

SECTION 5

SPECIFIC USE PROVISIONS

5.1 PURPOSE

A vibrant, dynamic community needs a variety of land use activities to satisfy the needs of its inhabitants. Because of their particular dynamics, a number of uses require individual study to determine their impacts on adjacent properties. It is the intent of this Section to identify those land uses and to provide specific review criterion and conditions to ensure that, if approved, they will contribute to the health, safety, and general welfare of the City.

5.2 CARNIVALS, CIRCUSES, REVIVALS, RODEOS AND SIMILAR ACTIVITIES

Such uses shall be permitted according to the Land Use Tables listed in *Section 4, Permitted Land Uses*.

5.2.1 Requirements

- A. A Temporary Use Permit (private property) shall be obtained or a Special Event Permit when the event is on City property.
- B. The Commission or staff shall ensure that health and fire safety is considered and shall solicit the comments of the County Health Department
- C. The Commission or staff shall ensure that land area is adequate for the proposed use's parking; and shall ensure that traffic safety is considered.
- D. The Commission or staff shall require measures to adequately protect surrounding property.
- E. Permanent structures shall not be allowed.
- F. A Special Events Permit or a Temporary Use Permit shall pertain to the allowable activity permitted during the time limit of the permit. A change in ownership or sponsor applicant for the same activity during the time limit of the permit shall not constitute grounds for extending the time granted for the activity in the original permit.

5.3 ADULT ENTERTAINMENT BUSINESSES

5.3.1 Purpose

The Council finds that "adult entertainment businesses" as defined in *Section 9, Definitions*, of this Ordinance, because of their nature, are recognized as having objectionable operational characteristics, particularly when several of

them are concentrated, thereby having a deleterious effect upon adjacent areas and increasing law enforcement problems. The Council further finds that specific regulation of these businesses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods, endanger public safety or decrease the value of surrounding properties. The purpose of the regulations contained in this Ordinance is to prevent the concentration of these businesses in any one area of the City and to restrict their proximity to residential areas, schools, churches, parks and other public facilities.

5.3.2 Adult Entertainment Business

In addition to the requirements of *Section 2.6, Conditional Use Permits*, no Conditional Use Permit shall be issued for an Adult Entertainment Business, which shall be allowed in CBD or SC zones, unless it meets the following additional conditions:

- A. The adult entertainment business is located no closer than 1,000 feet from the exterior boundaries of a Residential Zoning District.
- B. The adult entertainment business is located no closer than 1,000 feet from the exterior property lines of any public or private school having a pre-school or kindergarten curriculum or any one or more of grades 1 through 12.
- C. The adult entertainment business is located no closer than 1,000 feet from the exterior boundaries of any public park or playground.
- D. The adult entertainment business is located no closer than 1,000 feet from any church or non-commercial establishment owned or operated by a bona fide religious organization.
- E. The adult entertainment business is located no closer than 2,000 feet from any other adult entertainment business.
- F. The adult entertainment business displays no sign visible from the exterior of the business except for a sign identifying the business as an adult entertainment business.
- G. The adult entertainment business excludes from its premises persons less than 18 years of age.
- H. No materials depicting specified sexual activities or specified anatomical areas shall be visible from the exterior of the adult entertainment business. All distances specified in this Section shall be measured in a straight line, without regard to intervening structures or objects, from the property line of any adult entertainment business to the nearest property line of any other adult entertainment business, school, church, public facility, residential district or other land use.

5.4 OUTDOOR MUSICAL ENTERTAINMENT

5.4.1 Purpose

The City recognizes the beneficial cultural and economic aspects of allowing outdoor musical entertainment. However, the following requirements are needed to ensure the appropriateness of such activities.

5.4.2 Requirements

- A. Outdoor musical entertainment is permitted in specified zones subject to the following:
- B. A business or individual desirous of providing or performing outdoor musical entertainment will obtain a Conditional Use Permit. The permit will be personal to the individual and applicable to only one location where the music will be performed. This permit is not transferable if the property is sold, leased, or conveyed by the permittee; or if the permittee moves to a new location.
- C. The permit will be subject to an annual review and renewal process.
- D. Outdoor musical entertainment will not be permitted within public rights-of-way.
- E. Outdoor musical entertainment will be limited to the hours of 8:00 am to 12:30 am.
- F. No retail or wholesale over-the-counter sale of goods or products are permitted to be sold in conjunction with the entertainment, other than the products or service being provided by the permitted business, unless accompanied by an Arizona Transaction Privilege Tax License.
- G. The performer will not use in their show any flammable items, fireworks, electronic light displays, or laser-operated device.

5.4.3 Noise Restrictions

- A. Outdoor musical entertainment shall be restricted to music or singing which is not excessive or disturbing to the community as prescribed by *City Code 10-1-12*.
- B. If the sound is of sufficient volume and duration that it would cause discomfort or annoyance to a reasonable person of normal sensitivities, it shall be prohibited.

5.5 BED AND BREAKFAST HOMESTAY

5.5.1 Purpose

One of the economic goals of the *City of Page General Plan* is “to enhance its tourism industry.” In support of this public policy, Bed and Breakfast

Homestay accommodations provide an alternative type of lodging for visitors to Page; as well as using the income from such accommodation to provide incentives for maintaining Page's housing stock. Thus, Bed and Breakfast Homestays can be appropriate uses of residential property in controlled circumstances.

The purpose of this Section is to ensure that Bed and Breakfast Homestays are secondary to the residential use of the main dwelling and that they do not detract from the residential character of the neighborhood.

