2026 0511 Minutes

TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING
OF THE FOUNTAIN HILLS PLANNING & ZONING COMMISSION
MAY 11, 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 and Executive
Assistant Paula Woodward.



Post-Production File

Town of Fountain Hills
Planning and Zoning Commission Meeting Minutes
May 11, 2026

Transcription Provided By:
eScribers, LLC

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

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KOVACEVIC: I'd like to call to order the May 11th, 2026 regular meeting of planning and zoning commission. If we could all 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.

Okay. Paula, please take the roll.

WOODWARD: Chair Kovacevic.

KOVACEVIC: Present.

WOODWARD: Vice chair Gray.

GRAY: Present.

WOODWARD: Commissioner Proctor.

PROCTOR: Present.

WOODWARD: Commissioner Sveum.

SVEUM: Present.

WOODWARD: Commissioner Schlossberg.

SCHLOSSBERG: Here.

WOODWARD: Commissioner Corrigan.

CORRIGAN: Here.

WOODWARD: Commissioner McDermott.

MCDERMOTT: Here.

KOVACEVIC: Okay. Please read the statement of participation up on the board. Give everybody a second to do that. And move on to number 5, Summary of Current Events by director.

WESLEY: Good evening, Chair, Commissioners. I'm still getting a little bit used to this particular format for the agendas myself. And so I haven't thought deeply about it, but I don't really have anything to update you on that I can think of. So I guess we can move on to the next item.

KOVACEVIC: I think, one thing, if you just explain to the commission, because we

continued an item from the last meeting to the -- tonight.

WESLEY: Okay. Yeah.

KOVACEVIC: You'd let the commissioners know --

WESLEY: Sure.

KOVACEVIC: -- that we're not --

WESLEY: Yes.

KOVACEVIC: -- why we're not hearing that tonight.

WESLEY: Okay. Yes. Thank you for bringing that up.

Yes, we did have the special use permit over on Park View by Mr. Gurczak. That was continued. To consider some redesigns of the project based on the adoption of the new downtown overlay that changed the allowed density. He is planning to reduce the density in the building, so it falls under the new ordinance, and therefore he doesn't need the special use permit anymore. That's why it's not back on your agenda at this point.

KOVACEVIC: Okay. Item number 6, Consent Agenda. There is no consent agenda. Number 7, Regular Agenda. Consideration of possible action. Approving the regular meeting minutes of the Planning and Zoning Commission, April 13th, 2026. Can I have a motion?

PROCTOR: So moved.

MCDERMOTT: Second.

KOVACEVIC: And a second?

MCDERMOTT: I'll second it.

KOVACEVIC: All in favor? Aye.

ALL: Aye.

KOVACEVIC: Opposed?

CORRIGAN: Oh, question.

KOVACEVIC: Sure.

CORRIGAN: I just had a question about -- on page 23, quite frankly, Paula, I don't remember saying -- I mean, I'm not looking for that. Where did that -- I'm not quite sure

how that popped in there. I may have said it. I'm just -- I'm looking for context.

WOODWARD: I'm not sure. I can listen to the audio and confirm for you.

CORRIGAN: Okay. I just -- yeah, maybe you could clarify.

WOODWARD: Okay.

CORRIGAN: Other than that, I -- no problem.

PROCTOR: If I may, I also saw one correction. In one of the documents in the minutes it listed Dan as the mayor instead of the chair.

WOODWARD: Oh, that was at the last page, correct?

PROCTOR: Yeah.

WOODWARD: Yeah, it's been corrected since then.

KOVACEVIC: Okay. B, public hearing with consideration of possible action relating to 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.

Director, Wesley.

WESLEY: Yes, Chair, Commissioners. Before I jump into that, I will comment that just future references. You maybe noticed little things in the minutes. Feel free to go ahead and give Paula an email or call ahead of time. And we don't have to necessarily take time here at the meeting so we can get those -- those corrected. They usually are pretty minor things.

So this agenda item is to consider an amendment to our sign ordinance. We'd like to, it seems like amend these fairly regularly. So here's another chance. This is an item that has come up over the last few months as we've been working with some developments here in town. But Chapter 6 of the zoning ordinance provides our regulations for signs. We can regulate time, place, manner, but not content in signs. The last major update was in 2021, but we've had a series of other minor modifications since then, but during all these, we've never really considered the standards we have for our drive thru menu boards. What's in the Code today is what's been there for a number of years.

And we have had the question come up somebody wanting to put in one of these boards and their standards a little bit bigger than what we allow. That's what has

prompted this. But here's what our ordinance provides for in terms of description of what a menu board is and the overall basic provisions 20 square feet, five feet tall, one per lane must be within five feet of the lane not readable from a public street. And if it's within 150 feet of a residential district, it needs to be screened.

And looking around I found specific examples in two ordinances in Scottsdale and Gilbert. And their allowance is much larger than what we have here. And then also found some reference to general industry standards on how large these boards typically are these days. And so you can see it's really just the smallest type of facilities that have menu boards that are at or smaller than what we have. But really, when you get to the full service kind of fast food and quick serve restaurants, that they are larger than our current 20 square feet.

And so with that review and what we've seen from other communities and the need that we're seeing here in town, staff is recommending that we increase from a 20-square-foot maximum to a 30-square-foot maximum increase allowed height from 5 foot to 7 feet. Any questions you have?

KOVACEVIC: Commissioner Sveum.

SVEUM: John, do you have any examples of what this would look like?

WESLEY: Just think of your typical menu board that you see at any fast food restaurant in particular. Same type of thing.

SVEUM: Like the drive through --

WESLEY: Right.

SVEUM: -- for your -- for a Starbucks or something like that?

WESLEY: Right. Um-hum.

SVEUM: All right. So we're talking about illuminated -- illuminated?

WESLEY: Correct.

SVEUM: Okay. In the ordinance itself, the -- the 5th, whereas I guess I didn't quite understand what it had to do with constructing housing for sale or rent.

WESLEY: That -- that is something that was -- the legislature passed a few years ago. That's a standard in most of our ordinances now, just to cover our base, to make sure

that we've checked that box as far as the State is concerned.

SVEUM: As far as what?

WESLEY: As far as the State's concerned.

SVEUM: What --

WESLEY: But there really isn't --

SVEUM: -- the meeting is --

WESLEY: -- there really isn't anything really directly applicable this time. But that's a standard language in, you'll see just about all of our ordinances we pass.

SVEUM: For the rest?

WESLEY: Yeah.

SVEUM: Okay. I understand where -- I'm fine. Thank you.

KOVACEVIC: Anybody else? Commissioner Corrigan?

CORRIGAN: Just curious, John. You know, for example just comparison. And -- and Phil brought it up, the display board at, for example, Dutch Bros, that obviously that's the maximum height, right, as far as the drive through type application. So we're just -- we're increasing the square footage.

WESLEY: And we're also allowing an increase in height.

CORRIGAN: Okay.

WESLEY: Yes.

CORRIGAN: Thank you.

WESLEY: From five to seven.

CORRIGAN: Um-hum. Great.

KOVACEVIC: Commissioner McDermott.

MCDERMOTT: Thank you, Chairman.

John, is there any -- is there any provisions for the brightness of the sign, or is that -- is that dealt with somewhere else in the Code?

WESLEY: Chair, Commissioner, that would be dealt with through the outdoor lighting ordinance.

MCDERMOTT: So that's covered --

WESLEY: -- in terms of the brightness. At nighttime, we have a limit on the nits that those can have. Yes.

MCDERMOTT: So that -- so those nits would stay the same.

WESLEY: Yes.

MCDERMOTT: Okay. Thank you.

KOVACEVIC: Anybody else? Okay. I did a little further research. Apache junction allows 30 feet, Litchfield Park anywhere between 20 and 32 feet. So this seems to be, you know, fairly prevalent. So I would be in favor of it. So I guess we're looking for a motion.

CORRIGAN: Motion to approve the new ordinance.

UNIDENTIFIED SPEAKER: Second.

SVEUM: Let me take a roll call.

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 the next item. Public hearing with consideration and possible action relating to ordinance 26-10. Amending Zoning Ordinance, Chapter 10

single family Zoning districts to add 10.025 uses permitted by Special Use Permit and Chapter 11, Multifamily Zoning Districts to amend 11.03 uses permitted by Special Use Permit to add provisions for office uses in residential zoning districts.

Director Wesley.

WESLEY: Chairman. So over the last few months, town staff has had some negotiation discussions with Fountain Hills School District about reuse of some of their properties. They were looking to bring in a use -- one of their underutilized buildings. And staff had concerns that the use was not one that was allowed by the zoning ordinance and as a non-school use then wasn't allowed. And given the -- the nature of the school district, this time with some declining enrollments, that created some concern with how buildings might be maintained and the impact on neighborhoods in the long term. If there's not some viable use of these buildings.

In this particular case that things evolved, we understood that the use is going in, did meet the requirement to be a school and was allowed by the zoning ordinance. So that's all moving forward. But it raised the issue for us that we thought it would be valuable to bring before the commission and hopefully ultimately to the council. Is there some way that we can get ahead of this and be prepared for changes to particularly schools, but other nonresidential buildings and uses that we've had historically in residential districts?

Again, the other primary use is going to be churches as -- as things evolve over time. And we may have these buildings that have been built and been used that are in residential neighborhoods, but they're no longer being used for that original purpose. How can they be reused in a way that's appropriate for the neighborhood? And so they don't just decline and deteriorate and be an eyesore to the neighborhood. So that's what this is about this evening to start a discussion on that, the staff has come up with one option for your consideration this evening. There are probably other ways can be handled. So we look forward to having a discussion with the commission about this this evening, where -- where this might go.

So what is being proposed is that we make an amendment to two chapters of the zoning

ordinance, both of which would then allow the option of a property owner or an applicant, with the consent of the property owner, to apply for a special use permit to allow office uses in the residential zoning districts that require the full citizen participation so the neighbors are being involved. Require the full public hearings for PNZ and counsel. So again, the public has the opportunity to be involved in that discussion. To do this requires a whole new section in Chapter 10, single family zoning, because we don't allow for any special use permits currently in the single family districts. And then an amendment to the section of the multifamily district that does currently allow for special use permits.

And the way we've drafted at this point, the provisions govern it would actually be the same in both. So I've just covered one here. And let's see they're in Chapter 11. There is -- because there is some existing language there. There's some rework of that a little bit. Otherwise they're the same.

So what staff is proposing at this point to start the consideration discussion is that we would allow through the special use permit process property owner could apply for any of the uses that are currently allowed in the office zoning districts on these -- these properties, minimum of two-acre lot size. So you can't just be a standard single-family lot a few thousand square feet. It needs to be a larger -- larger lot. It must have already been an existing nonresidential use, an historic nonresidential use on the property. So again, it can't be somebody that has their home. And now they want to try to do something different with it. It had to have the nonresidential use historically. It's limited to reuse of existing buildings. If you -- doesn't allow for any expansion of the footprint or other structures on the property, no outdoor storage unless specifically permitted as part of the special use permit.

Signage. Very limited signage as approved by the Special Use permit. Outdoor activity limited to typical playground kind of activities. Traffic and parking again must be on site using the existing parking lots and so forth. Hours of operation limited to weekdays 7 to 6. And then approval would be limited to the applicant, not -- nontransferable.

So those are the provisions that we have thought of to put in here. Again, as a starting

place for discussion this evening. Again, trying to provide an avenue in the future as we may have more instances of existing nonresidential buildings and residential districts not being used -- fully utilized and finding a way that they can be maintained compatible with the neighborhood.

So with that chair, I'd like to see what comments questions the commission may have.

KOVACEVIC: Anybody want to start? Commissioner Gray, since you didn't say anything about the last one, do you have anything with this one?

GRAY: Yeah, I thought the last one was too tall, but it wasn't the fight I was going to pick. Yeah, I -- so I struggle with this. I'm sure John knew that I was going to do that. Seems -- seems to me, you know, the intent -- the underlying intent of -- of school properties inside of districts was, you know, to be a community service. And I really struggle with the idea that, you know, we -- we're -- we're being tasked with or are trying to find a means to hone the -- the round peg for the -- for the square hole here. And I just don't know that it's appropriate for us to do that. I feel like -- I feel like this might be a scenario where, sure, we can craft language to -- to make it viable and you know, allow a school district or a not for profit or whoever to turn something into a revenue generator. But that's not what the intent of that -- that property -- that parcel was to be, you know, in its contract with the community.

So I guess I'm in the camp -- I want to hear -- I want to hear tonight out. But I'm in the camp of thinking this isn't our place. That -- that we should really stay out of it. And if -- you know, it's not my call, but my way of thinking is if -- you know, if a -- if a school district can't -- can't keep a school asset viable. You know, maybe the -- maybe the approach we ought to take you know, as a -- as a zoning body is to recommend something much more drastic, like, if it's going to sit vacant, if it's going to, you know, end up in a -- in a dilapidated condition, maybe we ought to force its -- its demolition or something like that. Versus open Pandora's box potentially to -- to allow different entities you know, to seat themselves inside of -- inside of residential districts.

So I want to hear tonight out, Chair, but I'm starting out from a position of I -- I'm not sure this is what we should be doing.

KOVACEVIC: Okay. Thank you.

Any other commissioners? Commissioner Proctor.

PROCTOR: I agree, I've got a little -- little angst about this. As I understand, specifically in the school, there is a private entity that wants to occupy that facility but does education. So it's a similar function but a private entity. Is that -- is that correct?

WESLEY: Chair, Commissioner, yes. In this case, as things worked out, that's what -- what is happening? And so it is allowed by the zoning ordinance. The specific use.

PROCTOR: So -- so that is permitted then --

WESLEY: Yes.

PROCTOR: -- under existing ordinance.

WESLEY: Yes, um-hum.

PROCTOR: Well it seems to me if we open -- open Pandora's box, we're going to have different commercial entities applying for special use permits wherever they can. And I would imagine that would get a lot of pushback from the residential area around. I know if I lived in the area, I'd be one objecting to it. So I agree, I don't think this is something that we -- we ought to go down the road on, so.

KOVACEVIC: Thank you.

GRAY: Yep --

KOVACEVIC: Commissioner Gray --

GRAY: -- but can I just talk to you real quick?

KOVACEVIC: Yeah. Jump in.

GRAY: Yeah. Yeah. So I appreciate Commissioner Proctor's sentiment there. I think that if -- you know, if you allow something like this to -- to play out, you know, we have to use the school as our example here. But if you allow that to play out, you know, the school is -- is in a position of probably wanting to cover their -- their operational exposure on the property. And ultimately, the school is probably going to offer some -- some -- some form of rent concession to these commercial entities that can come in and you know, make their application, et cetera, et cetera.

And so I think that the other thing you have to consider as we deliberate this is if -- if

we're going to open up new avenues to commercial utilization, and you can draw a straight line to say, hey, you know, it's probably going to be available at whatever, 30 bucks a foot instead of 36 bucks a foot. Then we're going to further put a burden on our -- on our -- you know, our existing commercial core, which, you know, we all know is significantly challenges as it is.

And then secondarily, I think you have to consider there is a chance that you could end up with unintended uses in a scenario like this. And granted, yes, it still have to come through the process in the special use permit. But you could end up with, you know, something that we don't necessarily want to see inside of residential neighborhoods, or at least we're opening a gate to that. So I want to be reserved from that perspective as well. Thanks -- thanks, Chair.

KOVACEVIC: Thank you. Commissioner Schlossberg.

SCHLOSSBERG: So John, I'm going back to Four Peaks Elementary, and we at one point we had Bob's Free Bikes in there. We had a watchmaker in there. We had a caterer in there. What was the scenario back then? Did they have to come and get a special use permit -- permit for those uses back then, or was it --

WESLEY: So Chair, Commissioner, some of that predates my specific history. So I'm going a little bit on what I've learned and been told since then. So it started off, as with EVIT being in there. EVIT's East Valley --

SCHLOSSBERG: Right. Right.

WESLEY: -- Institute of Technology. And so they are an education facility that offers along with it then the specific job skill training. And so that's what it was supposed to be. Turned out that EVIT that it really didn't make it work there.

SCHLOSSBERG: Right.

WESLEY: And so they brought the businesses in and then they left. So the businesses were there. And they really weren't there, consistent with the town zoning.

SCHLOSSBERG: So EVIT brought those businesses under the auspices of EVIT and -- okay, not on their own. Okay. I do, and I will -- Commissioner Gray that was an interesting thought on the price per square foot and taking further commercial from

town and taking it over too. That's definitely an unintended consequence I didn't think about. So a couple interesting points of thought.

KOVACEVIC: Commissioner Corrigan.

CORRIGAN: Yeah. Thank you, Chair.

John, I'm just wondering this is McDowell Mountain School, and I'm probably confusing it with McDowell Mountain Elementary, which is over on Glenbrook, and -- and Fountain Hills Avenue -- sorry, Boulevard. And I guess what I'm asking is, where is this located in town?

WESLEY: So the one that we had the challenge with, it's been resolved now, was where the Falcons -- Little Falcons Preschool has been most recently, but it was elementary school. But this would -- if something along this line, if approved, it would apply to any of the schools, as well as some other uses, such as churches of Boys and Girls Club and so forth. Nonresidential uses in residential districts. So we're trying to look to the future and provide a mechanism to help those buildings be reused in a reasonable way.

