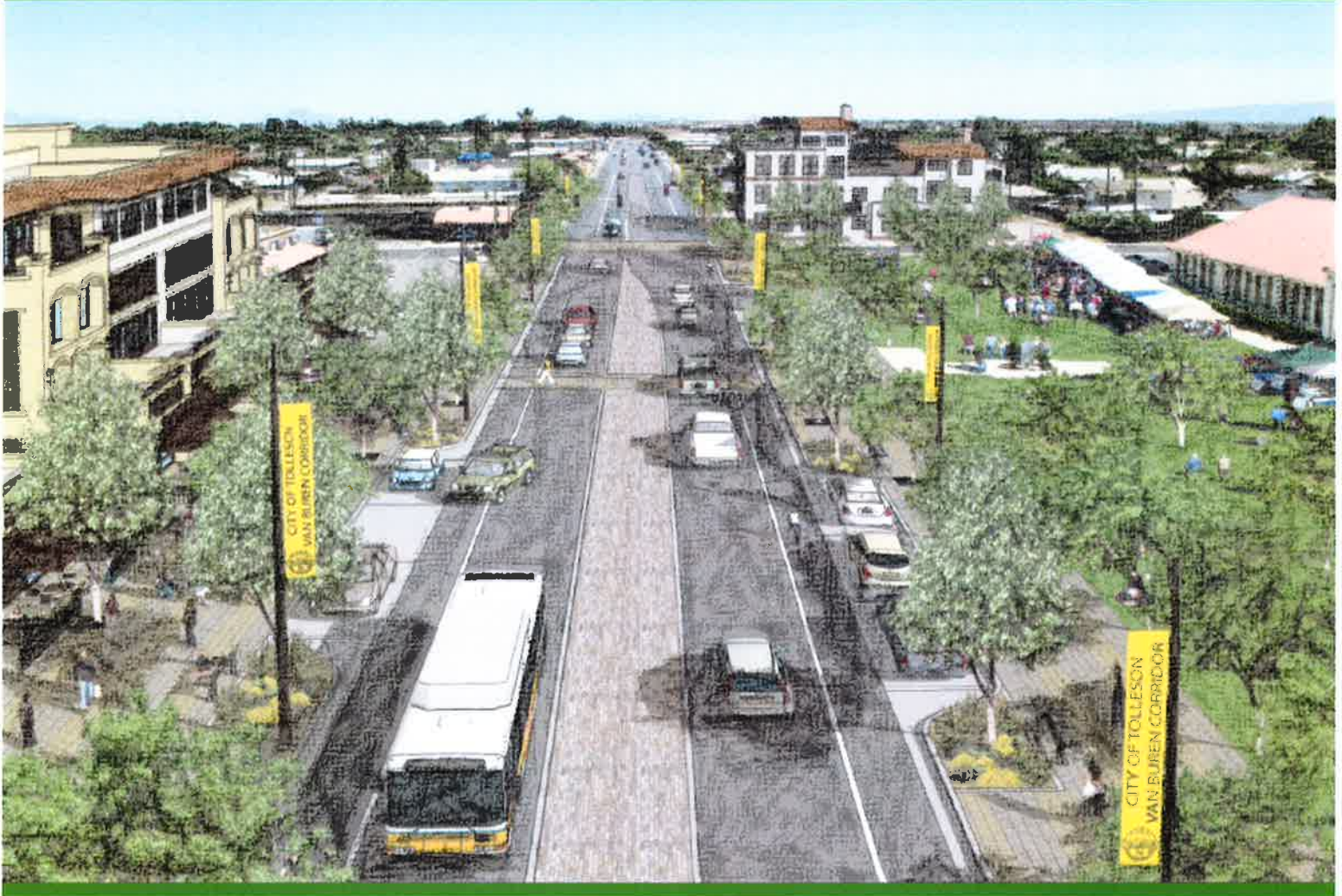




# DOWNTOWN TOLLESON

## CORE Zoning District



PREPARED FOR  
THE CITY OF TOLLESON  
ECONOMIC DEVELOPMENT OFFICE  
MAYOR ADOLFO F. GÁMEZ

October 2013

## OVERVIEW OF TOLLESON'S NEW *CORE DISTRICT*

---

The City of Tolleson is a land-locked community with a defined area for growth. As available, vacant land declines through new development, redevelopment and revitalization opportunities will become more important as the City strives to secure a stable financial future and provide a high level of service to its citizens. The City seeks to capitalize on this opportunity in downtown Tolleson, a key asset of the City, by investing in new public infrastructure and establishing the CORE District, which defines the expectations for future private development within the downtown area. The CORE District will promote a high quality of life as the community continues to mature and ensure that Tolleson continues to be a community that is "Honoring our past, while positioning for our future."

Residents and businesses have chosen Tolleson because of its rich heritage and culture, visionary leadership, and increasing opportunities. The attributes that make the community a great place are the same assets that make Tolleson a quality business investment. The future of Tolleson must include a vibrant, strong and prosperous Downtown. It must include smart, sustainable growth principals and be the active hub to the City and the surrounding community.

The Downtown Tolleson Commercial, Office, Residential, and Entertainment (CORE) Zoning District presents a blending of planning techniques to enhance the visual character and economic viability of the Downtown CORE corridor. The Code is designed to foster a setting for economic growth and development in a sustainable mixed-use pattern that integrates residential with commercial, entertainment and recreational opportunities.

## What will the CORE District change?

Tolleson's existing land use regulations for the downtown area are difficult to understand, reflect an outdated vision and are out of touch with current lifestyle and development trends. The majority of the City of Tolleson's current Zoning Code dates back to July 28, 1987, with only minor text amendments occurring since then. Unlike the Zoning Code, Tolleson's subdivision ordinance and building codes have been updated a number of times in an effort to remain relevant with current market demands, newer building techniques and emerging community trends. However, they often contradict each other and are in need of additional update to embody Tolleson's contemporary vision for the city's future.

## How will the new code Benefit Tolleson?

An outline of the key differences (what's history and what's happening) between the current regulatory framework and the new CORE District regulations:

WHAT'S HISTORY (Old Zoning)	WHAT'S HAPPENING (New CORE)
- Rules do not address what people want to see in their neighborhood.	+ Code allows downtown area to become unique destination for retail, restaurant, entertainment and services that are compatible with City's desired character.
- Vague and discretionary requirements make new development and reinvestment difficult.	+ New requirements and guidelines are structured to promote an active and lively downtown area using forward-thinking design and development standards.
- Developers are required to emulate suburbs.	+ The district promotes a healthier and more active community by encouraging pedestrian and bicycle-friendly environment.
- Standards are derived from antiquated zoning techniques.	+ Incorporates a mix of successful planning techniques that are tailored to Tolleson's Downtown vision.
- Newer street standards and pedestrian walkability is not addressed.	+ Improvements to make Van Buren street more multi-modal are supported by encouraging active use of the area between the curb and building facades.
- New or expanded uses currently allowed in area conflict with the pedestrian environment.	+ Development standards, uses and techniques were selected to improve the pedestrian experience while enhancing the city's retail sales tax revenue.

# DOWNTOWN TOLLESON *CORE ZONING DISTRICT*

---

## OUTLINE

- 12-4-90 Purpose and Intent
- 12-4-91 Applicability
  - (A) Boundary
  - (B) Transition Provisions
  - (C) Conflicting Provisions
  - (D) New Development
  - (E) Existing Development
  - (F) Previously Issued Permits, Pending Applications
- 12-4-92 Definitions
- 12-4-93 Land Use
  - (A) Matrix
  - (B) Uses Subject to Use Permit
  - (C) Uses Permitted with Conditions
- 12-4-94 Development Standards
  - (A) General Development Standards
  - (B) Building Standards
- 12-4-95 Architectural and Site Design Guidelines
  - (A) General
  - (B) Review and Approval
  - (C) Design Character
  - (D) Materials and Colors
  - (E) Site and Surrounding Area
  - (F) Roof and Walls
  - (G) Architectural Details
  - (H) Paving
  - (I) Private Art
  - (J) Painted Displays and Murals
  - (K) Trash and Refuse Collection Areas
  - (L) Roof-Mounted Equipment
  - (M) Wall-Mounted Equipment
  - (N) Ground-Mounted Equipment
  - (O) Outdoor Display and Storage
- 12-4-96 Landscaping, Walls, and Fences
  - (A) General Applicability
  - (B) Landscape
  - (C) Walls
  - (D) Fences
- 12-4-97 Parking Regulations
  - (A) Applicability
    - (1) General
    - (2) Additions
    - (3) Change in Use
  - (B) Vehicle Parking Ratios
  - (C) Uses Not Specified
  - (D) Location of Parking
  - (E) Accessible Parking
  - (F) Parking Reductions
  - (G) Approval Criteria
  - (H) Parking Lot Landscaping
  - (I) Surfaces
  - (J) Vehicle Loading Areas
- 12-4-98 Signage Regulations
  - (A) Applicability
  - (B) Nonconforming Signs
  - (C) Common Sign Plan
  - (D) Sign Types Allowed
  - (E) Allocation of Sign Area
  - (F) Wall Sign
  - (G) Awning Sign
  - (H) Canopy Sign
  - (I) Projecting Sign
  - (J) Shingle Sign
  - (K) Window Sign
  - (L) Monument Sign
  - (M) Bracket Sign
  - (N) Sidewalk Sign
  - (O) Sign Illumination
- 12-4-99 Site Lighting Regulations
  - (A) Applicability



# **DOWNTOWN TOLLESON COMMERCIAL OFFICE RESIDENTIAL ENTERTAINMENT (CORE) DISTRICT**

## **12-4-90 Purpose and Intent**

The Downtown Tolleson Commercial, Office, Residential, and Entertainment (CORE) Zoning District was created to implement the City's vision for a pedestrian-oriented, mixed-use environment that encourages a range of compatible uses in downtown Tolleson. The purpose of the CORE District is to facilitate revitalization of downtown Tolleson by increasing the number and variety of retail, office and entertainment establishments, increasing the number of housing units and residents within the downtown area, stimulating development on vacant infill and under-utilized properties, and improving public infrastructure, facilities, and services to support new development.

The CORE District is intended to complete the City's vision by prescribing building forms, site design and development standards that permit increased development intensity and density through greater allowed floor area and an increased number of residential units per parcel than other zoning districts. These components will encourage an increase in the mix of uses and level of activity in the area while providing for development that maintains a sense of human scale and pedestrian-oriented character, consistent with the goals, objectives, and policies of the General Plan.