The commercial nature of the use merits the scrutiny and public involvement of a Conditional Use Permit. The requirements of this Ordinance should mitigate impacts on neighborhoods, ensure that guest rooms do not become additional dwelling units on a lot, and help avoid the appearance of a mini-motel/commercial use placed in a residential area.

5.5.2 Requirements

A Bed and Breakfast Homestay shall be permitted only in the principal building originally constructed as a single-family dwelling of a minimum of 1,000 square feet of livable floor area, excluding garage or carport, subject to the following requirements:

- A. The Bed and Breakfast Homestay shall be conducted only in a single-family dwelling by the principal owner of the premises. The owner of a Bed and Breakfast Homestay shall reside on the premises. The owner of the Bed and Breakfast Homestay shall not employ, either directly or indirectly, any person in the operation of the Bed and Breakfast Homestay who is not a member of the owner's family and a resident of the premises.
- B. The owner of the single-family dwelling desiring to conduct a Bed and Breakfast Homestay shall obtain a Conditional Use Permit. The permit shall be personal to the permittee and applicable only to the specific property and shall not be transferable. The permit shall be applied for, the property posted, and shall be in accordance with *Section 2.6, Conditional Use Permits*, of this Ordinance. Applications for a Bed and Breakfast Homestay Conditional Use Permit shall be accompanied by a map, created by the applicant, showing a 300 foot radius of the single-family dwelling; plus a list of all residential property owners within the 300-foot radius of the dwelling, together with the signatures of 75% of the property owners indicating their approval to the operation of a Bed and Breakfast Homestay by the applicant.

- C. Bed and Breakfast Homestay Conditional Use Permits shall be subject to an annual renewal or revocation by the Commission by April 30 of each year upon review of a status report for compliance with *Sections 5.5.2, Requirements, and 2.6, Conditional Use Permits*, of this Ordinance.
- D. An Arizona Transaction Privilege (Sales) Tax License shall be required upon application and upon annual renewals for a Conditional Use Permit.
- E. A Site Plan showing the relation of the building and parking to lot lines, location of parking, and a floor plan showing building square footage, exits, location of bedrooms and number of beds per room, shall be provided with the application. In addition to the required paved off-street parking for the single-family dwelling, a Bed and Breakfast Homestay shall provide one additional paved off-street parking space for each guest room. Any additional vehicles must be parked on paved off-street parking. Guests shall not park commercial vehicles at the Bed and Breakfast Homestay. However, this provision shall not apply to rental passenger cars or to pick-up trucks or sport utility vehicles typically used for single-family transport.

Parking spaces may be stacked so that vehicles can be parked 2 deep, provided all vehicles are behind the street right-of-way line.

- F. The Bed and Breakfast Homestay shall be restricted to the principal single-family building, with no more than 4 bedrooms being used as guest rooms, as follows:
 - 0-999 square feet of livable floor area: Not permitted
 - 1,000 - 1,499 square feet of livable floor area: One guest Room
 - 1,500 – 1,999 square feet of livable floor area: 2 Guest Rooms
 - 2,000 – 2,499 square feet of livable floor area: 3 Guest Rooms
 - 2,500 – 2,999 square feet of livable floor area: 4 Guest Room

No accessory structure, guest house, motor home, travel trailer, shed, garage, or other similar facility shall be used as guest room facilities.

- G. An application for a Conditional Use Permit shall be accompanied by preliminary inspection reports filed with the Planning Department from the Building and Fire Departments. Subsequent to Commission action, no Conditional Use Permit shall be issued or renewed until the following final inspections have been conducted and reports have been filed with the Planning Department:
 - A Fire Department inspection report stating that the Bed and Breakfast Homestay single-family dwelling and premises comply with the applicable fire codes.
 - A Building Department inspection report stating that the Bed and Breakfast Homestay single-family dwelling and premises comply with the applicable building codes, electrical codes and plumbing codes.

- H. Separate cooking facilities for guest rooms are prohibited.
- I. One non-illuminated identification sign not exceeding 1.5 square feet in area, flush with the front wall of the residence shall be permitted for single-family dwellings.
- J. Bed and Breakfast Homestays may be permitted as conditional uses in single-family dwellings only in the following zones: R1-7, R1-8, R2, RM, R1-5, MHS, RE-2A, and RE-1A.

5.5.3 Revocation

In the event the Bed and Breakfast Homestay fails to comply with any of the terms of the Conditional Use Permit or any other applicable laws, the permit may be revoked in accordance with the provisions of *Section 2.6.6, Revocation*, of this Ordinance.

5.6 OUTDOOR VENDING

Purpose

To provide additional business opportunities in Page, which will enhance the local and tourist economy.

Requirements

Outdoor vending shall only be permitted on City or private property in specified commercial zoning districts and specified city locations. Outdoor vending businesses are considered to be temporary in nature and are not to be placed in a permanent way on the property.

- A. A business or individual desirous in providing outdoor vending will obtain a Conditional Use Permit. The owner or lessee of the property shall give written consent for Conditional Use Permits for outdoor vending.
- B. Outdoor vending will only be permitted on properties that have been established with commercial uses.
- ~~C.~~ All permits will be subject to an annual renewal process. Stands or stalls that are moved on a daily basis shall be permitted in the same location during the calendar year.
- D. All signs shall be affixed to the vending cart, stand or stall. Signs on any one side of the cart, stand or stall, shall be approved as part of the CUP process. This type of sign will not require the issuance of a sign permit.
- E. Vending carts, stands or stalls shall not block a driveway, sidewalk or

other point of emergency vehicular access.