CORRIGAN: Okay. And my main concern here, just as a discussion point, kind of more or less follows the trend of, you know, Vice Chair Gray and you know, I guess Scott and Nick, the concern is I want to -- our neighborhoods protected, residential neighborhoods protected. That's probably -- no, it is the highest -- of highest order. So I wouldn't want to see that change much, not a dramatic change.

And like the vice commissioner said -- vice chair said that may happen -- unintended consequences that could happen. And again, this is just discussion. But I like the model of, you know, Toll Brothers where they came in and built more houses and that type of thing. I'd rather see -- if we have a preference, I'd rather see that type of thing happen where the neighborhood is preserved as residential rather than commercial. And then, you know, we had the watchmaker and so on. And for whatever reason, they left. And then that left that open again. So just again, just food for thought.

KOVACEVIC: All right. Commissioner McDermott. And I have to apologize to you because you're the only one using the audio equipment properly. Everybody else is hitting the right button, and I can see the red ring around their mikes. But you're on my

screen here, and I'm not looking at it, so I'm sorry about that.

MCDERMOTT: Thank you, Chair. I appreciate that.

John, are there other districts in the valley that have done something like this that we could look at as a model of success, or perhaps not some lessons learned from --

WESLEY: Sure.

MCDERMOTT: -- other districts?

WESLEY: Chair, Commissioner, I haven't done extensive research at this point, a little bit that I've seen, it's been mostly converting schools to multi residents. That's been happening around the valley that I -- that I've -- that I'm aware of.

MCDERMOTT: They demolished the buildings and --

WESLEY: Or reuse them, whichever. But it's been, yeah, that type of pattern and where our schools are at, I don't know if that's viable here.

MCDERMOTT: Okay. Okay. Thank you.

KOVACEVIC: Anybody else? All right. Thank you for asking that question because I did that research and I've I found one of Phelps Dodge took a school building in Inspiration, Arizona, and turned it into an office while they were doing their mining inspirations out near Globe. And that's the only one I could find. Everything else has been a tear down and redevelopment. The -- my question for you would be, is a municipal use already allowed if the -- if the town wanted to turn it into another community -- community center. Is that already allowed?

WESLEY: Yes, Chair. Nonprofit community center type operations are already allowed.

KOVACEVIC: Okay. And then I just don't like the -- I don't like the school district getting into the office building or office business. It's just it's not the commercial -- the commercial real estate business. Commissioner Gray was very generous with -- with \$3 a foot rents. I think the rents here in town are about a buck or a buck and a half a month. So, it's \$12 to \$18. Whereas residential rents are \$2 to \$3 a foot - or a month. The retrofit costs for -- to turn these into viable offices is -- is incredibly high, and the school district is -- it's well publicized that they need money there. This isn't -- they're not flush with money to make this investment. And the town vacancy rate, I think

Amanda reported in the fourth quarter that it was 23 percent. So the demand is not there for office space. So I -- I'm having a hard time with this as well. But what the -- what I'm trying to get my arms around, if the school -- if we close the school and we had a single user that wanted to come in and use the entire space for say, light industrial, which that has had more success than office. The office buildings terrible -- or the office business is terrible right now. How would we -- are we better off just saying no to office tonight? And if the situation came up, do a text amendment then. And then have that user apply for the special use permit. And just -- just kick the can all the way down the road.

WESLEY: So Chair, certainly that's an option this evening. As mentioned earlier, we saw this come up as an issue over the last few months. We see the possibility of the type of issue coming forward again as -- as schools and churches and other buildings that are currently occupying residential districts may have challenges being maintained and used in the future. And we're just looking for a way to get ahead of it, and maybe we're too far ahead of it and need to wait and bring this back at some other time, or explore other options. I just wanted to have this discussion this evening and see what kind of feedback we would get.

Because while I understand the concerns about uses coming in to a neighborhood that might be viewed as detrimental, that would happen going through a very public process, and so it would get well vetted at that point. And so which may be more detrimental to the neighborhood as those uses or is it a building sitting there deteriorating? And that's kind of the thing that we're trying to weigh. And the thought was that the building sitting there deteriorated and not being used is more detrimental to the neighborhood than trying to find some way to get another viable use into the building.

KOVACEVIC: Commissioner Sveum.

SVEUM: Actually, I came here tonight thinking this was a good idea. Provide some opportunities, some -- some options for the District, but I think the comments are legit. You know, maybe it's the thing to do is to talk with the school about having them put together an overall plan of what to do with these properties. Maybe your department

can help them decide what to do or have something that's a little bit tighter. If there's concerns about the -- the type of tenants that they're not -- not falling in line with what is desired in a neighborhood, maybe they should be given some direction on that. But I mean, like I said, I think this -- the list would be fairly -- pretty nonoffensive to even to a neighborhood. You might have people actually living there nearby that want to walk to their office. In fact, I even thought the hours were too late. There's small businesses that work weekends. So I'm -- I'm fine with -- with what -- what the -- where we're heading here with this. But I would encourage the school to -- and whatever other nonprofits that are involved that have property that have been asking is to put a plan together and see what what's the best route? Maybe convince us that to give them that flexibility somehow.

KOVACEVIC: Oh, Commissioner Schlossberg.

SCHLOSSBERG: I'm following the rules.

John, I'm going back to Four Peaks Elementary. So my understanding currently, there is no one in that building. Is that correct?

WESLEY: That's correct.

SCHLOSSBERG: Okay. And the -- so back to McDowell Mountain Elementary. There is a possible tenant that is educationally --

WESLEY: Yes.

SCHLOSSBERG: -- coming in there --

WESLEY: Yes.

SCHLOSSBERG: -- with no need for any kind of special use --

WESLEY: Correct.

SCHLOSSBERG: -- permit or anything? Okay. All right. Thank you.

KOVACEVIC: I did speak to the school district today, and they have -- their indication was they have no interest in being in the commercial real estate business, and it's -- yeah, it's a -- it's -- it's really tough and it's very capital intensive and they don't have it. So given that, what would you like to see -- what would you like to see from us tonight?

WESLEY: So you've given us some good comments and feedback. And so I don't know

that any specific actions necessary at this point. We will take it back. We'll state it on our end. And if and when we think it's worthy to bring back based on the comments, we'll -- we'll get it put on a future agenda. But I don't want to put a time limit on it because, you know, we may decide it's more and decide it's not -- not the time and just -- just push it off for a while.

KOVACEVIC: Okay. So we'll let it go okay.

So that takes us to 7 D, discussion and possible direction regarding draft revisions to Chapter 11 multifamily zoning districts.

WESLEY: Chair, Commissioner, so I know at least have Commissioner McDermott's new since we discussed this last. I think everybody else was here. But you'll recall at the start of the year, I brought forth an outline for you and began discussion of my thoughts on reorganizing our zoning ordinance. And we have reviewed a couple of chapters previously. And so I have one more to cover this evening, but we'll provide some of that background again, since it's been a while since we discussed it.

Looking at ways to reorganize our current ordinance it's -- was originally developed back in 1990. It's been amended a lot of times, piecemeal fashion over the years. And it seems like it's time to have that comprehensive rework of it and reorganization of it. And so the goals here are, again, to reorganize the chapters take things from a list of uses to some use categories and use tables. I think it makes it a little easier to use and then better organize the various development standards and requirements that are kind of scattered through the ordinance currently. I'm not proposing significant changes. But as we'll talk about at least one tonight, there are a few changes that we do see as we're going along that we think are worthy to consider and include.

And so previously we discussed a new section 1.13 to zoning ordinance, which is the section that would list all the different use categories that's been provided for you for your review. And we discussed chapter 5 about Open Space District and chapter 6. These are the new numbers by the way, of single family residential. And so this evening want to take a quick look through the new chapter 7 multifamily zoning district. But before we do that again, here is the organization. Current ordinance is on the left.

And the proposed organization for the ordinance when we're done is on the right. And so again, trying to group the different districts together and different standards together, instead of having them spread out through the ordinance like they currently are.

So again, the -- the current ordinance is an example from the multifamily district currently of the list of uses that are allowed in multifamily. And so you can see the uses. But along with that, there are sometimes some standards stuck in, such as on the churches, including the columbarium, the ten percent of total building area. And so there's a standard stuck in with the description of the use and that gets a little bit cumbersome sometimes to remember some of those things there that way.

So our idea is instead to create use categories. And these are the different categories that we've identified and included in section 1.13 that would group things by. And so for example, under C residential some of the categories that would be there as far as the use -- use categories, you can see these for community residence duplex, multi residence and single family both attached and detached. Or under the quasi-public, here are some of the uses that were in the table before, but now they're grouped together in this fashion.

And so that leaves us then to the use tables which would look like this. And so it lists the zoning districts and then the different use categories and whether they're allowed or not. P says they're allowed. The dashes mean that they're not allowed in that category.

So one of the things that's a little bit challenging in our current ordinance is you can see the only thing different about the R-2 district is that it doesn't allow multifamily, allows a duplex, but nothing more than a duplex. And it's kind of hard to pick that up in the current ordinance. But here, hopefully that's a lot more clear. And so it goes through then the different uses that are allowed. And it has the list on the right-hand side if there's some further section description. So you can find that. Or if it's just a minor change, it's a footnote at the end of the table that this is where you find all those things that were in that list before with individual uses.

And so groups the permitted uses, the special use permit items, the temporary use permits are all kind of right there together. So you can see right away instead of reading through pages of the document to find where those different uses might be. So again, we think this is a lot clearer and easier for users to see what -- what uses can go where as it may be researching the town.

So one thing that is different in this is attached single family. Our current ordinance allows for the detached single family. So that's one dwelling unit per lot. Or you can have condominiums where you might have multiple units, but it's still on one lot. It's a condominium. So you just own the airspace in the unit but not the ground underneath you. And you can have apartments, but you can't have what might typically be known as row houses or townhouses. And the picture on the bottom right there. Those individual homes that are in there are -- owned the land under them have some yard in front or back maybe, but they get to own the ground and that's not allowed in our current ordinance.

And so if I go back up here to this one, you can see here the single residence. It lists both attached and detached. So that would be new having the attached single residence as an option. And then when we get to the table itself here, you can see under the single residence that it allows both -- both the attached. There are certain rules that go with that. And so that -- what I developed so far are right here. I'm not sure I like it yet. You may see this differently when we really come back and look at the Code. I'm trying to fit this in our current table, and I'm beginning to think I'm going to need to create a separate table that's for the attached single residence. It's kind of clunky getting it to fit in to this table.

SVEUM: Quick question. The single family attached, you mentioned condominium. What about it? Like, zero lot line type of arrangement?

WESLEY: It's not allowed in today's code.

SVEUM: Is it -- is it allowed to be put into the Code?

WESLEY: That's what -- that's what I'm proposing to do --

SVEUM: You are.

WESLEY: -- with this.

SVEUM: With a zero lot line rather than --

WESLEY: Right.

SVEUM: -- a condominium?

WESLEY: Right, right. That's what I think that's missing from our current code. And what I would like to add.

SVEUM: I didn't -- I didn't see that. I thought you were going to -- it would be required to develop the condominium plat and everything else.

WESLEY: No. No, it would -- it would be a -- yeah, a zero lot line plat versus a condo plat. So you could own the ground.

SVEUM: Well, the advantages, of course, are easier to finance for a buyer than a condominium or easier to build for a developer and be able to sell them. That's why I was wondering if it was (indiscernible).

WESLEY: Right.

SVEUM: Okay. Thank you.

WESLEY: So here this -- go ahead.

KOVACEVIC: I was just going to say then -- and you know, there's been a lot of talk about bringing in entry level housing, and that's one way to do it.

WESLEY: Right. So Chair, currently we have a lot of condominiums in town, a lot of duplexes were built. And over the years they've come back and done a condo on them. And we're seeing a lot of challenges long term as the property owners, the unit owners really working together to maintain the lot itself and who really has responsibility for that. It'd be a lot easier if we could have actually done this type of split of the duplex into two separate lots, and it's real clear on that ownership and that maintenance of the properties and so forth.

So what I've come up with at this point is that the narrowest any individual lot could be is 20 feet, and you have zero sides, as long as you're -- you're -- where you're building to the next one. But when you get to the end, then it's whatever the same setback is in that zoning district, whether it's the R-2, 3 or 4 district. And so again, but like I say,

when I try to stick that on here because of the lot area and the dwelling unit per lot, it gets a little bit clunky. So I'm not sure it really works quite right yet. So I'll have to figure that out. But -- but these are the basic standards I'm looking at what I've seen kind of in other combination I've seen in some other codes and what I think fits within what we have.

Any other questions about that? You see a need for this in the town. Seeing some yeses.

KOVACEVIC: Commissioner Gray.

GRAY: Yeah, I guess I see the value proposition. I don't know -- I don't know if I'm all the way there, but I -- I think I'm okay with -- with where John's taking it.

KOVACEVIC: Okay. Commissioner Sveum.

SVEUM: I think it's the rationale carries over to existing duplexes that have been dilapidated or just not well taken care of. Go through the process of zero lot line, for instance, and be able to divide those -- that duplex up, sell each side. And you've got owners there that will maintain it better with a very simplified process rather than the overkill of a condominium, right.

WESLEY: Right.

SVEUM: Yeah. I'm -- I'm really in favor of this. I think it's a good idea.

KOVACEVIC: Commissioner Corrigan.

CORRIGAN: My concern, John, is property values. I think entry level housing is a new opportunity, and we should take advantage of it. I have in mind, you know, like a state trust land, something like that, where it's a mixed model, single-family residence is kind of small and then mixed with condos and then also, you know, upscale homes, you know, as we see around here. And my concern about this is -- and I don't know if it's just a stigma thing, but when I see row houses and townhouses, I immediately think of high density, you know, urban settings New York, Chicago, Milwaukee, the older -- older cities where this has been done. And so I have concerns about that.

And my main concern is that when we do the entry level housing this way, in my mind, I see property values diminishing, coming down. So the concept I like but I think the

end -- the end of -- the result or the end of the building process and the build out and completion and then ownership. I think that might devalue other properties. And in my opinion it's going to bring down property values. That's just an opinion.

WESLEY: Commissioner, in relation to -- to that one example I know of in town is the narrow canyon through their PAD. They have some -- this type of housing up there with attached single family. I think Commissioner Sveum's right about the duplexes that are currently in town, be a great reuse of some of those properties. They can be just as high dollar as any other home. They don't have to necessarily be entry level homes.

CORRIGAN: Okay. Thank you.

KOVACEVIC: Commissioner McDermott.

MCDERMOTT: Thank you, Chair.

John, I just have a quick question and a comment. My comment is I really like the tables a lot. I think it makes it a lot easier for readability. So I think that's a -- that's a big improvement. One I don't understand I guess is under accessory. It says home occupation. I guess I'm not familiar, what -- what -- what does that mean?

WESLEY: So as an accessory use in a -- in a residential dwelling, you can have home occupation as provided for in section 5. In this case will change 15.14 the -- of the zoning ordinance sets out the criteria that you have to follow for home occupation.

MCDERMOTT: Again, so what is home occupation? I guess I'm just --

WESLEY: So -- yeah. So it's a business you operate out of your home --

MCDERMOTT: Oh.

WESLEY: -- under certain criteria.

MCDERMOTT: Okay.

WESLEY: You know.

MCDERMOTT: Okay. So that -- okay -- okay -- okay. Thank you.

WESLEY: So otherwise, again, as I stated before, we're really just moving things from the current ordinance. Just -- just reorganizing it. So again, some things have moved around as the sections are listed here, but really didn't change in wording or requirements. And everything else with regard to parking and signage, lighting, all those

things stay the same.

Any questions you have about where we're at? Again, this is initial review. Just going to be bringing these to you as we have the opportunity when we've been through all of it. We'll bring back the whole thing then for a more in-depth discussion and public hearings.

KOVACEVIC: I like it, too. I think this is a great start.

WESLEY: Okay. Thank you.

KOVACEVIC: Okay. Number 8, call to the public.

Paula, do we have any speaker cards?

WOODWARD: No, Chair.

KOVACEVIC: Commission discussion direction to the director. Commissioners?

Commissioner Gray, anything for John?

GRAY: Oh, I've been here. It's out of bounds, so treat it accordingly. But you open with asking John for an update on why our continuance isn't before us tonight. And of course, I heard the response and we just got another lesson in unintended consequences of stuff going through the process. And I know that the commission by default sent a recommendation of no vote on that, but now we just lost total line of sight to something that was a long ways from what I think a lot of us thought it needed to be, given the parcel and the placement and the orientation and so on and so forth. And that density went through the rest of the process a couple of weeks ago. And now -- now the ship sailed. I just think that's really unfortunate, but I think that's another data point that this commission had better reflect on.

You know, especially with agenda item -- I don't know, the agenda item or chair, but the item we talked about first there with the school property, we better be really careful with the unintended consequences of our actions, because I think that's -- that's exactly what happened there. And I think it's unfortunate. I know that's out of balance.

Nobody has to address it. But I wanted to get that out there.

KOVACEVIC: Thank you.

Any other commissioner -- any other commissioners? Future agenda items?