The CORE District is intended to:

- Promote an active and lively mixed-use district through the permissive allowance of compatible uses and creative, forward-thinking design and development standards;
- Promote a healthy community by encouraging development and redevelopment of pedestrian-focused businesses;
- Reduce the dominance of the automobile by encouraging the use of shared parking areas, such as on-street parking, public surface lots, and public parking structures, and by providing a pedestrian and bicycle-friendly environment and encouraging use of mass transit;
- Create a destination for unique retail, restaurant, entertainment and service uses that increase revenues and strengthen the City's tax base, drawing local, regional and national visitors;
- Increase the number of residents in downtown Tolleson;
- Provide adequate public open spaces; and

- Preserve and enhance the aesthetic quality of the City;

#### **12-4-91 Applicability**

The Downtown Tolleson CORE District covers the area generally known as downtown Tolleson.

##### **(A) Boundary**

- (1) The location and boundaries of the CORE District are established as shown on the map entitled "Downtown CORE Zoning District" as amended, a copy of which is on file in the offices of the City Clerk and the City Engineer.
- (2) Where the Central Business District (CBD) and the CORE District overlap, the CORE District shall prevail on matters relating to development of property within the CORE District. The CBD shall remain in full force and effect for its stated statutory purpose for property within the CORE District.

##### **(B) Transition Provisions**

- (1) Except with respect to properties for which a waiver has been granted in accordance with subsection (2) of this section, (i) the CORE District shall be the zoning designation for all property within the CORE District and (ii) all development of property in the CORE District must proceed in compliance with CORE District regulations. Prior zoning on properties within the CORE District shall have effect only if, and to the extent that, a waiver is granted in accordance with subsection (2).
- (2) Exemption from CORE District Regulations
  - (a) During the Transition Period, the owner of a parcel within the CORE district may file an application to request the CORE District regulations be waived for the parcel in question. The waiver request shall be submitted to the Zoning Administrator on a form prescribed by the City. As part of the application, the owner shall acknowledge that, if a waiver is granted, development of the property is allowed "as of right" but further development shall not include any requests for discretionary land use approval.
  - (b) If the Zoning Administrator grants a waiver pursuant to this subsection, any further development on the parcel must proceed in accordance with the zoning designation that applied to the parcel immediately prior to the effective date of the CORE District.
- (3) Property 207 Waiver
  - (a) Waiver by the Owner of Potential Claim under A.R.S. § 12-

1134. During the transition period, the owner must, as a condition precedent to any request for a discretionary land use approval, execute a waiver on a form prescribed by the City. The property owner will waive all potential claims under A.R.S. § 12-1134(I) for diminution in value arising from application of the CORE District Regulations.

- (b) Nothing herein shall be construed to limit the City's rights and options under Arizona law.

(C) Conflicting Provisions

- (1) Within the area designated on the zoning district map as the CORE District, the regulations of this section shall apply in addition to any other applicable section of this title. To the extent that a specific standard or requirement set forth in this section establishes a standard or requirement which conflicts with a standard or requirement set forth in any other section of the Tolleson Zoning Ordinance, the specific requirement of this section shall control, to the extent permitted by state statute or federal law.

(D) New Development

- (1) Except as provided in Sec. 12-4-91(F) below, upon the effective date of the CORE District or any subsequent amendment, any new building or other structure or any use of land must be constructed or developed in accordance with all applicable provisions of the CORE District.
- (2) No excavation or filling of land or construction of any public or private improvements may take place or commence except in conformity with the CORE District.

(E) Existing Development

- (1) Except as provided in Sec. 12-4-91(F) below, any existing use, lot, building or other structure legally established prior to the effective date of the CORE District that does not comply with any provision of the CORE District is subject to the provisions of Sec. 12-4-151, Non-Conforming Uses and Buildings.
- (2) Except as provided in Sec. 12-4-91(F) below, any existing use, lot, building or other structure not legally established prior to the effective date of the CORE District shall be deemed illegal and subject to the enforcement of the Code.
- (3) Every individual parcel of land existing within the CORE District on the effective date of the adoption of the district shall be deemed to be its own, one lot and shall be subject to all property development standards of the CORE District.

- (4) No lot or parcel of land existing on the effective date of the adoption of the CORE District may be reduced in any manner below the minimum standards for lot area established for the CORE District.
- (5) No lot area may be reduced or diminished so that the yard areas or other open spaces will be less than that prescribed by this CORE District.
- (6) The occupancy of a lot or parcel of land may not be increased in any manner except in conformance with the regulations prescribed by this CORE District.

**(F) Previously Issued Permits, Pending Applications**

- (1) Any building permit issued before the effective date of the CORE District or subsequent amendment remains in effect.
- (2) The provisions of the CORE District do not apply to zoning and subdivision applications that are complete and pending at the effective date of this Code.
- (3) Pending applications will be processed in accordance with and decided pursuant to the law existing on the date the application was filed.

**12-4-92 Definitions**

- (A) Accessory Building means a building, part of building or structure which is subordinate to the use of the main building, structure or use on the same lot.
- (B) Accessory Use means a use that is incidental, to the main use of the lot or building.
- (C) Alley means a public access way at the rear or side of property, permanently reserved as a means of secondary vehicular access to a public street or abutting property.
- (D) Awning refers to either a fabric covered appendage or a temporary collapsible shelter of noncombustible materials supported entirely from the exterior wall of a building.
- (E) Building shall mean a structure built for the shelter, housing or enclosure of persons, animals, chattels, property or substances of any kind, excluding fences. Each portion of a building separated by dividing wall or walls without openings may be deemed a separate building for the purpose of issuing building permits.
- (F) Building height shall mean the vertical distance measured from the average top of curb grade of the street or streets adjacent to the property to the highest point on the roof surface.



- (G) Community garden is a private or public facility for the cultivation of fruits, vegetables, flowers and ornamental plants by more than one person.
- (H) Encroachment shall mean any building-mounted and freestanding mechanical equipment, or architectural feature, structure or structural element, such as a gallery, fence, dooryard, garden wall, porch, stoop, balcony, awning, bay window, terrace or deck, that breaks the plane of a vertical or horizontal regulatory limit extending into any setback, public frontage, or above a height limit.
- (I) FAR (floor area ratio) is the ratio of the total floor area of buildings of a certain location to the size of the land at that location (i.e., total building floor area square footage/net lot area square footage).
- (J) Farmer's Market shall mean a market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items (but not to include second-hand goods).
- (K) Floor area shall mean the area of a building floor, measured from the exterior walls or from the center lines of common walls separating two (2) buildings outside walls of a building (or portion thereof) including habitable tenant houses and attic space, and basements, but not including equipment spaces, mechanical rooms, vent shafts, courts or similar uninhabitable areas below ground level or in attics.
- (L) Grade (ground level) means the average of the finished grade surface elevation measured at the highest and lowest exterior corners of a structure.
- (M) Lot coverage means the percentage of the total lot area available for bulk or buildings covered by the floor area of the first floor of the building(s).
- (N) Non-chartered financial institution shall mean a business other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association that offers check cashing services and loans for payment of a percentage fee. Specifically included are check-cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, "payday loan" businesses that make loans upon assignments of wages to be received, businesses that provide loans secured by title of a vehicle unless the loan is made for the purpose of purchasing the vehicle, and businesses that function as deferred presentment business. A deferred presentment business is a business that makes transactions pursuant to a written agreement in which the licensee accepts a check and agrees to hold the check for at least three (3) days before presentment for a payment or deposit.
- (O) Outdoor Storage shall mean merchandise or material in boxes, in crates, on pallets or in shipping containers, overnight outdoor storage of vehicles awaiting repair, RV's and boats, garden supplies, building supplies, plants,

fleet vehicles and other similar merchandise, material, vehicles, or equipment.

- (P) Public Floor Area shall mean for the purpose of determining parking requirements, all areas of a building that are used by the public excluding public rest rooms.
- (Q) Shared Parking. Any parking spaces assigned to more than one use, where persons utilizing the spaces are unlikely to need the spaces at the same time of day.
- (R) Sign. Sign shall mean:
  - (1) Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any local, state or United States governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.
  - (2) The term "sign" shall mean and include any display of any letter, numeral, figure, emblem, picture, outline, character, spectacle, delineation, announcement or anything in part or in combination by any means whereby the same are made visible to the eye and for the purpose of attracting attention outdoors to make anything known, whether such display be made on, attached to or as a part of a structure erected for the purpose, or on, attached to or as a part of any other structure, surface or thing, including but not limited to, the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the lot or parcel of property on or over which the same is made.
- (S) Structure means anything constructed or erected with a fixed location from the ground above grade, but does not include poles, lines, cables, or other transmission or other distribution facilities of public utilities.
- (T) Transition Period means the three year period following the effective date of the CORE District regulations.
- (U) Vending kiosk means a free-standing structure in a public space which is no more than ten (10) feet to the eaves; no greater than one hundred fifty (150) square feet in area; and constructed predominantly of materials such as glass, wood, plastic, metal or fabric. Any area occupied by a kiosk shall not be used in the calculation of floor area ratio.

#### **12-4-93 Land Use**

- (A) Matrix. The Land Use Matrix identifies the uses allowed by right, uses permitted with conditions, the uses requiring a use permit and uses that are not allowed. Determination over specific uses that are not referenced in the

matrix below shall be made by the Zoning Administrator based on fulfillment of meeting the District's intent and professional judgment. An interpretation of the Zoning Administrator's decision may be filed in accordance with Section 12-4-3 of this Ordinance.

**P** = Permitted    **C** = Permitted with Conditions    **U** = Use Permit  
**A** = Permitted as an Accessory Use    **X** = Prohibited Use

Land Use	CORE	Relevant Sections
Adult uses	X	
Antique and collectible shops	P	
Art galleries	P	
Art schools (art, craft and photography studios, including retail sales)	P	
Artist studios	P	
Auto dealer	X	
Auto repair	X	
Automobile rental agencies	X	
Automobile service station	X	
Bakeries/Panaderia	C	12-4-93(C)(1)
Banks and financial institutions, excluding drive-through facilities	P	
Banquet Hall	X	
Barber or beauty shops	P	
Bar, lounge or tavern	C	12-4-93(C)(2)
Bed and breakfast inns	C	12-4-93(C)(3)
Cigar bars and hookah lounges	P	
Clubs and Lodges	X	
Coffee shops	P	
Community gardens	C	12-4-93(C)(4)
Consignment shops	X	
Convalescent, nursing or rest home	X	
Convention and conference facilities, privately owned and operated	U	12-4-93(B)(1)
Dance Hall	X	
Day care center/facility	X	
Dealer of precious metals	X	
Dry Cleaning, excluding drive-thru	C	12-4-93(C)(1)
Dwelling units on upper stories of buildings	P	
Equipment and Truck Rental	X	
Exercise or Health facilities	X	
Farmers markets, indoor or outdoor	P	
Flea market/Swap meet	X	
Florist	P	
Funeral homes	X	
Game/video arcades (and game rooms)	X	
Gas or fueling stations, with or without convenience stores	X	
General retail	P	
Grocery store/Carniceria (Neighborhood)	C	12-4-93(C)(5)
Group home	X	
Hotels and motels	P	
Juice bars	P	
Laundromats	X	
Liquor stores	X	