- F. All vending carts, stands or stalls shall be located at least 5' from any sidewalk or 9' from any street. If located near a street intersection, the vending cart, stand or stall must maintain a visibility triangle as per Section 7.3.6., of this Ordinance.
- G. Vending carts, stands or stalls located in parking areas shall not reduce the number of parking spaces required for the principle commercial business. Additional off-street parking space must be provided for all employees of the outdoor vending operation.
- H. Vending carts, stands or stalls must be constructed of durable and high quality materials. Vending carts, stands or stalls must be maintained in good condition and repair. Vending carts, stands or stalls that are in disrepair shall be replaced or removed at the request of the Zoning Administrator.
- I. The Outdoor Vending Permit will be conducted with proper licensing, certification and registration required under the laws of the United States Government, the State of Arizona, County of Coconino and the City of Page, if required. The application shall include the applicant's name of business and State Tax License number.

Every applicant, before being granted a permit for outdoor vending shall submit the following:

A Conditional Use Permit application and annual non-refundable fee of \$300.00 shall be submitted to the Planning and Zoning Department.

Site plan showing the location where the vending cart, stand or stall will be placed.

Information providing support that the vending operation is in conformance with the regulations outlined in the section.

Business Registration for vending business and State Tax License number.

If Permit will be on City Property, proof of liability insurance for 1,000,000.00 with The City of Page listed as additionally insured.

The Zoning Administrator may revoke a permit under the following conditions:

The permit was obtained by fraud or misrepresentation.

The vending operation is not in conformance with the regulations noted in this Section.

In the event the vending operation fails to comply with any of the terms of the Conditional Use Permit or any other applicable laws, the permit may be revoked in accordance with the provisions of Section 2.6.6, Revocation, of this ordinance.

5.7 TEMPORARY CONSTRUCTION TRAILER/YARD

A construction trailer/yard may be permitted in any Zoning District during the construction of a permanent building when a valid building permit is in effect, provided the following conditions are met:

- A. The uses are only associated with the developer / owner and subdivision or project in which they are located.
- B. Off-street parking shall be provided for the office and construction staff.
- C. All structures must meet all building codes and permit requirements for the appropriate category of construction.
- D. The construction trailer/yard complex shall be removed immediately after issuance of the certificate of occupancy.
- E. The construction trailer/yard complex shall be permitted for no longer than 1 year without the approval of a Conditional Use Permit.

5.8 TEMPORARY SALES OFFICE/MODEL HOME

- A. A temporary sales office or model home may be permitted in a residential Zoning District, provided the following conditions are met:
- B. The uses are only associated with the developer / owner and subdivision or project in which they are located.
- C. Off-street parking shall be provided for the sales office or model home.
- D. All structures must adhere to all required building setbacks for the zoning district in which the building is located.
- E. All structures must meet all building code and permit requirements for the appropriate category of construction.
- F. Upon sale of the development, cessation of the need for the use (90% buildout) or termination of a Conditional Use Permit, all modifications to structures and uses shall be removed.

- G. The sales office/model home shall be permitted for no longer than 2 years without the approval of a Conditional Use Permit.

5.9 WIRELESS TELECOMMUNICATION FACILITIES

5.9.1 Purpose

To provide a uniform and comprehensive set of standards for the placement, construction and modification of wireless communication facilities (WCF). To protect and promote public health, safety, general welfare and the visual quality of the City of Page while at the same time not unduly restricting the development of needed communication facilities and important amateur radio installations and encouraging managed development of communication infrastructure. It is also the stated intent of this section to provide a public forum to insure a balance between public concerns and private interest in establishing communication and related facilities. The regulations in this section are established to:

- A. Provide guidelines for siting and design of wireless communication facilities;
- B. Minimize adverse visual impacts of towers and wireless communication facilities through careful design, siting, landscaping and camouflaging techniques;
- C. Enhance the ability to provide wireless services to City residents, businesses and visitors;
- D. Simplify and shorten the process for obtaining necessary permits, while protecting the interests of City residents;
- E. Promote and encourage co-location of towers and attached wireless communication facilities as a primary option;
- F. Ensure that wireless communication facilities are compatible with adjacent land uses;
- G. Avoid potential damage to property caused by towers and communications facilities by ensuring that structures are correctly designed and are removed when no longer used or are structurally unsafe.

5.9.2 Amendments

For the purpose of protecting the public health safety and general welfare, the Planning and Zoning Commission may from time to time propose amendments to these regulation which shall be approved or disapproved by the City Council at a public meeting following public notice. Realizing that

communication technologies are evolving and changing quickly, future innovations may reduce the impacts of individual facilities and render portions of these regulations obsolete. Therefore, periodic review and revision of these regulations will be necessary.

5.9.3 Applicability

A commercial wireless communication facility shall be a permitted use in every zoning district except residential districts and planned development districts. No person shall build, construct or erect a wireless communication facility upon any parcel of land in a residential or planned development district until a review process has determined the site is properly camouflaged and integrated with and/or screened by a non-antenna support structure (street light, utility pole, building feature, landscape feature, etc.)

All antenna support structures and wireless communication facilities, any portion of which are located within the City of Page, are subject to this section. Except as provided in this section, any use being made of an existing antenna support structure or attached wireless communication facility shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this section.

5.9.4 Conditional Use Permit Required

No person shall build, construct or erect a wireless communications facility upon any parcel of land in any zoning district without obtaining a Conditional Use Permit. The Zoning Administrator, by administrative review, may approve (without obtaining a conditional use permit) the proposed construction or development of a camouflaged facility or a co-located facility provided that a building permit is obtained and the proposal meets the minimum requirements of this ordinance.