WESLEY: Chair, Commissioners, at this point, I'm not thinking of anything we have for a June meeting. We'll let you know for sure in the next little bit. But right now, it looks like we won't have a need necessarily for June meeting. We could potentially pick up another chapter of the zoning ordinance, but I don't necessarily want to call you all together just to do that. So we'll let you know for sure.

And otherwise it'd be good if you could, over the next few weeks, give Paula some feedback on any of your summer plans. So as we look at the possibilities for July and August meetings, that we'll know if we have any challenges with quorums for those, because we do have a couple of applications that are on the horizon that will probably hit either July or an August meeting. So need to be aware of that. That's it.

KOVACEVIC: All right. Do I have a motion to adjourn?

PROCTOR: So, moved.

KOVACEVIC: Second.

MCDERMOTT: I'll second.

KOVACEVIC: All in favor? Aye.

ALL: Aye.

KOVACEVIC: Seven zero.

Having no further business, Chair Kovacevic adjourned the Regular Meeting of the Planning and Zoning Commission held on May 11, 2026, at 6:49 p.m.

TOWN OF FOUNTAIN HILLS

Dan Kovacevic, Chairperson

ATTEST AND PREPARED BY:

Paula Fisher, 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 11 of May 2026. I further certify that the meeting was duly called and that a quorum was present.

DATED this 10 Day of August 2026.

Paula Fisher, Executive Assistant





TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 8/10/2026
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

Request to Town Council Regular Meeting (Agenda Language)

PUBLIC HEARING, with CONSIDERATION AND POSSIBLE ACTION: Relating to a request for approval of a Special Use Permit to allow residential use of property zoned C-1, Neighborhood Commercial and Professional, located at 11669 N. Saguaro Boulevard.

Staff Summary (background)

The zoning ordinance establishes allowed uses for each zoning district. The list of uses also includes uses which may be considered and approved on a case-by-case basis through the Special Use Permit (SUP) process.

The property at 11669 N. Saguaro Blvd. is zoned C-1, Neighborhood Commercial and Professional, zoning district. As a commercial zoning district, residential uses are not permitted by right. Residential uses can be considered and approved with a SUP.

This property is developed as a two-story commercial building designed for use as a kennel with some ancillary uses. The primary use of the building is for pet rescue and an outdoor kennel incorporated as a ground floor courtyard in the middle of the building. SUP's were granted in 2002 and 2006 for these uses. The existing use includes one caretaker's quarters on the second floor as allowed by code.

During a recent remodel of the second floor of the building, some of the office space was modified in a manner that would allow the area to be used as an apartment. In order to take advantage of this change to the building, the property owner has submitted this request.

Zoning Ordinance Section 2.03 F. 1. d. sets forth the review criteria for consideration of a SUP. It states:

In order to recommend approval of any use permit, the findings of the Commission must be that the establishment, maintenance, or operation of the use or building applied for will not be detrimental to the public health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such purposed use, nor shall it be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Town.

The request is to allow a portion of the second floor to be used as an apartment in addition to the existing caretaker's quarters. Staff has not identified any negative impacts to allowing this use of the second floor of this building. It will not be detrimental or injurious to any adjacent properties of the general welfare of the Town. The parking lot for the property has been specifically sized for the given use; there are not sufficient parking spaces for the building to

be used as an office or commercial space. Converting the office area on the second floor to residential will decrease the number of parking spaces required.

The applicant conducted a citizen participation plan which included contacting all surrounding property owners. No concerns were raised through this process.

Related Ordinance, Policy or Guiding Principle

Zoning Ordinance Sec. 2.02, Special Use Permits

Zoning Ordinance Sec. 12.03 F, Uses Subject to Special Use Permits

Risk Analysis

N/A

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

N/A

Staff Recommendation(s)

Staff recommends approval of SUP26-000002.

Suggested Motion

MOVE TO RECOMMEND APPROVAL of SUP26-000002 allowing one apartment in the commercial zoning district at 11669 N. Saguaro.

ATTACHMENTS

1. Case Details Map

Special Use Permit Vicinity Map



Case Details

CASE:

SUP26-000002

SITE / ADDRESS:

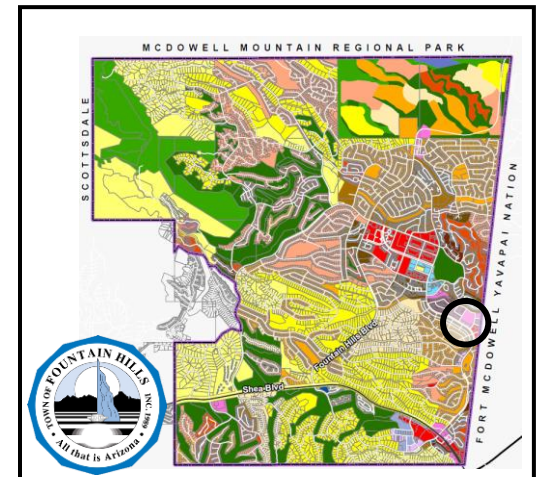
11669 N Saguaro Blvd.

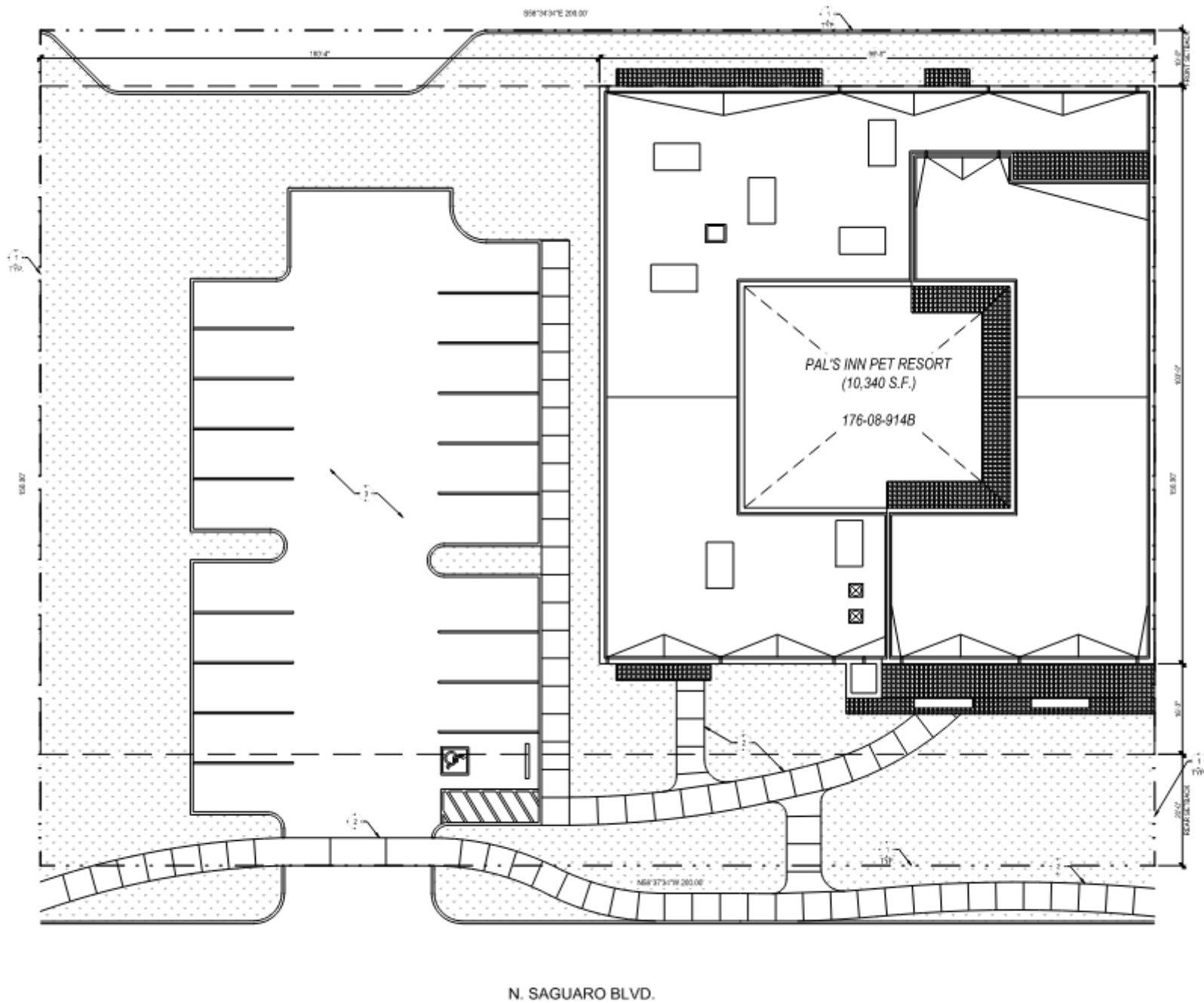
REQUEST:

Convert a portion of the second floor to residential use in a commercial zoning district



Site Location







TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 8/10/2026
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

Request to Town Council Regular Meeting (Agenda Language)

DISCUSSION AND POSSIBLE DIRECTION: Regarding draft revisions to Chapters 12, Commercial Zoning Districts, and Chapter 18, Town Center Commercial District, of the Zoning Ordinance.

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 commercial zoning districts chapter. In the current ordinance, this covers Chapters 12, Commercial Zoning Districts, and 18, Town Center Commercial Zoning District. In the new ordinance it is Chapter 8. This report uses the new section numbers as the organization for the discussion.

Section 8.01, Purpose and Intent

No changes

Section 8.02 Permitted Uses

All the existing uses listed in current Sections 12.02 - 12.06 and Sections 18.03 - 18.05 are provided for in the new Sec. 8.02, Table 8.02.

There are a few adjustments and additions being proposed in the revised chapter. Those changes include:

- Addition of categories of "Day Care and Training" and "Groomers" under Animal Services. The existing ordinance only identifies kennels as a use.
- Providing subcategories for contractors. The new ordinance allows contractors' offices (no equipment or storage) in more districts.
- Added a category for "Event and Reception Centers." This type of use is not clearly defined in the existing ordinance.
- Added a provision for "Electric Vehicle Charging Stations."
- Added "Live/Work Units."
- Provided distinctions for different types of recreational activities and uses in terms of size and indoor vs. outdoor to clarify and fine tune what can be allowed in the different zoning districts.
- Added "Pawn Shop."
- Added "Tattoo and Body Piercing Studios."
- Modified the requirements for "Light Assembly/Cabinet Shops" compared to current code by making the use a use by right in the C-3 if the standards are met.

In the current ordinance, the statement of the allowed use is often accompanied by some associated regulations. An example of this is in the current Sec. 12.02 B 3, which allows golf courses but then puts a restriction on miniature golf. These simple clarifications are handled through numbered footnotes in the table and then listed at the end of the table.

Section 8.03, Specific Regulations

This section combines regulations currently contained in portions of Sections 12.02 - 12.06 and 18.03 - 18.05 that were associated with specific uses that were too lengthy to include with the footnotes at the end of Table 8.02. The references to these are in the last column of Table 8.02. For example, in the current ordinance in Chapter 18, Section 18.03 C, multifamily dwellings are listed as an allowed use followed by an extensive set of regulations on how this use is allowed. In the revised ordinance, these provisions are provided in Sec. 8.03 A.

Most of the provisions contained in Sec. 8.03 are simply copied from the current ordinance. New or changed items include:

- 8.03 D, Animal Services. This section provides standards associated with the new provisions for "Animal Day Care and Training" and "Groomers."
- 8.03 E, Automobile Sales and Rentals. The regulations which were adopted recently in regard to outdoor display of golf carts were included but adjusted slightly to fit the format. The requirements did not change.
- 8.03 I addresses requirements for uses that include a drive-up window. Those requirements are new to the ordinance.
- 8.03 L provides standards associated with implementing a live/work use. These are new to the ordinance.

Section 8.04, General Development Regulations

The content of this section is from the existing Sections 12.07 A and B. The current Sec. 12.07 C has not been carried forward because there are no existing C-1 PUD's and that zoning option is no longer available.

Section 8.05, TCCD Regulations

This is from the existing Section 18.06. It is all the same as the current ordinance other than eliminating the current Sec. 18.07 T. The section of the code referenced in the existing code has been deleted, so this reference is no longer needed.

The existing Sec. 18.07 regarding design guidelines is no longer needed with the revised ordinance, so it has not been included.

Sections 8.06 - 8.11
There are no changes to these sections compared to the current ordinance.

Related Ordinance, Policy or Guiding Principle

Zoning Ordinance Chapters 12 and 18

Risk Analysis

N/A

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

N/A

Staff Recommendation(s)

N/A

Suggested Motion

N/A

ATTACHMENTS

- | |
|--|
| <ol style="list-style-type: none">1. New Chapter 8 Commercial2. Section 1.13 Land Use Classifications3. Existing Chapter 12 Commercial Zoning Districts4. Existing Chapter 18 Town Center Commercial District |
|--|

Chapter 8

Commercial Zoning Districts

Section 8.01 Purpose

A. C-O. Commercial Office Zoning District: The principal purpose of this zoning district is to provide for well-designed and attractive business and professional office facilities on sites in appropriate locations. This zoning district would constitute a transition between other commercial land uses and residential neighborhoods. Principal uses in this zoning district include professional, semi-professional, and business office uses.

B. C-C. Common Commercial Zoning District: The Common Commercial Zoning District is a zoning district established where existing plats that have existing common parking lot schemes developed and can provide for modest commercial enterprises to serve a surrounding residential neighborhood, as well as to provide for services to the community which are not detrimental to the integrity of the surrounding residential neighborhood, and to provide for the appropriate location of professional offices throughout the community. The intent of this district is to integrate limited commercial activity and professional offices on the small lot and common parking lot scheme with residential land uses in a climate favorable to both. Particular attention is to be paid to the interface between commercial or professional uses and the residential uses within the same neighborhood.

C. C-1. Neighborhood Commercial and Professional Zoning District: The Neighborhood Commercial and Professional District is established to provide a location for modest, well-designed commercial enterprises to serve a surrounding residential neighborhood, as well as to provide for services to the community, which is not detrimental to the integrity of the surrounding residential neighborhood, and to provide for the appropriate location of professional offices throughout the community. The intent of this district is to integrate limited commercial activity and professional offices with residential land uses in a climate favorable to

both. Particular attention is to be paid to the interface between commercial or professional uses and the residential uses within the same neighborhood.

D. C-2. Intermediate Commercial Zoning District: The principal purpose of this Zoning District is to provide for the sale of commodities and the performance of services and other activities in locations for which the market area extends beyond the immediate residential neighborhoods. Principal uses permitted in this Zoning District include furniture stores, hotels and motels, restaurants, and some commercial recreation and cultural facilities such as movies and instruction in art and music. This Zoning District is designed for application at major street intersections.

E. C-3. General Commercial Zoning District: The principal purpose of this Zoning District is to provide for commercial uses concerned with wholesale or distribution activities in locations where there is adequate access to major streets or highways. Principal uses permitted in this Zoning District include retail and wholesale commerce and commercial entertainment.

F. TCCD. Town Center Commercial Zoning District: The principal purpose of this zoning district is to provide for a variety of pedestrian-oriented retail, office, lodging, residential and civic land uses in the Town Center area. The intent of the district is to encourage the development and sustainability of a vibrant mixed-use area where residents and visitors can live, work, shop, dine, be entertained, enjoy community and cultural events and contribute to the economic viability of the Town Center area and the Town as a whole. This designation is appropriate in the Town Center area of the Town where commercial, lodging, residential and civic activities are desirable for the benefit of the residents thereof and the Town in general.