Land Use	CORE	Relevant Sections
Mailbox services, retail	C	12-4-93(C)(1)
Manufacturing	X	
Massage or day spas	C	12-4-93(C)(1)
Medical, dental and optometrist clinics and labs, excluding, counseling services, public and/or non-profit social and behavioral health facilities, plasma centers and medical marijuana uses.	C	12-4-93(C)(1)
Medical marijuana	X	
Multifamily dwellings	P	
Museums, libraries and cultural centers	P	
Music and dance studios	P	
Nail salons	C	12-4-93(C)(1)
Non-chartered financial institutions	X	
Offices, professional	P	
Outdoor/patio dining	C	12-4-93(C)(6)
Outdoor sales and display	C	12-4-93(C)(7)
Outdoor storage	X	
Party equipment and rentals	X	
Pawnshop, junk and secondhand dealers	X	
Pet grooming	X	
Pharmacy/Herbary (Herbary)	C	12-4-93(C)(1)
Photocopy shops	X	
Public parking facilities, including parking structures, surface lots and park-and-rides	U	12-4-93(B)(2)
Public/charter schools	P	
Public uses, including utility buildings, structures, uses, facilities, equipment and emergency communication towers	P	
Reception centers	X	
Religious institutions and worship facilities	P	
Residential living quarters, occupied by owner or employee of a permitted business	P	
Restaurants, without drive-through	P	
Seasonal holiday sales	C	12-4-93(C)(8)
Service stations	X	
Shoe repair shops	X	
Sidewalk cafes	C	12-4-93(C)(9)
Sidewalk vendors	C	12-4-93(C)(10)
Single family attached dwelling	X	
Single family detached dwelling	X	
Smoke and tobacco shop	X	
Social/Private club	X	
Social services, homeless shelters and/or food pantries	X	
Specialty retail shops, excluding liquor sales	P	
Tailors, clothing alteration, or custom dressmaking	C	12-4-93(C)(1)
Take-out and fast food restaurants	X	
Theaters (Movie and performing arts theaters, indoor)	P	
Ticket, travel, and recreational activity agencies	C	12-4-93(C)(1)
Uses customary and incidental to principal permitted use	A	
Vending Kiosk	C	12-4-93(C)(11)

(B) Uses Subject to Use Permit

The following uses may be permitted subject the approval of a use permit pursuant to Section 12-4-168 through 12-4-170.

(1) Convention and conference facilities, privately owned and operated:

- (a) Facilities, exhibit booths and/or non-permanent staging shall comply with all applicable ADA guidelines with regard to both seeing and mobility impaired persons; and
- (b) Such facilities shall be required to file a Use Permit and Site Plan, in accordance with Section 12-4-168 and 12-4-169, respectively, of this Zoning Code.

(2) Public parking facilities may be permitted provided that:

- (a) Such facilities shall be required to file a Use Permit and Site Plan, in accordance with Section 12-4-168 and 12-4-169, respectively, of this Zoning Code.

(C) Uses Permitted with Conditions

The following land uses are listed in the CORE land use matrix as Permitted with Conditions. These uses are permitted by right only if the conditions listed below for the individual uses are met. Based on site plan and/or tenant improvement plan review, additional conditions of approval deemed necessary to protect the health, safety, and public welfare may be added.

(1) Bakeries/Panaderia; Dry Cleaning; Mailbox service; Massage and day spas; Medical, dental and optometrist clinics or health offices and labs; Nail salons; Pharmacy/Hieberia; Tailor, clothing alteration or custom dressmaking; Ticket, travel and recreational activity agencies provided that:

- (a) The business shall not be open to customers between the hours of 10:00 p.m. and 6:00 a.m.
- (b) The floor area devoted to the business shall not exceed three thousand (3,000) square feet.
- (c) The business shall not receive more than three (3) commercial deliveries in a twenty four (24) hour period.
- (d) Outdoor storage or display shall be prohibited.

(2) Bar, lounge or tavern. A bar, lounge or tavern is permitted subject to the following regulations:

- (a) Music or entertainment is limited to recorded music or one entertainer. Other live entertainment shall be permitted only upon securing a use permit in accordance with Section 12-4-

168 respectively, of this Zoning Code.

- (b) Patron dancing within the hours of State-regulated liquor sales shall be permitted as a right within a building or suite in which the bar, lounge or tavern is located. Patron dancing beyond those hours shall be permitted only upon securing a use permit in accordance with Section 12-4-168 respectively, of this Zoning Code.
- (c) Outdoor recreation uses, outdoor alcoholic beverage consumption and associated lighting shall be permitted of right as accessory uses if the closing time of the outdoor uses does not extend past the closing time of the bar. If the closing time standard cannot be satisfied, the outdoor uses shall be permitted only upon securing a use permit in accordance with Section 12-4-168 respectively, of this Zoning Code.

(3) Bed and breakfast inns are allowed provided that:

- (a) The bed and breakfast inn shall be owner-occupied. The guest rooms shall be part of the primary residence.
- (b) The bed and breakfast inn shall not have more than three (3) commercial deliveries or outside service in a twenty four (24) hour period.
- (c) Meals shall only be served to overnight guests and residents.
- (d) The bed and breakfast inn shall not be used for the hosting of receptions, private parties or similar events.
- (e) A fire escape plan shall be developed and graphically displayed in each guest room. Such plan shall be filed with and approved by the City of Tolleson Fire Department.

(4) Community Gardens

- (a) It is recommended that community gardens grow fruits and vegetables that are organically produced, using no synthetic fertilizers or pesticides. These methods pose the least risk to personal and environmental health. The use of pesticides is governed by the U.S. Environmental Protection Agency (EPA) and the Arizona Department of Agriculture.
- (b) All fences for community gardens are optional, but shall following the guidelines below:
  - i. Fences within the front yard setback are limited to forty (40) inches in height.



- ii. Fences behind the required front yard setback line are limited to six (6) feet unless a use permit is granted.

(c) Fence Materials

- i. For safety reasons, it is recommended that the portion of fence visible from a street be constructed of a material that provides visibility of the garden from the street.
- ii. Chain link fence is not permitted.

(d) Security Lighting:

- i. All lighting must be shielded so that all lighting is focused down on the subject site and shielded so that it is not directly visible from adjacent properties. No illumination in excess of one-foot candle is permitted across the boundary of any residential property, public street or alley.
- ii. Low-profile solar lighting that does not connect to an electrical circuit/junction box is permitted without a building/electrical permit.

(e) Structures: Accessory structures are prohibited.

(f) Temporary portable toilets are prohibited.

(g) Raising of animals is prohibited.

(h) On-Site Storage is prohibited.

(i) Storage of Hazardous Materials is prohibited.

(j) Composting on site is prohibited.

(k) Maintenance of Site. Property shall be maintained free of high grass, weeds, or other debris. Trash and debris should be removed at least once a week or anytime necessary to keep the property looking well maintained and in compliance with applicable codes and regulations.

(l) Drainage. The site must be designed and maintained to prevent water from irrigation, storm water and/or other activities and/or fertilizer from draining onto adjacent property or right-of-way, such as berming around the edges of the property. The site will be designed and maintained to prevent the ponding of water that could contribute to the breeding of

mosquitos.

(m) Sale Of Products On-Site

- i. Sale of produce grown on-site is allowed within ten (10) days of harvesting on the garden site as long as it will not hamper traffic flow or negatively impact the neighbors.
- ii. Sale of value-added products (i.e. salsa made from vegetables) not permitted.
- iii. Sale days and hours of operation will be specified and limited as part of the application review and approval process.
- iv. Additional parking may be required as part of the application review and approval process.
- v. Sales of produce from gardens owned by the same non-profit entity are permissible.

(n) Parking: No off-street parking required.

(5) Grocery store/Carniceria (Neighborhood)

- (a) Minimum gross floor area of at least six thousand (6,000) square feet and a maximum of thirty thousand (30,000) square feet.
- (b) The store's selling area must be used for a general line of food and other grocery products, such as bakery, dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, and non-food products, all intended for home preparation, consumption and use.
- (c) At least fifty percent (50%) of that selling area must be used for the sale of a general line of food products.
- (d) At least thirty percent (30%) of such selling area must be set aside for the sale of perishable goods, such as fresh produce, bakery, dairy and frozen foods (which may include fresh meats, poultry and fish), of which at least five hundred (500) square feet must be used for the sale of fresh meat, fruits and vegetables.
- (e) Security gates on the store front are required to be at least seventy-five percent (75%) transparent.

- (6) Outdoor dining is allowed as an accessory to a restaurant provided that:
- (a) The outdoor dining area shall only be allowed if located on the same property as the restaurant; or if located adjacent to and connected to the same property as a restaurant within Van Buren Street public right-of-way as an encroachment.
  - (b) The outdoor dining area shall not exceed one thousand (1,000) square feet or twenty-five (25%) of the restaurant gross floor area, whichever is greater.
  - (c) Music or entertainment is limited to recorded music or one entertainer. Other live entertainment shall be permitted only upon securing a use permit and site plan approval in accordance with Section 12-4-168 and 12-4-169, respectively, of this Zoning Code.
  - (d) Patron dancing shall be prohibited.
  - (e) Outdoor dining areas should be placed away from off-site uses that are sensitive to noise and night-time activity. Restaurant seating in the pedestrian portion of the public right-of way is encouraged and may be conditionally permitted. Where space allows, outdoor dining areas should be used to help synergize plazas, courtyards, and street frontages.
- (7) Outdoor Sales and Display shall mean the outdoor display of products actively available for sale, such as, but not limited to the placement of propane gas storage racks, ice storage bins, and soft drink or similar vending machines.
- (a) Visible outdoor storage of merchandise or business inventory in boxes, crates, on pallets or other kinds of shipping containers, inoperable and/or unlicensed vehicles, automobile parts, loose rubbish, garbage, junk, or building materials on the lot is prohibited (see outdoor storage definition in Section 12-4-92).
  - (b) Outdoor sales and displays shall feature products sold and displayed in the primary business conducted in the adjacent permanent building and shall be subordinate to the indoor sales occurring in the adjacent permanent building.
  - (c) Displays shall not impede pedestrian access ways, handicapped access ways, fire lanes, parking spaces, driveways, entryways, street intersections or landscape areas, and shall not interfere with traffic visibility.
  - (d) Outdoor display is permitted adjacent to the primary facade with the principal customer entrance, but cannot extend more

than eight feet from the facade and occupy no more than thirty percent (30%) of the horizontal length of the facade.

- (e) Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except ice storage bins, soft drink or similar vending machines may remain outside overnight.