5.9.5 Exceptions

- A. The provisions of this section do not apply to radio or television reception antennas, receive only antennas, citizen band antennas, marine band antennas and satellite or microwave parabolic antennas (Residential - One (1) meter or less in diameter)(Industrial / Commercial - two (2) meters or less in diameter) not used by commercial carriers. The height of the antenna shall not exceed the roof line of the primary structure on the parcel and shall be placed on the rear or side of the parcel;
- B. The provisions of this section do not apply to FCC licensed Amateur Stations as part of the Amateur Service with a single antenna support structure. Amateurs station antennas shall not be subject to the requirements of this section except as follows.

- C. No outdoor amateur station antenna shall be installed until and unless an Amateur Station Antenna Permit has been approved and issued by the Zoning Administrator. Amateur Station antenna permits are not transferable and shall automatically expire when the person issued the permit no longer owns the property involved or that person's license from the FCC is no longer valid. The Zoning Administrator shall not issue an amateur station antenna permit until the applicant has presented proof of a current FCC license.

- D. All new antenna support structure and attached antenna shall not exceed Ninety (90) feet in height above ground level. The tower and antenna shall meet the setback requirements for the zoning district in which it is located and shall require an additional setback of one foot for every foot the tower and antenna exceeds the height limits of the zoning district in which it is located.
- E. The tower and antenna shall be installed in the rear of the parcel and shall meet all local, state and federal regulations and manufacturer specifications. Guy wires, if used, shall meet the setback requirements of the underlying zoning district.
- F. Temporary mobile services providing public information coverage of news events;
- G. Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provided there is little or no change in the visual appearance.
- H. Minor modifications are those modifications, including the addition of antennas, to conforming wireless and attached wireless communications facilities that meet the performance standards set forth in this document. Antennas and equipment cabinets or rooms completely located inside of structures and whose purpose is to enhance communications within the structures.

5.9.6 Definitions

- A. *Amateur Station* - The terms amateur station means a radio station operated by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.
- B. *Amateur Service* - A radio communication service for the purpose of self-training, intercommunication and technical investigation carried out by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.
- C. *Antenna* - Any devise used to collect or radiate electromagnetic waves, excluding any antenna support structure other than mounting brackets.
- D. *Antenna Array* - An assembly of antenna elements with dimensions, spacing, and illumination sequence such that the fields for the individual elements combine to produce a maximum intensity in a particular direction and minimum field intensities in other directions.
- E. *Antenna Support Structure / Tower* - A commercially manufactured

structure designed and constructed specifically to support an Antenna or Antenna Array and equipment associated with a single or co-located WCF, and may include a monopole, self-supporting (lattice) tower, guy wire support tower and other similar structures.

- F. *Attached Wireless Communication Facility* - An attached WCF is an antenna array that is attached to an existing building or structure, which structures shall include but not be limited to utility poles and water towers, with any accompanying pole or attachment device which attaches the antenna array to the existing building or structure, transmission cables, and an equipment facility which may be located either inside or outside of the attachment structure.
- G. *Broadcast* - To transmit information over the airwaves to two (2) or more receiving devices simultaneously. Information can be transmitted over local television or radio stations, satellites systems or wireless communications systems.
- H. *Camouflaged* - A wireless communication facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing proposed structure is considered camouflaged.
- I. *Co-Location* - Co-location / Site Sharing shall mean use of a common WCF or common site by two (2) or more wireless license holders or by one wireless license holder for more that one type of communications technology and / or placement of a WCF on a structure owned or operated by a utility or other public entity.
- J. *Commercial Mobile Services* - Commercial mobile services are defined in Section 332 of the Communications Act and the FCC's rules, and include cellular telephone services regulated under Part 22 of the FCC's rules, SMR services regulated under Part 90 of the FCC's rules, and PCS regulated under Part 24 of the FCC's rules. 47 C.F.R. § 20.9.
- K. *Common Carrier / Carrier* - The term "common carrier" or "carrier" means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in the interstate or foreign radio transmission of energy, but a person engaged in radio broadcasting shall not be deemed a common carrier.
- L. *Direct-to-Home Satellite Services* - The term direct-to-home satellite services means the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite.
- M. *Equipment Facility* - Any structure used to contain ancillary equipment for WCF which includes cabinets, shelters, a building or of an

existing structure, pedestals and other similar structures.

- N. *FAA* - The Federal Aviation Administration and any legally appointed, designated or elected agent or successor.
- O. *FCC* - The Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- P. *Height* - When referring to a WCF, height shall mean the distance measured from ground level to the highest point on the WCF antenna support structure including the antenna.
- Q. *Setbacks* - When referring to an Antenna support structure, Setback shall mean the required distance from the antenna support structure to the property line of the parcel on which the WCF is located.
- R. *Temporary Wireless Communication Facility (Temporary WCF)* - Temporary Wireless Communication Facility shall mean a WCF which is to be placed in use for a limited period of time, is not deployed in a permanent manner, and does not have a permanent foundation.
- S. *Tower / Antenna Support Structure* - A structure designed and constructed specifically to support an Antenna or Antenna Array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures.
- T. *Un-licensed Wireless Service* - Un-licensed wireless services are defined as the offering of telecommunications services using duly authorized devices which do not require individual licenses; direct-to-home satellite services are excluded from this definition. 47 U.S.C. 332 (c)(7)(C)(iii).
- U. *Wireless Communication Services* - Wireless Communication Services shall mean any Personal Wireless Services as defined in the Federal Telecommunications Act of 1996 which includes Commercial Mobile Services, Un-licensed Wireless Service, Common Carrier Wireless Exchange Access Services, and similar services that currently exist or that may in the future be developed.
- V. *Wireless Communication Facility* - A WCF is any facility used for the transmission and/or reception of wireless communication services, usually consisting of an antenna array, transmission cables, equipment facility, and antenna support structure(s).