Section 8.02 Permitted Uses

"P" designates use classifications permitted in the Commercial 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 8.02 Uses Permitted in Commercial Districts

Land Use Category (See Sec. 1.13)	Zoning Districts (1)					Zoning Requirements
	C-O (2)	C-1 & C-C (2, 3)	C-2	C-3	TCCD	
A. Open Space						
Golf Course	--	P (4)	P (4)	P (4)	--	
C. Residential						
Assisted Living Facility	--	SUP	SUP	SUP	--	
Community Residence	SUP	SUP	SUP	SUP	SUP	Sec. 15.13
Duplex	SUP	SUP	SUP	SUP	--	
Multiple Residence	SUP	SUP	SUP	SUP	P	Sec 8.03 A.
Single Residence						
Attached	SUP	SUP	SUP	SUP	--	
Detached	SUP	SUP	SUP	SUP	--	
D. Public/Quasi-Public						
Community and Cultural Activities	--	P	P	P	P	
Clubs and Lodges	--	P	P	P	--	
Detoxification Centers, Inpatient	--	--	--	SUP	--	Sec. 8.03 B.
Educational Facilities						
Colleges and Universities	--	--	P	P	--	
Primary and Secondary Schools	P	P	P	P	P	
Trade School, Commercial	--	--	P	P	P	
Trade School, Industrial	--	--	SUP	P	P	
Government Offices	P	P	P	P	P	
Hospitals	--	P	P	P	--	
Nursing and Convalescent Facilities	--	SUP	SUP	SUP	--	
Parks and Recreation Facilities	--	--	P	P	--	

Places of Worship	--	P	P	P	P	
Protective Services	--	P	P	P	P	
Public Maintenance Facilities	--	--	P	P	--	
Substance Abuse or Addiction Treatment Center, Lodging	--	--	--	SUP	--	Sec. 8.03 B.
E. Office						
Business and Professional	P	P	P	P	P	
Detoxification Centers, Outpatient	--	--	--	SUP	--	Sec. 8.03 B.
Medical	P	P	P	P	P	Sec. 8.03 C.
Radio and Television Broadcasting Stations	--	--	P (11)	P (11)	P (11)	
Substance Abuse or Addiction Treatment Centers	--	--	P (5)	P (5)	--	
F. Commercial						
Adult Businesses	--	--	--	P	--	Chapter 21
Animal Services						
Day Care and Training	--	P	P	P/SUP	--	Sec. 8.03 D. 1. & 2.
Groomers	--	P	P	P	--	Sec. 8.03 D. 1. & 3.
Kennels	--	SUP	SUP	SUP	--	Sec. 8.03 D. 1.
Veterinary	--	P	P	P	--	Sec. 8.03 D. 1. & 4.
Automobile Sales and Rentals						
Automobile Rentals	--	--	SUP	P	--	Sec. 8.03 E. 1. – 3.
Automobile Sales	--	P	P/SUP	P	--	
Golf Carts and ATV's	--	P/SUP	P	P	--	
Large Trucks and RV's	--	--	P	P	--	
Construction Equipment	--	--	--	SUP	--	Sec. 8.03 E. 4.
Automotive Maintenance and Repair						

Automotive Repair, Major	--	--	SUP	P	--	Sec. 8.03 F.
Automotive Repair, Minor	--	--	P	P	--	
Carwash	--	--	P (6)	P (6)	--	
Business Support Services	--	--	P	P	P	
Child/Adult Day Care Facilities	--	P	P	P	P	Sec. 15.09 G.
Commercial Entertainment (7)						
Indoor	--	--	P	P	P	
Outdoor	--	--	--	SUP	--	
Commercial Parking	--	--	P	P	P	
Contractors, Building and Property Maintenance						
Office Only	--	P	P	P	--	
Indoor Storage	--	--	P	P	--	
Outdoor Storage/Large Equipment	--	--	--	P	--	Sec. 8.04 A.
Eating and Drinking Establishments						
Bar, Club, Lounge	--	--	P	P	P (15)	Sec. 8.03 G. and J.
Catering	--	--	P (8)	P (8)	P (8)	
Restaurants	--	P/SUP	P	P	P	Sec. 8.03 H. Sec. 8.03 I. Sec. 8.03 J.
Event and Reception Centers	--	--	P/SUP	P/SUP	--	SUP for outdoor uses
Financial Institutions	P	P	P	P	P	
With Drive thru	--	SUP	P	P	SUP	
Food and Beverage Stores						
Convenience Stores	--	SUP (9)	SUP	SUP	--	
General Market	--	P/SUP (9)	P/SUP	P/SUP	P	SUP for fuel sales
Liquor Stores	--	--	P	P	SUP	
Fueling Stations						
Electric Vehicle Charging Stations	--	P	P	P	--	
Gasoline Stations	--	SUP (9)	SUP	SUP	--	Sec. 15.06 I.

Funeral Parlors and Mortuaries	--	P	P	P	--	
Crematory, columbarium, mausoleum		SUP	SUP	SUP		
Furniture and Appliance Repair	--	--	P	P	--	
Hotels/Motels/Lodging	--	--	P	P	P	
Landscape Nurseries and Garden Centers	--	--	SUP	P	--	Sec. 8.03 K.
Live/Work Units	SUP	SUP	SUP	SUP	P	Sec. 8.03 L.
Medical Marijuana	--	--	--	P	--	See Chapter 23
Personal Care	--	P	P	P	P/SUP (14)	
Recreation						
Indoor						
Small	--	P/SUP	P	P	P	Sec. 8.03 M. for indoor shooting ranges
Large	--	SUP	SUP	SUP	P	Sec. 8.03 M. for indoor shooting ranges
Outdoor						
Small	--	SUP	SUP	P	--	
Large	--	--	--	SUP	--	
Retail/Rental						
Small	--	P	P/TUP	P/TUP	P	Sec. 8.03 N. Sec. 8.03 O.
Large	--	--	P/SUP/TUP	P/SUP/TUP	--	
Pawn Shop	--	--	P/TUP	P/TUP	--	
Schools, private						
Primary and Secondary Schools	--	P	P	P	P	
Trade School, Commercial	--	SUP	P	P	P	
Trade School, Industrial	--	SUP	P	P	--	
Self-storage						

Indoor	--	--	SUP	P	--	
Exterior	--	--	--	P	--	Sec. 8.04 A. 1.
Vehicle, Boat and RV	--	--	--	P	--	Sec. 8.03 P and 8.04 A. 1.
Studios	P (10)	P (10)	P	P	P	
Taxidermists	--	--	--	SUP	P	
Tattoo and Body Piercing Studios	--	--	P	P	--	
G. Employment and Industrial						
Art Metal and Ornamental Iron	--	--	SUP	P	P (12)	
Light Assembly/ Cabinet Shops	--	--	SUP	P	--	Sec. 8.03 Q.
Impound Yard	--	--	--	SUP	--	Sec. 8.03 P
Wholesale	--	--	--	P	--	
H. Utilities						
Utility Services	--	P	P	P	P (13)	
I. Accessory						
Pushcart	--	--	--	--	TUP	
Standalone ATM						
Wireless Communication Towers and Equipment	P	P	P	P	P	Chapter 24

- (1) See Section 8.04 A for general development regulations for all commercial zoning districts.
- (2) See Section 8.04 B for general development regulations for C-O, C-1, and C-C zoned properties.
- (3) SUP required for business hours after 11 pm or before 7 am.
- (4) Includes clubhouses but not miniature golf courses or practice driving ranges for commercial purposes.
- (5) Must be located at least 2,000 feet from any other detoxification center, substance abuse or addiction treatment center, or transitional community residence.
- (6) Steam cleaning confined to an indoor building.
- (7) Does not include adult oriented facilities as defined in Chapter 1, Section 1.12 of this zoning ordinance.
- (8) May not utilize any manufacturing process or outside storage of materials or vehicles.

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- (9) Limited to four dispensing units serving a maximum of eight cars simultaneously.
 - (10) Visual arts studios only.
 - (11) Does not include transmission towers.
 - (12) Any production/storage areas shall be enclosed within a building.
 - (13) Not including wastewater treatment plants, generating plants, and wireless communication towers and antennas, unless otherwise specifically permitted elsewhere in the ordinance.
 - (14) SUP required for drive up window.
 - (15) On premise consumption only, no adult businesses.

Section 8.03 Specific Regulations

A. Multi-residence requirements in TCCD zoned areas. Multifamily Residential uses are permitted as part of a mixed-use development according to the following general guidelines:

1. Mixed-use with Multifamily Residential dwellings in projects that are five (5) acres or larger in size. Mixed-use developments shall conform to the additional provisions of Section 8.03(F) of this ordinance unless those regulations differ from the regulations continued in this chapter, in which case the regulations of this chapter shall control.
2. A building may be exclusively used for multifamily purposes; provided, however, that any building used exclusively for multifamily purposes shall not front on or be within fifty (50) feet of edge of the adjacent right-of-way line for the Avenue of the Fountains, Saguaro Boulevard, El Lago Boulevard, Parkview Avenue, Verde River Drive, La Montana Drive or Palisades Boulevard.
3. Except for those multifamily buildings meeting the restrictions set forth in Subsection 8.03 A. 2. above, only commercial retail uses shall be permitted on the first or ground floor of a mixed-use project (see illustration #1). This restriction does not apply to parking or other amenities such as pools or other similar facilities.
4. Not less than 20% of all upper story exterior wall planes must be offset from the first floor wall plane. All upper story exterior wall planes that are not offset from the first floor wall plane may only be in sections with a maximum length of ten (10) feet.
5. Mixed-use projects must contain less than 50% multifamily residential gross floor area with a maximum density that conforms to the "R-3" zoning district density regulations.
6. Parking for any multifamily residential uses shall be provided on site.

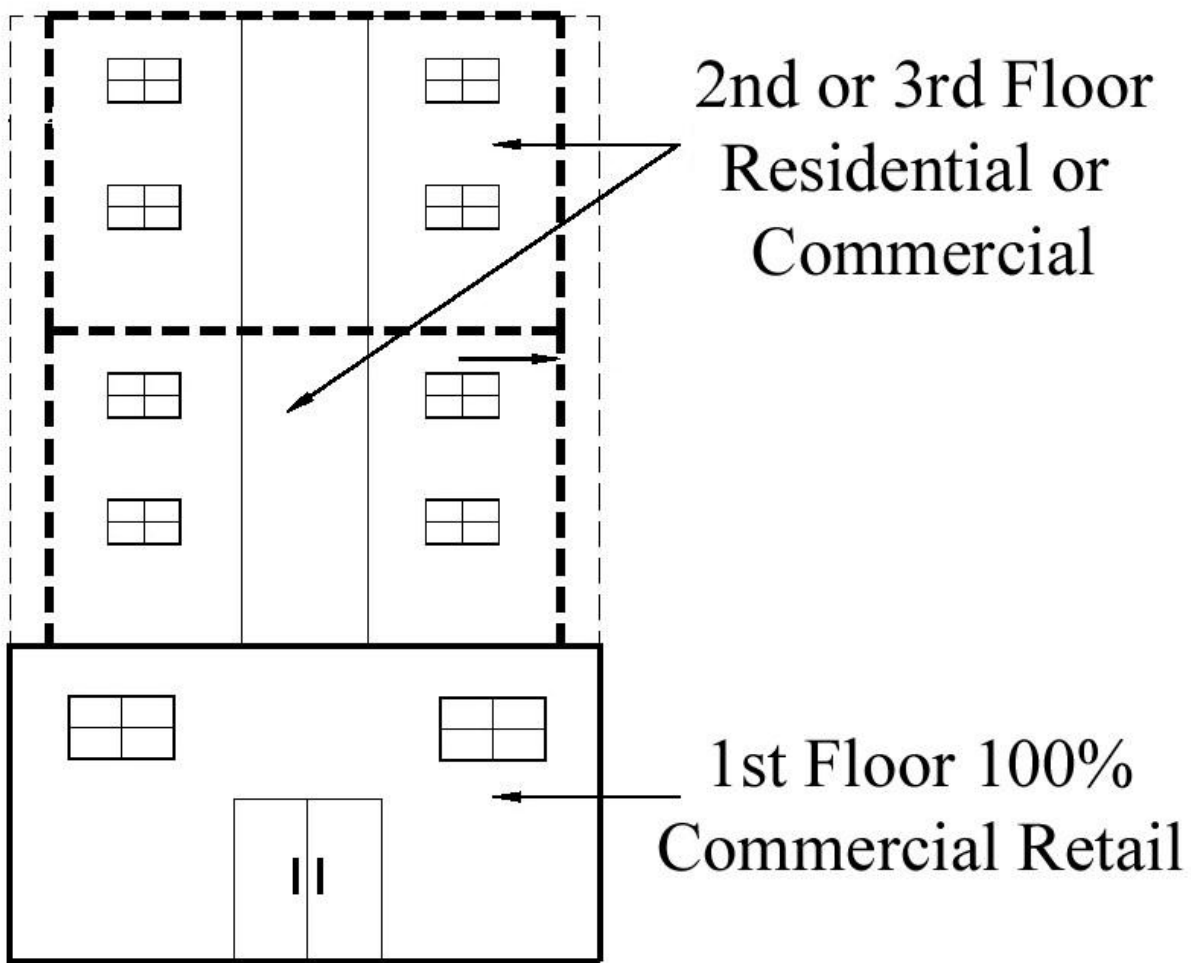


ILLUSTRATION # 1

B. Detoxification Centers, inpatient; Substance Abuse or Addiction Treatment Centers, Lodging; and, Detoxification Centers, Outpatient. In addition to the requirements in Section 2.02 for consideration of a special use permit, applicants shall:

1. Provide a copy of license or certification by the State of Arizona Department of Health Services.

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2. Provide sufficient indoor activity and waiting space.
 3. Provide contact information and process for resolution of complaints.
 4. Comply with A.R.S. 36-601.01, the Smoke-Free Arizona Act, and designate smoking area(s), including areas for vaping and e-cigarettes, as far from adjacent uses as possible.
 5. Document, through a market analysis by a credentialed professional using the most recent applicable Fountain Hills census data and Substance Abuse and Mental Health Services Administration data, the need for the service on an ongoing basis for residents of Fountain Hills. The analysis shall take into account any existing services already provided in the Town.
 6. A discharge policy that is geared toward repatriating the client back to their place of origin.
 7. Be located at least the following distances from the listed uses, measured from nearest property line to nearest property line:

- a. Two thousand feet from any other detoxification center, substance abuse treatment center, or transitional community residence.
- b. One thousand feet from any church, public library, park, preserve and trail, or school, preschool, or day care.
- c. Five hundred feet from any residential zoning district or use, including planned area developments with a residential primary use.

C. In the C-O zoning district, pharmacies are permitted 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.

D. Animal Services.

1. For all animal service uses, all refuse shall be stored within the enclosed building or within odor proof containers.
2. Day Care and Training. Limited to indoor facilities only except in the C-3 district outdoor facilities in conjunction with indoor facilities may be approved through a Special Use Permit.

3. Groomers. No outdoor kennels, runs, or other outdoor activities are permitted. Keeping of any animals for short periods incidental to providing grooming services is permitted.

4. Veterinary hospitals and clinics:

- a. Animals shall not be boarded or lodged except for short periods of observation incidental to care or treatment.
- b. Animals shall be kept within a completely enclosed building, which shall be constructed and maintained as to prevent objectionable noise and odor outside the walls of the building.
- c. No kennels or exercise runs will be permitted.

E. Automobile Sales and Rentals

1. C-1 and C-C Zoning Districts. Sale of new and used automobiles, golf carts, all-terrain vehicles, and motorcycles are permitted provided all the following conditions are met:

- a. All display of inventory and merchandise is completely within an enclosed building, without outdoor display of any vehicle;
- b. In the C-1 Zoning District, with approval of a Special Use Permit, the following may be allowed:
 - i. Non-gas powered golf carts up to 2,000 pounds in size may be allowed to be displayed outdoors;
 - ii. Gas powered golf cart up to 2,000 pounds in size may be displayed for up to 30 days provided such vehicles will not be operated during this time;
- b. All sales activities occur within the building;
- c. No washing, maintenance, or service work is performed on the vehicles on site;
- d. The maximum area devoted to display of vehicles does not exceed 5,000 square feet; and
- e. May not have overnight parking.

2. C-2 Zoning District. Sale of new and used automobiles, golf carts, all-terrain vehicles and motorcycles are permitted, provided all the following conditions are met:

- a. All display of inventory and merchandise is completely within an enclosed building, without outdoor display of any vehicle; and
- b. All sales activities occur within the building.

3. C-2 Zoning District with approval of a Special Use Permit and the C-3 Zoning District. Sales and rental of new and used automobiles, boats, golf carts, all-terrain vehicles, motorcycles, travel trailers, recreational vehicle including indoor and/or outside display area, provided all sales and repair activities are conducted within a building.

4. C-3 Zoning District. Sales, service, rental and storage of construction equipment. At a minimum, the following regulations are placed upon any such use:

- a. Any outdoor lighting shall be placed so as to reflect light away from any adjoining residential Zoning District.
- b. Required yards adjacent to any street shall be landscaped and shall not be occupied by any use or structure including parking or loading spaces except for drives and roadways, signs and lighting as permitted in this Ordinance.
- c. Site Enclosure and Screening Requirements. Construction equipment storage yards shall be enclosed to provide effective site screening from adjoining properties, uses or streets by the use of walls, berms and landscape plantings or combinations thereof as follows:
 - i. Automobile parking areas shall be screened from any adjacent residential zoning district. All parking areas shall be landscaped by at least ten (10) feet of landscaping.
 - ii. A solid masonry, concrete or earthen product wall not less than eight (8) feet in height, shall be required. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods listed above shall be by the Council.
 - iii. No outdoor industrial use or enclosure thereof shall encroach into any required setback area and no facility, storage products or materials shall exceed the height of any such enclosure.
 - iv. Landscape Requirements. Minimum site landscape requirements are as follows: (Note: the Town Council or the Planning and Zoning Commission may impose additional landscape requirements.)
 1. Any part of a site not used for buildings, parking, driveways, storage, loading, sidewalks, etc. shall be landscaped and maintained in accordance with an approved landscape plan.
 2. Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and nonorganic ground cover materials. The approval of the above mixture of landscape materials shall be by the

Development Services Director with appeal to the Planning and Zoning Commission.

3. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.

4. 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.

d. All uses shall be maintained in such a manner that they are neither obnoxious nor offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, electromagnetic disturbance, radiation or other similar causes detrimental to the public health, safety or general welfare.

e. The storage yard must be surfaced with a dust free material approved by the Town Engineer.

F. Automobile Maintenance and Repair:

1. Outside vehicle storage areas may only be used for vehicles under repair and shall be completely screened from any street or surrounding property.

2. All repair operations must be conducted within a building.

G. Bars, including retail sales of package goods for off-site consumptions; provided, that there is no entertainment or music audible off-site unless otherwise permitted pursuant to Chapter 25 of this ordinance.