(8) Seasonal Holiday Sales events are permitted subject to the following:

- (a) Except as to a fireworks stand, which shall be specifically excluded from the provisions of this section, the operation, maintenance and location of which having been fully addressed in the Tolleson City Code, the following events shall qualify as a seasonal outdoor sales event:
  - i. Christmas tree sales;
  - ii. Garden sales;
  - iii. Produce stands;
  - iv. Pumpkin sales; and
  - v. Ice cream/frozen treat stands.
- (a) Seasonal outdoor sales events shall not occur within required parking spaces. Events held within a parking lot area may only occur on those properties having an excess of parking spaces, and the sales area may only utilize the excess parking area.
- (c) No temporary seasonal sales shall occupy any part of a public right-of-way.
- (d) Any signs utilized for the seasonal outdoor sales event shall comply with Section 12-4-98 and the following restrictions:
  - i. If a temporary building is utilized up to two (2) wall signs are permitted on the building.
  - ii. Only one (1) temporary event sign is permitted for the business. The temporary event sign shall not be placed or located to be visible for display or advertising when the business is not open.
  - iii. The temporary event sign is not limited to the thirty (30) day time limitation placed on temporary signs.
- (e) No recreational vehicle, trailer, or similar vehicle shall be utilized, stored, or parked as part of the seasonal outdoor sales event. A temporary building or structure such as a shed, canopy or tent may be utilized.
- (f) There shall be no commercial trash receptacle placed at or

near the seasonal outdoor sales event. One (1) residential receptacle may be placed at or near the event location.

- (g) No portable toilet facility shall be placed at or near the seasonal outdoor sales event location.
- (h) No storage containers, crates, boxes, or similar containers for products to be sold or displayed shall be placed or stored at or near the seasonal outdoor sales event location.
- (i) Any water or electrical connections that are made shall be inspected and must be approved by the Tolleson Building Official prior to commencing business.
- (j) Written authorization of the property owner to conduct the seasonal outdoor sales event on the property shall be obtained and shall be submitted to the City prior to commencement of the sales event.
- (k) Temporary structures, equipment, and all inventory in connection with temporary seasonal sales shall be removed from the premises within ten (10) days after the cessation of sales.

(9) Sidewalk cafés are allowed in the CORE provided that:

- (a) Sidewalk cafés shall comply with the conditions listed in subsection 12-4-93(C)(5), above and be located directly adjacent to and abutting an indoor restaurant.
- (b) A sidewalk café shall be allowed only where the sidewalk or porch is wide enough to adequately accommodate both pedestrian traffic in the area and the operation of the proposed café. There shall be a minimum of forty eight (48) inches of clear distance free of all obstructions in order to allow adequate pedestrian movement.
- (c) Overhead architectural shade coverage or retractable awning that is affixed to the building wall is encouraged.
- (d) All outdoor dining furniture, including tables, chairs, umbrellas and planters, shall be moveable. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds. All furniture used in the operation of the café, including any barriers required as a condition of a liquor license must be removed from the sidewalk and stored indoors whenever the restaurant is closed, unless part of a permanent barrier allowed by a use permit.

- (e) There shall be no railing, structure or other form of barrier, unless determined necessary by the City Building Official or authorized designee, for public safety. The designs must reflect the architecture of the restaurant building façade. The barrier must be removed from the sidewalk and stored indoors whenever the restaurant is closed, unless part of a permanent barrier allowed by a use permit.
  - (f) A sidewalk café shall only serve food and beverages prepared or stocked for sale at the adjoining indoor restaurant, provided that an extension of premises for the service of alcoholic beverages for on-site consumption has been authorized by the City of Tolleson and the State of Arizona.
  - (g) Hours of operation for a sidewalk café shall be the same as those of the adjoining indoor restaurant, or less, but in no event shall the sidewalk café be open when the main restaurant is not.
  - (h) The City shall have the right to prohibit the operation of the sidewalk café at any time because of anticipated or actual problems or conflicts in the use of the public sidewalk. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, repairs to the street or sidewalk or emergencies occurring in the area. To the extent possible, the business will be given prior written notice of any time period during which the operation of the sidewalk café will be prohibited by the City.
  - (i) The sidewalk café shall not require the provision of additional parking.
- (10) Sidewalk vendors are allowed in the CORE District provided that:
- (a) Sell, or offer for sale, any food, beverage, or merchandise on any property within the CORE District shall comply with the City of Tolleson Municipal Code business licensing requirements.
  - (b) The Zoning Administrator may approve vending locations only if the site is determined to safely accommodate the use and applicants can demonstrate compliance with all State Health requirements and Tolleson operational standards as set forth within the licensing requirements.
- (11) Vending kiosks: The purpose of this subsection is to provide for flexible, site-specific, opportunities to encourage and enliven pedestrian activity within the streetscape and provide for an eclectic mix of small businesses and community information in the CORE District.



Photo: Sidewalk Vendor



Photo: Vending Kiosk



- a. The placement of kiosks should promote public use and enjoyment of the open area and should complement permitted uses in the surrounding area.
- b. City-owned and City placed kiosks may be leased by the City to businesses, if applicants can demonstrate compliance with all operational standards as set forth within the lease agreement.
- c. Kiosk Use: Kiosks may be occupied by uses such as news or magazine stands, takeout food stands, candy stands, flower stands, information booths, ticket sales or other similar uses as determined by the Zoning Administrator.



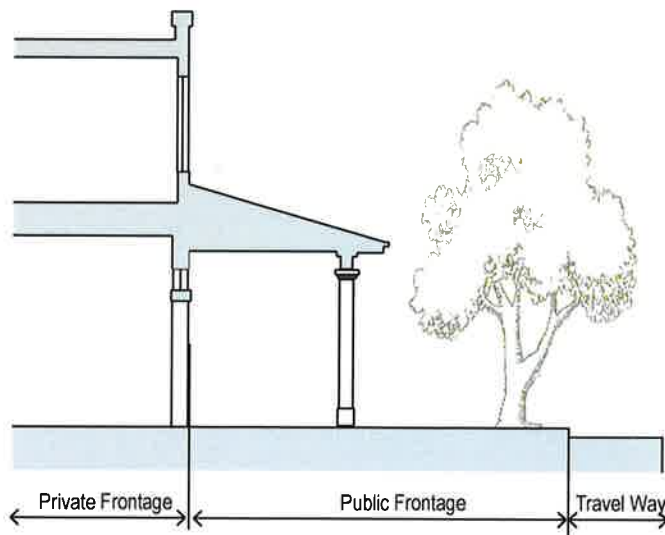
Photo: Vending Kiosk

#### 12-4-94 Development Standards

The downtown CORE zoning district is seen as a perfect opportunity to encourage a live/work environment and to promote reduced automobile dependence by encouraging people to walk short distances to work, shop or recreate.

##### (A) General Development Standards.

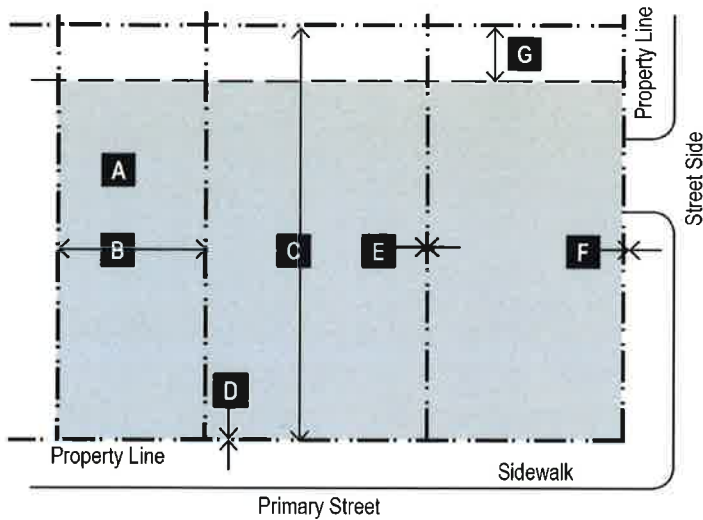
The combination of the private and public frontage, travel and pedestrian ways, and the associated edging elements, defines the character of the street. Applicants should describe how proposed development within the CORE District satisfies the intent and desired character of the community. In particular, careful attention should be paid to the following development standards:



- (1) Public frontage is area located between the face of curb and the property line. The City will be improving the public frontage such as increasing pedestrian walkways and installing amenities along Van

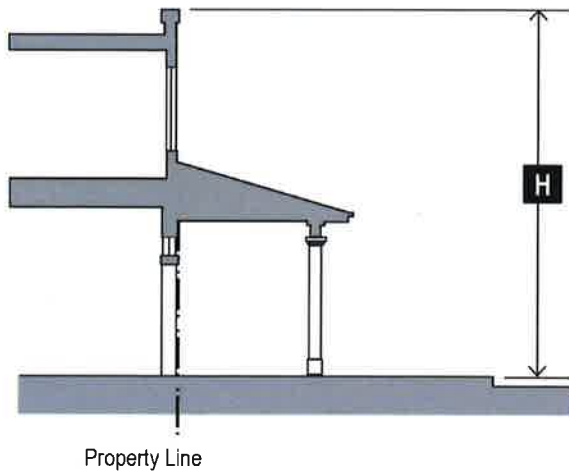
Buren Street as part of the Downtown Improvements project. New development and redevelopment of existing sites should address how the proposal compliments the character and are compatible with adjacent improvements.

- (2) Private frontage regulates both form and use. It is the front portion of a site that extends from the property line up to a depth of thirty (30) feet, parallel to the property line. The character of the private frontage is defined by the architectural treatment and use of the ground floor, dimensional depth of the visible yard and the combination of the frontage edging elements. Applicants should adequately describe how the proposed architectural treatment of the new development or redevelopment is addressed within the public frontage area.
  - (3) Edging elements are those structures or walls along the edges of public spaces and the public area that define and enclose the public realm. Applicants are encouraged to activate the surrounding street adjacent to the development and carefully select only those edging elements that contribute to character and objectives of the district.
  - (4) Travel and pedestrian ways: A travel way is the portion of the street between the curbs that is available for use by vehicles, and bicycles. Pedestrian ways are the outdoor pedestrian walkways providing access between buildings, streets, civic spaces, and parking areas. Applications for new development and redevelopment of a site should describe which principles and methods are utilized to keep pedestrian and travel ways separate, while promoting a pedestrian and bike-friendly environment.
  - (5) Significant Corner: Corner lots on located on Van Buren Street and a secondary street shall have its primary building façade and primary entrance on Van Buren Street.
  - (6) Storefronts: Storefronts are primarily for retail use and shall occupy the full depth of the private frontage and when located on corner sites shall wrap the corner for a minimum of thirty (30) feet.
  - (7) Parking Areas: Refer to Section 12-4-94 and 12-4-97 or parking area requirements.
- (B) Building Standards. The development standards set forth in the CORE district are intended to provide site design flexibility and a mix of uses. The standards listed below are intended to regulate building placement, height, floor area ratio, lot size, residential density, setbacks, parking and lot frontage requirements within the CORE District.