5.9.7 Preferred Wireless Communication Facilities

Site location and development of wireless communication facilities shall

preserve the existing character of the surrounding land uses and buildings. If technically feasible, new wireless facilities shall use the most preferred facility type. The following types of facilities shall be considered as the preferred order to locate the proposed wireless communication facilities:

- A. Co-location on existing wireless or broadcast antenna support structures;
- B. Attached wireless communication facilities;
- C. Camouflaged wireless communication facilities;
- D. Micro-cell wireless communication facilities;
- E. Antenna support structures.

5.9.8 Performance Standards and Requirements

- A. Construction Standards - All commercial wireless communication facilities and antenna support structures shall be certified by a licensed Engineer to be structurally sound and in conformance with applicable building code(s).
- B. Natural Resource Protection Standards - The location of the wireless communication facilities shall comply with all natural resource protection standards established either in this Zoning Ordinance or in other applicable County, State and Federal regulations, including those for flood plains, wetlands, groundwater protection, and steep slopes.
- C. *Color and Appearance Standards* - All wireless communication facilities shall blend into the surrounding environment through the use of color and camouflaging architectural treatment, except where the color is dictated by the FCC or FAA.
- D. Advertising Prohibited - No advertising is permitted anywhere upon or attached to the wireless communication facility.
- E. Illumination of Antenna Support Structures - Antenna support structures / towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other federal or state authority.
- F. Co-location - All wireless communication facilities shall be subject to the co-location requirements set forth in Section 5.8.9 of this Zoning Ordinance.
- G. Abandonment - All wireless telecommunication facilities shall be subject to the abandonment requirements set forth in Section 5.8.10 of this Zoning Ordinance.

H. Setback Requirements for Wireless Communication Facilities (WCF)

1. Wireless Communication Facilities - Minimum setbacks for these facilities are the same as underlying zoning districts.
2. Broadcast and Other Facilities - For zoning districts CBD, C2, SC, BP and IP, the setback requirements are thirty (30) percent of the support structure height, but not less than the minimum setbacks of the underlying zoning district.
3. Guy Wires - Setbacks for guy wires are the same as the minimum setbacks for the underlying zoning district.
4. Security Enclosure Required - All towers and equipment shelters shall be enclosed either completely or individual as determined by the Zoning Administrator. The City of Page and co-located carriers shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure. Dependent on the location, plants or landscaping may be required as a buffer around the perimeter of the security enclosure as deemed appropriate by the Zoning Administrator.
5. Existing Vegetation - Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible.

5.9.9 Co-Location Requirements

- A. Any antenna support structure / tower erected for commercial purposes shall be designed to permit future co-location of facilities. No proposed antenna support structure / tower shall be erected unless such structure is capable of supporting a minimum of one (1) additional carrier's wireless communication facility.
- B. Commercial carriers who own an existing support structure shall negotiate in good faith with other carriers that request co-location. Documents showing good faith efforts to co-locate shall be provided by the applicant.
- C. Carriers who co-locate on an approved antenna support structure are not subject to the conditional use permit requirements of this section. The application may be approved by the Zoning Administrator if all other requirements of this section are met.

5.9.10 Abandoned Facilities

- A. A wireless communication facility shall be considered abandoned after sixty (60) consecutive days of non use. After sixty (60) days of non use the conditional use permit shall be revoked. Owners have thirty (30) days after the permit is revoked in which to reapply for a conditional use permit. If no application for a conditional use permit is made, all facilities shall, at owner's expense, be removed within thirty (30) days. The City of Page may pursue all legal remedies to ensure abandoned facilities are properly removed.
- B. A co-located wireless communication facility, located on an abandoned structure, may negotiate with the owner(s) and assume ownership. A new conditional use permit shall be required.

5.9.11 Application Process

Applications for wireless communication facilities and major additions or modifications to existing facilities shall include:

- A. Ten (10) copies of the proposed site plan specifying the location and legal description of the site: on site land uses and zoning; adjacent roadways; access and parking; vegetation and landscaping to be added, retained, replaced or removed; setbacks; and the location of the facility, including all related improvements and equipment.
- B. A vicinity map specifying adjacent properties, land uses, zoning and roadways within three hundred (300) feet of the proposed facility. Elevation drawings of the proposed facility specifying all antennas, antenna support structures / towers, structures, equipment facilities, fencing, screening, landscaping, lighting and other improvements related to the facility, specifying materials, placement and colors.
- C. Photorealistic image of the proposed site after antenna support structure erection demonstrating the true impact of the facility on the surrounding visual environment. The Zoning Administrator may request photorealistic images of the site from specific vantage points. This requirement does not apply to facilities permitted under the administrative review process, unless requested by the Zoning Administrator.
- D. A report shall be prepared describing the facility and why it is needed, the technical and economic reasons for the site design and location, and the quantity of antenna arrays the structure can support.
- E. A report shall be prepared that addresses the evaluation criteria. The criteria used in evaluation shall consist of the following:
 - Description of the facility and why it is needed
 - Technical and economic reasons for the site design and

- location
- The quantity of antenna the structure can support

F. A detailed inventory of all the carrier's existing and approved facilities within the City of Page and within five (5) miles of the corporate boundaries.