H. In the C-1 and C-C districts a Special Use Permit is required for drive-in windows and for outdoor seating. No outdoor entertainment or music is permitted unless allowed as part of the Special Use Permit for outdoor seating. In the C-2 and C-3 districts, there is no entertainment or music audible off-site unless otherwise permitted pursuant to Chapter 25 of this ordinance. Any outdoor patio with alcoholic beverage service must be enclosed as required by Arizona Revised Statutes § 4-207.01, as amended, except for the time during which a current and applicable barrier exemption, as granted by the Arizona Department of Liquor Licenses and Control, is in place for the outdoor patio.

I. Drive-up windows. Designs for drive-up windows must meet the following requirements:

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1. Stacking distance. The minimum stacking distance capacity for banks and pharmacies is sixty (60) feet per lane and one hundred twenty (120) feet for all other uses. The distance is from the leading edge of the drive-thru window along the centerline of the drive-thru lane to the far edge of the order placing speaker.
 2. A minimum five (5) foot wide landscape median shall be provided to separate the drive-thru lane from adjacent drive aisles and parking spaces.
 3. Awnings or architecturally integrated weather protection structures must be provided over drive-thru windows and pick-up windows. Such awning or weather protection structure must be architecturally integrated in proportion, color, material, and texture to the building it serves.
 4. Drive-thru Facilities whose operations include employees who take orders outside of the eating establishment must provide a raised two (2) foot wide pedestrian path and an architecturally compatible shade structure along the area in which employees are staged and take orders.

J. In TCCD, outdoor seating areas for restaurants, delicatessens, cafes or bars with or without alcoholic beverage service, subject to the regulations of this chapter; and provided, that any outdoor patio with alcoholic beverage service must be enclosed as required by Arizona Revised Statutes § 4-207.01, as amended, except for the time during which a current and applicable barrier exemption, as granted by the Arizona Department of Liquor Licenses and Control, is in place for the outdoor patio. Such outdoor seating areas are allowed within sidewalk areas located in a public right-of-way, provided an encroachment permit is approved by Town Council, at its sole discretion. Such outdoor seating areas must be properly maintained to ensure safe access and mobility for business patrons.

K. All incidental equipment and supplies, including fertilizer and empty cans, must be kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least eight (8) feet in height in the C-2 District and six (6) feet in height in the C-3 District, and no goods, materials or objects are stacked higher than the fence or wall so erected.

L. Live/work units are allowed subject to the following. Special Use Permit approval is required in the C-O, C-1, C-C, C-2, and C-3 Districts:

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1. Establishment. Live/work units may be established through new construction or through the conversion of existing commercial or industrial buildings that were designed, constructed and received an occupancy permit for such non-residential uses.
 2. Allowable Uses. Work activities in live/work units are limited to uses as permitted in the base zoning district in which the Live/Work Units are located.
 3. Sale or Rental of Portions of Unit Prohibited. No portion of a live/work unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.
 4. Building Code. Must comply with standards provided in the latest edition of the IBC adopted by the Town including any local amendments.
 5. A minimum of 30% of the ground floor must be dedicated to the non-residential use of the building.
 6. Outdoor Living Area. Common or private on-site open space shall be provided for the use of occupants at a rate of at least 150 square feet per live/work unit. This space may be attached to individual units or located on the roof or adjoining the building in a rear yard.

M. Indoor shooting ranges.

1. Indoor shooting ranges only are allowed and are limited gun calibers designed to be withstood by an AR500 steel grade or equivalent bullet trap design standard.
2. C-1 and C-C districts require approval of a Special Use Permit and are limited to member-based indoor shooting ranges. Exceptions to member-based requirement include law enforcement and military personnel, and special event participants.

N. Outdoor display. Outdoor displays are allowed in the C-2 and C-3 Districts subject to approval of a Temporary Use Permit and the following requirements:

1. Must maintain pedestrian and vehicular circulation throughout the property.
2. Must maintain the minimum required parking spaces.
3. May not damage landscaping.
4. May not obstruct visibility in the parking lot or at intersections.

O. Incidental outdoor storage of equipment and supplies is permitted in the C-3 District subject to approval of a Special Use permit and the following standards:

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1. Stored materials must be kept within an area enclosed on all sides by a solid masonry, concrete or earthen product wall not less than eight (8) feet in height, shall be required.
 2. Access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods not listed above shall be by the Council.
 3. No goods, materials or objects may visible above the wall.

P. Vehicle storage facilities, at a minimum, the following regulations are placed upon any such uses:

1. Any outdoor lighting shall be placed so as to reflect light away from any adjoining residential zoning district.
2. Required yards adjacent to any street shall be landscaped and shall not be occupied by any use or structure including parking or loading spaces except for drives and roadways, signs and lighting as permitted in this ordinance,
3. Site enclosure and screening requires that the vehicle storage facilities shall be enclosed to provide effective site screening from adjoining properties, uses or streets by the use of eight (8) foot high solid masonry walls. The vehicle storage facility enclosure shall not encroach into any required setback area.
4. All vehicles being stored or parked shall be licensed and be in operating order, no wrecked or inoperable vehicles may be stored in a vehicle storage facility.
5. Landscape requirements, minimum site landscape requirements are as follows: (Note: the Town Council or the Planning and Zoning Commission may impose additional landscape requirements.)
 - a. Any part of a site not used for buildings, parking, driveways, storage yard, sidewalks, etc. shall be landscaped and maintained in accordance with an approved landscape plan.
 - b. 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 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 gallon plants, the approval of the above mixture of landscape materials shall be by the Community Development Department staff with appeal to the Planning and Zoning Commission.

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- c. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.
 - d. 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.
6. All uses shall be maintained in such a manner that they are neither obnoxious nor offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, electromagnetic disturbance, radiation or other similar causes detrimental to the public health, safety or general welfare.
7. The storage yard must be surfaced with a dust free material approved by the Town Engineer.
8. Impound/temporary storage yards must also comply with the following:
- a. No vehicle may be stored in the facility for more than one hundred-eighty (180) days.
 - b. No vehicles or materials shall exceed the height of the enclosure wall.
 - c. No vehicles may be stacked on other vehicles.
- Q. Light assembly and storage as an accessory use if all of the following criteria are met:
- 1. Any assembly or storage areas associated with assembly activities shall not occupy more than fifty (50%) percent of enclosed building space used for the business.
 - 2. There shall be no use of hazardous materials involved in the assembly operation(s).

Section 8.04 General Development Regulations

A. All Commercial Zoning Districts:

- 1. Site Enclosure and Screening Requirements: In addition to any specific requirements above, commercial sites and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets as follows:
 - a. Abutting any residential zone boundary. A solid masonry, concrete or earthen product wall not less than eight (8) feet in height shall be required along and adjacent to any side or rear property line, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening.

b. Not adjacent to a residential zone boundary. The perimeter of any portion of a site upon which any outdoor use of a commercial nature is permitted shall be enclosed by a solid masonry, concrete or earthen product wall not less than eight (8) feet in height, shall be required. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods not listed above shall be by the Council. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

2. Any outdoor lighting shall be in conformance with provisions in Chapter 8 hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining residential Zoning District.

3. A building or premises other than the residence of the family of the operator or caretaker employed on the premises of a commercial use shall not be used for dwelling purposes unless approved as a Special Use Permit by the Town Council.

B. Additional Requirements in the C-O, C-1, C-C Zoning Districts:

1. All building permits for new construction shall include completion of all right-of-way improvements required for that type of development by the subdivision ordinance.

2. Site plans shall be designed in such manner that they minimize the traffic impact of neighborhood commercial and professional uses on local residential streets.

3. Buildings and their appurtenances shall be oriented to limit conflicts with surrounding residential uses due to noise, light, litter, or dust.

4. No outdoor music or speakers.

5. When a commercial property abuts a residential district, the following standards shall be required:

a. A twenty (20) foot landscaped buffer shall be provided for the full distance where the property abuts single-family zoned property.

b. Lighting of the site shall not exceed fifteen (15) feet in height and shall be directed away from residences or residentially zoned land in the vicinity of the site.

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- c. All mechanical equipment must be screened from public view and view of adjoining properties. Mechanical equipment must be located or screened to limit sound transfer to nearby residentially zoned property.
 - d. Noise producing mechanical equipment must be located at least twenty (20) feet from any common property line with residentially zoned property.
 - e. Fences shall be maintained along residential property lines to prevent the intrusion of unwanted light, dust or blowing debris.
 - f. Openings in buildings and activity centers on sites shall be located to minimize interference with residential uses.
 - g. Loading and delivery entrances shall be located away from the interface with residential uses or shall be screened to prevent the intrusion of the commercial or professional office activities into the adjacent residential neighborhood.
 - h. All activity (except required on-site parking, off-street loading and unloading spaces, and incidental or accessory storage and display areas) shall be within a completely enclosed building, unless otherwise specifically noted herein.

Section 8.05 TCCD Regulations

- A. Any outdoor lighting shall be in conformance with the provisions in Chapter 18. All outside lighting shall not exceed twenty (20) feet in height and shall be fully shielded and directed away from residential or uses in the vicinity of the site.
- B. Any recorded or live music or sound that is electronically amplified and played outside an establishment shall only be permitted at establishments with dedicated outdoor seating areas for food and beverage service. Such establishments shall comply with the sound level requirements set forth in the Fountain Hills Town Code Section 11-1-7, as amended.
- C. If a business expands, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion. Required parking may be provided in accordance with a TCCD shared parking plan that is consistent with the shared parking model set forth below.

D. All building permits for new construction shall include completion of all right-of-way improvements required for that type of development by the Subdivision Ordinance.

E. Prior to the approval of any sign permit, a comprehensive sign plan for any development within the Town Center Commercial District shall be submitted and approved in accordance with Chapter 16 of this ordinance. All signage shall conform to the approved Comprehensive Sign plan.

F. Site plans shall be designed in such manner that they minimize the vehicular traffic impact on local residential streets. Extraordinary pedestrian circulation routes shall be developed internally and externally to provide pedestrian access to adjacent commercial, residential and institutional uses.

G. Buildings and their appurtenances shall be oriented to limit conflicts with surrounding residential uses due to noise, light, litter, or dust.

H. When a nonresidential use abuts a residential use, a thirty (30) foot landscaped buffer shall be provided on the residential site for the full distance where the two properties abut. Dedicated pedestrian walkways or malls that are at least thirty (30) feet wide may serve as this buffer.

I. Mechanical equipment must be located or screened to limit sound transfer to nearby residential property.

J. Noise producing mechanical equipment must be located at least twenty (20) feet from any common property line with a residential use.

K. Fences and/or extraordinary landscaping shall be developed and maintained along the property lines of residential uses to prevent the intrusion of unwanted light, dust or blowing debris.

L. Any fences or walls abutting any dedicated open area mall or pedestrian access parcel shall be limited to 3.5 feet in height. Except within required front or street side-yard setbacks, wrought iron vertical extensions may be placed on top of these low walls to a maximum height of five (5) feet.

M. Prior to the issuance of any building permit, a Master Landscaping and Lighting Plan shall be submitted and administratively approved by the Town Planning and Zoning Director for development within the Town Center Commercial District. Prior to the issuance of any building permit, a landscape and lighting plan, prepared and stamped by an Arizona-registered landscape architect, shall be submitted and approved as a part of the building permit application. Individual landscape and lighting plans shall be in conformance with the approved Master Landscape and Lighting Plan.

N. Prior to the issuance of any building permit, a Master Design and Architectural Plan (MDAP) shall be submitted and approved by the Planning and Zoning Commission for any development within the Town Center Area as outlined in Chapter 19 of this ordinance. Prior to the issuance of any building permit, such plans shall be in conformance with the approved MDAP.

O. Openings in buildings and activity centers on sites shall be located to minimize interference with abutting residential uses.

P. Drainage from buildings and parking lot areas shall be detained on-site and/or shall be directed only into a drainage system approved by the Town Engineer.

Q. Loading and delivery entrances shall be located away from the interface with abutting residential uses and abutting open space malls or dedicated pedestrian access parcels.

R. All business activity (except required on-site parking, and off-street loading and unloading spaces) shall be within a completely enclosed building, unless otherwise specifically noted herein.

S. All mechanical equipment must be screened from public view and view of adjoining properties.

Section 8.06 General Provisions

The general provisions in Chapter 15 herein shall apply.

Section 8.07 Signs

The sign regulations in Chapter 16 herein shall apply.

Section 8.08 Parking and Loading

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

Section 8.09 Outdoor Lighting

The outdoor lighting provisions of Chapter 18 herein shall apply.

Section 8.10 Plan Review

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

Section 8.11 Density, Area, Building and Yard Regulations

Table 8.11 specifies the minimum lot sizes, minimum lot widths, maximum building heights, minimum yard setbacks and maximum lot coverage percentages, and the minimum distance between buildings.

Table 8.11 Density, Area, Building and Yard Regulations

District	Area (Sq. Feet)	Width (Feet)	Bldg. Height (Feet)	Minimum Yard Setbacks (Feet)				Lot Coverage	Distance Between Bldgs. (Feet)
				Front	Side	Street Side	Rear		
C-O	12,000	60	30 ^e	10 ^{a, b}	5 ^c	5 ^f	5	35%	IBC

District	Area (Sq. Feet)	Width (Feet)	Bldg. Height (Feet)	Minimum Yard Setbacks (Feet)				Lot Coverage	Distance Between Bldgs. (Feet)
				Front	Side	Street Side	Rear		
C-C	1,125	23	25	0	0	0	0	100% ^g	IBC
C-1	6,000	60	25	25 ^b	0 ^c	10 ^c	0 ^d	60%	IBC
C-2	6,000	60	40	10 ^{a, b}	0 ^{b, c}	0 ^{b, c}	0 ^d	60%	IBC
C-3	6,000	60	40	10 ^{a, b}	0 ^{b, c}	0 ^{b, c}	0 ^d	60%	IBC
TCCD	6,000	60	40 ^h	0 ⁱ	0 ^j	0 ^j	0 ^j	100%	IBC

a Or height of the building, whichever is greater.

b When adjacent to a residential district, regardless of whether separated by a street or alley, there shall be a front yard equal to the front yard required in the adjoining residential zoning district or the building height, whichever is greater (not to exceed 25 feet).

c When adjacent to a residential district there is to be a 10-foot setback or a distance equal to the height of the commercial building, whichever is greater.

When a corner lot is adjacent to a residential district, regardless of whether separated by a street or alley, there shall be a 10-foot setback or height of building, whichever is greater.

If a side yard is otherwise provided, the minimum setback is 3 feet.

d When adjacent to a residential district, regardless of whether separated by a street or alley, there is to be a 25-foot setback or height of the building, whichever is greater.

If there is to be other than a zero rear yard setback the minimum setback is 10 feet.

e If within 20 feet of a rural or residential zone, maximum height is 15 feet.

f If a corner lot abuts a residential zoning district whether or not separated by an alley, minimum street side yard setback shall be 15 feet.

g Excluding sight angles and easements.

h The Town Council may allow a building height of up to forty eight (48) feet by specific approval by the Planning & Zoning Commission during Site Plan review for movie theatres, special architectural features that improve the building elevation, or to accommodate increased first floor commercial ceiling heights.

i When adjacent to a residential use, regardless of whether separated by a street or alley, there shall be a minimum front and rear yard setbacks equal to the minimum front and rear yard setbacks required of the adjoining residential use (not to exceed 25 feet). When abutting a dedicated open-area mall or a thirty (30) foot wide (minimum) dedicated pedestrian access parcel, buildings or low-walled outdoor seating areas may abut the he property line. When commercial retail/office properties have frontage on the Avenue of the Fountains and/or on the Saguaro Boulevard right (s)-of-way, buildings shall be constructed five (5) feet from the property line if no five-foot wide landscape/canopy parcel has been platted.

j When adjacent to a residential use there shall be a minimum ten (10) foot side yard setback or a minimum side yard setback equal to the building height, whichever is greater. If a side yard is otherwise provided, the minimum setback is five (5) feet. When abutting a dedicated open-area mall or a thirty (30) foot wide (minimum) dedicated pedestrian access parcel, buildings or low-walled outdoor seating areas may abut the property line.

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.