#### LEGEND

- Property Line
- Setback Line
- Building Area



#### BUILDING PLACEMENT

##### Lot

<b>A</b> Size (min) 1	
Non-residential, or Mixed Uses	0 sf
Residential Uses	5,000 sf
<b>B</b> Lot Width (min)	25 ft
<b>C</b> Lot Depth (min)	25 ft

##### Setbacks

<b>D</b> Front 2	0 ft
<b>E</b> Side	0 ft
<b>F</b> Side Street, Corner Lot	5 ft
<b>G</b> Rear	5 ft

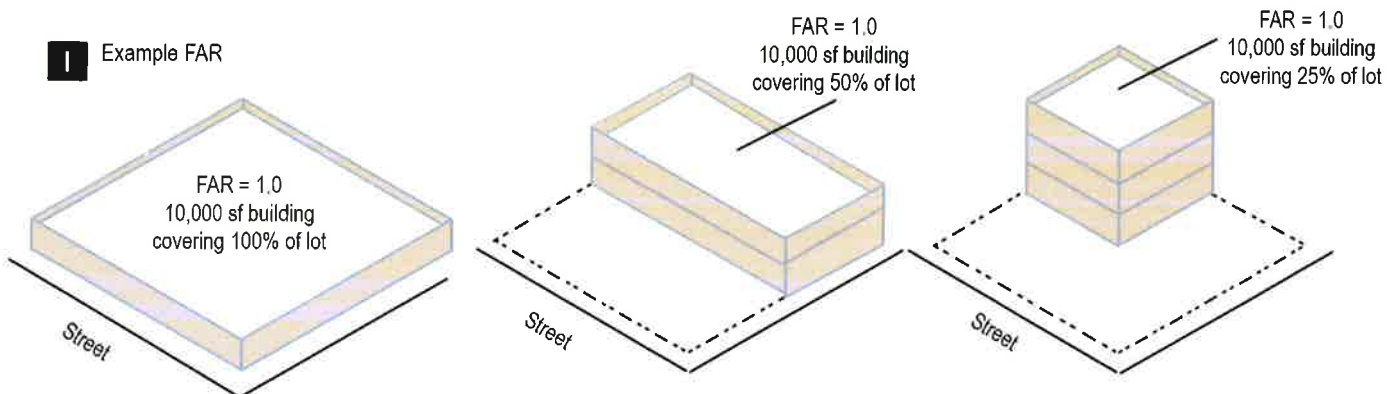
#### HEIGHT

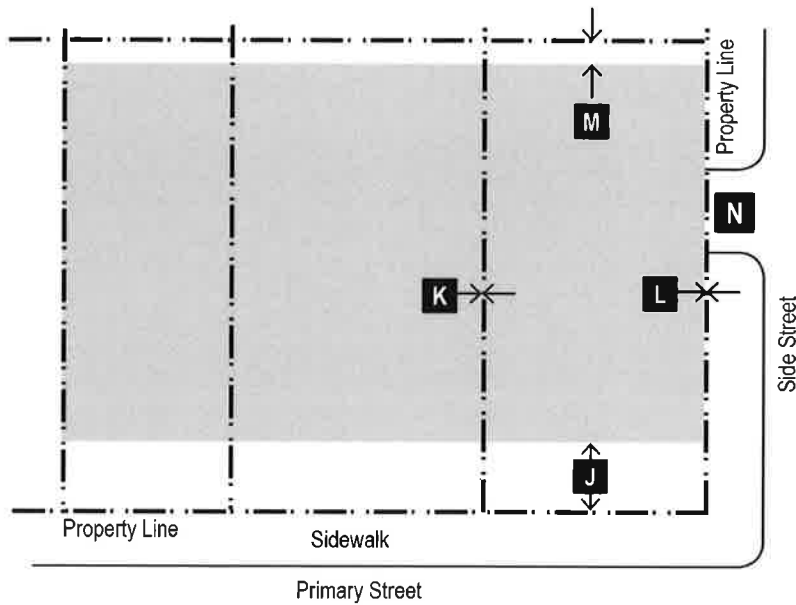
<b>H</b> Building Maximum 3	35 ft
-----------------------------	-------

#### INTENSITY

Residential 4	15 du/ac
<b>I</b> Non-residential Uses 5	FAR=1.5

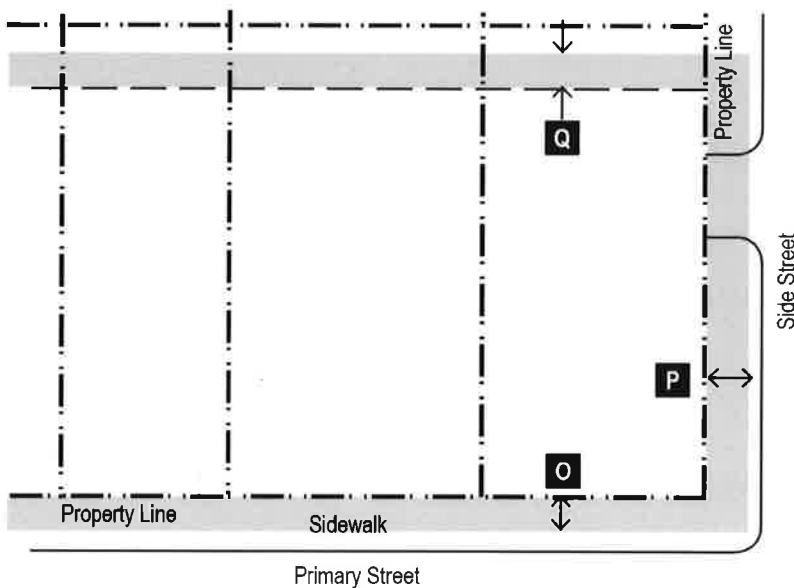
#### I Example FAR





#### LEGEND

- Property Line
- █ Parking Area



#### LEGEND

- Property Line
- Setback Line
- █ Encroachment Area

### PARKING SETBACKS

#### Distance from Property Line <sup>6</sup>

<b>J</b>	Front Setback	10 ft
<b>K</b>	Side Setback	3 ft
<b>L</b>	Side Street Setback	0 ft
<b>M</b>	Rear Setback	3 ft

#### Notes:

- N** Corner Lots - Parking drive shall not be located on primary street.

### ENCROACHMENTS

<b>O</b>	Front	*See Encroachment
<b>P</b>	Side Street	Types for Setbacks
<b>Q</b>	Rear	

Notes: Canopies, awning and balconies may encroach over the primary and side streets and into the rear setback, as shown. Only Balconies are allowed at the rear encroachment.

#### \* ENCROACHMENT TYPES

##### Canopies

Clearance	2.5' min. back from light pole
Height	9' min clear, 2 stories max.

##### Awnings and Balconies

Depth	10' max
-------	---------

##### Forecourts

Depth	20' min, not to exceed width
Width	20' min, 50% of lot width max.

**Notes:**

1. **Lot Size:** There are no minimum lot size requirements for property being used exclusively for businesses, work/live units, or mixed use residential activity in the CORE District.
2. **Front Setback:** There is no minimum front building setback within the CORE District, except that the building face shall be set back as needed to achieve a minimum fifteen and one-half (15.5) feet sidewalk width to face of curb (where required).
3. **Building Maximum:** Building height shall be measured as defined by Section 12-4-92.
4. **Residential Intensity:** Residential intensity shall be based on the total number of dwelling units per net acre of land. Net acreage excludes federally patented easements and public right-of-way.
5. **Non-residential Intensity:** Mixed use development shall allow a combination of the maximum FAR for non-residential development and the maximum density for residential development. Floor area ratio (FAR) as defined in Section 12-4-92 shall apply to non-residential development only. Residential development intensity shall be based on residential density standards.
6. **Parking Setback:** Parking areas are encouraged to be located behind a building and/or screened by landscaping to reduce visibility from Van Buren Street, to the fullest extent possible. Where parking areas cannot be located behind a building, the minimum ten (10) foot front parking setback is intended to promote parking areas to be located on the side or rear of the buildings, as close to the rear of the property as possible. The three (3) foot side and rear parking setback may be waived by the City Engineer or designee if located adjacent to shared parking on adjoining lots.

**12-4-95 Architectural and Site Design Guidelines**

- (A) **General:** The Architectural Design Guidelines have been developed to ensure high standards of design are maintained in development and construction within the CORE District. Generally, these guidelines apply to both residential and non-residential projects, unless an individual guideline specifies a more narrow scope of application. Goals in this area are to provide a more human-scaled and pedestrian environment; to give more attention to details such as size, bulk and scale of buildings as well as the use of exterior site elements such as paseos and courtyards to provide more interest and feeling while encouraging mixed-use development to accommodate the mix of uses already existing in the area.
- (B) **Review and Approval:** Architectural and site design within the CORE District shall be subject to site plan approval in accordance with Section 12-4-169 of the Zoning Ordinance.



(C) Design Character: The architectural theme to be followed within the CORE District is a Santa Barbara-based Mission Revival style that blends the architecture of the Mediterranean, Italian, and Spanish traditions, with the architecture of the California Missions. This design emphasizes a handmade quality in its overall design and details, resulting in simple forms articulated by design orientation relative to strong sunlight. The buildings exhibit broad expanses of stucco surfaces, deep reveals, porches, and arcades. Buildings also have weather protecting colonnades and wall extensions to enclose garden spaces.



(D) Materials and Colors: Prominent features of the style included red clay tile roofs, use of balconies, smooth-stuccoed exterior walls usually painted white or off-white with arched openings, colorful accents such as tile work and landscaping.

- (1) Building materials generally consist of: adobe, stone, smooth stucco exterior wall surfaces, terra-cotta floor and roof tiles, and a limited use of milled lumber. Color selection for exposed wood trim should be dark stain.
- (2) Other features include low-key traditional colors, exposed stone and woodwork, Spanish/Mediterranean inspired ironwork, canvas, benches, fountains, arbors, signage, lighting, and traditional paving and landscaping.



(E) Site and Surrounding Area

- (1) Site planning is often characterized by enclosed patios and interior courtyards with somewhat formal planting. Pools, ponds, and fountains of traditional plan and form often have axial relationships to the structures and/or the fenestration of the building. The design of parking lots and various utilitarian structures (including trash enclosures) should reflect the Spanish tradition.
- (1) Relation to Site. Where possible, buildings and additions should be designed to relate to the site's existing structures and to present an integrated appearance.
- (2) Area Compatibility: In areas which possess examples of distinctive architecture, structures and additions should present a harmonious character to not clash or exhibit discord with the particular surrounding area in which they are placed. Structure elements should be consistent with the best elements that distinguish the particular area in which they are proposed. These elements include, but are not limited to: volume, size, massing, proportion, scale, bulk, rooflines, colors, textures and materials.