5.9.12 Application Review

A. *Administrative Review* - Applications for proposed camouflaged wireless communications facilities and co-location of wireless communication facilities which do not change the antenna support structure height are subject to administrative review. The applications shall be examined for conformance to the requirements in this section by the Zoning Administrator. The Zoning Administrator, within twenty-one (21) days of receipt of the application, shall render a decision to approve, deny or delay approval of the proposed wireless communication facility. Any decision to delay approval or deny a request shall be in writing and shall include specific reasons for the action. If the applicant has not been notified in writing of a decision after twenty one (21) days the application will be deemed approved. A decision by the Zoning Administrator may be appealed by the applicant within thirty (30) days to the Board of Adjustment. The fee for administrative review of a proposed wireless facility shall be collected when the application is submitted.

Expect for administrative review of camouflaged facilities and co-location of facilities, all proposals for wireless communication facilities shall be processed under the requirements of Section 5.8.4, Conditional Use Permit Required.

B. *Access Control and Emergency Contact* - No Trespassing signs shall be posted around the wireless communication facility as deemed appropriate, along with emergency contact telephone number.

5.10 Airport Approach and Airport Clear Zoning Districts

These zoning districts are composed of land situated in the approach surfaces to Runways 33 and 07 delineated in the *Airport Master Plan* in proximity to the Page Municipal Airport where aircraft operations may become a source of potential accidents. It is the intent of this section to limit land use to industrial, commercial, recreational and restricted residential uses which are not densely populated.

The approach surfaces to Runways 33 and 07 are divided into two basic zones. The Airport Clear Zone (ACZ) is the area immediately off the end of Runways 33 and 07 identified in federal height regulations as the "clear zone." The Airport Approach Zone (AA) is the area extending beyond the clear zone of Runways 33 and 07 and contains the approach and climb out

zones.

Land located within the boundary of these approach zones will be subject to the following restrictions:

Permitted uses in the particular zoning district (residential or commercial) in which designated approach zones are located will be approved through conditional use permit procedures.

Some uses that would otherwise be permitted as conditional uses in a particular zone will be expressly prohibited in the approach zone AA and ACZ to Runways 33 and 07.

Examples are:

- Single Family dwellings (ACZ);
- Multiple-family dwellings;
- Hospitals or sanitariums;
- Medical and health services;
- Motels, hotels, apartment hotels, boarding houses;
- Nursing homes;
- Churches or similar places of worship;
- Schools, elementary, secondary and high school;
- Nursery schools and day nurseries;
- Colleges or universities and dormitories accessory;
- Resort and group camps;
- Community play areas and indoor centers;
- Theaters, indoor or outdoor;
- Stadiums or auditoriums; and
- Indoor recreation services.

5.11 Electronic (digital) Message Boards for Schools

A Conditional Use Permit shall be required for digital message boards. Electronic (digital) message boards for schools shall adhere to the following criteria.

- A. Sign shall have no scrolling / flashing information or text. There shall be a minimum interval of two (2) minutes between displayed information or text displayed on the digital sign at any one time.
- B. Digital message portion of sign shall not exceed 50% of sign area.
- C. Sign shall be installed at least 150 feet from a designated crosswalk.
- D. Sign shall not be installed within 350 feet of a residential structure.
- E. Hours of operation of a digital sign will be determined through the Conditional Use Permit process.

- F. Sign shall not display information that resembles traffic control signs or employ words such as “stop”, “look” or “yield.”
- G. Illumination of sign during daylight operations shall not exceed 3.85-watt wedge base lamps, and shall not exceed 1.925-watt base wedge lamps during nighttime operation. The sign shall use automatic dimming for changing to nighttime operation.
- H. Digital signs shall be separated from other digital signs by a minimum of 1,000 feet.
- I. Digital sign must be maintained in good condition, repair and working order. Digital signs in disrepair may be subject to revocation of the Conditional Use Permit.

5. 12 VACATION HOME RENTALS (VHR)

5. 12. 1 Purpose

A. The purpose of this section is to establish minimum regulations for the use of privately owned residential dwellings utilized as vacation rentals. It is designed to:

1. Minimize negative secondary impacts from the operation of vacation home rental units on surrounding residential neighborhoods;
2. Ensure the collection and payment of transient occupancy taxes;
3. Ensure vacation home rental units meet applicable building and fire code standards in relation to health and safety.

B. This section is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner' s property that may prohibit the use of such owner's residential property for short term rental purposes as defined herein.

5. 12. 2 Applicability

The provisions of this section apply within the incorporated boundaries of the City of Page. All requirements, regulations and standards imposed by this section are intended to apply in conjunction with any other applicable requirements, regulations and standards imposed elsewhere in this code. Vacation Home Rentals (VHR) shall be allowed in the RE- 2A, RE- 1A, R1- 8, R1- 7, R1- 5, R2, RM, and MHP districts with a Conditional Use Permit and in the CBD, C- 2 and SC districts in conjunction with a Conditionally Permitted Residential Land Use.

5. 12. 3 Definitions

For purposes of this Chapter, the following words and phrases shall have meaning respectively ascribed to them by this section:

A. Applicable laws, rules and regulations: Any laws, rules, regulations and codes (whether local, state or federal) pertaining to the use and occupancy of a privately owned dwelling unit as a vacation home rental.

B. Applicant: The owner of the vacation home rental or the owner' s authorized agent or representative.

C. Community Development Director. That person acting in the capacity as director of the Planning and Zoning and Building Departments or, in the event that position is vacant, a substitute employee designated by the City Manager.