Chapter 12

Commercial Zoning Districts

Section 12.01 Purpose

- A. C-O. Commercial Office Zoning District: The principal purpose of this zoning district is to provide for well-designed and attractive business and professional office facilities on sites in appropriate locations. This zoning district would constitute a transition between other commercial land uses and residential neighborhoods. Principal uses in this zoning district include professional, semi-professional, and business office uses.
- B. C-C. Common Commercial Zoning District: The Common Commercial Zoning District is a zoning district established where existing plats that have existing common parking lot schemes developed and can provide for modest commercial enterprises to serve a surrounding residential neighborhood, as well as to provide for services to the community which are not detrimental to the integrity of the surrounding residential neighborhood, and to provide for the appropriate location of professional offices throughout the community. The intent of this district is to integrate limited commercial activity and professional offices on the small lot and common parking lot scheme with residential land uses in a climate favorable to both. Particular attention is to be paid to the interface between commercial or professional uses and the residential uses within the same neighborhood.
- C. C-1. Neighborhood Commercial and Professional Zoning District: The Neighborhood Commercial and Professional District is established to provide a location for modest, well-designed commercial enterprises to serve a surrounding residential neighborhood, as well as to provide for services to the community, which is not detrimental to the integrity of the surrounding residential neighborhood, and to provide for the appropriate location of professional offices throughout the community. The intent of this district is to integrate limited commercial activity and professional offices with residential land uses in a climate favorable to both. Particular attention is to be paid to the interface between commercial or professional uses and the residential uses within the same neighborhood.
- D. C-2. Intermediate Commercial Zoning District: The principal purpose of this Zoning District is to provide for the sale of commodities and the performance of services and other activities in locations for which the market area extends beyond the immediate residential neighborhoods. Principal uses permitted in this Zoning District include furniture stores, hotels and motels, restaurants, and some commercial recreation and cultural facilities such as movies and instruction in art and music. This Zoning District is designed for application at major street intersections.
- E. C-3. General Commercial Zoning District: The principal purpose of this Zoning District is to provide for commercial uses concerned with wholesale or distribution activities in locations where there is adequate access to major streets or highways. Principal uses permitted in this Zoning District include retail and wholesale commerce and commercial entertainment.

Section 12.02 Permitted Uses

A. Uses Permitted in the C-O Zoning District:

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.
- B. Uses Permitted in C-1, C-C, C-2, and C-3, Zoning Districts are as follows:
- 1. Commercial Uses:
 - a. Amusement arcades
 - b. Bakeries
 - c. Banks
 - d. Barbershops
 - e. Bookstores, other than adult bookstores
 - f. Child care centers

- g. Delicatessens
 - h. Dry-cleaners and self-serve laundries
 - i. Dry-goods and notions
 - j. Florists (retail)
 - k. Food Stores
 - l. Gift Shops
 - m. Hardware stores
 - n. Insurance agencies
 - o. Mortuaries
 - p. Pharmacies
 - q. Photo shops
 - r. Photo studios
 - s. Real estate offices
 - t. Restaurants
 - u. Variety stores
 - v. Wearing apparel stores.
2. Professional Office Uses:
- a. All professional uses permitted in a C-O Zoning District
 - b. Land surveyors
 - c. Dental and related health professional offices
 - d. Medical laboratories
 - e. Private schools for academic instruction
 - f. Veterinary clinics, no outdoor facilities
 - g. Other similar professional offices
3. *Public and Quasi-Public Uses.*

- a. Churches;
 - b. Golf courses including clubhouses located thereon, but not including miniature courses or practice driving ranges operated for commercial purposes;
 - c. Hospitals, subject to approval of a special use permit in the C-1 and C-C Districts to operate between 11:00 p.m. and 7:00 a.m.;
 - d. Libraries, museums, parks, playgrounds, and community buildings;
 - e. Public schools;
 - f. Publicly or privately owned or operated fire stations, and publicly owned or operated police stations and post offices;
 - g. Utility services, but not including offices, wastewater treatment plants, generating plants, and wireless communication towers and antennas, unless otherwise specifically permitted elsewhere in the ordinance.
4. Sale of new and used automobiles, golf carts, all-terrain vehicles, and motorcycles are permitted in the C-1 and C-C Zoning Districts provided, all the following conditions are met:
- a. All display of inventory and merchandise is completely within an enclosed building, without outdoor display of any vehicle;
 - b. All sales activities occur within the building;
 - c. No washing, maintenance, or service work is performed on the vehicles on site;
 - d. The maximum area devoted to display of vehicles does not exceed 5,000 square feet; and
 - e. May not have overnight parking.

Because no list of uses can be complete, decisions on additional uses will be rendered by the Development Services Director with appeal to the Town Council.

C. Additional Uses Permitted in C-2 and C-3 Zoning Districts are as follows:

- 1. Automobile laundries, provided steam cleaning is confined to an enclosed building.
- 2. Automobile repair shops and garages, including an outside vehicle storage area to be used only for vehicles under repair which shall be completely screened from any street or surrounding property, and further provided all repair operations are conducted within a building.
- 3. Bars, including retail sales of package goods for off-site consumptions; provided, that there is no entertainment or music audible off-site unless otherwise permitted pursuant to Chapter [25](#) of this ordinance.
- 4. Blueprint, photo static and reproduction (copy) services.

5. Catering establishments not utilizing any manufacturing process or outside storage of materials or vehicles.
6. Conservatories or studios: Art, dancing or music.
7. Drive-in restaurants and refreshment stands.
8. Electrical fixtures and appliance sales repair and service.
9. Furniture stores: New, used, finished or unfinished; No manufacturing.
10. Health spas and public gyms.
11. Hotels and Motels.
12. Laboratories, medical or dental.
13. Liquor stores.
14. Parking lots and public garages, subject to parking standards in Chapter [7](#).
15. Plumbing shops.
16. Pool halls or billiard centers.
17. Radio and television broadcasting stations and studios, but not including transmitter towers and stations.
18. Restaurants and cafes, including outdoor patios with or without cocktail lounges; provided, that there is no entertainment or music audible off-site unless otherwise permitted pursuant to Chapter [25](#) of this ordinance. Any outdoor patio with alcoholic beverage service must be enclosed as required by Arizona Revised Statutes § [4-207.01](#), as amended, except for the time during which a current and applicable barrier exemption, as granted by the Arizona Department of Liquor Licenses and Control, is in place for the outdoor patio.
19. Retail stores.
20. Theaters, but not including a drive-in theater and adult oriented facilities as defined under Chapter [1](#), Section [1.12](#) of this zoning ordinance.
21. Trade schools.
22. Upholstery shops.
23. Veterinary hospitals and clinics for animals, subject to:
 - a. Animals shall not be boarded or lodged except for short periods of observation incidental to care or treatment.

- b. Animals shall be kept within a completely enclosed building, which shall be constructed and maintained as to prevent objectionable noise and odor outside the walls of the building.
 - c. No kennels or exercise runs will be permitted.
 - d. All refuse shall be stored within the enclosed building or within odor proof containers.
24. Accessory buildings and uses customarily incidental to the above.
25. In the C-2 district, sale of new and used automobiles, golf carts, all-terrain vehicles and motorcycles are permitted, provided all the following conditions are met:
- a. All display of inventory and merchandise is completely within an enclosed building, without outdoor display of any vehicle; and
 - b. All sales activities occur within the building.
26. Substance abuse or addiction treatment center. Must be located at least 2,000 feet from any other detoxification center, substance abuse or addiction treatment center, or transitional community residence.
27. Member-based indoor shooting range for gun calibers designed to be withstood by an AR500 steel grade or equivalent bullet trap design standard. Exceptions to member-based requirement include law enforcement and military personnel, and special event participants.

Because no list of uses can be complete, decisions on unspecified uses will be rendered by the Development Services Director with appeal to the Town Council.

D. In C-3 Zoning Districts, the following uses are permitted:

- 1. Art metal and ornamental iron shops.
- 2. Cabinet and carpentry shops.
- 3. Commercial storage of mobile homes, travel trailers, recreation vehicles, boats and aircraft on sites of no less than one (1) acre.
- 4. Landscape material sales, provided all incidental equipment and supplies, including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six (6) feet in height, and no goods, materials or objects are stacked higher than the fence or wall so erected.
- 5. Lumber yards not including industrial milling or planing operations.
- 6. Miniature golf courses and driving ranges.
- 7. New and used automobiles, boats, golf carts, all-terrain vehicles, motorcycles, travel trailers, recreational vehicle sales and rental including indoor and/or outside display area, provided all sales and repair activities

are conducted within a building and subject to Site Plan approval pursuant to Section [2.04](#) of this zoning ordinance.

8. Nurseries, flower and plant sales, provided all incidental equipment and supplies including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six (6) feet in height and no goods, materials or objects are stacked higher than the fence or wall so erected.
9. Printing, lithography and publishing establishments.
10. Rental services: Household construction, landscaping, sickroom or office equipment; but not equipment customarily used for heavy construction. Outdoor storage must be screened from public and adjoining property view.
11. Stone monument sales.
12. Taxidermists.
13. Truck stops, with customary accessory facilities including but not limited to restaurant, convenience retail, motel, truck wash, and minor repair facilities but not including major repair, freight storage, freight handling, warehousing or distribution facilities.
14. Wholesale ice distributing stations.
15. Wholesale stores.
16. Accessory buildings and uses customarily incidental to the above uses.
17. Mini-storage

Because no list of uses can be complete, decisions on additional uses will be rendered by the Development Services Director with appeal to the Town Council. (24-21, Amended, 12/17/2024; 23-01, Amended, 02/21/2023; 22-08, Amended, 01/03/2023; 21-06, Amended, 09/07/2021; 20-21, Amended, 10/20/2020; 20-03, Amended, 02/18/2020; 19-01, Amended, 02/19/2019)

Section 12.03 Uses Subject to Special Use Permits in C-1, C-C, C-2, and C-3 Zoning Districts

- A. Amusement park, arcade, drive-in theater, or outdoor theater, miniature golf course, and golf driving range.
- B. Cemetery, pet cemetery, and mausoleum.
- C. Community residences subject to the requirements in Section [5.13](#), nursing home, homes for the aged, convalescent home.

- D. Kennels, indoors or outdoors.
- E. Sports arenas.
- F. Single and multifamily residential dwellings. (23-01, Amended, 02/21/2023)

Section 12.04 Uses Subject to Special Use Permits in C-C and C-1 Zoning Districts Only

- A. Drive-in window facilities.
- B. Operation of commercial or professional activities between eleven p.m. and seven a.m.
- C. Outdoor seating area.
- D. Private schools for vocational education.
- E. Retail gasoline sales, subject to compliance with applicable fire and safety codes.

(Limited to four dispensing units serving a maximum of eight cars simultaneously).

- F. Member-based indoor shooting range for gun calibers designed to be withstood by an AR500 steel grade or equivalent bullet trap design standard. Exceptions to member-based requirement include law enforcement and military personnel, and special event participants. (22-08, Amended, 01/03/2023)

Section 12.05 Uses Subject to Special Use Permits in C-2 Zoning Districts Only

- A. Art metal and ornamental iron shops.
- B. Automobile fuel dispensing stations.
- C. Building and landscape material sales, provided all incidental equipment and supplies are kept within a completely enclosed building or within an area enclosed on all sides by a solid masonry, concrete or earthen product wall not less than eight (8) feet in height, shall be required. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods not listed above shall be by the Council. No goods, materials or objects may visible above the wall.
- D. Cabinet and carpentry shops.
- E. Convenience stores.

- F. Nurseries, flower and plant sales, provided all incidental equipment and supplies including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid masonry, concrete or earthen product wall not less than eight (8) feet in height, shall be required. Further, any access gates shall be constructed of view-obscurating materials to provide effective site screening. Approval of the alternative screening methods not listed above shall be by the Council. No goods, materials or objects may be stacked higher than the fence or wall so erected.
- G. Printing, lithography and publishing establishments.
- H. Rental services: Household construction, landscaping, sickroom or office equipment; but not equipment customarily used for heavy construction. Outdoor storage must be screened from public and adjoining property view.
- I. Taxidermists.
- J. Light assembly and storage as an accessory use if all of the following criteria are met:
1. Any assembly or storage areas associated with assembly activities shall not occupy more than fifty (50%) percent of enclosed building space used for the business.
 2. There shall be no use of hazardous materials involved in the assembly operation(s).
- K. New and used automobile, including outside display area, provided all sales and repair activities are conducted within a building.
- L. Vehicle storage facilities, at a minimum, the following regulations are placed upon any such a use:
1. Any outdoor lighting shall be placed so as to reflect light away from any adjoining residential zoning district.
 2. Required yards adjacent to any street shall be landscaped and shall not be occupied by any use or structure including parking or loading spaces except for drives and roadways, signs and lighting as permitted in this ordinance,
 3. Site enclosure and screening requires that the vehicle storage facilities shall be enclosed to provide effective site screening from adjoining properties, uses or streets by the use of eight (8) foot high solid masonry walls. The vehicle storage facility enclosure shall not encroach into any required setback area.
 4. All vehicles being stored or parked shall be licensed and be in operating order, no wrecked or inoperable vehicles may be stored in a vehicle storage facility.
 5. Landscape requirements, minimum site landscape requirements are as follows: (Note: the Town Council or the Planning and Zoning Commission may impose additional landscape requirements.)
 - a. *Any part of a site not used for buildings, parking, driveways, storage yard, sidewalks, etc.* shall be landscaped and maintained in accordance with an approved landscape plan.

b. 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 plant for each 20 square feet of landscape area, at least twenty-five (25) percent of the plants shall be 15 gallon or greater plants and the remaining plants must be at least five gallon plants, the approval of the above mixture of landscape materials shall be by the Community Development Department staff with appeal to the Planning and Zoning Commission.

c. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.

d. 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.

6. All uses shall be maintained in such a manner that they are neither obnoxious nor offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, electromagnetic disturbance, radiation or other similar causes detrimental to the public health, safety or general welfare.

7. The storage yard must be surfaced with a dust free material approved by the Town Engineer.

M. Indoor mini-storage.

N. Nonmember-based indoor shooting range or range for gun calibers designed to be withstood by a steel grade rating greater than AR500 or equivalent bullet trap design standard.

O. Detoxification center, outpatient. In addition to the requirements in Section [2.02](#) for consideration of a special use permit, applicants shall:

1. Provide a copy of license or certification by the State of Arizona Department of Health Services.

2. Provide sufficient indoor activity and waiting space.

3. Provide contact information and process for resolution of complaints.

4. Comply with A.R.S. [36-601.01](#), the Smoke-Free Arizona Act, and designate smoking area(s), including areas for vaping and e-cigarettes, as far from adjacent uses as possible.

5. Document, through a market analysis by a credentialed professional using the most recent applicable Fountain Hills census data and Substance Abuse and Mental Health Services Administration data, the need for the service on an ongoing basis for residents of Fountain Hills. The analysis shall take into account any existing services already provided in the Town.

6. A discharge policy that is geared toward repatriating the client back to their place of origin.

7. Be located at least the following distances from the listed uses, measured from nearest property line to nearest property line:

- a. Two thousand feet from any other detoxification center, substance abuse treatment center, or transitional community residence.
- b. One thousand feet from any church, public library, park, preserve and trail, or school, preschool, or day care.
- c. Five hundred feet from any residential zoning district or use, including planned area developments with a residential primary use. (23-01, Added, 02/21/2023; 22-08, Amended, 01/03/2023; 20-10, Added, 09/15/2020)

Section 12.06 Uses Subject to Special Use Permits in C-3 Zoning Districts Only

- A. Automobile fuel dispensing stations.
- B. *Construction equipment, including sales, service, rental and storage.* At a minimum, the following regulations are placed upon any such a use:
 1. Any outdoor lighting shall be placed so as to reflect light away from any adjoining residential Zoning District.
 2. Required yards adjacent to any street shall be landscaped and shall not be occupied by any use or structure including parking or loading spaces except for drives and roadways, signs and lighting as permitted in this Ordinance.
 3. *Site Enclosure and Screening Requirements.* Construction equipment storage yards shall be enclosed to provide effective site screening from adjoining properties, uses or streets by the use of walls, berms and landscape plantings or combinations thereof as follows:
 - a. Automobile parking areas shall be screened from any adjacent residential zoning district. All parking areas shall be landscaped by at least ten (10) feet of landscaping.
 - b. A solid masonry, concrete or earthen product wall not less than eight (8) feet in height, shall be required. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods listed above shall be by the Council.
 - c. No outdoor industrial use or enclosure thereof shall encroach into any required setback area and no facility, storage products or materials shall exceed the height of any such enclosure.
 - d. *Landscape Requirements.* Minimum site landscape requirements are as follows: (Note: the Town Council or the Planning and Zoning Commission may impose additional landscape requirements.)
 1. Any part of a site not used for buildings, parking, driveways, storage, loading, sidewalks, etc. shall be landscaped and maintained in accordance with an approved landscape plan.

2. Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and nonorganic ground cover materials. The approval of the above mixture of landscape materials shall be by the Community Development Department staff with appeal to the Planning and Zoning Commission.

3. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.

4. 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.

4. All uses shall be maintained in such a manner that they are neither obnoxious nor offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, electromagnetic disturbance, radiation or other similar causes detrimental to the public health, safety or general welfare.

5. The storage yard must be surfaced with a dust free material approved by the Town Engineer.

C. Convenience stores.

D. *Temporary Vehicle Storage Facilities.* At a minimum, the following regulations are placed upon any such a use:

1. Any outdoor lighting shall be placed so as to reflect light away from any adjoining residential zoning district.

2. Required yards adjacent to any street shall be landscaped and shall not be occupied by any use or structure including parking or loading spaces except for drives and roadways, signs and lighting as permitted in this ordinance.

3. *Site Enclosure and Screening Requirements.* Temporary vehicle Storage Facilities shall be enclosed to provide effective site screening from adjoining properties, uses or streets by the use of walls, berms and landscape plantings or combinations thereof as follows:

a. Automobile parking areas outside of the vehicle storage yard shall be screened from any adjacent residential zoning district. All parking areas outside of the temporary storage facility shall be landscaped by at least ten (10) feet of landscaping.

b. A solid masonry, concrete or earthen product wall not less than eight (8) feet in height, shall be required. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods listed above shall be by the Council.

c. The temporary vehicle storage yard enclosure shall not encroach into any required setback area and no vehicles or materials shall exceed the height of any such enclosure. No vehicles may be stacked on other vehicles.

d. *Landscape Requirements.* Minimum site landscape requirements are as follows: (Note: the Town Council or the Planning and Zoning Commission may impose additional landscape requirements.)