Photo by: Greg Balzer



(F) Roofs and Walls

- (1) Parapet walls and Spanish tile roofs are both acceptable. In any case, roof mounted equipment shall be screened on all four sides.
- (2) Walls are important to articulate building form. When no building setback is utilized from the property line, the wall plane adjacent to the property line shall provide visual interest. This may be accomplished by the use of arcades and niches. Niches can have either planters or seating. Seating with overhead pergola or vine can create pedestrian space.
- (3) Openings in walls for doors and windows should be deeply recessed and can be framed with plaster moldings and/or tile.



(G) Architectural Details

- (1) Traditional details such as, but not limited to, decorative moldings, iron work, balconies and light fixtures are important to provide contrast to the wall surface.
- (2) Tile, brick and other similar accents can add additional pedestrian scale accents to building and site wall elevations.
- (3) Green screens/trellis may be permitted on private property if regularly maintained and repaired.



Photo by: Greg Balzer

(H) Paving

- (1) Hard surface material may be masonry, brick, tile or concrete that is divided into smaller units. Decomposed granite or natural colored gravel are acceptable alternatives with banding and trim. Concrete unit pavers are acceptable if utilized in a scheme that compliments the aesthetic character.

(I) Private art may be permitted, provided the following conditions are met:

- (1) Use permit and site plan approval in accordance with Section 12-4-168 and 12-4-169, respectively, of this Zoning Code.
- (2) Artwork should complement the architectural design character and theme of the CORE District.
- (3) Property owners shall be responsible for maintenance and repair of the artwork in a timely manner.



(J) Painted displays or murals are not permitted.

(K) Trash and Refuse Collection Areas

- (1) Trash and refuse collection, trash compaction, and recycling collection areas shall be screened so as to not be visible from a public street or parking area.
- (2) Latching gates shall be provided to screen refuse from street and/or public parking areas.
- (3) Openings should be oriented away from public right-of-way, where possible.
- (4) The gate and adjoining walls must be maintained in good working order and must remain closed except when trash pick-ups occur.
- (5) Service areas that are fully integrated into a building must be screened with a roll down door or other opaque screen.
- (6) Solid waste and recycling areas shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the building spaces they serve.
- (7) Storage areas shall be located so that the trucks and equipment used by the City of Tolleson have sufficient maneuvering areas.

(L) Roof-Mounted Equipment

- (8) Roof-mounted equipment must be screened from ground level view from adjacent property or adjacent public street right-of-way (not including an alley).
- (9) New buildings must provide a parapet wall or other architectural element that screens roof-mounted equipment from ground level view.
- (10) Existing buildings with no or low parapet walls must provide an opaque screen that screens roof-mounted equipment from ground level.

(M) Wall-Mounted Equipment

- (11) Wall-mounted equipment cannot be located on any surface that directly faces a public right-of-way (not including an alley).
- (12) Wall-mounted equipment located on any surface that is visible from a public right-of-way (not including an alley) must be fully screened by landscaping or an opaque screen.

(N) Ground-Mounted Equipment

Ground-mounted mechanical equipment that is visible from a public right-of-way (not including an alley) must be fully screened by landscaping or an opaque screen.

(O) Outdoor Sales and Display

Outdoor sales and display should enhance the pedestrian environment through the creative use of outdoor spaces by providing businesses the opportunity to display a sample of their products and to sell food and beverages in a manner that enhances the public space by creating an interesting and comfortable shopping and dining experience.

**12-4-96 Landscape, Walls and Fences**

(A) General Applicability: Except as provided herein and within Section 12-4-97, Landscape, Walls and Fences shall comply with the following requirements as outlined below.

(B) Landscape

- (1) Plant materials shall be consistent with the plant materials for the Downtown Redevelopment Project, a copy of which is on file in the offices of the Zoning Administrator.
- (2) The required front yard and street side-yard setbacks shall be entirely landscaped, except for driveway access areas.
- (3) In the front yard and street side-yard setback areas, at least one tree of 15 gallon minimum size, and three shrubs of five-gallon minimum size shall be installed for every 30 feet of street frontage along front and street side yards.
- (4) In a required side yard and rear yard setbacks, at least one tree of 15-gallon minimum size and one shrub of five-gallon minimum size shall be installed 20 feet on-center along adjacent residential property lines.
- (5) Any areas not landscaped with trees and shrubs shall be landscaped with ground cover or other approved landscape materials.
- (6) The property owner and/or lessee shall install and maintain all landscaped materials in accordance with the above standards, including the installation of an irrigation system to all landscaping areas containing living plant and vegetative material, unless otherwise approved.
- (7) The installation of drought tolerant, low-water consuming plants and vegetation, as designated by the Department of Water Resources and the following, is strongly encouraged.
- (8) Landscape materials and amenities shall be installed prior to issuance of any occupancy permits.
- (9) Lack of maintenance of any landscaped areas and materials shall constitute a violation of the zoning code.

(C) Walls

- (1) Walls must be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; caststone; split-faced block; stucco over standard concrete masonry blocks; glass block; or similar materials approved by the Zoning Administrator.

- (2) No walls containing more than 50% exposed standard concrete masonry blocks are allowed, whether painted or not.
- (3) No wall can be located within any required drainage or utility easement.

(D) Fences

- (1) Fences must be closed and be constructed of high quality materials including one or a combination of the following: wood, composite fencing, PVC vinyl, or other material approved by the Zoning Administrator.
- (2) The finished face of any fence must be located towards the adjacent property.
- (3) No fence can be located within any required drainage or utility easement.

**12-4-97 Parking Regulations**

To minimize the aesthetic and transportation related impacts of parking in downtown, the CORE District allows alternatives that reduce off-street and surface parking requirements. These alternatives ensure that parking facilities minimally affect the pedestrian environment. The intent of these parking regulations is to encourage a balance between compact, multi-modal pedestrian-oriented development and necessary car storage. The goal is to construct neither more nor less parking than is needed.

(A) Applicability

(1) General

- (a) No permit for reconstruction or repair of any building, or structure may be issued until parking has been provided by a combination of on-site parking, on-street parking, approved parking reduction by the Zoning Administrator, in accordance with the requirements of this Code.
- (b) No certificate of occupancy may be issued for any new construction, alteration, extension, or use of land, or any part thereof until parking has been provided by a combination of on-site parking, on-street parking, approved parking reduction by the Zoning Administrator, in accordance with the requirements of this Code.

(2) Additions

- (a) A building or site may be renovated or repaired without providing additional parking, provided there is no increase in floor area or improved site area.

- (b) When a building, use or site is increased in floor area or improved site area, parking is required for the additional floor or site area only.
- (c) When the floor area or improved site area is increased by more than fifty percent (50%) cumulatively, both the existing use and the additional floor or site area must conform to the parking requirements of this Code.

### (3) Change in Use

- (a) A change in use must comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use.
- (b) Where required parking spaces for the new use exceed the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use.

### (B) Vehicle Parking Ratios

The following minimum parking spaces are required unless an alternative rate is approved by the Zoning Administrator:

Use	Parking Standard
Residential 0 - 2 bedroom	1 space per unit
Residential 3+ bedroom	2 space per unit
Hotel, motel	1 space for every 2 guest rooms
Restaurants and Bars	1 space per 100 square feet of public floor area
<i>All other permitted or conditional uses within the Land Use Matrix</i>	1 space per 400 square feet of gross floor area.
<b>Note:</b> Kiosks and outdoor dining areas are exempt from the calculation of required vehicle parking spaces.	

### (C) Uses Not Specified

The parking requirements for any permitted or conditional use not listed in Section 12-4-93 and 12-4-97(B) shall be determined by the Zoning Administrator based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand. In order to make this determination, the Zoning Administrator may require the applicant to submit a parking demand study or other information, at the applicant's cost.

### (D) Location of Parking

Parking for each land use shall be provided by a combination of on-site parking, and off-site parking based on the following:

- (1) The Zoning Administrator, or designee may permit all or a portion of the

required off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the standards of this Section.

- (a) No off-site parking space may be located more than three hundred (300) feet from the principal use, measured from the edge of property to the closest perimeter of the surface parking or parking structure. This distance may be waived by the Zoning Administrator if adequate assurances are offered that van or shuttle service will be operated between the off-site parking areas and the principal use
  - (b) An agreement providing for the use of off-site parking, executed by the parties involved, must be filed with the Zoning Administrator in an approved form. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. The agreement(s) must guarantee long-term availability of the parking, commensurate with the use served by the parking, and shall be recorded with the County Recorder's Office. Should the off-site parking agreement(s) lapse or no longer be valid, then parking must be provided as otherwise required by this Section.
- (2) On-street parking spaces located immediately adjacent to the frontage of the property may be counted towards required off-street parking for non-residential uses. One (1) on-street space may be substituted for each required off-site space. This provision shall only apply to street frontages where on-street parking is allowed and provided. The parking space credit shall be determined at the time of site plan approval.
  - (3) No parking spaces are required for Accessory Structures that are five hundred (500) square feet or less.
  - (4) Shared drives are encouraged between adjacent lots to minimize curb cuts along the street.
  - (5) Vehicles parked off-site may not encroach on a sidewalk.
  - (6) Parking, loading and maneuvering areas shall not be within the front yard setback, but may be permitted in the street side-yard by the Zoning Administrator.

(E) Accessible Parking

- (1) Accessible parking for non-residential developments shall be provided in conformance with the Americans with Disabilities Act (ADA), Arizonans with Disabilities Act (AZDA) and International Building Code (IBC), as amended.
- (2) Accessible parking for multiple-family residential developments shall be

provided in conformance with the Americans with Disabilities Act (ADA), Federal Fair Housing Amendments Act (FFHAA) and International Building Code (IBC), as amended.

(F) Parking Reductions

The City may allow a variation from the required number of parking spaces if supported by a Parking Demand Analysis, completed in conformance with the procedures as outlined below:

(1) Application, Review, and Approval Process

- (a) For new developments where the number of parking spaces being proposed does not meet the City's minimum requirements, a Parking Demand Analysis shall be submitted as part of the applicant's building permit submittal.
  - (b) For existing developments where a change in the use of a building or site would result in fewer parking spaces being provided than the minimum requirement allows, a Parking Demand Analysis is required to be submitted concurrently with tenant improvement plans.
  - (c) The Zoning Administrator may approve a request to modify the required number of parking spaces in accordance with the process outlined in this Section.
- (2) The Parking Demand Analysis shall be prepared by a qualified parking or traffic consultant, a licensed architect, or a civil engineer.
- (3) The Parking Demand Analysis as approved by the Zoning Administrator or designee, shall analyze the needs of every proposed use in the project, using the Vehicle Parking Ratios within Section 12-4-97(B).
- (4) The Parking Demand Analysis shall provide a quantitative analysis justifying any proposed reduction in parking. Decreases in the number of parking spaces may be granted when any of the following applies:
- (a) A business currently employs more people per square foot (or less people per square foot) than the accepted industry standard for that use, and is able to demonstrate this variation from the mean through a statistical comparison.
  - (b) Lowered parking demand can be predicted as a result of sharing parking between intermittent uses, occurring on the same property, with non-conflicting parking demands (e.g. a nightclub and a bank).
  - (c) A development is designed to take advantage of adjacent public transit opportunities.