D. Local contact person: A local property manager, owner, or agent representing the owner, who is available twenty-four (24) hours per day, seven (7) days a week for the purpose of (i) responding within forty-five minutes to complaints regarding the condition, operation, or conduct of occupants of the vacation home rental and (ii) taking remedial action to resolve any such complaints.

E. Overflow Lodging: The use of a vacation home rental unit for contingency lodging in association, conjunction, partnership, contract, or agreement with a local hotel/ motel when the hotel/ motel (or owner or employee thereof) has either an ownership interest in the vacation home rental unit or receives rent or other consideration in exchange for facilitating the lodging. Overflow lodging shall be considered an extension of hotel/motel operation and is strictly prohibited within

F. Owner. The person or entity that holds legal or equitable title to the property.

G. Property: A residential legal lot of record on which a vacation home rental unit is located.

H. Rent: The consideration charged, whether or not received, for the occupancy of lodging space, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

I. Responsible Person: An occupant of a vacation home rental who is at least twenty one (21) years of age and who is legally responsible for ensuring that all occupants of the vacation rental home unit and/ or their guests comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject vacation home rental unit.

J. Vacation home rental unit: One or more dwelling units or a part of a dwelling unit, including either a single-family, detached or multiple-family attached unit, being utilized by any person, other than the owner, as lodging on a daily, weekly, or any other basis for less than thirty (30) consecutive days, in exchange for rent.

5. 12. 4 Vacation Home Rental Permit Requirements

No owner of a vacation home rental unit may rent that unit without a valid vacation home rental Conditional Use Permit (CUP) issued by the City of Page Planning and Zoning Commission. A separate CUP is required for each vacation home rental. The CUP permit requirements of this section are in addition to any business registration, tax, other permit, licensing agreements, or other applicable law. The City Community Development Director or designee is authorized to prescribe forms and procedures for the processing of permits under this section.

5. 12. 5 Authorized Agent or Representative

A. An owner may retain an agent, representative, or local contact person to comply with the requirements of this chapter, including, without limitation, the filing of the Conditional Use Permit application for a permit, the management of the vacation home rental, and the compliance with the conditions of the permit. The permit shall be issued only to the owner of the vacation home rental.

B. The owner of the vacation home rental is responsible for compliance with the provisions of this chapter and the failure of an agent, managing agency, local contact person, responsible person, transient or occupant to comply with this Section is non-compliance by the owner.

5. 12. 6 Application for Vacation Home Rental Permit

No Conditional Use Permit shall be issued unless the application confirms unqualified compliance with this Section. Permits shall be personal to the permittee and applicable only to the specific property and shall not be transferable. The permit shall be applied for, and the property posted, in accordance with Conditional Use Permit, Page Zoning Ordinance. An application for a VHR Conditional Use Permit must be filed and approved before use of the property as a vacation home rental and must contain the following information:

A. The name, address, and telephone number of the owner of the vacation home rental for which the permit will be issued.

B. The name, address, and telephone number of the local contact person for the vacation home rental. This information shall be furnished by the Community Development Department to the Page Police and Fire Departments. The owner shall ensure this contact information is current.

C. Acknowledgment that all designated bedrooms contain a minimum of 70 square feet and meet all requirements of the current International Building Code.

D. The number of bedrooms (each containing a minimum of 70 square feet), approximate total heated square footage in the vacation home rental, and the

maximum number of overnight occupants.

E. A Site Plan showing the relation of the building and parking to lot lines, location of parking, and a floor plan showing building square footage, exits, location of bedrooms and number of beds per room, shall be provided. The diagram or site plan shall indicate the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.

F. Evidence of a valid transient occupancy tax remittance form issued by the State of Arizona for the vacation home rental as defined by ARS § 42- 5070 Transient lodging classification. An Arizona Transaction Privilege (Sales) Tax License shall also be required.

G. Acknowledgment that the owner, agent, or local contact has read all regulations pertaining to the operation of a vacation home rental.

H. Acknowledgement that the owner, agent, or local contact has or will post the vacation home rental standard permit conditions and additional conditions.

I. A copy of the proposed written rental agreement that will be utilized to rent the Vacation Home Rental Unit.

J. Other information the Community Development Director or designee deems reasonably necessary to administer this chapter.

5. 12. 7 Application and Renewal Fees and Requirements

Vacation Home Rental Conditional Use Permits will require, in addition to the 300. 00 initial application fee, an annual fee of \$250. 00 and shall be subject to an annual review or revocation by the Commission each year upon review of a status report for compliance with Section 2. 6, Conditional Use Permits, and this Section.

An application for a Conditional Use Permit shall also be accompanied by preliminary inspection reports filed with the Planning and Zoning Department from the Building and Fire Departments. Subsequent to Commission action, no Conditional Use Permit shall be issued or renewed until the following final inspections have been conducted and reports have been filed with the Planning and Zoning Department.

A. A Fire Department inspection report stating that the Vacation Home Rental single-family dwelling unit and premises comply with the applicable fire codes.

B. A Building Department inspection report stating that the Vacation Home Rental single-family unit and premises comply with the applicable building codes, electrical codes and plumbing codes.

In the event the Vacation Home Rental fails to comply with any of the terms of the

Conditional Use Permit or any other applicable laws, the permit may be revoked in accordance with the provisions of Section 2. 6. 6., Revocation, of this Ordinance.

5. 12. 8 Standard Permit Conditions and Additional Conditions

All permits issued pursuant to this section are subject to the following standard conditions:

1. Vacation home rentals shall be restricted to principal single-family buildings or units with a minimum of 1, 000 sq. ft livable space. No accessory structure, guest house, motor home, travel trailer, shed, garage, or other similar structure shall be used as guest facilities.

The number of overnight occupants not to exceed 2 per bedroom plus 2 additional persons per residence, excluding children under twelve (12) years of age.

A bedroom for purposes of this Section is a room (containing a minimum of 70 square feet) that is designed to be used as a sleeping room and for no other primary purpose. The structure must have at least one other habitable room containing a minimum of 120 square feet. Every bedroom shall have an emergency escape or rescue exit and a minimum ceiling height in accord with the current international residential code.

2. The number of vehicles of overnight occupants shall be limited to the number in the permit; with the number of vehicles of overnight occupants not to exceed the number of designated on- site parking spaces. Parking of buses, boats, recreational vehicles, or commercial vehicles in off-site vacant lots or the street shall be prohibited. Off-site on- street parking shall be strictly prohibited.

3. The Owner must use best efforts to ensure that the occupants or guests of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person act as a peace officer or place himself or herself in harm' s way.

4. Visitation to the vacation home rental unit by invitees or guests of the occupants shall be limited to the hours of 7 a. m. to 10 p.m. Unattended pets shall not be allowed.

5. The owner of the vacation home rental must post a copy of the permit and a copy of the conditions set forth in this Section in a conspicuous place within the vacation home rental unit.

6. Each vacation home rental must have a clearly visible and legible notice

posted within the unit, on or adjacent to the front door, containing the following information:

- a. The name of the local contact person and a telephone number at which that person may be reached on a 24-hour basis;
 - b. The maximum number of occupants permitted to stay in the unit;
 - c. The maximum number of vehicles allowed to be parked on the property;
 - d. The number and location of on- site parking spaces and the parking rules for emergency vehicle access;
 - e. The trash pick-up day and notification that trash and refuse must be placed in the appropriate container (i. e., blue for trash on Monday/Tuesday, green for recycling on Thursday/ Friday).
 - f. Notification that an occupant as a person responsible for the stay, may be criminally or civilly cited for creating a disturbance or for violating other provisions of this ordinance; and
 - g. Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this ordinance.
 - h. The occupants of a vacation home rental must make the notice required by this paragraph available for inspection by the Community Development Director or a designee, the police department or the code enforcement officer on a request made by any of these officials.
7. All permissible uses must comply with the City parking, driveway and loading standards and emergency vehicle access regulations. The owner must provide sufficient parking to meet city on- site parking requirements, including the garage when necessary. All overnight parking must be on-site.
8. A written rental agreement that contains at a minimum the requirements and provisions contained within Section 5. 12. 8.
9. Compliance with all applicable Federal, State, and local tax laws, including Section 8A-447 of the Tax Code of the City of Page.
10. No signs of any manner advertising or identifying the property as a vacation home rental shall be placed on the vacation home rental unit property.
- A. The City Council, at a duly noticed meeting, has the authority to impose additional standard conditions, applicable to vacation home rentals, as necessary to achieve the objectives of this chapter.
 - B. The Community Development Director or a designee has the authority to impose additional conditions on any permit in the event of any violation of the conditions of the permit or the provisions of this chapter subject to compliance with the procedures set forth in this code.

5. 12. 9 Violation and Administrative Penalties

A. Additional Conditions: A violation of any provision of this chapter by any of the occupants, responsible party, owner(s) or the owner' s authorized agent or representative shall authorize the City Manager, or his or her designee, to impose

additional conditions on the use of any given vacation rental unit to ensure that any potential additional violations are avoided.

B. Permit Modification, Suspension and Revocation: A violation of any provision of this chapter by any of the occupants, responsible party, owner(s) or the owner' s authorized agent or representative shall constitute grounds for modification, suspension, and/or revocation of the Conditional Use Permit for the Vacation Rental.

C. Notice of Violation: The City may issue a notice of violation to any occupant, responsible person, owner(s) or the owner' s authorized agent or representative, pursuant to Section 1. 9 Penalties and Enforcement of the Page Zoning Ordinance adopted April 9, 2001, if there is any violation of this chapter committed, caused or maintained by any of the above parties.

D. Penalties and Enforcement: Any penalty for violation of this Section by any occupant, responsible party, owner(s) or the owner' s authorized agent or representative, shall be pursuant to Section 1. 9, Penalties and Enforcement of the Page Zoning Ordinance adopted April 9, 2001. A civil sanction imposed pursuant to this Section shall not exceed one thousand dollars (\$1, 000.00).

BE IT FURTHER ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA, as follows:
The City of Page Zoning Ordinance, Section 10, Definitions, Motel, is amended to read:

Motel— Any building (not including manufactured homes, Bed and Breakfast Homestays, and/or vacation home rentals) which contains one or more guest rooms or suites intended, available or designated to be used, rented or hired out to be occupied or which are occupied by guests on a temporary basis for sleeping purposes.

A Guest Room, for off-street parking purposes, is equal to two beds in a motel/ hotel, or one guest room, whichever results in the larger number of required off-street parking spaces.

Temporary shall mean daily, weekly, bi-weekly or any other basis which is less than month-to-month. Month-to-month occupancy or rental/ lease agreements shall be considered as a permanent or semi- permanent basis, as opposed to a temporary basis, and are excluded from this definition. Motel includes motels; hotels; transient dwelling establishments; motor hotels; rooming, boarding or lodging houses; hostels; pensions; inns; apartment hotels; court or cabins; bed and breakfast inns or country inns; motel-type dormitories; or resort condominiums;