1. Any part of a site not used for buildings, parking, driveways, storage yard, sidewalks, etc. shall be landscaped and maintained in accordance with an approved landscape plan.
2. 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 plant for each 20 square feet of landscape area. At least twenty-five (25) percent of the plants shall be 15 gallon or greater plants and the remaining plants must be at least five-gallon plants. The approval of the above mixture of landscape materials shall be by the Community Development Department staff with appeal to the Planning and Zoning Commission.
3. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.
4. 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.

4. No vehicle may be stored in the facility for more than one hundred-eighty (180) days.

5. The facility is for the temporary storage of abandoned, wrecked or legally impounded automobiles, boats, or other vehicles regardless of running condition. Such a facility is not to be used for the dismantling of any vehicle, the storage of any vehicle parts, nor the retailing or wholesaling of any vehicle or vehicle parts.

6. All uses shall be maintained in such a manner that they are neither obnoxious nor offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, electromagnetic disturbance, radiation or other similar causes detrimental to the public health, safety or general welfare.

7. The storage yard must be surfaced with a dust free material approved by the Town Engineer.

E. Light assembly and storage as an accessory use if all of the following criteria are met:

1. Any assembly or storage areas associated with assembly activities shall not occupy more than fifty (50%) percent of enclosed building space used for the business.
2. There shall be no use of hazardous materials involved in the assembly operation(s).

F. Detoxification center, outpatient and inpatient. In addition to the requirements in Section [2.02](#) for consideration of a special use permit, applicants shall:

1. Provide a copy of license or certification by the State of Arizona Department of Health Services.
2. Provide sufficient indoor activity and waiting space.
3. Provide contact information and process for resolution of complaints.

4. Comply with A.R.S. [36-601.01](#), the Smoke-Free Arizona Act, and designate smoking area(s), including areas for vaping and e-cigarettes, as far from adjacent uses as possible.
 5. Document, through a market analysis by a credentialed professional using the most recent applicable Fountain Hills census data and Substance Abuse and Mental Health Services Administration data, the need for the service on an ongoing basis for residents of Fountain Hills. The analysis shall take into account any existing services already provided in the Town.
 6. A discharge policy that is geared toward repatriating the client back to their place of origin.
 7. Be located at least the following distances from the listed uses, measured from nearest property line to nearest property line:
 - a. Two thousand feet from any other detoxification center, substance abuse treatment center, or transitional community residence.
 - b. One thousand feet from any church, public library, park, preserve and trail, or school, preschool, or day care.
 - c. Five hundred feet from any residential zoning district or use, including planned area developments with a residential primary use.
- G. Nonmember-based indoor shooting range or range for gun calibers designed to be withstood by a steel grade rating greater than AR500 or equivalent bullet trap design standard.
- H. *Reserved.*
- I. Substance abuse or addiction treatment center, lodging. In addition to the requirements in Section [2.02](#) for consideration of a special use permit, applicants shall:
1. Provide a copy of license or certification by the State of Arizona Department of Health Services.
 2. Provide sufficient indoor activity and waiting space.
 3. Provide contact information and process for resolution of complaints.
 4. Comply with A.R.S. [36-601.01](#), the Smoke-Free Arizona Act, and designate smoking area(s), including areas for vaping and e-cigarettes, as far from adjacent uses as possible.
 5. Document, through a market analysis by a credentialed professional using the most recent applicable Fountain Hills census data and Substance Abuse and Mental Health Services Administration data, the need for the service on an ongoing basis for residents of Fountain Hills. The analysis shall take into account any existing services already provided in the Town.
 6. A discharge policy that is geared toward repatriating the client back to their place of origin.

7. Be located at least the following distances from the listed uses, measured from nearest property line to nearest property line:
 - a. Two thousand feet from any other detoxification center, substance abuse treatment center, or transitional community residence.
 - b. One thousand feet from any church, public library, park, preserve and trail, or school, preschool, or day care.
 - c. Five hundred feet from any residential zoning district or use, including planned area developments with a residential primary use. (24-21, Amended, 12/17/2024; 23-01, Amended, 02/21/2023; 22-08, Amended, 01/03/2023)

Section 12.07 Additional Regulations

A. All Commercial Zoning Districts:

1. Site Enclosure and Screening Requirements: Commercial site and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets as follows:
 - a. A solid masonry, concrete or earthen product wall not less than eight (8) feet in height shall be required along and adjacent to any side or rear property line abutting any residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening.
 - b. The perimeter of any portion of a site not adjacent to a residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed by a solid masonry, concrete or earthen product wall not less than eight (8) feet in height, shall be required. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods not listed above shall be by the Council. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.
2. Any outdoor lighting shall be in conformance with provisions in Chapter [8](#) hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining residential Zoning District.
3. A building or premises other than the residence of the family of the operator or caretaker employed on the premises of a commercial use shall not be used for dwelling purposes unless approved as a Special Use by the Town Council.
4. If a business expands, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion.

B. Additional Requirements of C-O, C-C, C-1 Zoning Districts:

1. *Performance Requirements for a C-O, C-C and C-1 Zoning Districts.*

- a. All building permits for new construction shall include completion of all right-of-way improvements required for that type of development by the subdivision ordinance.
- b. Signs for permitted neighborhood commercial and professional uses shall conform to Chapter [6](#) of this zoning ordinance.
- c. Site plans shall be designed in such manner that they minimize the traffic impact of neighborhood commercial and professional uses on local residential streets.
- d. Buildings and their appurtenances shall be oriented to limit conflicts with surrounding residential uses due to noise, light, litter, or dust.
- e. No outdoor music or speakers.
- f. When a neighborhood commercial and professional property abuts the residential district, the following standards shall be required for nonsingle family residential development:
 1. A twenty (20) foot landscaped buffer shall be provided for the full distance where the two properties abut.
 2. Lighting of the site shall not exceed fifteen (15) feet in height and shall be directed away from residences or residentially zoned land in the vicinity of the site.
 3. Mechanical equipment must be located or screened to limit sound transfer to nearby residentially zoned property.
 4. Noise producing mechanical equipment must be located at least twenty (20) feet from any common property line with residentially zoned property.
 5. Fences shall be maintained along residential property lines to prevent the intrusion of unwanted light, dust or blowing debris.
 6. Openings in buildings and activity centers on sites shall be located to minimize interference with residential uses.
 7. Drainage from buildings and parking lot areas shall be detained on-site and shall be directed only into a drainage system approved by the Town Engineer.
 8. Loading and delivery entrances shall be located away from the interface with residential uses or shall be screened to prevent the intrusion of the commercial or professional office activities into the adjacent residential neighborhood.

9. All activity (except required on-site parking, off-street loading and unloading spaces, and incidental or accessory storage and display areas) shall be within a completely enclosed building, unless otherwise specifically noted herein.

10. All mechanical equipment must be screened from public view and view of adjoining properties.

2. The C-1 Zoning District designations should be applied to land that meet the following primary circumstances:

a. Such a designation is appropriate where commercial activities are to be provided in the midst of a neighborhood for the benefit of the residents thereof. Such benefits may include convenience, energy conservation, or related factors. Such a designation may properly apply to a limited area located in a convenient place relative to the circulation pattern for both vehicles and pedestrians within a neighborhood. A C-1 Zoning District should serve as a commercial service nucleus for the neighborhood in which it is located.

b. Application of this district would also be appropriate where its permitted uses and performance standards might serve as an effective buffer between a residential neighborhood and uses not compatible with residential living.

c. It may also be suitable in moderate and/or high-density residential areas with high activity levels where professional office uses would not substantially impact the area.

d. All new construction within the C-1 Zoning District shall conform to the General Provisions as specified in Chapter [5](#) of this zoning ordinance unless the following standards are more restrictive, in which case the more restrictive provision shall prevail.

C. Planned Unit Developments (PUD) in C-1 Zoning Districts:

1. Planned unit developments may be proposed in a C-1 Zoning District for uses permitted within the district in accordance with provisions permitting planned unit developments as specified by this title.

2. Exceptions to specific terms of the C-1 Zoning District as they directly affect building bulk and placement of intensity of building use may be considered within the context of a planned unit development as defined by this title. Uses permitted only in the "C-2" district may constitute up to twenty-five (25%) percent of the net developed area in any mixed use planned unit development within the C-1 Zoning District. No other uses may be permitted by way of the planned unit development procedure in the C-1 Zoning District.

3. Minimum size for a planned unit development in the C-1 Zoning District shall be two acres. Exceptions to this standard shall be treated as a variance concerning building bulk of placement.

Section 12.08 General Provisions

The General Provisions in Chapter [5](#) shall apply.

Section 12.09 Signs

The regulations in Chapter [6](#) shall apply.

Section 12.10 Parking and Loading

The parking and loading regulations in Chapter [7](#) shall apply.

Section 12.11 Outdoor Lighting

The provisions of Chapter [8](#) shall apply.

Section 12.12 Plan Review

The provisions of Chapter [2](#), Section [2.04](#) shall apply.

Section 12.13 Density, Area, Building and Yard Regulations

The chart, which follows, specifies the minimum lot sizes, minimum lot widths, maximum building heights, minimum yard setbacks and maximum lot coverage percentages, and the minimum distance between buildings.

Fountain Hills Zoning Ordinance Summary
COMMERCIAL DISTRICT

District	Area (Sq. Feet)	Width (Feet)	Bldg Height (Feet)	Minimum Yard Setbacks				Lot Coverage	Distance Between Bldgs (Feet)
				Front	Side	Street Side	Rear		
C-O	12,000	60	30 ^e	10 ^{a, b}	5 ^c	5 ^f	5	35%	UBC
C-C	1,125	23	25	0	0	0	0	100% ^g	UBC
C-1	6,000	60	25	25 ^b	0 ^c	10 ^c	0 ^d	60%	UBC
C-2	6,000	60	40	10 ^{a, b}	0 ^{b, c}	0 ^{b, c}	0 ^d	60%	UBC
C-3	6,000	60	40	10 ^{a, b}	0 ^{b, c}	0 ^{b, c}	0 ^d	60%	UBC

a Or height of the building, whichever is greater.

b When adjacent to a residential district, regardless of whether separated by a street or alley, there shall be a front yard equal to the front yard required in the adjoining residential zoning district or the building height, whichever is greater (not to exceed 25 feet).

c When adjacent to a residential district there is to be a 10-foot setback or a distance equal to the height of the commercial building, whichever is greater.

When a corner lot is adjacent to a residential district, regardless of whether separated by a street or alley, there shall be a 10-foot setback or height of building, whichever is greater.

If a side yard is otherwise provided, the minimum setback is 3 feet.

d When adjacent to a residential district, regardless of whether separated by a street or alley, there is to be a 25-foot setback or height of the building, whichever is greater.

If there is to be other than a zero rear yard setback the minimum setback is 10 feet.

e If within 20 feet of a rural or residential zone, maximum height is 15 feet.

f If a corner lot abuts a residential zoning district whether or not separated by an alley, minimum street side yard setback shall be 15 feet.

g Excluding sight angles and easements.

The Fountain Hills Zoning Ordinance is current through Ordinance 26-11, passed June 16, 2026.

Disclaimer: The town clerk's office has the official version of the Fountain Hills Zoning Ordinance. Users should contact the town clerk's office for ordinances passed subsequent to the ordinance cited above.

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Chapter 18

Town Center Commercial Zoning District

Section 18.01 Purposes

Town Center Commercial Zoning District: The principal purpose of this zoning district is to provide for a variety of pedestrian-oriented retail, office, lodging, residential and civic land uses in the Town Center area. The intent of the district is to encourage the development and sustainability of a vibrant mixed-use area where residents and visitors can live, work, shop, dine, be entertained, enjoy community and cultural events and contribute to the economic viability of the Town Center area and the Town as a whole.

Section 18.02 Intent

The Town Center Commercial Zoning District designation should be applied to land that meets the following primary characteristics:

- A. Such a designation is appropriate in the Town Center area of the Town where commercial, lodging, residential and civic activities are desirable for the benefit of the residents thereof and the Town in general.
- B. Application of this district would be appropriate where it's permitted uses and performance standards serve to widen the Town's economic base and further the development of the Town Center area as envisioned by the Council.
- C. All new construction within the Town Center Zoning District shall conform to the General Provisions as specified in Chapter 5 and any other relevant regulations of this Zoning Ordinance unless noted in this Chapter, in which case the regulations in this Chapter shall prevail.

Section 18.03 Permitted Uses

- A. Any Uses Permitted in the C-O Zoning District.
- B. Any of the Following Commercial Uses:
 - 1. Amusement arcades enclosed within a building.
 - 2. Bakeries.
 - 3. Banks.

4. Bars – On premise consumption only. No adult businesses.
5. Barbershops.
6. Bookstores, other than adult businesses.
7. Blueprint, Photostatic and reproduction (copy) services.
8. Catering establishments not utilizing any manufacturing process or outside storage of materials or vehicles.
9. Child care centers.
10. Conservatories or studios: Visual arts, dancing or music includes the creation, display and sale.
11. Dry-cleaners.
12. Dry goods and notions.
13. Florists (retail).
14. Food Stores.
15. Furniture stores: New, used, finished or unfinished; No manufacturing.
16. Health spas and public gyms.
17. Hotels and Motels, except for adult businesses.
18. Gift Shops.
19. Indoor recreational facilities.
20. Insurance agencies.
21. Laboratories, medical or dental.
22. Metal and ornamental iron shops. Any production/storage areas shall be enclosed within a building.
23. Outdoor seating areas for restaurants, delicatessens, cafes or bars with or without alcoholic beverage service, subject to the regulations of this chapter; and provided, that any outdoor patio with alcoholic beverage service must be enclosed as required by Arizona Revised Statutes § [4-207.01](#), as amended, except for the time during which a current and applicable barrier exemption, as granted by the Arizona Department of Liquor Licenses and Control, is in place for the outdoor patio. Such outdoor seating areas are allowed within sidewalk areas located in a public right-of-way, provided an encroachment permit is approved by Town Council, at its sole discretion. Such outdoor seating areas must be properly maintained to ensure safe access and mobility for business patrons.

24. Parking lots and public garages, subject to parking standards in Chapter [7](#).
25. Pharmacies.
26. Photo shops.
27. Photo studios.
28. Printing, lithography and publishing establishments.
29. Private schools for academic instruction.
30. Public or Private Schools for vocational education.
31. Radio and television broadcasting stations and studios, but not including transmitter towers and stations.
32. Restaurants, delicatessens and cafes (including the sale of alcoholic beverages – On premise consumption only).
33. Retail stores.
34. Theaters, but not including a drive-in theater or adult businesses.
35. Variety stores.
36. Wearing apparel stores.
37. Accessory buildings and uses customarily incidental to the above.

C. Multifamily Residential uses are permitted as part of a mixed-use development according to the following general guidelines:

1. Mixed-use with Multifamily Residential dwellings in projects that are five (5) acres or larger in size. Mixed-use developments shall conform to the additional provisions of Section [12.03\(F\)](#) of this ordinance unless those regulations differ from the regulations continued in this chapter, in which case the regulations of this chapter shall control.
2. A building may be exclusively used for multifamily purposes; provided, however, that any building used exclusively for multifamily purposes shall not front on or be within fifty (50) feet of edge of the adjacent right-of-way line for the Avenue of the Fountains, Saguaro Boulevard, El Lago Boulevard, Parkview Avenue, Verde River Drive, La Montana Drive or Palisades Boulevard.
3. Except for those multifamily buildings meeting the restrictions set forth in Subsection 18-03(C)(2) above, only commercial retail uses shall be permitted on the first or ground floor of a mixed-use project (see illustration #1). This restriction does not apply to parking or other amenities such as pools or other similar facilities.

4. Not less than 20% of all upper story exterior wall planes must be offset from the first floor wall plane. All upper story exterior wall planes that are not offset from the first floor wall plane may only be in sections with a maximum length of ten (10) feet.
5. Mixed-use projects must contain less than 50% multifamily residential gross floor area with a maximum density that conforms to the "R-3" zoning district density regulations.
6. Parking for any multifamily residential uses shall be provided on site.