- (5) The amount of required parking may be reduced by up to thirty percent (30%) where it can be determined that the peak requirements of the several occupancies occur at different times and where a shared parking operations plan, approved by the Zoning Administrator or designee, shows that this reduction in parking will not cause conflicts among nearby uses. Such a shared parking analysis may be based on:
  - (a) Intermittent non-conflicting uses. When required parking reductions are predicted as a result of sharing between intermittent uses with non-conflicting parking demands (e.g. a nightclub and a bank), then the reduction can be considered.
  - (b) Parking occupancy rates. When the parking reduction has been shown to be feasible by using the demand calculations as determined by an analysis of typical local parking demand.
- (6) Existing parking surveys. When a study of existing parking shows parking occupancy rates of morning, afternoon and evening peaks on all seven days of the week. The seven (7) days of observation may take place over the span of two consecutive, typical weeks. A combination of similar circumstances may be necessary to cover all the proposed land uses. The approximate square footages of the various land uses of the specimen projects shall be compared to the proposed project to allow the ratios of uses to be rated accordingly.

#### (G) Approval Criteria

- (1) Requests for Parking Reductions  
In order to approve any request to reduce parking below minimum requirements, all of the following criteria must be met:
  - (a) The reduction in parking will not cause fewer off-street parking spaces to be provided for the proposed use than the number of such spaces necessary to accommodate all vehicles attributable to such use under the normal and reasonably foreseeable conditions of operation of such use.
  - (b) The reduction in parking will not increase the demand for parking spaces upon the public streets and adjacent property in the immediate vicinity of the proposed use.

#### (H) Parking Lot Landscaping

- (1) Applicability
  - (a) This section applies to all on-site surface parking lots with more than ten (10) spaces created after the effective date of this Code, except as provided under paragraph b. below. For purposes of this section, multiple platted lots contained on a single site plan and

any separate parking areas connected with drive aisles are considered a single parking area.

- (b) An existing parking lot may be renovated or repaired without providing additional landscaping, provided there is no increase in the size of the parking lot.
- (c) When an existing parking lot is increased landscaping is required for the additional parking area only.
- (d) When an existing parking lot is increased by more than ten percent (10%) cumulatively, landscaping is required for both the existing parking lot and the new parking area.

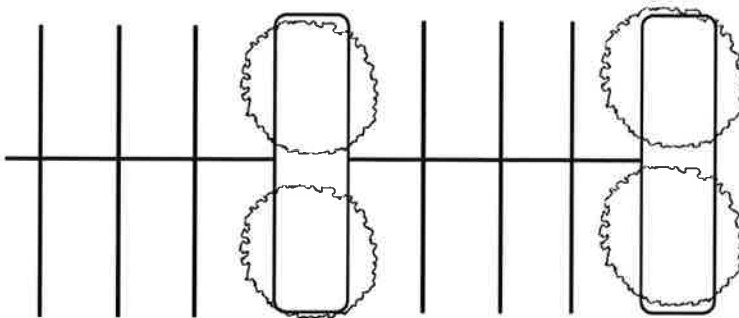
## (2) Perimeter Screening

All surface parking lots with frontage on any portion of a street right-of-way (not including an alley) must be screened with the following:

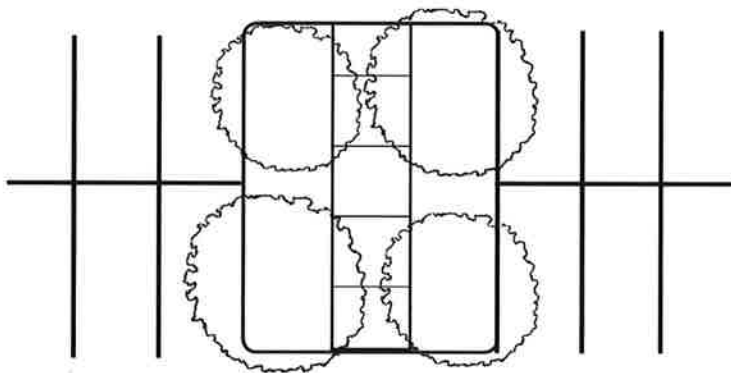
- (a) A minimum eight (8) foot wide, landscaped area with a continuous row of shrubs must be provided between the street and parking lot.
- (b) Shrubs must be a minimum of eighteen (18) inches in height when planted and must reach a minimum size of thirty-six (36) inches in height within three years of planting.
- (c) A thirty six (36) inch wall in a minimum five (5) foot planting strip may be substituted for the continuous row of shrubs. The wall shall be in character with the building at the right-of-way (ROW).
- (d) Breaks for pedestrian and vehicle access are allowed.

## (3) Median Islands

- (a) A landscaped median island must be provided every ten (10) parking spaces and shall include one twenty-four (24) inch box tree per required island. Median islands must be distributed evenly throughout the parking area, and shall be same size as adjacent parking spaces. Stormwater harvesting in planting zones is encouraged.



- (b) An interior or terminal median island must be a minimum of five (5) feet in width and three hundred (300) square feet in area.
- (c) All rows of parking must terminate with a landscaped terminal island. No more than thirty (30) parking spaces may be located between drive aisles.
- (d) Median islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- (e) Median islands must be installed at-grade of the parking lot surface to allow for stormwater harvesting.
- (f) A median island may also serve as the location for a sidewalk. In such case, the sidewalk must be a minimum of four (4) feet wide, and the remaining planting area must be no less than six (6) feet wide on either side of sidewalk.



#### (4) Tree Coverage

- (a) Each median island (and terminal interior island) must include at least one (1) twenty-four (24) inch box shade tree per row of parking as shown in Section 12-4-97(H)(3)(a).
- (b) In no case can there be less than one tree for every three thousand (3,000) square feet of parking area.

#### (I) Surfaces

##### (1) Impervious Materials

Where on-site facilities are provided for parking or any other vehicular use areas, they must be surfaced with asphalt bituminous, concrete or other type of dustless material approved by the City Engineer and maintained in a smooth, well-graded condition.

(2) Pervious Materials

Pervious or semi-pervious parking area surfacing materials may be approved by the City Engineer. Permitted materials may include but are not limited to grass, "grasscrete", ring and grid systems used in porous or grid pavers, or recycled materials such as glass, rubber, used asphalt, brick, unit pavers, block, concrete, or roller-compacted or stabilized decomposed granite. Stormwater harvesting in landscape areas is encouraged.

(3) Curbs and Drainage

- (a) All surface parking areas must be graded and drained to collect, retain, and infiltrate surface water accumulation on-site to the greatest extent practicable.
- (b) Curbs or parking blocks are required at the edges of perimeter and interior landscaped areas. Curbing must have openings to allow drainage to enter and percolate through the landscaped area.

(J) Vehicle Loading Areas

(1) Loading Not Required

If determined necessary by the City Engineer, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping.

(2) Location

If a loading area is provided, it must meet the following standards:

- (a) The loading area must be located on the same lot occupied by the use served and must be accessible from a public street or alley.
- (b) The loading area must be located to the side or rear of buildings. Loading areas may not be placed between the street and the associated building.
- (c) With the exception of areas specifically designated by the City, loading and unloading activities are not permitted in the public right-of-way.
- (d) Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas by vehicles or pedestrians.

## **12-4-98 Signage Regulations**

(A) Applicability

No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Code except in accordance with the requirements of this section.

(B) Nonconforming Signs

- (1) An existing sign may change the face or panel of the sign that does not meet the area or height standards within this section. However, in no instance must there be an increase in the degree of nonconformity. All new panels shall conform to all current illumination standards.
- (2) A sign must be brought into compliance with the provisions of this section if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds fifty percent (50%) of the estimated replacement cost of the sign (in current dollar value). All sign permits within any six (6) consecutive calendar months will be aggregated for purposes of measuring the fifty percent (50%) standard.
- (3) If the repair is caused by involuntary damage or casualty, the sign may be repaired to any extent.

(C) Common Sign Plan: A common sign plan must be filed with the Zoning Administrator for all sites occupied by more than one tenant or requesting digital signage. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan. The applicant must indicate the standards of consistency of all signs on the subject property with regard to:

- (1) Lighting;
- (2) Colors;
- (3) Letter/graphics style;
- (4) Location of each sign;
- (5) Materials used in sign construction; and
- (6) Maximum dimensions and proportion.

(D) Sign Types

- (1) Signs types allowed in the CORE District are shown below. Specific sign requirements for each type are provided in subsequent sections. Additional types may be permitted by the Zoning Administrator if they are deemed to meet the District's intent and code requirements.
  - (a) Wall Sign
  - (b) Awning Sign
  - (c) Canopy Sign
  - (d) Projecting Sign

- (e) Shingle Sign
- (f) Window Sign
- (g) Monument Sign
- (h) Bracket Sign
- (i) Sidewalk Sign

(2) Digital signs may be permitted by the City Council through the approval of a use permit application if deemed appropriate to the character and intent of the District. A common sign plan depicting all digital and non-digital signage for the property shall be filed with the Zoning Administrator and meet the requirements of Section 12-4-98(C).

(3) Temporary signs are permitted as provided below:

- (a) Includes, but not limited to, grand opening or special event banners, flags, tents, canopies or other similar displays.
- (b) Temporary signs, except human directional (billboards) and sign spinners, may be permitted subject to the approval of a use permit pursuant to Section 12-4-168 through 12-4-170 for a maximum of 14 days, which may be used consecutively, within a six (6) month period. One (1) administrative extension may be granted, within the same semi-annual period, after written request by the applicant to the Economic Development Director.
- (c) Temporary displays shall consist of durable materials and of a quality in keeping with the intent of the CORE District. Frayed or worn materials or displays shall be prohibited.
- (d) Tents, canopies and similar structures shall be reviewed and approved by the Fire Department.

(4) Inflatable signs, sign walkers, human directional (billboards) and sign spinners are prohibited within the CORE District.

(E) Allocation of Sign Area

The maximum allowed sign area that may be utilized with any combination and any number of signs within each category is provided below:

- (1) Building Signs:
  - (a) For wall signs, awnings, canopies and projecting signs, the maximum sign area is one square foot per one linear foot of street-facing building façade.