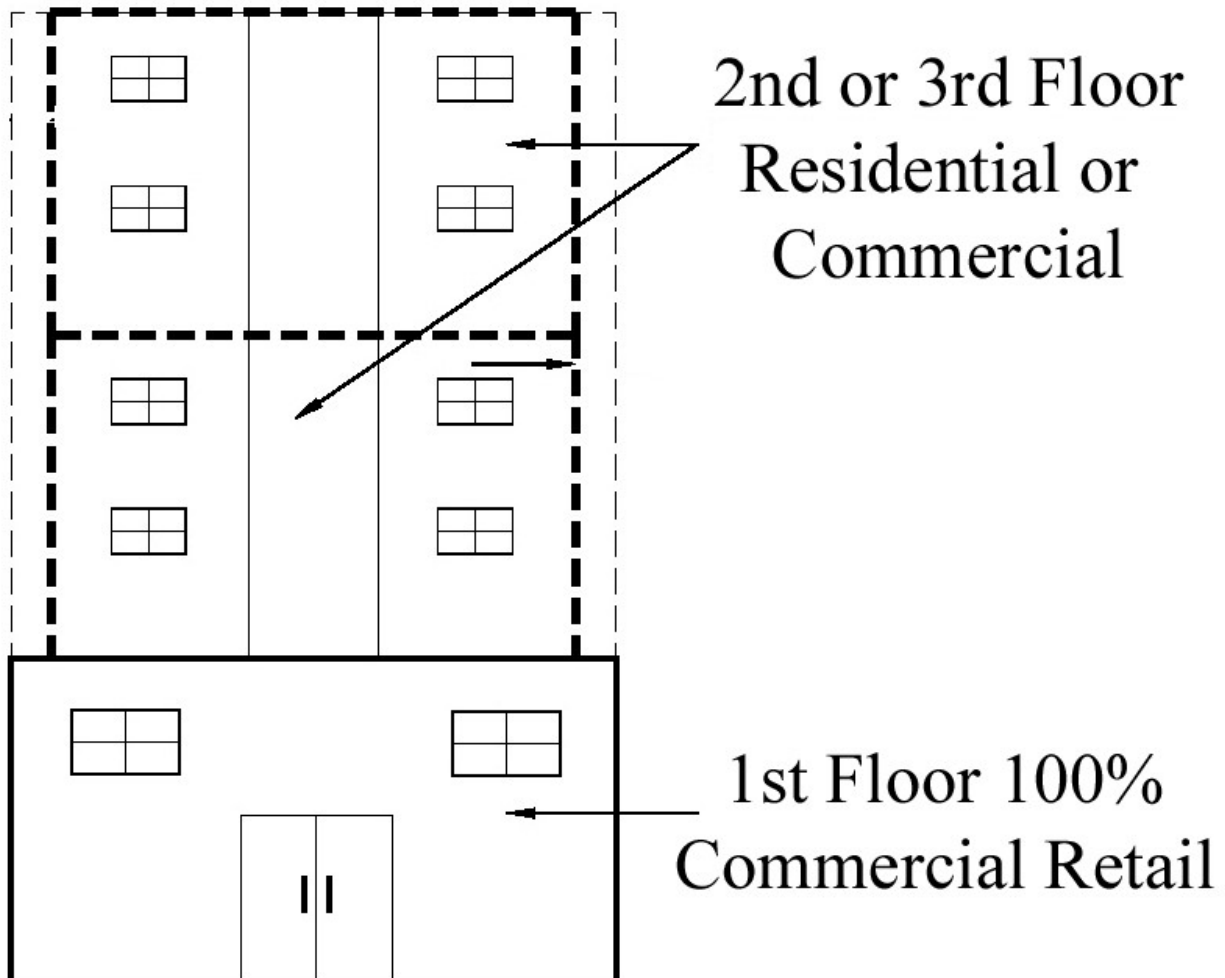


ILLUSTRATION # 1

D. The following public and quasi-public uses:

1. Open space malls and pedestrian corridors.
2. Churches.
3. Libraries, museums, parks, playgrounds, and community buildings.
4. Publicly or privately owned or operated fire stations, and publicly owned or operated police stations and post offices.
5. Utility Services, but not including offices, wastewater treatment plants, generating plants, and wireless communication towers and antennas, unless otherwise specifically permitted elsewhere in the ordinance.
6. Accessory buildings and uses customarily incidental to the above. (21-12, Amended, 12/07/2021)

Section 18.04 Uses Subject to Temporary Use Permits

- A. Pushcarts.

Section 18.05 Uses Subject to Special Use Permits

- A. Liquor stores.
- B. Community residences subject to the requirements in Section [5.13](#), nursing home, homes for the aged, convalescent home.
- C. Drive-in window facilities for banks and dry cleaners only. (23-01, Amended, 02/21/2023)

Section 18.06 Additional Regulations

- A. Any outdoor lighting shall be in conformance with the provisions in Chapter [8](#). All outside lighting shall not exceed twenty (20) feet in height and shall be fully shielded and directed away from residential or uses in the vicinity of the site.
- B. Any recorded or live music or sound that is electronically amplified and played outside an establishment shall only be permitted at establishments with dedicated outdoor seating areas for food and beverage service. Such establishments shall comply with the sound level requirements set forth in the Fountain Hills Town Code Section [11-1-7](#), as amended.
- C. If a business expands, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion. Required parking may be provided in accordance with a TCCD shared parking plan that is consistent with the shared parking model set forth below.

- D. All building permits for new construction shall include completion of all right-of-way improvements required for that type of development by the Subdivision Ordinance.
- E. Prior to the approval of any sign permit, a comprehensive sign plan for any development within the Town Center Commercial District shall be submitted and approved in accordance with Chapter [6](#) of this ordinance. All signage shall conform to the approved Comprehensive Sign plan.
- F. Site plans shall be designed in such manner that they minimize the vehicular traffic impact on local residential streets. Extraordinary pedestrian circulation routes shall be developed internally and externally to provide pedestrian access to adjacent commercial, residential and institutional uses.
- G. Buildings and their appurtenances shall be oriented to limit conflicts with surrounding residential uses due to noise, light, litter, or dust.
- H. When a nonresidential use abuts a residential use, a thirty (30) foot landscaped buffer shall be provided on the residential site for the full distance where the two properties abut. Dedicated pedestrian walkways or malls that are at least thirty (30) feet wide may serve as this buffer.
- I. Mechanical equipment must be located or screened to limit sound transfer to nearby residential property.
- J. Noise producing mechanical equipment must be located at least twenty (20) feet from any common property line with a residential use.
- K. Fences and/or extraordinary landscaping shall be developed and maintained along the property lines of residential uses to prevent the intrusion of unwanted light, dust or blowing debris.
- L. Any fences or walls abutting any dedicated open area mall or pedestrian access parcel shall be limited to 3.5 feet in height. Except within required front or street side-yard setbacks, wrought iron vertical extensions may be placed on top of these low walls to a maximum height of five (5) feet.
- M. Prior to the issuance of any building permit, a Master Landscaping and Lighting Plan shall be submitted and administratively approved by the Town Planning and Zoning Director for development within the Town Center Commercial District. Prior to the issuance of any building permit, a landscape and lighting plan, prepared and stamped by an Arizona-registered landscape architect, shall be submitted and approved as a part of the building permit application. Individual landscape and lighting plans shall be in conformance with the approved Master Landscape and Lighting Plan.
- N. Prior to the issuance of any building permit, a Master Design and Architectural Plan (MDAP) shall be submitted and approved by the Planning and Zoning Commission for any development within the Town Center Area as outlined in Chapter [19](#) of this ordinance. Prior to the issuance of any building permit, such plans shall be in conformance with the approved MDAP.
- O. Openings in buildings and activity centers on sites shall be located to minimize interference with abutting residential uses.

- P. Drainage from buildings and parking lot areas shall be detained on-site and/or shall be directed only into a drainage system approved by the Town Engineer.
- Q. Loading and delivery entrances shall be located away from the interface with abutting residential uses and abutting open space malls or dedicated pedestrian access parcels.
- R. All business activity (except required on-site parking, and off-street loading and unloading spaces) shall be within a completely enclosed building, unless otherwise specifically noted herein.
- S. All mechanical equipment must be screened from public view and view of adjoining properties.
- T. The development of property located within the TCCD Zoning District shall not be bound by the provisions of subsections 5(11)(B)(4) or 5(11)(B)(5) of this Zoning Ordinance.

Section 18.07 Design Guidelines

- A. The provisions of chapter [19](#) – Architectural Review Guidelines of this ordinance shall apply unless provided for otherwise in this chapter.
- B. The provisions of Chapter [6](#) – Landscaping Standards of the subdivision ordinance shall apply unless provided for otherwise in this chapter.
- C. The provisions of Chapter [8](#) – Outdoor Lighting Control of this ordinance shall apply unless provided for otherwise in this chapter.

Section 18.08 General Provisions

The General Provisions in Chapter [5](#) shall apply, except where provided for in this chapter.

Section 18.09 Signs

The regulations in Chapter [6](#) – Sign Regulations of this Ordinance shall apply, except where provided for in this chapter.

Section 18.10 Reserved for future use as stated in Ordinance 08-01

Section 18.11 Parking and Loading

A. The regulations in Chapter [7](#) – Parking & Loading Requirements shall apply, except where provided for in this Chapter.

B. A shared parking plan may be proposed for developments within the TCCD according to the following guidelines:

1. Parking requirements for development projects that contain two (2) or more nonresidential uses and that contain a minimum of 50,000 square feet of gross floor area may be satisfied with shared parking.
2. Shared parking may be approved only when the subject uses have inherent differences in parking activity patterns, the combined parking requirement will not exceed the available parking supply, and the right of joint use of a parking facility is evidenced by a contract establishing joint use.
3. Shared parking areas must display signage indicating the availability of the parking spaces for users of the participating properties.
4. A shared parking plan shall be subject to review and approval by the Planning and Zoning Commission during Site Plan review.
5. Shared parking shall conform to the following standards:
 - a. Location: Parking shall be provided on the same or a contiguous lot or in an adjacent public right-of-way. Parking may be provided off-site with professional analysis that the proximity of the parking (maximum distance=600' from the development property perimeter) is acceptable according to industry standards.
 - b. Shared Parking Model: The shared parking model shall be used as a basis for predicting the parking requirements for a particular mix of uses on a site.
 - c. Shared Parking Report: When using a shared parking plan, the applicants calculation of shared parking requirements shall be submitted with the development plan and/or land use proposal in the form of a shared parking report consisting of a review of the existing and proposed parking conditions on site, including:
 - (1). A brief history of the phases of site development, with details of Town approvals of variances, special use permits, or any other applicable land use approvals.
 - (2). An overview of any parking problems that currently exist on the site, based on personal interviews with tenants, managers, and owners, and on direct observations and counts by the preparer.

- (3). A comparison of the parking required by ordinance or the shared parking model with the parking provided both for current and proposed uses on site.
- (4). A discussion for the probable scenarios and problems that will need to be addressed if the parking is provided in relation to demand, as proposed in the shared parking plan.
- (5). Any special conditions to protect the public interest recommended by the preparer if the project is approved as proposed.

d. Implementation: The owner or manager of a project approved under the shared parking model, once built, shall maintain an accurate, up-to-date record of the usage of the net floor area for the project, both occupied and vacant, according to type of use. The Planning and Zoning Director may require this record be provided when the owner applies for a new land use or development approval for the subject parcel.

A summary of all implementation strategies needed to deal with the anticipated problems mentioned in above shall be submitted, including an analysis of the following:

- (1). Ride sharing (incentives for carpools or vanpooling) and programs to encourage high occupancy vehicles through specific incentives and policies.
- (2). Alternative styles of transportation (encourage bicycles, motorcycles, walking); consider market rates for employee parking, promote off-peak trips, etc.
- (3). Convenient pedestrian circulations on-site (ensures quality designs of walkways; create parking zones; cluster uses sharing customers, etc.)
- (4). Efficient uses of parking (supply a mix of short-term and long-term parking; cluster uses sharing parking; minimize reserved spaces; consider permits, etc.)
- (5). Effective management (assign administrative responsibility for program to one person, section or company; achieve consistency in policy and enforcement; undertake periodic monitoring; file update reports with Town, review impact of new tenants, etc.).
- (6). Accommodation and location for disabled parking to provide ease of access to uses on site.

e. Easements: Owner Affidavit; Parking Association. When shared parking is permitted, the applicant shall ensure that all owner(s) of the property on which the shared parking is located shall, prior to Site Plan approval, (1) record an irrevocable easement over such property for the benefit of the applicant's property and (2) file a parking affidavit with the Planning and Zoning Director indicating the (A) the joint use is acceptable and will not interfere with the owner's current use and (B) owner agrees and understands that future development on the owner's property may be limited due to the shared parking. In cases where parking for a project is to be provided on more than one (1) lot, a parking association shall be formed by the owners of the affected parcels prior to site plan approval. Documentation of the association's recorded conditions, covenants and restrictions shall be provided to the Planning and

Zoning Director, or designee, prior to site plan approval and shall be in a form acceptable to the Town Attorney.

f. Street parking calculation: On-street parking located directly adjacent to the development site may be considered when calculating the parking provided and required by the standard shared parking model.

g. Tandem Parking: Tandem parking spaces, two cars occupying one extra deep parking space (9'x36' minimum), may be used and calculated as two spaces for residential parking only, and only in such cases where both spaces will either be designated for a single household or controlled by a parking attendant.

C. Shared Parking Model:

1. The Town of Fountain Hills shared parking model shall be used as a basis for predicting the parking demand for a particular mix of uses on a site. Some uses (like nightclubs) peak in the evening; others (like offices) peak during the day. Where different uses need parking at different times of the day, there is an opportunity for them to share parking. This means that the total number of parking spaces needed to serve a "Mixed-Use" site (the parking demand, may be somewhat less than the number of parking spaces that would have to be provided if each of the uses had to provide parking on its own as required by Chapter [7](#) of this Ordinance.

2. The shared parking model is a tool for estimating the parking demand of a specific mix of uses. Each of the demand curves represents the parking needed for an average, typical use, based on studies and observations. The "curves" are represented below as a table showing the percent of the ordinance requirement for such uses, by hour of day.

3. The shared parking model may be used to calculate the shared parking needs for a Town Center Commercial District (TCCD) development project. In addition, to calculating the joint use requirements for a proposed development the shared parking model also calculates the reserved parking requirements for such standard uses as office, restaurant, retail and residential uses.

4. An applicant may submit for review and approval, an alternative to the shared parking model set forth in this Subsection 18.11(C). The applicant's shared parking alternative shall be based on the Urban Land Institute shared parking model and shall be submitted to the Town for review by an independent shared parking expert selected by the Town. Funds in an amount adequate to pay for the review of the alternative shared parking proposal shall be submitted to the Town at the time of submittal of the shared parking alternative. Any unexpended funds will be returned to the applicant.

Shared Parking Table

How to Determine the Total Parking Requirement for Shared Parking Facilities						
For each applicable general land use category, calculate the number of spaces required for a use as indicated in Section 7.04(G) as if it were the only use. Use those figures for each land use to calculate the number of spaces required for each of the six time periods by multiplying the full parking requirement by the percentage figure shown. For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods. Select the single time period with the highest total parking requirement and use that total as the shared parking requirement.						
General Land Use Classification	Weekdays			Weekends		
	Midnight - 7 AM	7 AM - 6 PM	6 PM - Midnight	Midnight - 7 AM	7 AM - 6 PM	6 PM - Midnight
Office & Commercial	5%	100%	5%	0%	10%	0%
Retail	0%	90%	60%	0%	100%	65%
Restaurant	10%	60%	100%	10%	65%	100%
Lodging	95%	60%	80%	100%	65%	90%
Residential	100%	100%	100%	100%	100%	100%
Cinema	0%	55%	80%	0%	75%	100%
Community	0%	60%	80%	0%	80%	100%

Section 18.12 Outdoor Lighting, is hereby deleted in its entirety and reserved for future use as stated in Ordinance 08-01

Section 18.13 Plan Review

The provisions of Chapter [2](#), Section [2.04](#), shall apply.

Section 18.14 Density, Area, Building and Yard Regulations

The following chart specifies the minimum lot sizes, minimum lot widths, maximum building heights, minimum yard setbacks and maximum lot coverage percentages, and the minimum distance between buildings.

Fountain Hills Zoning Ordinance Summary
TOWN CENTER COMMERCIAL DISTRICT

District	Area (Sq. Feet)	Width (Feet)	Bldg Height (Feet)	Minimum Yard Setbacks				Lot Coverage	Distance Between Bldgs (Feet)
				Front	Side	Street Side	Rear		
TCCD	6,000	60	40 ^a	0 ^b	0 ^c	0 ^c	0 ^b	100%	See IBC

a The Town Council may allow a building height of up to forty eight (48) feet by specific approval by the Planning & Zoning Commission during Site Plan review for movie theatres, special architectural features that improve the building elevation, or to accommodate increased first floor commercial ceiling heights.

b When adjacent to a residential use, regardless of whether separated by a street or alley, there shall be a minimum front and rear yard setbacks equal to the minimum front and rear yard setbacks required of the adjoining residential use (not to exceed 25 feet). When abutting a dedicated open-area mall or a thirty (30) foot wide (minimum) dedicated pedestrian access parcel, buildings or low-walled outdoor seating areas may abut the property line. When commercial retail/office properties have frontage on the Avenue of the Fountains and/or on the Saguaro Boulevard right (s)-of-way, buildings shall be constructed five (5) feet from the property line if no five-foot wide landscape/canopy parcel has been platted.

c When adjacent to a residential use there shall be a minimum ten (10) foot side yard setback or a minimum side yard setback equal to the building height, whichever is greater. If a side yard is otherwise provided, the minimum setback is five (5) feet. When abutting a dedicated open-area mall or a thirty (30) foot wide (minimum) dedicated pedestrian access parcel, buildings or low-walled outdoor seating areas may abut the property line.

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