- (b) Shingle Sign maximum sign area is nine square feet.
  - (c) Window Sign maximum sign area is 30 percent of window area.
- (2) Ground Signs:
  - (a) Bracket Sign maximum sign area is nine square feet.
  - (b) Sidewalk Sign maximum sign area is six square feet.
- (F) Wall Sign is building sign placed against a building and attached to the exterior front, rear or side wall, extending no more than 12 inches, so that the display surface is parallel to the plane of the wall. Signs painted on an exterior of a wall are considered wall signs.
  - (1) No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
  - (2) No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.
  - (3) A wall sign cannot cover windows or architectural details.
  - (4) A wall sign can be externally or internally illuminated in accordance with Section 12-4-98(O) Sign Illumination.
  - (5) Refer to Section 12-4-98.(E) for maximum sign area allocation.
  - (6) Maximum projection shall be 12 inches.
- (G) Awning Sign is a building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.
  - (1) An awning sign cannot extend outside the awning.
  - (2) Only awnings on ground floor doors or windows may contain signs.
  - (3) A maximum of one (1) sign is allowed per awning face.
  - (4) An awning sign may only be externally illuminated in accordance with Section 12-4-98(O) Sign Illumination.
  - (5) Refer to Section 12-4-98(E) for maximum sign area allocation.
  - (6) Maximum width or percentage of awning width to depth ratio is seventy-five percent (75%).



Photo: Wall Sign





- (7) Maximum height of text and graphics on valance is two (2) feet.
- (8) Maximum area of sloping plane covered by sign is twenty-five percent (25%).

Photo: Awning Sign

(H) Canopy Sign is a building sign placed on a canopy so that the display surface is parallel to the plane of the wall.

- (1) A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy provided the sign meets the standards below.
- (2) A maximum of one (1) sign is allowed per canopy face.
- (3) Raceways are permitted for signs extending below or above the canopy. Otherwise, raceways are not permitted and the sign must be flush with the canopy face.
- (4) A canopy sign can be externally or internally illuminated in accordance with Section 12-4-98(O) Sign Illumination.
- (5) Refer to Section 12-4-98(E) for maximum sign area allocation.
- (6) Maximum percentage of canopy width is seventy-five percent (75%).
- (7) Maximum height of text and graphics is two (2) feet.
- (8) Minimum clear height above sidewalk is ten (10) feet.

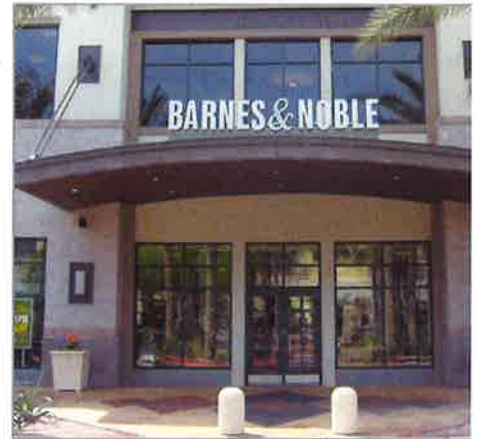


Photo: Canopy Sign

(I) Projecting Sign is a building sign attached to the building facade at a 90-degree angle, extending more than twelve (12) inches. A projecting sign may be two or three-dimensional.

- (1) A projecting sign must be located at least twenty-five (25) feet from any other projecting sign.
- (2) A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used; however, in no case can the sign exceed the maximum height and width standards.
- (3) The top of a projecting sign can be no higher than the top of the building. However, on one story buildings, the top of a projecting sign may have a maximum of twenty percent (20%) of the sign height above the top of the building.



Photo: Projecting Sign



Photo: Projecting Sign

- (4) A projecting sign can be externally or internally illuminated in accordance with Section 12-4-98(O) Sign Illumination.
  - (5) Refer to Section 12-4-98(E) for maximum sign area allocation.
  - (6) Maximum sign area height is ten (10) feet for a one story building, and fourteen (14) feet for a two story building.
  - (7) Minimum spacing from building façade is one (1) foot.
  - (8) Maximum projection width is six (6) feet.
  - (9) Maximum depth is one (1) foot.
  - (10) Minimum clear height above sidewalk is ten (10) feet.
- (J) Shingle Sign is a small projecting sign that hangs from a bracket or support and is located over or near a building entrance.
- (1) A shingle sign must be located within five (5) feet of an accessible building entrance.
  - (2) The hanging bracket must be an integral part of the sign design.
  - (3) A shingle sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.
  - (4) A shingle sign cannot be illuminated.
  - (5) Maximum sign area per sign is nine square (9) feet.
  - (6) Maximum sign area height is three (3) feet.
  - (7) Minimum spacing from building façade is six (6) inches.
  - (8) Maximum projection width is three and one-half (3.5) feet.
  - (9) Maximum depth is six (6) feet.
  - (10) Minimum clear height above sidewalk is ten (10) feet.
- (K) Window Sign is a building sign affixed to the inside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door.
- (1) Window signs are only allowed on ground floor windows.



Photo: Shingle Sign



(2) A window sign can only be internally illuminated in accordance with Section 12-4-98(O) Sign Illumination.

(3) The maximum area of all ground floor windows covered by signs is thirty percent (30%).

Photo: Window Sign

(L) Monument Sign is a freestanding sign attached along its entire length to a continuous pedestal that is no higher than six (6) feet. A monument sign is horizontally oriented or is square.

(1) One monument sign is allowed per street frontage, except that one additional monument sign is allowed for properties with two hundred (200) feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of one hundred fifty (150) feet apart.

(2) A monument sign must be set back at least five (5) feet from the front property line and ten (10) feet from a side property line.

(3) A sign erected on a retaining wall is required to meet the standards for a monument sign. The height of the wall is included in the overall height calculation.

(4) A monument sign can be externally or internally illuminated in accordance with Section 12-4-98(O) Sign Illumination.

(5) Maximum sign area per sign is thirty-six (36) square feet.

(6) Maximum sign area height is six (6) feet.

(7) Maximum depth is eighteen (18) feet.

(M) Bracket Sign is a freestanding sign attached to the ground by one or more support structures that is not higher than five (5) feet and hangs from a bracket or support.

(1) Only one bracket sign is allowed per building.

(2) A bracket sign must be located at least twenty-five (25) feet from any other bracket sign.

(3) The hanging bracket must be an integral part of the sign design.

(4) A bracket sign can only be externally illuminated in accordance with Section 12-4-98(O) Sign Illumination.

(5) Maximum sign area per sign is nine (9) square feet.



Photo: Monument Sign



Photo: Bracket Sign



- (6) Maximum sign structure height is five (5) feet.
  - (7) Maximum sign area height is three (3) feet.
  - (8) Maximum width is three (3) feet.
  - (9) Maximum structure to area depth is six (6) feet.
- (N) Sidewalk Sign is a moveable freestanding sign not secured or attached to the ground or surface upon which it is located and is subject to review and approval by the Zoning Administrator.
- (1) Sidewalk signs should be designed to attract pedestrians, not passing motorists.
  - (2) Each ground floor tenant can have one sidewalk sign that must be located adjacent to the business that it advertises.
  - (3) Sidewalk signs must be removed and placed indoors at the close of business each day.
  - (4) Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic. A minimum three (3) feet access way, or larger as required by ADA regulations must be maintained.
  - (5) Sign materials shall be sturdy and not subject to fading or damage from weather. The use of paper or cloth is not permitted unless located within a glass or plastic enclosure.
  - (6) A sidewalk sign cannot be illuminated.
  - (7) Maximum sign area per sign is six (6) square feet.
  - (8) Maximum height is three (3) feet.
  - (9) Maximum width is two (2) feet.



Photo: Sidewalk Sign



Photo: Sidewalk Sign

(O) Sign Illumination: Illumination of signs must be in accordance with the following requirements:

(1) External Illumination

- (a) External light sources must be placed close to, and directed onto, the sign and shielded to minimize glare into the street, sidewalks or onto adjacent properties.
- (b) Projecting light fixtures used for externally illuminated signs shall be simple and unobtrusive in appearance. They should not obscure

the sign.

(2) Internal Illumination

- (a) Channel letters may be internally lit or back-lit.
- (b) For cabinet signs, the background must be opaque or a darker color than the message of the sign.
- (c) Exposed neon may be used for lettering or as an accent.

(3) Prohibited Light Sources

The following light sources are not allowed:

- (a) Blinking, flashing and chasing; and
- (b) Bare bulb illumination, excludes decorative or festoon lighting.

(4) Raceways and Transformers

- (a) If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.
- (b) A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- (c) Visible transformers are not allowed.

## **12-4-99 Site Lighting Regulations**

(A) Applicability

- (1) No permit for the construction, reconstruction, extension, repair, or alteration of any building, structure, or use of land, and no building or land, or any part of any building or land, may be occupied or used until lighting has been provided in accordance with the requirements of this Code.
- (2) The installation of site lighting, replacement of site lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location must be made in compliance with this Code. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is allowed for all existing fixtures.
- (3) This section does not apply to lighting installed in the public right-of-way.

(4) Additions

- (a) When a building or site is renovated or repaired, any new or replaced outdoor light or lighting fixture must conform to the requirements of this Code.
- (b) When the gross floor area or improved site area is increased, the additional floor or site area must conform to the lighting requirements of this Code.
- (c) When the gross floor area or improved site area is increased by more than fifty percent (50%) cumulatively, both the existing use and the additional floor or site area must conform to the lighting requirements of this Code.

(5) Change in Use

A change in use does not trigger application of this section except when there is a specific use standard requiring lighting for a new use.

(6) Light Level Measuring

- (a) Light levels are specified, calculated and measured in footcandles. All footcandle values are maintained footcandles.
- (b) Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

(7) Prohibited Sources

The following light fixtures and sources cannot be used:

- (a) Cobra-head-type fixtures having dished or drop lenses or refractors;
- (b) Temporary searchlights and other high-intensity narrow-beam fixtures; and
- (c) Light sources that lack color correction or do not allow for uniform site lighting.

(8) Design and Installation Requirements

- (a) The maximum light level of any light fixture cannot exceed one-half (0.5) footcandles measured at the property line of any protected district and two (2.0) footcandles measured at the right-of-way line of a street.

- (b) Lighting must not be oriented onto adjacent properties, streets or sidewalks.
- (c) Service connections for all freestanding lighting fixtures must be installed underground.
- (d) Energy-efficient LED lighting is highly encouraged for parking and pedestrian areas.

(9) Parking and Pedestrian Areas

- (a) Light fixtures within parking areas may be no higher than thirty (30) feet.
- (b) Light fixtures within pedestrian areas may be no higher than fifteen (15) feet.
- (c) Light fixtures located within fifty (50) feet of the property line of a protected district may be no higher than fifteen (15) feet.
- (d) All light fixtures must be full cutoff.

(10) Flood Lights and Flood Lamps

- (a) Flood light fixtures must either be aimed down at least forty-five (45) degrees from horizontal, or the front of the fixture shielded so that no portion of the light bulb extends below the bottom edge of the shield.
- (b) Any flood light fixture located within fifty (50) feet of a street right-of-way must be mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees.