Town of Queen Creek

ZONING ORDINANCE

Adopted January 6, 1999
1st Revision August 29, 2003
2nd Revision November 17, 2006
3rd Revision September, 2008

ACKNOWLEDGEMENT

The Queen Creek Zoning Ordinance was a project created with the help of a diligent Council-appointed steering committee, Town Staff, the Planning and Zoning Commission, and the Mayor and Council. The project commenced in April 1997 and was adopted in its entirety by Mayor and Council on January 6, 1999. The following individuals are recognized for their efforts in this monumental project:

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Joyce Hildebrandt, Council Member
Bill Meschede, Council Member
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Town of Queen Creek Zoning Ordinance
REVISED

ADOPTED JANUARY 6, 1999, RESOLUTION No. 182-98

AMENDMENTS	ARTICLE	DATE*	ORDINANCE NO.
Sign Regulation Text Amendments	6	October 20, 1999	173-99
Public/Quasi Public Zoning Ordinance	4	December 12, 1999	179-99
Accessory Uses Text Amendments	6	July 5, 2000	184-00
Fencing Amendments	5	August 2, 2000	186-00
Use Categories Text Amendments	4	November 1, 2000	190-00
Driveways Text Amendments	5	December 6, 2000	192-00
Legal Front Line Text Amendments	Append.	December 6, 2000	194-00
Ham Radio Text Amendments	6	January 17, 2001	193-00
Flaglot Text Amendment	5	December 5, 2001	213-01
Supplemental Use Regulations Regarding Development/Construction Temporary Uses Text Amendments	6	March 6, 2002	218-02
Repeal of Article 5 Section 5.2, Flaglots	5	March 20, 2002	217-02
Flag Pole Text Amendments	4	May 1, 2002	219-02
Front Porches/Courtyards Text Amendments	4	May 15, 2002	220-02
Temporary Signs Text Amendments	6	August 7, 2002	223-02
Parking Standards Text Amendments	5	November 6, 2002	227-02
Tennis Courts Text Amendments	6	October 16, 2002	229-02
Front Porch Amendment	4	December 18, 2002	233-02
Residential Fence Standards	5	February 19, 2003	240-03
Detached Accessory Dwelling Units	6	March 5, 2003	241-03
Accessory Building Electrical Meters	6	June 18, 2003	263-03
Regulations for Real Estate Signs Text Amendments	6	February 18, 2004	279-04
Uses for Religious Assemblies Text Amendments	4	March 3, 2004	283-04

*Date is of Town Council Approval. Effective date of Ordinance is thirty (30) days from the date listed.

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Williams Gateway Airport Overlay District	4	August 18, 2004	292-04
Landscaping, Screening, and Bufferyard Standards	5	September 15, 2004	296-04
Specific Zoning District Performance Criteria	4	November 3, 2004	301-04
Superstores and Big Box Retail Uses	6	November 3, 2004	301-04
Use Regulations, Table 4.6-1	4	November 3, 2004	302-04
Group Care Homes	6	November 3, 2004	302-04
Residential Architectural Design Standards	5	May 18, 2005	315-05
Lot Coverage Dimensional Standards, Table 4.7-2	4	April 19, 2006	347-06
Lot Coverage Definition	Append.	April 19, 2006	347-06
Neighborhood Meeting Notification	3	April 19, 2006	350-06
Indoor Amusement, Table 4.6-2	4	May 17, 2006	355-06
Religious Institutions	3 & 6	October 18, 2006	370-06
Solid Fence/Wall Standards	5	April 4, 2007	382-07
Animal Regulations and Equestrian Privileges	6	May 16, 2007	385-07
Open Space Percentages	5	June 6, 2007	388-07
Site Plan Review Process	3	July 18, 2007	391-07
Solid Fence and Landscaping Standards	5	December 19, 2007	415-07
Parking, Loading and Bicycle Storage Standards	5	April 16, 2008	420-08
Sign Regulations	6	April 16, 2008	427-08
Legal Non-Conforming Uses	7	May 21, 2008	430-08
Flagpoles	3 & 4	June 18, 2008	432-08
Pawn Shops & Payday Loan Businesses	4 & 6	September 17, 2008	437-08
Temporary Uses/Fireworks Sales & Display	4 & 6	December 1, 2010	490-10
Medical Marijuana Dispensaries & Cultivation	4 & 6	December 1, 2010	492-10
Temporary Use and Special Event Signs	6	December 1, 2010	493-10
Off-Site Temporary Real Estate Signs	6	November 16, 2011	504-11

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Political Signs	6	November 16, 2011	505-11
Home-Based Occupations	6	June 6, 2012	512-12
Temporary Real Estate Signs & Model Home Complex Definition	6	July 18, 2012	515-12

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ARTICLE 1
GENERAL PROVISIONS

1.1 TITLE. These regulations shall be known and cited as the Town of Queen Creek Zoning Ordinance (hereinafter know as "the Ordinance"). It has been adopted pursuant to Ordinance No. 142-98.

1.2 PURPOSE. The Ordinance is intended to enable the Town to respond uniformly and consistently to development proposals and to promote the health, safety and general welfare of the residents of the Town. While the majority of situations subject to this Ordinance will fall into easily identifiable processes and requirements, there has been an attempt to provide flexibility in dealing with situations which may fall outside these typical processes and requirements. The elements that make up the Ordinance are interrelated and cannot be taken in isolation; they must be taken within the context and intent of the entire Ordinance.

1.3 AUTHORITY. Queen Creek (hereinafter known as the "Town") is authorized by the Arizona Revised Statutes to exercise broad powers in the regulation of zoning, planning, subdivision of land, and building. This Code intends to use all powers provided by virtue of §9-462, *et seq.,* A.R.S. The Planning Department ("hereinafter known as the "Department") of Queen Creek can be contacted for further information about the use of this Ordinance.

1.4 APPLICABILITY. The Ordinance shall apply to all public and private land(s), and use(s) thereon over which the Town has jurisdiction under the constitution(s) and law(s) of the State of Arizona and of the United States. Consistent with the provisions of §9-461.05.D.4, §9-461.05.D.5, §9-461.07.B and §9-461.07C, A.R.S., no public works or public buildings may be constructed or authorized within the Town until a report as to compliance with the *General Plan* has been approved in accordance with the provisions of Section 3.9 of this Ordinance.

1.5 CONSISTENCY WITH GENERAL PLAN.

A. This Ordinance is intended to implement the goals, objectives and policies of the *Town of Queen Creek General Plan* and is hereby deemed to be consistent and in accordance with the adopted *General Plan* for the Town. Any amendments to or actions pursuant to the Ordinance shall be consistent with the *General Plan,* as it may be amended from time to time.

B. An amendment to the text of the Ordinance is consistent with and in accordance with the *General Plan* if it complies with the goals and policies stated in the *General Plan*, as it may be amended from time to time. An amendment to the zoning map is consistent with the *General Plan* if the map amendment is consistent with the future land use map contained in the *General Plan*, as it may be amended from time to time.

1.6 COORDINATION WITH OTHER REGULATIONS.

A. The use of buildings and land within the Town shall be subject to all other regulations as well as this Ordinance, whether or not such other provisions are specifically referenced in this Ordinance. References to other regulations or provisions of the Ordinance are for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other regulations do not apply.

B. In interpreting and applying the provisions of this Ordinance, they shall be construed to be the minimum requirements necessary for the promotion of public health, safety, or

other general welfare. Minimum values are not intended to be target values. In some instances, conditions may create the need to exceed stated minimum standards. Whenever this Ordinance requires, for example, a lower height of a building or lesser number of stories, or requires a greater percentage of the lot to be left unoccupied, or imposes more restrictive standards than are required pursuant to any other statute or local regulation, this Ordinance shall govern.

1.7 TRANSITIONAL PROVISIONS.

A. **VIOLATIONS CONTINUE.** Any violation of the previous Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under §2.5 of this Ordinance, unless the use, development, construction or other activity complies with the provisions of this Ordinance.

B. **NONCONFORMITIES UNDER PRIOR ORDINANCE.** Any legal nonconformity under the previous Zoning Ordinance also will be a legal nonconformity under this Ordinance, so long as the situation that resulted in the legal nonconforming status under the previous Ordinance continues to exist. If a legal nonconformity under the previous Ordinance becomes conforming because of the adoption of this Ordinance, then said use or structure will no longer be considered a nonconformity.

C. **COMPLETION OF DEVELOPMENT.**

1. **APPLICATION SUBMITTED BEFORE EFFECTIVE DATE.** Complete applications submitted before the Effective Date of this Ordinance and pending approval at the time of the Effective Date of this Ordinance may, at the applicant's option, be approved and permits may be issued under the terms of the previous Zoning Ordinance. If construction is not commenced or completed in accordance with the applicable approval term(s), the Town Council may, for good cause shown, grant an extension of up to eighteen (18) months for such construction under the terms of the previous Ordinance. If the building, development or sign is not completed within the time allowed under the permit or any extension granted, then the building or structure may be constructed, completed or occupied only in compliance with the requirements of this Ordinance.

2. **PERMIT ISSUED BEFORE EFFECTIVE DATE OF THIS ORDINANCE.** Any building, structure or development for which a permit was issued before the Effective Date of this Ordinance may, at the applicant's option, be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, structure or development does not fully comply with provisions of this Ordinance. If construction is not commenced or completed according to the applicable permit terms, the Town Council may, for good cause shown, grant an extension of up to eighteen (18) months for such construction under the terms of the previous Ordinance. If the building or structure is not completed within the time allowed under the original permit or any extension granted, then the building, structure or development may be constructed, completed or occupied only in compliance with this Ordinance.

3. **PLATS AND SITE PLANS APPROVED BEFORE EFFECTIVE DATE OF THIS ORDINANCE.** Any subdivision for which a preliminary or final plat was approved before the Effective Date of this Ordinance may, at the applicant's option, be completed according to the approved plat and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Ordinance. If the subdivision is not completed within the time requirements

established by prior ordinance or within any schedule included in the approval of the plat, the Town Council may grant an extension of up to eighteen (18) months for the completion of the subdivision under the terms of the previous Ordinance. If the subdivision is not completed within the time required under the original approval or any extension granted, then the subdivision may completed only in compliance with this Ordinance.

4. **ADDITIONAL EXTENSIONS.** The Town Council may grant an additional extension exceeding eighteen (18) months where the Town Council finds that such extension or extensions are warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions.

1.8 INTERPRETATION.

A. Interpretation and application of the provisions of this Ordinance shall be regarded as the basic and minimum requirements for the protection of public health, safety, comfort, morals, convenience, prosperity and welfare. The Ordinance shall be liberally interpreted in order to further its underlying purposes. Whenever any provision of the Ordinance or any provision of any other applicable law, rule, contract, resolution or regulation of the Town, County, State or Federal government contains certain standards, covering the same subject matter, the more restrictive requirement(s) or higher standards shall control.

B. The words and phrases used in this Ordinance shall have the meanings assigned in Appendix A hereto, unless a more specific meaning is provided in a specific section of this Ordinance.

C. This Ordinance includes illustrations, photographs, flowcharts, and graphics for the purposes of illustration and simplification. However, to the extent that there is any inconsistency between the text of this Ordinance and any such illustration, photograph, flowchart, and graphic, the text shall control.

1.9 SEVERABILITY. It is hereby declared to be the intent of the Town Council that the provisions of this ordinance shall be severable. If any provision is declared invalid by a court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and such decisions shall not affect; impair or nullify this Ordinance as a whole or any part thereof, but the rest of the Ordinance shall continue in full force and effect.

1.10 PERMITS AND CERTIFICATES. No development activity shall occur on any property within the jurisdiction of this Ordinance until all applicable permits, approvals and certificates have been issued and approved by the Town officials with the authority to approve the same pursuant to Chapter 3 of this Ordinance.

1.11 FEES. The Town Council may, by ordinance or resolution, establish administrative fees considered necessary to enforce the zoning ordinance. Such fees shall be limited to the reasonable costs of administering and processing applications for development approval. No permit shall be processed, and no permit shall be considered to be submitted, until all applicable administrative fees have been paid pursuant to this Section and any ordinance adopted hereto.

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1.12 EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

1.13 EFFECT OF ORDINANCE. The policies and regulations in this Ordinance apply to the use and development of land. No application for development approval shall be approved by the Town Council or other designated agency unless said application conforms to and complies with the procedures, standards and criteria of this Ordinance. Article 3, Section 3.1, summarizes the procedures and the agencies and public bodies involved in the development proposal process. Detailed information about the general procedures and applications and the agencies and public bodies involved in the process and methods of appeal are further discussed in Article 3. Permitted uses are set forth in Article 4. General standards and criteria are se forth in Article 5. Special Regulations applicable to particular uses are set forth in Article 6. Procedures and standards for nonconforming uses and vested rights are set forth in Article 7.

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ARTICLE 2
ADMINISTRATION AND ENFORCEMENT

The procedures outlined in this Article are applicable to all portions of this Ordinance.

2.1 PLANNING DEPARTMENT AND ZONING ADMINISTRATOR

A. **ESTABLISHMENT OF PLANNING DEPARTMENT.** Pursuant to §9-461.03.A, the Town Council hereby establishes the Planning Department of the Town of Queen Creek, Arizona. The Planning Department shall perform the planning functions for the Town and shall provide technical support and guidance for action on all plan and ordinance amendments and on applications for development approval and shall perform such other functions as may be requested by the Town Council or the Commission or authorized by this Ordinance.

B. **ESTABLISHMENT OF OFFICE OF ZONING ADMINISTRATOR**. Pursuant to §9-462.05.C, A.R.S., the Town Council hereby establishes the Office of the Zoning Administrator. The Administrator charged with enforcement of this Ordinance shall be the Planning Director. The Administrator is authorized to establish Department standards of operation and procedures consistent with the intent of this Ordinance, and is further empowered to delegate the duties and powers granted to, and imposed upon, the Administrator by this Ordinance. As used in this Ordinance, “Administrator” shall include staff authorized by the Administrator.

C. **INSPECTION.** The Administrator is hereby empowered to enter or inspect any building, structure, premises, or real property in the Town upon which, or in connection with which, a development or land use is located or proposed for the purpose of inspection to ensure compliance with the provisions of this Ordinance. Such inspections shall be carried out during business hours unless the Administrator determines that an emergency exists. Entry onto private property for the purpose of inspection shall be made only after contact with the owner of the premises, whose permission to inspect a property. Failing permission, no inspection shall be undertaken without an order from a court of competent jurisdiction.

D. **ENFORCEMENT.** The Administrator is hereby authorized and is hereby delegated the authority to commence an action to enforce the provisions of this Ordinance, pursuant to §9-462.05.A, §9-462.05.B, A.R.S., and §2.4 of this Ordinance.

E. **INTERPRETATION.** In the case of a dispute pertaining to the boundary of a land use category or zoning district, the Administrator shall have jurisdiction and authority to render interpretations of the General Plan Future Land Use Map or Official Zoning Map, or disputes pertaining to lot lines, district boundary lines, or questions arising from the administration of the zoning ordinance use and bulk provisions. In the event that the terrain problems prevent an accurate determination of height, the Administrator shall rule as to height and appeal from that decision shall be to the Board of Adjustment.

2.2 BOARD OF ADJUSTMENT

A. **ESTABLISHMENT.** There is hereby established the Board of Adjustment of the Town of Queen Creek, Arizona.

B. **APPOINTMENT.** The Town Council shall appoint a Board of Adjustment as provided in §9-462.06.A, A.R.S.

C. **POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT.** The Board of Adjustment shall have the powers and duties as set forth in §9-462.06.A, A.R.S.

2.3 PLANNING COMMISSION

A. **ESTABLISHMENT.** Pursuant to §9-461.01.A, A.R.S., there is hereby established a planning agency known as the Planning Commission of the Town of Queen Creek, Arizona ("Commission").

B. **POWERS AND DUTIES.** The Commission shall provide an advisory function to assist the Town Council in making decisions pertaining to amendments to the General Plan and this Ordinance, and applications for development approval. In no event is the Commission authorized to render a final decision approving, denying or conditionally approving a change in the zoning ordinance or General Plan, or to render a final decision on an application for development approval. The Commission shall have the following powers and duties.

1. Pursuant to §9-461.01B.1, A.R.S., to develop and maintain a General Plan or element thereof and to submit the proposed General Plan or element to the Town Council;

2. To prepare or cause to be prepared amendments to such plan and elements thereof and to submit the amendments to the Town Council;

3. To review and make recommendations to the Town Council with regard to amendments to the General Plan Land Use Map;

4. To initiate, hear, review and make recommendations to the Town Council on applications for amendments to the text or map of this Ordinance;

5. To hear, review and recommend approval or disapproval of all applications for subdivision, site plan, specific plan, phased and conditional use permit applications, as provided by this ordinance or the subdivision ordinance; and

6. To adopt bylaws, policies, procedures, and regulations for the conduct of its meetings, the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Commission provided, however, that bylaws, policies, procedures and regulations shall be consistent with this Ordinance and shall be approved by the Town Council before taking effect.

C. **ORGANIZATION, MEMBERSHIP, TERMS, APPOINTMENT AND REMOVAL.**

1. **COMPOSITION.** The Commission shall be composed of the number of members to be appointed by the Town Council as established by the minimum requirements of §9-461.02, A.R.S.

2. **REMOVAL OF MEMBER.** The Town Council may remove any member of the Commission if written charges are filed against the member. The Town Council shall provide the member with a public hearing if requested.

3. **COMPENSATION.** Members may be compensated per diem, based upon meetings actually attended and reasonable and necessary expenses, as determined by the Town Council.

4. **TERMS.** All members shall serve a term of three (3) years. Members may be reappointed as necessary by the Town Council.

5. **OFFICERS.** At an annual organizational meeting, the members of the Commission shall elect one (1) of their members as chair and one (1) as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair.

6. **DUTIES OF CHAIR.** The chair, or in the chair's absence the vice-chair, shall administer oaths, shall be in charge of all proceedings before the Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Commission.

7. **NONATTENDANCE.** If any member of the Commission shall fail to attend three (3) regular meetings of the Commission within any consecutive three-month period, the chair or the vice-chair, as the case may be, shall immediately file a notification of such nonattendance with the Town Council for placement on the agenda of the Town Council. The Town Council may, by appropriate action, terminate the appointment of such person and fill the vacancy thereby created as soon as practicable.

8. **RECORDING SECRETARY.** The Administrator shall serve as the recording secretary to serve the Commission. The secretary shall keep minutes of all proceedings of the Commission, which minutes shall be a summary of all proceedings before the Commission, attested to by a majority of the members of the commission voting. In addition, the secretary shall maintain all records of commission meetings, hearings, and proceedings, the correspondence of the commission.

9. **STAFF.** The Administrator shall serve as the professional staff of the Commission.

10. **QUORUM AND NECESSARY VOTE.** No meeting of the Commission may be called to order, nor may any business be transacted by the commission, without a quorum consistent with §1-216.B, A.R.S. The chair shall be considered for purposes of establishing a quorum and shall act as a voting member. All Actions shall require the concurring vote of a majority of the members of the Commission. If a general plan or land use regulation, requiring final approval of the Town Council, or amendment thereto or other development approval has been duly submitted to the Commission, and the Commission has failed to convene a quorum or to make a recommendation approving or denying such action at two (2) consecutive meetings, such action shall be deemed to be a negative recommendation and the Director shall submit the proposed land use regulation or amendment thereto or other development approval to the Town Council for its consideration pursuant to §9-461.06.C, §9-461.09.B, and/or §9-462.04.B.

11. **MEETINGS, HEARINGS AND PROCEDURE.**

a. The Commission shall establish a regular meeting schedule by rule. Special meetings may be requested by the Town Council, the chair of the Commission, a majority of the members of the Commission, the Chair of the Town Council, or the Administrator.

b. If a matter is postponed due to lack of a quorum, the chair of the Commission shall continue the meeting to the next commission meeting. The recording secretary shall notify all members of the date of the continued meeting and also shall notify all parties.

2.4 TOWN COUNCIL.

The Town Council shall have the following powers and duties:

A. To initiate, adopt and amend the General Plan, the General Plan Future Land use map, and all Elements of the General Plan;

B. To initiate amendments to the text and map of this Ordinance and the General Plan;

C. To hear, review and adopt amendments to the text of this Ordinance after a recommendation of the planning Commission or a Hearing Officer has been submitted pursuant to §9-462.04.C, A.R.S.;

D. To approve, deny or to amend and to grant applications for development approval excluding appeals and variances, which have been delegated to the Board of Adjustment;

E. To approve, deny, or to amend and to grant applications for conditional use permits or development agreements;

F. To render determinations regarding the existence, expansion, or modification of nonconforming uses;

G. To take such other action not expressly delegated exclusively to the Administrator, the Planning Commission, or the Board of Adjustment as the Town Council may deem desirable and necessary to implement the provisions of this Ordinance and the General Plan.

2.5 VIOLATIONS AND ENFORCEMENT

The remedies provided in this section for violations of any provision of his Ordinance, or regulation adopted pursuant to this ordinance, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law. Except as otherwise provided in this Ordinance, any development or use initiated after adoption of this Ordinance, or maintained in violation of this Ordinance, which is not in compliance with the provisions of this Ordinance is prohibited and shall be referred to herein as an "unlawful" development or use.

A. **TYPES OF VIOLATIONS.** Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided for in this Ordinance.

1. **USE, STRUCTURE OR SIGN WITHOUT PERMIT OR APPROVAL.** To place any use, structure or sign upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.

2. **ACTIVITIES INCONSISTENT WITH THIS ORDINANCE.** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign, or other regulation of this Ordinance.

3. **ACTIVITIES WITHOUT PERMIT OR APPROVAL.** To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.

4. **ACTIVITIES INCONSISTENT WITH PERMIT.** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required in order to engage in such activity.

5. **ACTIVITIES INCONSISTENT WITH CONDITIONS.** To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.

6. **MAKING LOTS OR SETBACKS NONCONFORMING.** To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance.

7. **INCREASING INTENSITY OF USE.** To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Ordinance.

8. **REMOVING OR DEFACING REQUIRED NOTICE.** To remove, deface, obscure, or otherwise interfere with any notice required by this ordinance.

9. **FAILURE TO REMOVE SIGNS OR OTHER IMPROVEMENTS.** To fail to remove any sign or other improvement installed, created, erected, or maintained in violation of this Ordinance, or for which the permit, approval, permission or other authorization has lapsed.

B. **CONTINUING VIOLATIONS.** Each day that a violation remains uncorrected after receiving notice f the violation from the Town shall constitute a separate violation of this Ordinance.

C. **CIVIL REMEDIES AND ENFORCEMENT POWERS**. Failure to comply with any provision of this ordinance is hereby declared unlawful. The following remedies and enforcement powers may be used to administer and enforce this Ordinance.

1. **WITHHOLD PERMIT.** The Town may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the Town. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question. The Town may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of this Ordinance. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

2. **PERMITS APPROVED WITH CONDITIONS**. Instead of withholding or denying a permit or authorization (as described in subsection C.1 of this Section, above) the Town may grant such authorization subject to the condition that the violation be corrected.

3. **REVOKE PERMITS.** Any development permit or other form of authorization required under this Ordinance may be revoked when the Administrator determines: (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit, (2) that the development permit was procured by false representation or was issued by mistake, or (3) tat any of the provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

4. **STOP WORK.** With or without revoking permits, the Town may stop work on any building or structure on any land on which there is uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

5. **REVOKE PLAN OR OTHER APPROVAL.** Where a violation of this Ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Town Council may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this Ordinance, the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the town Council may reasonably impose.

6. **INJUNCTION AND ABATEMENT.** The Town Council, through its authorized agents, including the Administrator, may initiate injunction or abatement proceedings or other appropriate action in a court of competent jurisdiction against any person who fails to comply with any provision of this Ordinance, or any requirement or condition imposed pursuant to this Code, to prevent, enjoin,

abate, or terminate violations pursuant to §9-462.05.B, A.R.S. The Town may seek a court order in the nature of mandamus, abatement, injunction or other action for proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

7. **OTHER REMEDIES.** The Town shall have such other remedies as are and as may be from time to time provided by Arizona law for the violation of zoning, subdivision, sign, or related Ordinance provisions.

8. **PENALTY.** It is unlawful to erect, construct, reconstruct, maintain or use any land in any zoning district in violation of any regulation or any provisions of this Ordinance. Any person, form or corporation violating this Ordinance or any part thereof, is guilty of a class two (2) misdemeanor. Each and every day during which the illegal erection, construction, reconstruction, alteration, maintenance or use continues is a separate offense.

9. **OTHER POWERS.** In addition to the enforcement powers specified in this Article, the Town may exercise any and all enforcement powers granted by Arizona law.

D. **CONTINUATION.** Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions, underneath by the Town pursuant to previous and valid ordinances and laws.

E. **REMEDIES CUMULATIVE**. The remedies and enforcement powers established in this Article shall be cumulative, and the Town may exercise them in any order.

F. **ENFORCEMENT PROCEDURES.**

1. **NON-EMERGENCY MATTERS.** In the case of violations of this Ordinance that do not constitute an emergency or require immediate attention, the Administrator shall give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the matter hereafter stated, after which the persons receiving notice shall have thirty (30) days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

2. **EMERGENCY MATTERS.** In the case of violations of this Ordinance that constitute an emergency situation as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the town may use the enforcement powers available under this Article without prior notice, but the Administrator shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement and to applicants for any relevant permit.

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ZONING PROCEDURES

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ARTICLE 3
ZONING PROCEDURES

3.1 GENERAL PROCEDURAL REQUIREMENTS

A. APPLICATION PROCESS AND OFFICIAL FILING DATE.
The specific procedures followed in reviewing various Applications for Development Approval differ. Reference shall be made to the appropriate section in this Ordinance which addresses the procedures and requirements of a particular application. Generally, the procedures for all applications have three (3) common elements: 1) submittal of a complete application, including required fee payment along with appropriate information; 2) review of the submittal by appropriate Town staff, agencies and boards; and 3) action to approve, approve with conditions, or deny the application.

1. **PRE-APPLICATION CONFERENCE.**
The applicant shall meet with the Administrator to discuss the nature of the proposed application, application submittal requirements, the procedure for action, and the standards for evaluation of the application.

2. **APPLICATION MATERIALS.** Current application materials are available in the Planning Department Offices. Materials may be picked up during normal business hours. The Planning Department may publish an application schedule which prescribes the deadline for submitting an application to the Planning Commission or the Town Council, which deadline shall not be less than fourteen (14) or more than eight (8) weeks prior to a public meeting or public hearing of the Planning Commission or the Town Council. Completed applications shall be filed according to the published schedule of the planning department. Such applications shall be filed in advance of any public hearing or public meeting required pursuant to this Ordinance or the A.R.S.

3. **NEIGHBORHOOD MEETINGS.** A neighborhood meeting shall be required for all General Plan Amendments, Zoning Changes, Site Plans, Preliminary Plats, Conditional Use Permits, PADs, Variances, and other Board of Adjustment cases as determined by the Zoning Administrator. The purpose of the meeting is to provide a means for the applicant, surrounding neighbors and homeowners associations to review preliminary development proposals and solicit input and exchange information about the proposed development with the intent to resolve potential conflicts prior to the required formal hearings. The applicant is required to hold at least one neighborhood meeting at least fifteen (15) calendar days prior to their scheduled Planning Commission Meeting.

   Neighborhood Meetings shall be held at a location near or on the development site. The meeting shall be held on a weekday evening or weekend day at a reasonable time and in a publicly accessible place.

   a. Notification requirements for Major and Minor General Plan Amendments, Rezoning, Planned Area Development, Site Plan, and Preliminary Plats; Notice of the meeting shall be provided by the applicant as follows:

(1) The development site shall be posted with at least one sign having a minimum sign area of sixteen (16) square feet with a black copy on a white background, not less than fifteen (15) calendar days prior to the date of the neighborhood meeting. Sites that exceed five (5) acres in size and/or have frontage on more than one (1) street shall post additional signs at the rate of one additional sign per every ten (10) additional acres, or one sign for each street with a maximum of four (4) signs per project. Such signs shall be clearly legible and wherever possible, placed adjacent to the right of way of a public street. The notice shall contain the date, time, and location of the meeting and a summary of the request. It shall also have contact information for the applicant's representative. It shall be the responsibility of the applicant to use reasonable efforts to maintain the sign once it has been placed on the property.

(2) Mailing a notice by First Class Mail not less than thirty (30) calendar days prior to the scheduled Commission Meeting and not less than fifteen (15) calendar days prior to the date of the Neighborhood Meeting to:

All property owners of record, chairpersons and management association of homeowners associations, and any neighborhood associations on record with the Town at a distance determined in **Table 3.1-1.**

The above noted property owners and management association names shall be obtained from Maricopa County or Pinal County Assessor's Office, as appropriate.

(3) A meeting summary shall be submitted to the Community Development Department not less than seven (7) calendar days prior to the Planning Commission Meeting with a written summary of the issues and discussion from the meeting and a list of attendees.

b. Notification requirements for Conditional Use Permits, Variances, and other Board of Adjustment cases as determined by the Zoning Administrator; notice of the meeting shall be provided by the applicant as follows:

(1) The development site shall be posted with at least one sign having a minimum sign area of sixteen (16) square feet with a black copy on a white background, not less than fifteen (15) calendar days prior to the date of the neighborhood meeting. Sites that exceed five (5) acres in size and/or have frontage on more than one (1) street shall post additional signs at the rate of one additional sign per every ten (10) additional acres, or one sign for each street with a maximum of four (4) signs per project. Such signs shall be clearly legible and wherever possible, placed adjacent to the right of way of a public street. The notice shall contain the date, time, and location of the meeting and a summary of the request. It shall also have contact information for the applicant's representative. It shall be the responsibility of the applicant to use reasonable efforts to maintain the sign once it has been placed on the property.

(2) Mailing a notice by First Class Mail not less than thirty (30) calendar days prior to the scheduled Commission Meeting and not less than fifteen (15) calendar days prior to the date of the Neighborhood Meeting to:

All property owners of record, chairpersons and management association of homeowners associations, and any neighborhood associations on record with the Town at a distance determined in **Table 3.1-1.**

The above noted property owners and management association names shall be obtained from Maricopa County or Pinal County Assessor's Office, as appropriate.

(3) A meeting summary shall be submitted to the Community Development Department not less than seven (7) calendar days prior to the Planning Commission Meeting with a written summary of the issues and discussion from the meeting and a list of attendees.

TABLE 3.1-1 Notification Requirements

Type of Case*	Distance Requirement
Minor General Plan Amendments	900'
Major General Plan Amendment	1200'
Rezoning, 5 acres and less	900'
Rezoning, above 5 acres	1200'
Site Plan, 5 acres and less	900'
Site Plan, above 5 acres	1200'
Indoor Conditional Use Permit, up to 2,500 square feet of building/leased area	900'
Indoor Conditional Use Permit, above 2,500 square feet of building/leased area	1200'
Outdoor Conditional Use Permit, 5 acres and less	900'
Outdoor Conditional Use Permit, above 5 acres	1200'
Board of Adjustment Case	900'
*Any case that is part of another application with a larger notification distance, the larger notification distance will be required	

B. PLANNING COMMISSION.

The Planning Commission shall hold regularly scheduled public hearings to receive and review public input on those items required by this ordinance. On those items where it has review authority, the Commission shall recommend that the Town Council approve, approve with conditions, or deny applications. Planning Commission decisions and recommendations shall be based on consideration of the following evidence and analysis:

1. Conformance with this Ordinance;
2. Conformance with the Queen Creek General Plan and other adopted plans;
3. Staff recommendations;
4. Review agency input;

5. Public input and testimony received at the hearing; and
6. Effects of the proposal on the neighborhood, area, and the community-at-large.

C. RECORDS.

The Administrator shall provide for minutes to be written and retained, shall record the evidence submitted within the hearing time allotted for the tem being considered, and shall include a summary of the considerations and the action of the Planning Commission.

D. QUEEN CREEK TOWN COUNCIL.

The Town Council shall hold regularly scheduled public hearings to act upon all items required by this Ordinance. The Town Council shall decide whether or not to approve, approve with conditions or deny an application. Action on those items heard will be based on consideration of evidence presented including, but not limited to, the following:

1. Planning Commission recommendations;
2. Conformance with this Ordinance and adopted plans, standards and policies;
3. Staff recommendations;
4. Review agency input;
5. Public input and testimony received at the hearing; and
6. Effects of the proposal on the neighborhood, area and community-at-large.

E. NOTICE PROVISIONS.

The notice requirements for each type of application for development approval are prescribed in the individual subsections of this Article applicable thereto and/or the A.R.S.

F. SCOPE OF ACTION.

The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditions; approval of the application or denial of the application. The reviewing body may allow amendments to the application if the effect of the amendments is to allow a lesser change than that requested on the original application or to reduce the impact of the development or to reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body shall not, in any case, permit a greater amount of development, or a use falling in a different general use category, or a larger land area than indicated in the original application, or a greater variance than was indicated in the notice.

G. PUBLIC HEARING PROCEDURES.

1. **SETTING OF THE HEARING.** When the Administrator determines that a development permit application is complete, the Administrator shall cause notice of such hearing to be made at the expense of the Applicant.

2. **PURPOSE OF HEARING.** The purpose of a public hearing is to allow the applicant and all other interested parties a meaningful and fair opportunity to be heard, to present evidence relevant to the application and to rebut evidence presented by others.

3. **CONDUCT OF HEARING**.

   a. Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative. Each person who

appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization or group, the name and mailing address of the organization or group.

b. The Chair shall exclude testimony or evidence that is irrelevant, immaterial or unduly repetitions. At any point, members of the body conducting the hearing may ask unduly questions of the applicant, staff or public. The order of proceedings shall be as follows:

(1) The Administrator or appropriate staff members shall present a description of the proposed development and a written or oral recommendation, if required. The recommendation shall address each factor required by this Ordinance to be considered prior to action or approval on the development permit.

(2) The applicant shall present any information that the applicant deems appropriate;

(3) Public testimony shall be heard first in favor of the proposal, then in the opposition to it;

(4) The Administrator or other staff member may respond to any statement made by the applicant or any public comment;

(5) The applicant may respond to any testimony or evidence presented by the staff or public; and

(6) The body conducting the hearing shall close the public portion of the hearing and conduct deliberations.

c. **RECORD OF PROCEEDINGS**.

(1) The body conducting the hearing shall record the proceedings by any appropriate means and according to such procedures as the Town Council may, from time to time, prescribe by rule. Such record shall be provided at the request of any person upon application to the Town Council to cover the cost of duplication of the record.

(2) The record of all proceedings, including testimony and statements of personal opinions the minute of the secretary, all applications exhibits and papers submitted, all staff and advisory board or commission reports and recommendations, and the decision and report(s) of the body before which the hearing is heard shall constitute the record.

(3) All such records shall be public records, open for inspection at reasonable times and upon reasonable notice.

d. **CONTINUANCE**.

(1) Any applicant or authorized agent of an applicant may be granted a continuance before the Planning Commission, Board of Adjustment or Town Council upon payment of an administrative fee established pursuant to §1.11 hereto. A continuance may also be imposed by the body or agency conducting the hearing, but no such administrative fee may be charged unless the continuance is requested by the applicant.

(2) An applicant requesting a continuance shall make reasonable efforts, through personal notice, to notify all persons previously advised of the application and hearing that a continuance has been requested. The applicant shall also cause written notice of the rescheduled public hearing date to be sent to surrounding property owners in the same manner and in accordance with the same time schedule as for the original meeting.

(3) All motions to grant a continuance shall state the date on which the matter is to be heard. A majority vote of those members in attendance shall be required to grant a continuance was made and any stipulations or conditions placed upon the continuance.

e. **ADDITIONAL RULES**. Where appropriate, additional rules governing the public hearing may apply including, but not limited to, other provisions of the ordinance applicable to the body conducting the hearing and any of the body's adopted rules or procedures as long as the same not in conflict with this Article. The body conducting the hearing may adopt rules of procedure to limit the number of Applications for Development Approval which may be considered per meeting and to limit the time for each presentation, or each speaker.

H. POST-DECISION PROCEEDINGS.

1. Any person, including any officer or agency of Queen Creek, aggrieved by a final administrative determination on a development permit or administrative development approval by the Administrator or final decision-maker may appeal such final determination to the appellate body designated by this Article, if any, in the manner provided in this section.

2. A written appeal shall be filed with the Town Clerk within ten (10) business days after the date of the final decision. The appeal shall contain a written statement of the reasons for which the appellant claims the final decision is erroneous. The appeal shall be accompanied by the fee established by the Town Council. If the appeal is from a Board of Adjustment decision, it shall be filed by any person aggrieved or by an officer, department, board, or bureau of the municipality within thirty (30) days of the decision.

3. The appellate body of the Town shall hear the appeal within a reasonable time after the filing of the appeal. The hearing before the appellate body shall be conducted in accordance with the provisions of Section 3.1.G hereto.

I. REVOCATION OF PERMIT OR APPROVAL

1. **DUTIES OF ADMINISTRATOR**. If the Administrator determines that there are reasonable grounds for revocation of a development permit or approval, the Administrator shall set a hearing before the final decision-maker. If the decision was made by the Administrator, the hearing shall be conducted by the Zoning Board of Adjustment. If the Town Council was the original decision-maker, it may refer the proposed revocation to the Planning Commission for a recommendation prior to the hearing.

2. **NOTICE AND PUBLIC HEARING**. Notice of a revocation hearing shall be given in the same manner as provided in §9-462.04, A.R.S. A public hearing shall be conducted in accordance with the procedures established in §3.1.I of this Ordinance.

3. **DECISION AND NOTICE.** The decision-maker shall render a decision to revoke the permit to allow the applicant to retain the development permit or to reconsider the permit and shall notify the holder of the permit and any other person who has filed a written request for such notice in the manner provided in §9-462.04.A.6, A.R.S.

4. **EFFECT AND APPEALS.** A decision to revoke a development permit shall become final thirty (30) days after the date the decision is rendered, unless appealed. After such effective date of revocation, any activities continuing pursuant to such permit shall be deemed to be in violation of this Ordinance.

5. **RIGHT CUMULATIVE.** The Town's right to revoke a development permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

3.2 PERMITS REQUIRED.

A. GENERAL.

1. No development or development activity may be undertaken within the Town unless all development permits applicable to the proposed development are issued in accordance with the provisions of this Ordinance. At a minimum, no development or development activity may occur until a zoning clearance has been obtained from the Planning Department and a building permit is obtained from the Building Department. Permits are required for all development, unless otherwise excepted, to ensure compliance with the various adopted codes, standards and laws and to ensure consistency with the General Plan and policies of the Town.

2. The procedures for approval of a General Plan Amendment, Zoning Ordinance Amendment or rezoning, Conditional Use Permit, Site Plan, or a Board of Adjustment matter are prescribed in §3.3 through §3.6 of this Article. The procedures for approval of permits which follow the above referenced procedures, or permits for special situations, are set forth in this Section. Unless otherwise provided in any particular subsection herein, the following procedure shall apply to the issuance of any permit required pursuant to this Section but shall not apply to the procedures set forth in §3.3 through §3.7 of this Ordinance:

   a. The applicant shall submit the required materials to the Administrator as set forth in Appendix C of this Ordinance. Only complete applications shall be accepted.

   b. After the application is filed, the Administrator shall send a summary of review comments to the applicant. The applicant shall respond to any review comments within five (5) days of receipt of the comments. The application shall be approved, approved with conditions, or denied within ten (10) working days after submittal of the applicant's response to the review comments.

   c. The filing of an appeal to the Board of Adjustment shall toll the time period established herein for the approval or issuance of a permit required by this section.

   d. Upon approval of any permit required by this Section (excluding subsection B hereto, below), a zoning clearance application may be submitted by the applicant pursuant to subsection B of this Section.

B. ZONING CLEARANCE AND BUILDING PERMIT.

1. **APPLICATION.** On and after the effective date of adoption of this Ordinance, structures shall be erected only on parcels of land that have been created in conformance with this Ordinance. No person shall construct any structure, use any land, or change the use of any structure or land until a zoning clearance has been obtained from the Planning Department and a building permit had been obtained from the Building Department.

2. **EXCEPTIONS.** The provisions of the preceding paragraph shall not apply to any legal nonconforming use established in accordance with the provisions of Article 7 of this Ordinance.

3. **APPLICATION PROCEDURES.**

   a. Site Plan Review is required in accordance with §3.5.B of this Ordinance. A zoning clearance application is available from the Planning Department. If the proposed development or development activity is exempt from site plan review pursuant to §3.5.B hereto, a plot plan consistent with the sketch plan requirements of Appendix C shall be filed for review. The Administrator shall assist the applicant in determining which materials are required for a submittal. Building permit applications are required and available from the Building Department.

   b. When the required materials are submitted to each respective department, the Building Department shall review its applicable building codes. The Planning Department shall review its application for conformance with the Ordinance.

   c. Following review applications shall be approved, approved with conditions, or denied. Applications which are denied shall have the reasons for denial, in writing, attached to the application.

4. **APPROVAL CRITERIA.** The following criteria shall be used to evaluate the zoning clearance and building permit application.

   a. The building plans and related diagrams and written information shall be provided in conformance with the adopted building code, fore code, electrical code, mechanical code and any other applicable codes and policies adopted by the Town.

   b. The proposed building plan shall be in conformance with the land uses permitted n the zoning district in which the development project will be constructed.

   c. The building plans shall be in conformance with all applicable regulations of this Ordinance.

5. **VALIDITY.** The building permit shall be valid for the use for which the zoning clearance was granted, as long as the use is in compliance with applicable codes, proving that within six (6) months of issuance of the clearance a certificate of occupancy has been obtained by the applicant. A new zoning clearance and any applicable fee shall be required for any approved project that did not commence construction within that six (6) month period.

6. **NON-CONFORMING USES.** A change of use permit may be granted for a non-conformity only if the change in use is to principal use permitted in the district. Once the change from a non-conformity to a principal permitted use is completed, no conversion to the previous non-conforming use shall be permitted.

C. FENCE PERMIT.

1. **APPLICATION.** Unless a building permit is required for a lot in the interior of a subdivision or for the interior of a lot, no fence shall be erected or constructed unless and until a fence permit has been issued by the Administrator.

2. **PROCESSING PROCEDURES.** The procedure for processing a fence permit shall be as set forth in §3.2.B of this Article, except that the time period for the approval, conditional approval or denial of a fence permit shall be thirty (30) days.

3. **APPROVAL CRITERIA.** No fence permit shall be issued or approved, and no fence shall be constructed, unless evidence is presented which demonstrates that the proposed fences shall be designed, constructed and erected in conformance with §5.3 of this Ordinance.

D. HOME-BASED OCCUPATION PERMIT.

1. **APPLICATION.** No home occupation shall be commenced or established unless and until a home occupation permit has been issued by the Administrator.

2. **PROCESSING PROCEDURES.** The procedure for processing a home occupation permit shall be ad set forth in §3.2.B of this Article, except that the time period for the approval, conditional approval or denial of a home occupation permit shall be thirty (30) days.

3. **APPROVAL CRITERIA.** No home occupation permit shall be issue or approved, and no home occupation shall be established, except in conformance with §6.8 of this Ordinance.

E. SEXUALLY ORIENTED BUSINESS (SOB) PERMIT.

1. **APPLICATION.** No sexually oriented business shall be commenced or established unless and until a sexually oriented business (SOB) permit has been issued by the Administrator.

2. **PROCESSING PROCEDURES.** The procedure for processing an SOB permit shall be as set forth in §3.2.B of this Article, except as follows:

   a. The time period for approval, conditional approval pr denial of an SOB permit shall be fifteen (15) working days.

   b. If the SOB permit is denied and an appeal is filed in the Superior or a federal District Court, the applicant may commence operations as set forth in the application for development approval provided, however, that the operations shall immediately cease upon a final decision by the district court and courts of appellate jurisdiction which affirms or upholds the decision of the Administrator.

3. **APPROVAL CRITERIA.** No SOB permit shall be issued or approved and no sexually oriented business shall be established, except in conformance with §6.15 of this Ordinance.

F. SCHOOLS.

1. **APPLICATION.** No school shall be commenced or established unless and until a zoning compliance permit has been issued by the Administrator. Pursuant to A.R.S. §15-189.01, charter schools shall be classified as public schools for the purposes of the assessment of zoning fees, site plan fees and development fees. The procedures herein are adopted in order to ensure that hearings and administrative reviews involving charter schools are scheduled and conducted on an expedited basis and that charter schools receive a final determination from the town within thirty (30) days of the beginning of processes requiring only an administrative review and within ninety (90) of the beginning of processes requiring only an administrative review and within ninety (90) days of the beginning of processes requiring a public hearing and allowing an appeal to the board of adjustment or the Town Council, as required by A.R.S. §15-189.01. This section further provides benefits relating to zoning for schools, as authorized by A.R.S. §15-342.16(a).

2. **PROCESSING PROCEDURES.**

   a. Charter schools are designated as uses permitted as of right in all zoning districts where they are designated as a permitted use. The procedure for processing a zoning compliance permit for a charter school shall be as set forth in §3.2.B of this Article, except that the time period for the approval, conditional approval or denial of a zoning compliance permit for a charter school shall be thirty (30) days.

   b. For schools other than charter schools and which are subject to A.R.S. §15-342, the procedure for processing a zoning compliance permit shall be the same as the procedure set forth in subsection 2.a above of this subsection F. Where such schools are designated as a conditional use, the Planning Commission shall submit its recommendation within thirty (30) days after receipt of a complete application for site plan approval. The failure of the Planning Commission to submit a recommendation within this time period shall be deemed a recommendation of approval, and the application shall be forwarded to the Town Council. The Town Council shall render its determination within sixty (60) days after receipt of the recommendation of the Planning Commission.

3. **APPROVAL CRITERIA.** No school shall be established, nor shall any zoning compliance permit be issued, except in conformance with any applicable provisions of Articles 4 and 5 and §6.14 of this Ordinance.

G. RELIGIOUS INSTITUTIONS.

1. **APPLICATION.** No new religious institution building shall be constructed unless and until a building permit has been issued by the Administrator.

2. **PROCESSING PROCEDURES.** The procedure for processing a permit shall be set forth as follows and as outlined in Diagram 3.2-1:

   a. The applicant shall submit the required materials to the Administrator as set forth in Appendix C of this Ordinance.

b. The Administrator shall review the application in accordance with the criteria established in §6.20 *Religious Institutions* of this Ordinance. The Administrator shall solicit review comments in accordance with general review procedures. The applicant shall hold a neighborhood meeting in accordance with the requirements set forth in §3.1 (A)(3) *Neighborhood Meetings* of this Ordinance.

(1) Religious Institutions (with seating capacity up to 1,500 persons) which do meet the criteria established in §6.20 *Religious Institutions* and applicable sections of this Ordinance will be required to proceed through Town Council administrative approval. After a complete application has been reviewed, the Administrator shall submit to Town Council for final site plan approval as an administrative item only. The applicant may apply for building permits consistent with the proposed plans. No building permit application may be issued by the Administrator until he has certified such application conforms to the approved final site plan.

(2) Religious Institutions (with seating capacity up to 1,500 persons) which do not meet the criteria established in §6.20 *Religious Institutions* and applicable sections of this Ordinance will be required to proceed through the public hearing process as established in §3.4 *Zoning Amendment and Rezonings* of this Ordinance.

(3) Large Religious Institutions (with seating capacity greater than 1,500 seats) will require Conditional Use Permit approval as indicated in §4.6 *Table 4.6-1 and 4.6-1* and will be required to proceed through the public hearing process as set forth in §3.5 *Conditional Use Permits* of this Ordinance. Large Religious Institutions which do not meet the criteria established in §6.20 *Religious Institutions* and applicable sections of this Ordinance will be required to proceed through the public hearing process as established in §3.4 *Zoning Amendment and Rezonings* of this Ordinance. Both requirements may be processed concurrently.

3. **APPROVAL CRITERIA.** No religious institution building shall be established, nor shall any zoning compliance permit be issued, except in conformance with any applicable provisions of Article 4 and 5 and §6.20 *Religious Institutions* of this Ordinance.

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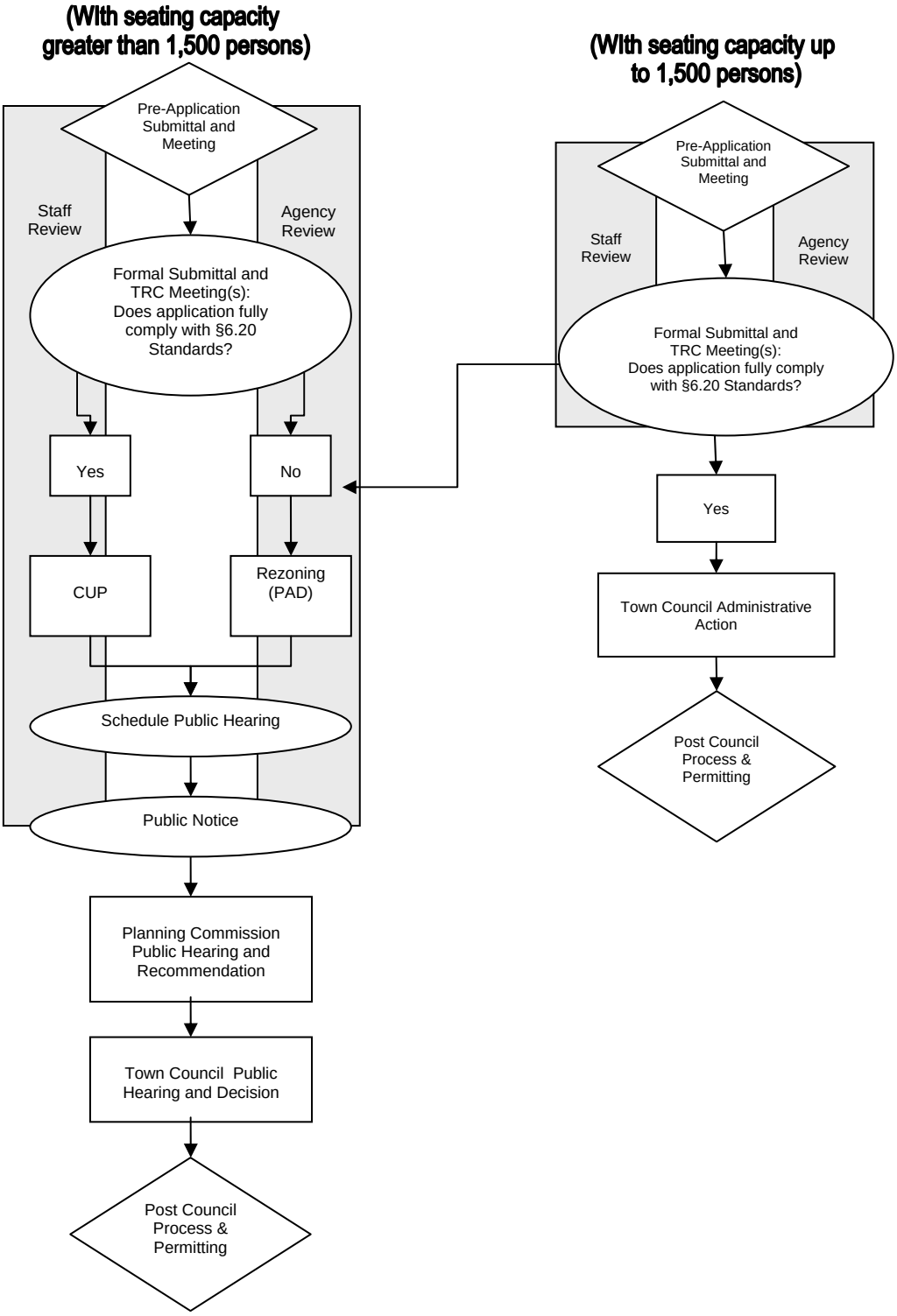
DIAGRAM 3.2-1: Religious Institution Process



H. SIGN PERMIT.

1. **APPLICATION.** Permits are required for all new signs except and provided in §6.15.L of this Ordinance. The alteration of sign faces by painting or overlay shall be considered as construction of a new sign and require a permit. Touching up or repainting existing letters or symbols shall be considered maintenance and repair and shall not require a permit. An application form and a site plan completed by a licensed sign contractor (the applicant), shall be submitted to the Administrator.

2. **PROCESSING PROCEDURES.**

   a. The Administrator shall review the application in accordance with the criteria established in this §6.16. The Administrator shall solicit review comments in accordance with general review procedures.

   b. Permanent signs for planned area developments, subdivisions and conditional uses shall be reviewed as part of the site plan.

3. **APPROVAL CRITERIA.** All signs shall be constructed and maintained in accordance with §6.16, Sign Regulations. Sign types shall be those allowed for specific purposes in the zoning district in which the sign shall be erected. All signs shall be located on the premises to which they refer unless permitted as off-premise signs under this regulation.

I. TELECOMMUNICATIONS PERMIT.

1. **APPLICATION.** No antenna or tower shall be erected, constructed or established unless and until a telecommunications permit has been issued by the Administrator.

2. **PROCESSING PROCEDURES.** The procedure for processing a telecommunications permit shall be as set forth in §3.2.B of this Article, except as follows:

   a. Where an antenna or tower is considered a permitted use, the Administrator shall review the application for development approval and submit his review comments to the applicant within a reasonable time after the application is submitted. The applicant shall respond to any review comments.

   b. Where an antenna or tower is considered a conditional use, the Administrator shall refer the application to the Planning Commission. The Administrator shall review the application then submit a staff report to the Planning Commission. The matter shall be scheduled at the first available meeting of the Planning Commission but not less than the statutory requirements. The Planning Commission shall submit its recommendation within thirty (30) days after its initial public hearing on the application. If no recommendation is timely submitted by the Planning Commission, the application shall be referred to the Town Council without a Planning Commission recommendation, and shall be placed on the agenda of the Town Council at the first available

opportunity. The Town Council shall render its decision approving, approving with conditions or denying the application for a conditional use permit within sixty (60) days after the first public hearing relating to the application.

3. **APPROVAL CRITERIA.** No telecommunication permit shall be issued or approved, and no antenna or tower shall be constructed or erected, except in conformance with §6.18 of this Ordinance.

J. TEMPORARY USE PERMIT.

1. **APPLICATION AND USES PERMITTED.** Applicants for a Temporary Use Permit shall submit a completed application form and a site plan, all of which contain such information as established by the Administrator. The uses listed in §6.19 are authorized temporary uses subject to the regulations and time periods specified therein and only in the zoning districts specified in §4.6 of this Ordinance. Unless otherwise specified herein, Temporary Use Permit renewals or extensions shall not be permitted. All other uses shall be considered permanent and subject to all regulations within this and other applicable Ordinances.

2. **PROCEDURES.**

a. The applicant shall submit the required materials to the Administrator as set forth in Appendix C of this Ordinance which shall include a general project report and a site plan, except that the site plan format may be 11" x 17". Only complete applications will be accepted.

b. The Administrator shall review the application in accordance with the criteria established in §6.19 of this Ordinance. The Administrator shall solicit review comments in accordance with general review procedures.

3. **CONDITIONS OF APPROVAL.** In the allowance of such a use, the Administrator or, upon appeal, the Board of Adjustment shall have authority to require such reasonable conditions as necessary to protect the public health, safety, and general welfare and to ensure that the use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected.

4. **VALIDITY.** The temporary use permit shall be valid for the use for which the permit was granted for the length of time indicated in the permit as long as the use is in compliance with applicable ordinances.

K. CERTIFICATE OF OCCUPANCY.

1. **APPLICATION**. No vacant land or building shall be occupied or used (including change of use) or hereafter erected or structurally altered until a certificate of occupancy has been issued by the Building Official.

2. **PROCESSING PROCEDURES.**

a. The applicant shall submit the required materials with a request for final inspection, to the Administrator.

b. The Administrator shall review the permit application and site plan submittal and require that the departments involved in the initial review make a final inspection to ensure that the work activities have been completed in accordance with the criteria established in this Ordinance and the adopted building and fire codes.

3. **APPROVAL CRITERIA.**

a. The Administrator shall find that all requirements of all permits issued for the development project have been satisfactorily completed.

b. The Administrator shall obtain from the Building Official a statement that the final development conforms with the Building Official a statement that the final development conforms with the Building Permit issued for the development project.

3.3 GENERAL PLAN AMENDMENT.

A. APPLICATION.

1. Before any application is made, the applicant shall schedule a pre-application conference with the Administrator to discuss, in general, the procedures and requirements for a General-Plan amendment request pursuant to these regulations.

2. A property owner or his/her designated representative shall initiate a General Plan amendment request by filing an application with the Administrator and paying the application filing fee as established by the Council.

B. FUTURE LAND USE MAP AMENDMENT.

An application for a Future Land Use Map Amendment shall include the following:

1. A reduction of the Assessor's Map and the Future Land Use Map with a location map. Boundaries of the proposed map amendment shall be shown.

2. Evidence of title.

3 Legal description.

4. Deed.

5. All existing and proposed easements.

6. Rights-of-way.

7. Additional items may also be required by the Administrator to address specific issues raised by the amendment.

8. A written report which addresses the following issues unless modified by the Administrator: Reasons why the amendment is being requested and an indication of compliance with Section 3.3.1 Approval Criteria;

   a. Proposed amendment description including the existing land uses of the area proposed for amendment and surrounding land uses; number of acres; existing Future Land Use; proposed zoning amendment, if any; and public benefit;

   b. Site topography, drainage, environmental issues and other physical conditions;

   c. Availability of utilities;

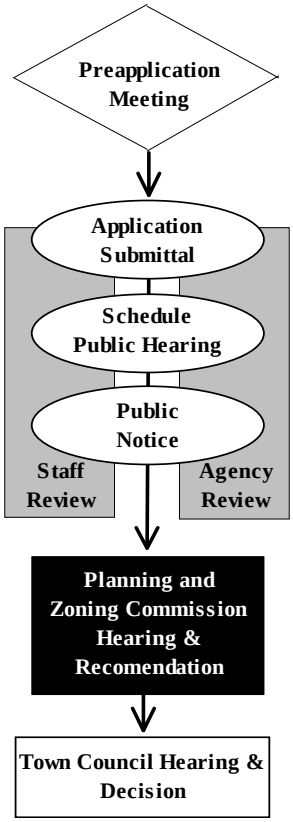
   d. Site access and traffic impacts;

   e. Effects of proposed Future Land Use Amendment on public facilities and rights-of-way;

   f. Fiscal impact on the community.

C. PROCEDURES FOR AMENDING GENERAL PLAN TEXT.
The text of the adopted General Plan may be amended from time to time. Amendments to the General Plan may be initiated by the Administrator, by the Planning Commission, by the Town Council, or by petition of a property owner or owner of a business located in the Town. The Council may establish a schedule prescribing when and how frequently General Plan text amendments will be considered.

General Plan Amendment Approval Process



D. PROCEDURES FOR AMENDING THE FUTURE LAND USE MAP.
The Commission, the Council, the Administrator, a property owner or the owner of a business located in the town may initiate a request for an amendment to the land use map of the General Plan. The application for an amendment of the Future Land Use Map may be accompanied by an application for rezoning (Zoning District Map amendment). The Council may establish a schedule prescribing when and how frequently General Plan text amendments will be considered.

E. DETERMINATION OF COMPLETENESS.
The Administrator shall review the General Plan amendment application and determine if the application is complete pursuant to this Section. If the Administrator determines the application is not complete then the application shall be returned to the applicant, along with the requisite fees. The applicant shall be instructed as to the reasons for the incompleteness of the application and actions neede to remedy the deficiencies within the current application period.

F. PUBLIC HEARING, REPORT, AND RECOMMENDATION OF THE COMMISSION.
The Commission shall hold a public hearing to consider any proposed substantial changes to the General Plan. Notice of the public hearing shall be provided as set forth in A.R.S. §9-461.06. At the hearing, the Commission shall recommend approval, approval with conditions, or denial of a petitioned Plan Amendment, either in whole or in part within the time period prescribed by A.R.S. §9-461.06. The reasons for the action shall be included in the minutes of the hearing. Approval of the amendment by the Commission shall be carried by the affirmative vote of a majority of the Commissioners present. The recommendation shall refer expressly to the maps and descriptive text, illustrations, proposed text change and/or other to constitute the amendment. The action taken by the Commission shall be recorded in the meeting minutes.

G. DECISION BY THE TOWN COUNCIL.
The Administrator shall cause notice of the hearing to be published in the manner provided in §9-461.06, A.R.S. The council shall schedule a public hearing at which it may approve, conditionally approve or deny the amendment, or take such other action as it may deem appropriate. The Town Council shall adopt or readopt the General Plan amendment. As prescribed by A.R.S. §9-461.06.G, or reject the proposed General Plan amendment.

H. APPROVAL CRITERIA AND FINDINGS.

In determining whether the proposed amendment should be approved, the Commission and Town Council shall consider the following factors:

1. Whether the development pattern contained in the future land use plan provides appropriate optional sites for the use proposed in the amendment.

2. That the amendment constitutes an overall improvement to the Queen Creek General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

3. The degree to which the proposed amendment will impact the community as a whole or a portion of the community by:

    a. Significantly altering acceptable existing land use patterns.

    b. Requiring larger and more extensive improvements to roads, sewer, or water systems than are needed to support the prevailing land uses in which, therefore, may negatively impact development of other lands. The Commission and/or the Town Council may also consider the degree to which the need for such improvements will be mitigated pursuant to binding commitments by the applicant, a public agency, or other sources when the impacts of the uses permitted pursuant to the General Plan amendment will be felt.

    c. Adversely impacting existing uses due to increased traffic on existing systems.

    d. Affecting the livability of the surrounding area or the health and safety of present or future residents.

4. That the amendment is consistent with the overall intent of the General Plan.

5. Whether there was an error or oversight in the original General Plan adoption in that the Council did not fully consider facts, projects or trends which could reasonably exist in the future.

6. Whether events subsequent to the General Plan adoption have superseded the Council's original premises and findings made upon plan adoption.

7. Whether any or all of the Council's original premises and findings regarding General Plan adoption were unsubstatiated.

8. Whether events subsequent to the General Plan adoption may have changed the character and/or condition of the area so as to make the application acceptable

9. The extent to which the benefits of the Plan amendment outweigh any of the impacts identified in Subsections One (1) through eight (8) hereto.

3.4 ZONING AMENDMENT AND REZONINGS.

A. APPLICATION.

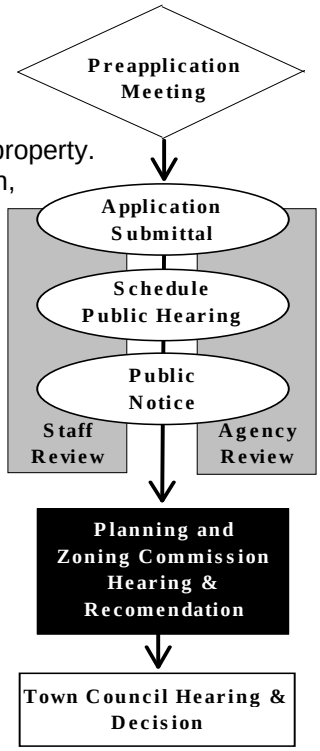
1. When the owner of the affected property initiates an amendment to the district boundaries, an application for such amendment shall be submitted to the Administrator. Before any application is accepted by the Planning Department, the applicant shall submit an application for a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a zoning amendment request pursuant to these Regulations.

2. A rezoning shall be an amendment to the Official Zoning Map as established and maintained according to §4.4 of this Ordinance.

3. Whenever the public necessity, safety, or general welfare justifies such action, and after obtaining the consideration of, and recommendation by, the Planning Commission, the Town Council may change zone district boundaries.

B. INITIATION OF A REZONING.

An owner of real property within the Town, or that owner's authorized representative, may, upon proof of ownership, apply for a change in zoning district boundaries (rezoning) for that landowner's property. Such amendments also may be initiated by the Planning Commission, Town Staff, and the Town Council.



C. INITIATION OF ORDINANCE TEXT AMENDMENT.

Any person may request an amendment of the text of the Ordinance, after a pre-application meeting is held, by filing a written request and application with the Administrator.

D. PROCEDURES.

1. A pre-application conference shall be scheduled by the applicant with the Administrator to discuss the proposal. During the conference, the Administrator will identify the submittal request.

2. A rezoning shall be an amendment to the Official Zoning Map as established and maintained according to §4.4 of this Ordinance.

3. Whenever the public necessity, safety, or general welfare justifies such action, and after obtaining the consideration of, and recommendation by, the Planning Commission, the Town
Council may change zone district boundaries.

4. The Planning Commission shall recommend approval, approval with conditions, or denial of a petitioned zone or text change.

5. Upon a recommendation for approval of a rezoning request or text amendment, with or without conditions, the Administrator shall schedule the application for

hearing before the Town Council. The Town Council shall approve, approve with conditions, or deny the rezoning or text amendment.

6. When a rezoning application is accompanied by an application for a conditional use permit or subdivision approval such dual applications may be processed and reviewed concurrently. If the proposed rezoning is inconsistent with the General Plan Future Land Use Map, an application for an amendment to the Future Land Use Map shall be submitted by the applicant in accordance with §3.3 of this Ordinance. Amendments to both the Official Zoning Map and the General Plan Future Land Use Map may be considered concurrently.

E. APPROVAL CRITERIA.

The Planning Commission and Town Council shall consider the following questions, at a minimum, in reviewing and application for a rezone.

1. Whether the existing zoning was in error at the time of adoption.

2. Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration and development.

3. The degree to which the proposed zoning will benefit the community. Whether there will be benefits derived by the community, or area, by granting the proposed rezone.

4. Whether the proposed rezone is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezone, parking problems, or environmental impacts that the new use will generate such an excessive storm runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances.

5. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the General Plan, other adopted plans, and the goals, objectives and policies of this Ordinance, and other Town regulations and guidelines, including goals and policies relating to economic development.

6. Compliance with the adequate facilities criteria as set forth in §5.1 of this Ordinance.

7. The zoning districts and existing land uses of the surrounding properties.

8. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification.

9. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character.

10. The length of time the subject property has remained vacant as zoned.

11. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.

F. PROTEST.

The majority of votes prescribed by §9-462.04.G, A.R.S, shall be required if a protest petition is filed in accordance with said statute and the subsection F. The protest petition shall be filed in writing with the Town Clerk at or before noon (12:00) on the date of the Town Council hearing.

G. SUBSEQUENT APPLICATIONS.

In the event that an application for amendment is denied by the Town Council or that the application is withdrawn after the town Planning Commission hearing, the Town Planning Commission shall have the authority to refuse to accept another application for the same amendment within one year of the original hearing.

3.5 CONDITIONAL USE PERMITS

A. APPLICABILITY.

1. Conditional uses are those uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

2. Only those uses that are enumerated as conditional uses in a zoning district, as set forth in §4.6 of this Ordinance, or as authorized pursuant to subsection D.2. of this Section, shall be authorized by the Town Council. A conditional use permit shall not be required for a use allowed as a permitted use in a given zoning district. No conditional use shall be established until a site plan has been approved in accordance with §3.6 of this Article. Applications for a conditional use and site plan review shall be submitted and reviewed concurrently.

B. APPROVAL CRITERIA.

As may be specified within each zoning district, uses permitted subject to conditional use review criteria shall be permitted only after review and approval by the Planning Commission and the Town Council only if the applicant demonstrates that:

3. The proposed conditional use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 5 of this Ordinance, and any applicable performance standards as set forth in Article 6 of this Ordinance.

4. The proposed conditional use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall be given to the location, type and height of the buildings or structures and the type and extent of landscaping and screening on the site.

5. Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.

6. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

7. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

8. The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminishes or impair the property values within the neighborhood.

9. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

10. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

11. The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.

C. APPROVAL PROCEDURE.

The approval of a site plan shall constitute approval of a conditional use, in accordance with the procedures set forth in §3.6 below. When a complete site plan application has been submitted, the site plan shall be submitted with a recommendation to the Planning Commission and the Town Council for approval, approval with conditions, or denial. The procedure for processing a conditional use shall be as set forth in §9-462.04, A.R.S.

When a conditional use is approved, the Town Council must concurrently approve, approve with condition(s) or deny a site plan. Any conditions of approval of the site plan shall be made condition(s) of approval of the conditional use by reference.

D. TOWN COUNCIL AUTHORITY.

1. Any use that the Town Council may permit as a Conditional Use, existing at the time this Ordinance or amendments thereto become effective, shall be considered a nonconforming use unless such use has been established as a Conditional Use as herein provided.

2. The Town Council may permit any use within a zoning district upon a finding that said use is materially similar to other permitted or conditional uses within the same zoning district, in accordance with the procedures and standards set forth in this Section. No use shall be authorized by the Town Council, pursuant to this subsection, except by the favorable vote of three-fourths of all members of the Town Council.

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3.6 SITE PLAN REVIEW

A. PURPOSE.

The site plan review provisions and regulations of this Section are intended to promote the safe, functional and aesthetic development of property and to ensure that new structures, utilities, streets, parking, circulation systems, yards and open spaces are developed in conformance with the standards of this Ordinance, the General Plan, and consistent with any adopted specific plans. The site plan review shall consider the siting of structures and related site improvements to promote harmonious relationships with adjacent development.

Site Plan Process

B. APPLICATION.

1. No application for development approval in the following categories shall be approved unless a site plan has been submitted consistent with the requirements of Appendix C hereto and has been approved in accordance with the procedures prescribed in this Section:

   a. An application for development approval requesting a non-residential use or any multi-family dwelling unit.

   b. An application for approval of a conditional use

   c. An application for change in the Official Zoning District classification (a "rezoning"), including any application for approval of a Planned Area Development (PAD).

2. Site plan review shall occur prior to issuance of a zoning clearance and the issuance of a building or grading permit.

C. SUBMITTAL REQUIREMENTS.

The applicant shall submit to the Administrator a completed application set forth in Appendix C to this Ordinance. During the pre-application conference, the Administrator shall inform the applicant of the appropriate minimum submittal standards required for the specific project. As a result of the agency and staff reviews, more information may be required. Therefore, it is incumbent upon the applicant to discuss the project with the applicable review agencies prior to submittal in order to avoid delays. Only complete submittals shall be accepted.

D. APPROVAL PROCEDURE.

1. An application for approval of a site plan shall be submitted to the Administrator. The Administrator shall determine whether the application for site plan approval

is complete, and shall submit a report as to compliance with this Ordinance and the application for site plan approval to the Planning Commission.

2. If the site plan application is incomplete, the Administrator shall return it to the applicant with a statement of the reasons why the proposed site plan does not conform to the provisions of Subsection Appendix C hereto.

3. If a permitted as right use is proposed, the Administrator shall submit a recommendation to the Planning Commission. The Planning Commission shall recommend approval of the site plan, approval of the site plan with conditions, or denial of the site plan. The recommendation of the planning Commission shall be submitted to the Town Council.

4. If a conditional use, rezoning or PAD is proposed and accompanies the application for site plan review, the Administrator shall submit recommendations to the Planning Commission and the Town Council as set forth in §3.5.C of this Article.

5. The Town Council shall approve the site plan, approve the site plan with conditions, or deny the site plan.

E. SITE PLAN CERTIFICATION.

The applicant shall prepare and submit a site plan which conforms to the site plan as approved by the Town Council for written approval by the Zoning Administrator, who shall determine whether the site plan is complete and in conformance with any conditions of approval. The site plan shall be certified as approved and may then become part of the application for building permits.

F. DEVIATIONS FROM APPROVED SITE PLAN.

Development activities subject to the requirements of this section may be carried out only in substantial conformance with the approved site plan and any conditions or restrictions attached thereto. Any substantial deviation from the approved site plan, unless approved in advance and in writing by the Administrator, or Town Council as stated below, shall be deemed a violation of this ordinance. The Administrator may direct that a new application to revise the approved site plan be filed. Furthermore, no certificate of occupancy shall be issued if said development activities do not conform to the approved site plan.

G. REVISION OF APPROVED SITE PLAN

1. REVISION ALLOWED ADMINISTRATIVELY. Minor changes to an approved site plan that meet the Town development standards are processed and may be approved through an administrative review. Such minor revisions include:

   a. A change in floor area proposed for non-residential use by less than ten percent (10%) where previously specified.

   b. A reduction of less than ten percent (10%) of the landscape area, open space or outdoor living area.

   c. A minor change to a Condition of Approval that does not change the basic intent of the condition, as determined by the Administrator.

d. A minor change to the design that does not deviate from the previously approved design concept.

e. Changes similar to those listed that are not likely to have an adverse impact on adjoining properties, as determined by the Administrator.

2. REVISION REQUIRING TOWN COUNCIL APPROVAL. Changes to approved plans that exceed the thresholds listed in the section above may be approved administratively by the Town Council. These modifications shall include design revisions such as substantial elevation changes, access or site plan layout, changes in building footprint(s), or similar changes that do not change the basic intent of an approval.

3. MAJOR REVISION REQUIRING PLANNING COMMISSION AND TOWN COUNCIL APPROVAL. Site Plan changes that modify the original approval such as a change in intent, phasing or revisions that do not conform to Town standards require review and recommendation by the Planning and Zoning Commission and review and approval by the Town Council.

H. EFFECT OF SITE PLAN APPROVAL.

1. EFFECTIVE PERIOD OF SITE PLAN APPROVAL. The approval of a site plan shall be effective for a period of one (1) year from the date of Town Council approval, at the end of which time the applicant must have submitted an application for building permit. If a site plan is not submitted for certification within the one (1) year period, the approval shall be null and void, and the applicant shall be required to submit a new site plan for review.

2. APPLICATION FOR BUILDING PERMITS. After a site plan has been approved by the Town Council, the applicant may apply for building permits consistent with the site plan as approved. No building permit application may be issued until the site plan has been certified as conforming to the site plan as approved by the Town Council.

3. COMMENCEMENT OF DEVELOPMENT. The approval of a site plan shall be effective for a period of twelve (12) months from the date that the site plan is approved by the Town Council. Development shall commence within eighteen (18) months of site plan approval, unless approved otherwise, or the approval becomes null and void. In such cases where certain development requirements cannot be met immediately due to weather conditions, a temporary certificate of occupancy may be issued, provided that adequate surety for such development requirement will be provided. Said completion shall not exceed a period of eighteen (18) months from date of issuance of the temporary certificate of occupancy.

I. FINAL INSPECTION.

The Administrator shall inspect the site for compliance with the approved site plan before a certificate of occupancy is issued for the project. Any deficiencies shall be recorded in a letter to the applicant. The applicant shall have ten (10) days in which to eliminate the deficiencies. If the applicant is unable to comply within the ten (10) day period, the applicant shall request, in writing, an extension of time for the completion which shall not exceed six (6) months. The written request shall state the extenuating circumstances

causing the delay. Upon review and approval by the Administrator, a temporary certificate of occupancy may be issued indicating the date by which the deficiencies shall be eliminated.

J. VALIDITY.

1. Site plan approval shall bear the signature of the Administrator and date signed on the site plan. Approval shall become effective immediately.

2. Site plan approval shall lapse and become void twelve (12) months following the date on which such approval became effective unless application for a building permit has been made or a valid building permit is issued and construction is commenced and diligently pursued toward completion. After issuance of a certificate of occupancy, the approved site plan will govern site development.

3. Upon violation of any applicable provision of this section or, if granted subject to conditions, upon failure to comply with conditions, site plan approval shall be suspended upon notification to the owner of a use or property subject to the site plan.

4. A site plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application.

3.7 BOARD OF ADJUSTMENT DECISIONS.

A. APPLICATION.
The Board of Adjustment (BOA) shall decide appeals of administrative interpretations and decisions.

B. PROCESSING PROCEDURES.
Appeals from administrative decisions.

1. Any appeal of a decision or interpretation of the Administrator and any appeal for a variance shall be reviewed by the Board of Adjustment. A notice of appeal of an administrative decision from a final decision relating to an application for development approval shall be submitted to the Administrator within thirty (30) days from receipt of decision.

2. The Board of Adjustment shall conduct a hearing on the appeal, pursuant to the procedures established in §9-462.06, A.R.S.

C. APPROVAL CRITERIA.

1. **APPEAL OF DECISIONS.** In an appeal to the Board regarding an administrative decision or interpretation, the Board's scope of review shall be limited to determining whether the decision or interpretation by the Administrator was in accordance with the intent and requirements of this Ordinance, and accordingly, the Board will affirm or reverse the decision.

2. **APPEALS FOR VARIANCE.** Variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the hardship criteria established in §9-462.06G2, A.R.S. Pursuant to §9-462.06.H, A.R.S., no use variance or variance based upon self-imposed hardship shall be granted.

D. VALIDITY LIMIT.
Rights and privileges established by the granting of a variance shall be exercised within one year following the date of approval unless a different time limit is specified by the Board at the time the variance is granted. Failure to exercise a variance within the time limits specified shall cause the variance to become null and void.

3.8 DEVELOPMENT AGREEMENTS.

A. GENERAL.

The Town may, but under no circumstances is it required, to enter into a Development Agreement. The Development Agreement shall constitute a binding contract between the applicant and the Town (the "parties") and shall contain those terms and conditions agreed to by the parties and those required by this Section. The Administrator and the Town Attorney, or their designees, are authorized to negotiate Development Agreements on behalf of the Town. The purpose of this Section is to promote and facilitate orderly and planned growth and development through the provisions of certainty in the development approval process and through corresponding assurances by the developers.

B. AUTHORIZATION.

The provisions of this Section are authorized by §9-500.05. A.R.S.

C. CRITERIA FOR ENTERING INTO A DEVELOPMENT AGREEMENT.

The Town may enter into a development agreement pursuant to this chapter only if the proposed development to which the development agreement pertains is in conformity with the then adopted *General* Plan and capital improvements program, zoning regulations, impact fee regulations and other applicable requirements. The development agreement shall be used solely as a means to enforce compliance with the terms of this Ordinance, and shall not be considered an inducement for the approval of any application for development approval.

D. PROCEDURE FOR APPROVAL OF DEVELOPMENT AGREEMENT.

1. **INITIATION BY APPLICATION.** An application for a development agreement may be made by the Administrator in accordance with the procedures set forth herein. Application may be made by any person having a legal or equitable interest in the subject real property. If made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed development agreement executed by the holder of the legal interest. Application may be made by the Planning Commission or the Town Council. If made by the Planning Commission or the Town Council, the Town shall obtain and attach a notarized statement of consent to proceed with the proposed development agreement executed by the owner of the subject property.

2. **CONTENTS OF THE APPLICATION.** The application shall be on a form prescribed by the Administrator and shall be accompanied by a proposed resolution and development agreement.

3. **COORDINATION OF DEVELOPMENT AGREEMENT APPLICATION WITH OTHER DISCRETIONARY APPROVALS.** It is the intent of these regulations that the application for a development agreement will be made and considered simultaneously with the review of other necessary applications; including but not limited to: rezoning, subdivision and plat approval, planned area development and conditional use permits. If combined with an application for rezoning, subdivision and plat approval planned development or conditional use permit, the application for a development agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid

duplication of hearings and repetition of information. A development agreement is not a substitute for, nor an alternative to, any other required permit or approval, and the applicant must comply with all other required procedures for development approval.

4. **CONTENTS OF DEVELOPMENT AGREEMENT.** No development agreement shall be approved by the Town Council, nor shall any such agreement or any provisions of such agreement have any legal force and effect, unless the agreement contains the following minimum provisions:

   a. The duration of the development agreement.

   b. The permitted uses of property subject to the development agreement.

   c. The density and intensity of uses and the maximum height and size of proposed buildings within such property.

   d. Provisions for reservation or dedication of land for public purposes and provisions to protect environmentally sensitive lands.

   e. Provisions for preservation and restoration of historic structures.

   f. The phasing or time of construction or development on property subject to the development agreement.

   g. Conditions, terms, restrictions and requirements for public infrastructure and the financing of public infrastructure and subsequent reimbursement over time.

   h. Conditions, terms, restrictions and requirements for annexation of property by the municipality and the phasing or timing of annexation of property by the municipality or, in the alternative, a statement that this requirement does not apply because the property is presently within the incorporated boundaries of the Town.

   i. Conditions, terms, restrictions and requirements of de-annexation of property from one municipality to the Town and the phasing or timing of de-annexation of property from one municipality or, in the alternative, a statement that this requirement does not apply because the property is presently within the incorporated boundaries of the Town.

   j. Conditions, terms, restrictions and requirements relating to the governing body's intent to form a special taxing district pursuant to title forty-eight (48) of the Arizona Statutes or, in the alternative, a statement that this requirement is not applicable by agreement of the parties.

   k. Any other matters relating to the development of the property.

5. **APPROVAL OF TOWN COUNCIL.** No development agreement shall become effective until approved by resolution or Ordinance of the Town Council.

6. **RECORDATION OF DEVELOPMENT AGREEMENT.** No later than ten (10) days after the Town enters into a development agreement, the Town shall record a copy of the agreement with the county recorder of the county in which the property subject to the development agreement is located, and the recordation constitutes notice of the development agreement to all persons. The burdens of the development agreement are binding on, and the benefits of the development agreement inure to, the parties to the agreement and to all their successors in interest and assigns.

7. **ACTION BY THE TOWN COUNCIL/REQUIRED FINDINGS.** The Town Council shall consider the proposed development agreement consistent with any procedures as may be established pursuant to §9-500.05 A.R.S. The Town Council may:

   a. Approve the development agreement;

   b. Approve the development agreement with modifications; or

   c. Reject the development agreement, in whole or in part, and take such further action as it deems to be in the public interest.

   The Town Council, in approving a development agreement, shall expressly find that the agreement meets those criteria in §3.8.C establishing minimum criteria for approval of development agreements.

E. COVENANTS.

Unless otherwise provided in the development agreement, any covenant by the Town contained in the Development Agreement to refrain from exercising any legislative, quail-legislative, quail-judicial or other discretionary power, including rezoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall be limited to a period of twelve (12) years. The covenant shall also contain a proviso that the Town may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if it makes a determination on the record that the action is necessary to avoid a substantial risk of injury to public health, safety and general welfare. The covenant shall contain the additional proviso that the Town may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or state law.

F. EXECUTION OF DEVELOPMENT AGREEMENT.

If approved by the Town Council, the development agreement shall become effective upon execution by the Town acting by and through the Mayor, by the applicant and by any other parties to the development agreement.

G. NOTICE OF DECISION OF TOWN COUNCIL.

Within ten (10) days following rejection of a development agreement, the Town Clerk shall give notice of such action to the applicant at the address shown on the application and to the Planning Commission through the Administrator.

H. THIRD-PARTY RIGHTS.

Except as otherwise expressly provided in the Development Agreement, the Development Agreement shall create no right enforceable by any party who/which is not a party to the Development Agreement.

I. AMENDMENT OR CANCELLATION.

A development agreement may be amended, or cancelled in whole or in part, by mutual consent of the parties to the development agreement or by their successors in interest or assigns.

3.9 PUBLIC IMPROVEMENTS.

A. AUTHORITY.
The provisions of this section are authorized by §9-462.07.C, A.R.S.

B. CONFORMITY WITH GENERAL PLAN.
No public real property may be acquired by dedication or otherwise for street, square, park or other public purposes, no public real property may be disposed of, no public street may be vacated or abandoned and no public building or structure, may be constructed or authorized if the *General Plan* or any part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the Town Council and to conformity with such adopted general plan or part thereof.

C. TOWN COUNCIL DECISION.
The Town Council shall render its report as to conformity with the *General Plan* or part thereof within forty (40) days after the matter was submitted to it.

D. EXCEPTIONS.
The provisions of this subsection do not apply to acquisitions or abandonments for street widening or alignment projects of a minor nature.

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ZONING

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ARTICLE 4
ZONING DISTRICTS

4.1 PURPOSE. The Town is hereby zoned and divided into districts. The purpose of establishing these districts is:

A. To implement the Queen Creek General Plan;

B. To conserve and promote the public health, safety, and general welfare;

C. Encourage the most appropriate use of land throughout the Town and to ensure logical and orderly growth and development of the physical elements of the Town;

D. Prevent scattered and haphazard growth and guide orderly transition of urban areas;

E. Conserve and enhance economic, social and aesthetic values;

F. Protect and maintain the integrity and character of established neighborhoods;

G. Facilitate adequate provision of transportation, water, sewage, schools, parks, and other public and commercial facilities and services;

H. Promote the development of convenient and beneficial clusters of uses, including business and shopping facilities where satisfactory proof is made that the same are reasonably necessary and desirable for the public convenience and welfare;

I. Provide for adequate light and clean air;

J. Aid in preventing traffic congestion in the streets and public ways of the Town;

K. Prevent unduly noisome and/or injurious substances, conditions and operations; and

L. Secure safety from fire, panic and other dangers.

4.2 ESTABLISHMENT OF ZONING DISTRICTS.

A. In accordance with the requirement of §9-462.01.B, A.R.S., that zoning regulations be districts, the Town of Queen Creek, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following zoning districts which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

A-1 **Agricultural One (1) District – rural development**
Ten (10) acres per dwelling unit

R1-190 **Rural Development District**
Five (5) acres per dwelling unit

R1-145 **Rural Development District**
Three and one third (3 1/3) acres per dwelling unit

R1-108 **Rural Development District**
Two and a half (2 1/2) per dwelling unit

R1-54 **General Rural Development District**
One and one-fourth (1 1/4) per dwelling unit

R1-43 **Rural Estate District**
One (1) acre per dwelling unit

R1-35 **Suburban Residential Type A District**
Thirty five thousand (35,000) square feet per dwelling unit

R1-18 **Suburban Residential Type B District**
Eighteen thousand (18,000) square feet per dwelling unit

R1-15 **Suburban Development Type B District**
Fifteen thousand (15,000) square feet per dwelling unit

R1-12 **Suburban Development Type B District**
Twelve thousand (12,000) square feet per dwelling unit

R1-9 **Urban Development Type A District**
Nine thousand (9,000) square feet per dwelling unit

R1-8 **Urban Development Type A District**
(not permitted after August 1, 1998)

R1-7 **Urban Development Type A District**
Seven thousand (7,000) square feet per dwelling unit

R1-6 **Urban Development Type A District**
(not permitted after August 1, 1998)

R1-5 **Urban Development District**
(up to 5 dwelling units per acre)

R1-4 **Urban Development District**
(up to 8 dwelling units per acre)

R-2 **Urban Development Type B District - Townhouse**

R-3 **Urban Development Type B District - Limited Multiple Family**

R-4 **Urban Development Type B District - Multiple Family**

B-1 **Neighborhood Commercial/Office District**

C-1 **Light Commercial District**

C-2 **General Commission District**

C-3 **Regional Commercial Center District**

TC **Town Center District**

MU **Mixed Use District**

1-1 **Light Industrial District**

1-2 **Heavy Industrial District**

RC **Recreation and Conservation Zone District**

P/QP **Public/Quasi Public District**

PAD **Planned Area Development Overlay District**

F **Flood Plain Overlay District**

CA **Critical Area Overlay Districts**

HP **Hillside Preservation Overlay District**

MHR **Manufactured Housing Overlay District**

B. Additional zoning districts may be added from time to time upon the recommendation of the Planning Commission to the Town Council pursuant to §9-462.03., A.R.S. Proposed changes to the zoning district regulations or the Official Zoning Map, including the addition of new zoning districts, may be submitted by the Planning Commission or any other interested party.

C. Uses not listed as a permitted use or conditional use within the applicable zoning district regulations herein shall be prohibited.

D. If a use does not conform to the uses designated as permitted uses within the zoning district, the applicant may submit an application for an amendment to the Official Zoning Map and/or the text of the Zoning Ordinance, or an interpretation of zoning district boundaries or permitted uses pursuant to §2.1.E of this Ordinance.

4.3 RELATION OF ZONING DISTRICTS TO GENERAL PLAN AND PURPOSE STATEMENTS.

The purpose of this Article is to implement the land use policies of the *General Plan* Land Use Element, including the Land Use Plan (Exhibit four (4) of the *General Plan*). Pursuant to §9-462.F A.R.S., all zoning ordinances or regulations adopted pursuant to this Ordinance shall be consistent with the General Plan and any specific plans of the Town, if any, as adopted under Article six (6) of chapter nine (9), A.R.S. This section describes the relationship between the various zoning districts and the General Plan and a summary of each development district in tabular form. However, the extent that there is any inconsistency between the tabular summary and the provisions of Article 5 or Article 6 of this Ordinance, the provisions of Article 5 or Article 6 shall prevail.

A. PURPOSE STATEMENTS FOR AGRICULTURAL AND RESIDENTIAL DISTRICTS.

1. **A-1: AGRICULTURAL DISTRICT (TEN ACRES PER DWELLING UNIT). To provide areas for** low intensity agricultural operations, supportive agricultural industries, and very low density single family uses in the Rural Preservation Tier. This district is appropriate where low density single family uses development is desired or where terrain and/or lack of public facilities and services requires low density development. A-1 zoning implements the *Very Low Density Residential* future land use classification of the QUEEN CREEK GENERAL PLAN.

2. **R1-190: RURAL DEVELOPMENT DISTRICT (FIVE ACRES PER DWELLING UNIT). To** provide areas for low intensity agricultural operations and to conserve and protect farms and other open land uses, foster orderly growth in the *Rural Preservation Tier*, and prevent urban and agricultural land use conflicts. Rural 190 zoning implements the *Very Low Density Residential* future land use classification of the Queen Creek General Plan.

3. **R1-145: RURAL DEVELOPMENT DISTRICT (THREE AND ONE-THIRD (3 1/3) ACRES PER DWELLING UNIT).** To provide areas for low intensity agricultural operations and to conserve and protect farms and other open land uses, foster orderly growth in the *Rural Preservation Tier*, and prevent urban and agricultural conflicts, Rural 145 zoning implements the *Very Low Density Residential* future land use classification of the QUEEN CREEK GENERAL PLAN.

4. **R1-108: RURAL DEVELOPMENT DISTRICT (TWO AND ONE-HALF (2 ½) ACRES PER DWELLING UNIT**). To provide areas for low intensity agricultural operations and to foster orderly growth in the Rural Preservation Tier, and to prevent and agricultural land use conflicts. Rural 108 zoning implements the Very Low Density Residential future land use classification of the Queen Creek General Plan.

5. **R1-54: GENERAL RURAL DISTRICT (ONE AND ONE-FOURTH (1¼) ACRES PER DWELLING UNIT).** To provide areas for low intensity agricultural operations and to provide a zoning classification for property formerly located in the unincorporated areas of Pinal County upon the annexation into the territorial limits of the Town of Queen Creek. Generally, such properties are zoned GR (General Rural) pursuant to the Pinal County Zoning Ordinance. Such properties shall, upon annexation into the Town of Queen Creek, be zoned R1-54 unless and until a different zoning classification is applied to said property, R1-54 zoning implements the Very Low Density Residential future land use classification of the Queen Creek General Plan and is located in the Rural Preservation Tier of the General Plan.

6. **R1-43: RURAL ESTATE DISTRICT (ONE (1) ACRE PER DWELLING UNIT). To provide** areas for low intensity agricultural operations and to provide areas for very and low density single family uses in the Rural Preservation Tier, Property zoned R1-43 could include only those tracts which about or are in close proximity to existing large-lot single family development, making R1-43 an appropriate transition district between rural and urban uses, This zoning district implements the Very Low Density Residential (VLDR) and Low Density Residential (LDR future land use classification of the Queen Creek General Plan.

7. **R1-35: SUBURBAN RESIDENTIAL TYPE A (35,000 SQUARE FEET PER DWELLING UNIT).** To provide areas for medium low-density, single-family residential uses in the *Suburban Transitional* Tier where adequate public facilities and services exist with capacity to serve development. R1-35 zoning implements the *Very Low Density Residential* (VLDR), *Low Density Residential* (LDR) and *Medium Density Residential* (MDR) future land use classifications of the Queen Creek General Plan.

8. **R1-18, R1-15 AND R1-12 SUBURBAN RESIDENTIAL TYPE B (18,000, 15,000 AND 12,000 SQUARE FEET PER DWELLING UNIT).** To provide areas for medium low-density, single family residential uses in the *Suburban Transitional and Urban Transitional* Tier where adequate public facilities and services exist with capacity to serve development. R1-18, R1-15 AND R1-12 zoning implants the *Low Density Residential* (LDR) and *Medium Density Residential* (MDR) future land use classifications of the Queen Creek General Plan.

9. **URBAN DEVELOPMENT TYPE A DISTRICT (9,000 SQUARE FEET PER DWELLING UNIT).** To provide for medium density detached and attached single family homes and duplexes in areas where large-lot development is discouraged and adequate public facilities and services are available in the *Urban Transitional* and *Suburban Transitional* Tier. R1-9 supports the Queen Creek General Plan's principles of concentrating urban growth and reinforcing existing community centers. A mix of dwelling types is allowed in this district. This district implements the *Medium Density Residential* future land use of classification of the Queen Creek General Plan.

10. **R1-8: URBAN DEVELOPMENT TYPE A DISTRICT (8,000 SQUARE FEET PER DWELLING UNIT).** Pursuant to Ordinance 127-98, this district is not permitted after August 1, 1998**.**

11. **R1-7: URBAN DEVELOPMENT TYPE A DISTRICT (7,000 SQUARE FEET PER DWELLING UNIT).** High density district allowing the full spectrum of residential single family detached unit types within specified densities where adequate public facilities and services are available in the *Urban Corridor* and *Town Center Tiers*. R1-7 may serve as a transitional district between single family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. R1-7 implements the Medium Density Residential future land use classification of the Queen Creek General Plan. However, it may be appropriate in lower intensity areas where it is part of a mixed density development.

12. **R1-6: URBAN DEVELOPMENT TYPE A DISTRICT (6,000 SQUARE FEET PER DWELLING UNIT).** Pursuant to Ordinance 127-98, this district is not permitted after August 1, 1998.

13. R1-5: URBAN DEVELOPMENT TYPE B DISTRICT (UP TO 5 DWELLINGS PER ACRE). To provide a transitional district between lower density and higher density residential uses or non-residential uses. It may also be used to facilitate "infill" development for properties that may be difficult to develop due to their size, shape or location at the same densities as adjacent residential properties. Lower densities may be developed in this district and it requires approval of a Planned Area Development (PAD) overlay as part of the development application process. This district implements the *MHDR-A* Future Land Use classification of the Queen Creek General Plan.

14. **R1-4: URBAN DEVELOPMENT TYPE B DISTRICT (UP TO 8 DWELLINGS PER ACRE).** To provide residential uses in conjunction with Office and Commercial uses as part of a master planned development. The R1-4 district is intended to allow a broader mix of residential opportunities by allowing single family housing on smaller lots and lot clustering. Lower density residential may be developed in this district and it requires approval of a Planned Area Development (PAD) Overlay as part of the development application process. The District implements the *MHDR-B* Future Land Use classification of the Queen Creek General Plan.

15. **R-2: URBAN DEVELOPMENT TYPE B DISTRICT-TOWN HOUSE.** High density district allowing for single family attached within specified densities where adequate public facilities and services are available in the *Urban Corridor (PAD only) and Town Center Tiers*. R-2 may serve as a transitional district between single family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. R-2 implements *the Medium Density Residential, Mixed Use, and Town Center* future land use classification of the Queen Creek General Plan.

16. R-3 AND R-4: URBAN DEVELOPMENT TYPE B DISTRICT – LIMITED/MULTIPLE FAMILY. High density residential allowing for multiple family unit types and densities to provide a balance of housing opportunities. R-3 and R-4 districts implement *the Medium Density, Mixed Use, and Town Center* future land use classifications of the Queen Creek General Plan. These districts are most appropriate in the Town Center tier.

B. PURPOSE STATEMENT FOR NON-RESIDENTIAL DISTRICTS. The purpose and intent of each non-residential zoning district is as follows:

1. **B-1: NEIGHBORHOOD COMMERCIAL/OFFICE**. To provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners as promoted by the Queen Creek General Plan. B-1 implements Commercial Goal 6, Policies 6.c and 6.f (page 27) of the Queen Creek General Plan.

2. **TC: TOWN CENTER.** To provide concentrated downtown retail, service, office, and mixed uses. Major/regional shopping centers are permitted, but considerable care should be taken in order to design the site and building on a neighborhood commercial scale versus community commercial scale. All buildings should be designed as a village concept. Large outdoor sales areas are not permitted. Pedestrian circulation is encouraged as are common parking areas. The TC district promotes the long-term vitality of the Town Center Area

as provided by the Queen Creek General Plan. This district implements the Town Center future land use classification of the Queen Creek General Plan.

3. **MU: MIXED USE.** To provide a mixture of residential, commercial, office and public uses that serve the neighborhood and/or community. Residential uses are allowed up to eighteen (18) units per acre. The MU District promotes integration of Office, Commercial and Residential uses to support pedestrian and non-motorized alternatives to driving, and to promote a broader range of employment and housing options. It allows a range of development intensities and uses including, but not limited to: personal and professional services, institutional and civic uses, retail, office and multi-family dwellings. The Mixed-Use District implements the *Mixed Use* and *Town Center* Future Land Use classifications of the Queen Creek Town Center and General Plans, and requires a Planned Area Development (PAD) Overlay.

4. **C-1: LIGHT COMMERCIAL**. Indoor retail, service and office uses requiring arterial street access and business and commercial development along urban arterials. The purpose of the C-1 district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide of orderly transitions and buffers between uses. C-1 implements Commercial Goal 6, of the Queen Creek General Plan.

5. **C-2: GENERAL COMMERCIAL**. General commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods but limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the Town and County, providing community balance as described in the QUEEN CREEK GENERAL PLAN. The C-2 implements the Commercial Goal 6, of the GENERAL PLAN.

6. **C-3: REGIONAL COMMERCIAL CENTER.** To provide for a mixture of shopping, housing, recreation and employment opportunities to serve a regional market greater than the Town. Retail malls and power centers, auto dealers, major office centers, hospitals, apartment and condominiums and other similar larger scale and higher intensity uses are anticipated. Residential uses may also be developed. These projects must be developed as part of a master-planned development requiring approval of a Planned Area Development (PAD) Overlay. This district implements the *Regional Commercial Center* Future Land Use classification of the Queen Creek General Plan.

7. **I-1: OFFICE/INDUSTRIAL PARK.** To provide for a mix of light manufacturing uses, office park and limited retail service uses that services the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. The district implements the *Industrial Type B* future land use classifications of the Queen Creek General Plan.

8. **I-2: GENERAL INDUSTRIAL.** Areas of heavy and concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. I-2 must be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. This district implements the *Employment Type A* future land use classification of the Queen Creek General Plan**.**

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9. **RC: RECREATION AND CONSERVATION ZONE (FORMERLY OSR).** The principle purpose of the Recreation and Conservation Zoning District is to conserve and protect open space, washes, natural desert lands, wildlife habitat, and lands, agreed to be left undeveloped through the plan approval process. The primary purpose of designating these areas is to raise the degree of assurance that such areas will remain open.

10. **P/QP: PUBLIC/QUASI-PUBLIC.** The purpose of this zoning district is to accommodate large-scale governmental, public utility, recreational and educational facilities. It is the intent of this district to recognize, by classification, those uses, which are provided by public usage or convenience, and to insure compatibility with surrounding uses.

C. PURPOSE STATEMENT FOR FLOATING AND OVERLAY ZONING DISTRICTS. The PAD, HP, MHR and FLOODPLAIN zones create special siting, use and compatibility issues which require regulations which prescribe design and development characteristics in addition to those found in the underlying zoning districts. See applicable sections below for further guidance.

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4.4 ZONING MAP.

A. The boundaries of zoning districts established by this Ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the Town of Queen Creek, which Official Zoning Map is hereby incorporated by reference as if set forth in its entirety herein.

B. The Official Zoning Map shall be located in the Office of the Administrator and a copy of the Official Zoning Map shall be kept on file with the Town Clerk. Any changes thereto shall be identified as an amendment to the Official Zoning Map and shall be filed in accordance with this subsection. The Official Zoning Map may, from time to time, be republished to delineate any rezoning approved pursuant to §3.4 of this Ordinance or any other amendments thereto.

C. A copy of the Official Zoning Map is attached hereto for the convenience of the reader as Appendix B provided, however in the event of any conflict between Appendix B and the Official Zoning Map, the Official Zoning map shall control.

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4.5 DISTRICT BOUNDARIES.

A. Unless otherwise provided, zoning district boundaries shall be located on municipal corporate lines, section lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, railroad rights-of-way or these lines extended. In cases where these lines are not used, the zoning district lines shall be determined by using the scale of the Official Zoning Map. If a parcel of land is divided by a zoning district boundary line at the time of enactment of this Ordinance or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

B. Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with §2.1.E of this Ordinance.

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4.6 USE REGULATIONS.

A. GENERALLY. No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency of the Town, unless said use is listed as a permitted, accessory or conditional use in this Section 4.6 and all applicable permits and approvals have been issued by the Town. Those uses permitted as permitted uses, conditional uses and accessory uses within each zoning district shall be those uses listed in Table **4.6-1** or **Table 4.6-2** to this Ordinance**.**

B. USES NOT MENTIONED. No building permit shall be issued for a use not specifically mentioned or described by category in the Use/Zone Matrices **Tables 4.6-1 and 4.6-2** of this Section. Evaluation of these uses shall be as follows:

1. INTERPRETATION. The Administrator shall make a determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the Town Council upon recommendation by the Planning Commission at a regularly scheduled meeting. It is the intent of this Article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a conditional use permit, Uses not listed as a permitted or conditional use shall be presumed to be prohibited from the applicable zoning district. In the event a particular use is not listed in this chapter and such use is not listed as s prohibited use and is not otherwise prohibited by law, the Director shall determine whether a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Director's decision shall be recorded in writing. Should the Director determine that a materially similar use does not exist, the matter may be referred to the Planning Commission for consideration for amendment to this chapter to establish a specific listing for the use in question. The Administrator may determine that a use is materially similar if it falls within the same industry (5-digit) classification of the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 1997)("NAICS"), and if the proposed use does not generate trips exceeding more than ten percent (10%), as determined by the Transportation Research Board, Highway Capacity Manual (Washington, D.C.: National Research Council, 3d ed 1998); which documents are hereby incorporated by this reference.

2. NON-INTERPRETATION. Where the Administrator determines that a use not mentioned is of a type, scope, or impact that does not fit any existing use category, the Administrator may initiate a text amendment procedure for reviewing the specific use applied for and its location. An approval does not create a right for similar use within the same zone category.

C. PERMITTED USES.

1. GENERALLY. No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency of the Town, unless said use is listed as a permitted, accessory or conditional use in **Table 4.6-1** or **Table 4.6-2** hereto and all applicable permits and approvals have been issued by the Town. **Table 4.6-1** lists the principal uses allowed within Residential Zoning Districts. **Table 4.6-2** lists the principal uses allowed within Non-Residential zoning districts.

2. USE CATEGORIES AND SPECIFIC USES. The use categories listed in the first column of **Table 4.6-1** and **Table 4.6-2** are defined in this Ordinance. If there is a conflict between the abbreviated definition herein and a definition contained in Appendix A, the provisions of Appendix A shall control. Specific Use Types are listed in the Second column of the table. If a Specific Use Type is listed in the table, that use type is allowed only within the districts indicated, not within every district which allows the broader Use Category.

P Permitted Uses. A "P" indicated that the listed use is permitted by-right within the respective zoning district. Permitted uses are subject to all other applicable standards of this Ordinance. Performance standards may be applicable.

C Conditional Uses. A "C" indicates that the listed use is permitted within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review procedures of §3.5 of this Ordinance. Conditional Uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town Council consistent with the criteria set forth in §3.5 of this Ordinance and any Supplementary Use Regulations, which apply to said use.

-- Prohibited Uses. A dash ("—") indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.

***** Supplemental Use Regulations. An asterisk (*) indicates that the listed use type may be permitted, but is subject to performance standards listed in Article 6 provided, however, that such designation is provided merely for the convenience of the reader, and that the absence of an asterisk next to the use type shall not excuse an applicant from compliance from any applicable standards or requirements of Article 6.

A Accessory Uses. An "A" indicates that the use is permitted only as an accessory use to a primary use on the same lot or parcel; such uses cannot be established unless the primary use has been established on the lot or parcel.

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Table 4.6-1
Principal Uses Allowed in Agricultural and Residential Districts

Use Category	Specific Use Type	Zoning Districts								
		A-1, R1-190, R1-145	R1-54	R1-43	R1-35	R1-18	R1-15 R1-12	R1-9 R1-8 R1-7 R1-6	R1-5, R1-4	R-2, R-3, R-4
Residential										
Dwelling Units	Accessory Uses	A/C	A/C	A/C	A/C	--	--	--	--	--
	Guest House	A	A	A	A	--	--	--	--	--
	Single-Family, Detached	P	P	P	P	P	P	P	P	P
	Single-Family, Attached	--	--	--	--	--	--	--	--	P
	Modular Home	P	P	P	P	P	P	P	P	P
	Manufactured Housing (Permitted in MHR Overlay only)	--	--	--	--	--	--	--	--	--
	Mobile Home	--	--	--	--	--	--	--	--	--
	Duplex	--	--	--	--	--	--	--	--	P
	Triplex	--	--	--	--	--	--	--	--	P
	Townhouse	--	--	--	--	--	--	--	--	P
	Multiple Dwelling	--	--	--	--	--	--	--	--	P
	Boarding House or Rooming House	--	--	--	--	--	--	--	--	C
	All Other Household Living	--	--	--	--	--	--	--	--	C
Group Living	Assisted Living Facility	C	C	C	C	--	--	--	--	P
	*Group Care Homes (see §6.7)	P	P	P	P	P	P	P	P	P
***Institutional & Civic** (see §6.14)										
College or University	All (see §6.14)	C	C	C	C	--	--	--	--	--
Cultural	Museums, Art Galleries, Opera Houses, Libraries (see §6.14)	P	P	P	P	C	--	--	--	--
Community Service	*Community Building (see §6.14)	P	P	P	P	P	P	P	P	P
	*All Other Community Service (see §6.14)	C	C	C	C	C	C	C	C	C
Day Care	Home-Based Day Care (1-6 children plus 2 children after school)	P	P	P	P	P	P	P	P	P
	Limited Day Care (6-12 children)	C	C	C	C	C	C	C	C	C
	General Day Care (13 or more children)	C	C	C	C	C	C	C	C	C

Table 4.6-1 (Continued)
Principal Uses Allowed in Agricultural and Residential Districts

Use Category	Specific Use Type	Zoning Districts								
		A-1, R1-190, R1-145	R1-54	R1-43	R1-35	R1-18	R1-15 R1-12	R1-9 R1-8 R1-7 R1-6	R1-5 R1-4	R-2, R-3, R-4
Parks & Open Space	Neighborhood Park (see §6.14)	P	P	P	P	P	P	P	P	P
	Cemetery (See §6.14)	P	P	P	P	P	P	P	P	P
	Golf Course (see §6.14)	P	P	P	P	P	P	P	P	P
	All Other Parks/Open Space (see §6.14)	P	P	P	P	P	P	P	P	P
Religious Institutions (see §6.20)	Institution (seating capacity up to 1,500 persons) (see §6.20)	P	P	P	P	P	P	P	P	P
	Large Institution (seating capacity greater than 1,500 persons) (see §6.20)	C	C	C	C	C	C	C	C	C
Safety Services	* All (see §6.14)	C	C	C	C	C	C	C	C	C
Schools (see §6.14)	* Boarding School	C	C	C	C	C	C	C	C	C
	* Charter, Private and Parochial School	P	P	P	P	P	P	P	P	P
	* All other Schools (see§6.14)	P	P	P	P	P	P	P	P	P
Utility, Basic	* Utility Facilities and Utility Service Yards	P	P	P	P	P	P	P	P	P
	* All other Utility, Basic	C	C	C	C	C	C	C	C	C
Utility Corridors	Transmission Lines (underground)	P	P	P	P	P	P	P	P	P
	Transmission Lines (above ground)	C	C	C	C	C	C	C	C	C
	All Other	C	C	C	C	C	C	C	C	C
Commercial										
* Home-based occupations (See§6.8)		P	P	P	P	P	P	P	P	P
Office	Medical Office/Clinic	--	--	--	--	--	--	--	C	C
	All Other Office	--	--	--	--	--	--	--	--	--
Retail Sales & Service	*Bed & Breakfast (see §6.3)	C	C	C	--	--	--	--	--	--
	Vehicle sales	--	--	--	--	--	--	--	--	--
	All Other Retail Sales & Service	C	C	C	--	--	--	--	--	--
Recreation and Entertainment, Outdoor	* Campgrounds and Camps (see §6.4)	C	C	C	C	--	--	--	--	--

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Table 4.6-1 (Table cont'd)
Principal Uses Allowed in Agricultural and Residential Districts

Use Category	Specific Use Type	Zoning Districts								
		A-1, R1-190, R1-145	R1-54	R1-43	R1-35	R1-18	R1-15 R1-12	R1-9 R1-8 R1-7 R1-6	R1-5 R1-4	R-2, R-3, R-4
Recreation and Entertainment, Outdoor (continued)	Commercial Ranch, Commercial Stable, Outdoor Guest Ranch	C	C	C	C	--	--	--	--	--
	Resort, Cabins and Lodges	C	C	C	C	--	--	--	--	--
	Swimming Pools	A	A	A	A	A	A	A	A	A
	Shooting Ranges	C	---	--	--	--	--	--	--	--
	Commercial Amusement, Outdoor	C	C	C	--	--	--	--	--	--
	Miniature Golf	C	C	--	--	--	--	--	--	--
	Zoo	C	C	--	--	--	--	--	--	--
	All Other Outdoor Recreation	C	C	C	--	--	--	--	--	--
Recreation and Entertainment, Indoor	Assembly/Auditorium	C	C	C	--	--	--	--	--	--
	Amusement Center	C	C	C	--	--	--	--	--	--
	Bowling Alley	--	--	--	--	--	--	--	--	--
	Clubs/Lodges	--	--	--	--	--	--	--	--	--
	Health Club/Fitness Center	--	--	--	--	--	--	--	--	--
Other										
Agriculture	General agriculture uses, agribusiness, entertainment farming	P	P	P	--	--	--	--	--	--
	Concentrated animal feeding operation	--	--	--	--	--	--	--	--	--
	Dairy	--	--	--	--	--	--	--	--	--
	Feed Lot	--	--	--	--	--	--	--	--	--
	Greenhouses	P	P	P	--	--	--	--	--	--
	All other agriculture, including mini-farms, community gardens, and farmer's markets	P	P	P	C	C	C	C	C	C
Telecommunication Facilities (See §6.18)	* Antennas or towers on property owned, leased, or otherwise controlled by the Town of Queen Creek (see §6.18)	P	P	P	P	P	P	P	P	P
	* Antennas or towers, other (see §6.18)	C	C	C	C	C	C	C	C	C
	Satellite Dish Antennas for private residential use	P	P	P	P	P	P	P	P	P

Table 4.6-1 (Continued)
Principal Uses Allowed in Agricultural and Residential Districts

Use Category	Specific Use Type	Zoning Districts								
		A-1, R1-190, R1-145	R1-54	R1-43	R1-35	R1-18	R1-15 R1-12	R1-9 R1-8 R1-7 R1-6	R1-5 R1-4	R-2, R-3, R-4
Temporary Uses (see §6.19)	* Enterprise Sales (see §6.19.C)	P	C	C	-	-	-	-	-	-
	* Temporary Events (see §6.19.D)	C	C	C	-	-	-	-	-	-
	*Temporary Signs (see §6.19.E)	A	A	A	A	A	A	A	A	A
	*Temporary Retail Sales (see §6.19.F)	C	C	C	-	-	-	-	-	-
	* Temporary real estate and construction-related uses (see §6.19.G)	A	A	A	A	A	A	A	A	A
	* Amusement enterprises (see §6.19.H)	C	C	C	-	-	-	-	-	-
	* Promotional activities involving the display of goods and merchandise (see§ 6.19.I)	C	C	C	-	-	-	-	-	-
	* Special events and activities on public property (see§ 6.19.J)	C	C	C	C	C	C	C	C	C
	* Temporary uses not specified (see §6.19.K)	C	C	C	C	-	-	-	-	-
Signs	All (see §6.16)	A	A	A	A	A	A	A	A	A

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Table 4.6-2
Principal Uses Allowed in Non-Residential Districts

Use Category	Specific Use Type	Zoning Districts									
		B-1	TC	MU	C-1	C-2	C-3	I-1	I-2	RC	PQP
Residential											
Dwelling Units	Business Residence	P	P	P	C	C	C	C	--	--	--
	Rooming/Boarding House	P	C	C	C	--	--	--	--	--	--
	Single-Family Attached	C	P	P	--	--	--	--	--	--	--
	Single-Family Detached	C	P	P	--	--	--	--	--	--	--
	Multi-family	P	P	P	C	C	--	--	--	--	--
	All Other Household Living	C	C	C	C	C	C	C	C	C	--
Group Living	Assisted Living Facility	P	C	C	C	P	P	--	--	--	--
	Treatment Facility	C	C	C	C	C	C	--	--	--	--
	* Group Care Homes for the handicapped (see §6.7)	P	P	P	P	P	P	P	P	P	--
Institutional and Civic Community Facilities -Public and Private											
College or University	Vocational/Technical Schools	--	P	P	P	P	P	P	P	--	P
	All other institutions	--	P	P	P	P	P	--	--	--	P
Community Service	* Community Building	P	P	P	P	P	P	--	--	P	P
	* All Other Community Service	P	P	P	P	P	P	--	--	--	P
Cultural	Museums, Art Galleries, Opera Houses, Libraries	C	P	P	C	P	P	--	--	--	--
Day Care	Child Care/Child Care Home (1-5 children)	P	P	P	P	P	P	--	--	--	--
	Day Care, Limited (6-12 children)	P	P	P	P	P	P	--	--	--	--
	Day Care, General (13 or more children)	C	P	P	C	P	P	--	--	--	--
	Nursery School/Pre-School	C	P	P	C	P	P	--	--	--	--
	All other	C	C	C	C	C	C	--	--	--	--
Detention Facilities	Jails, Reformatories	--	--	--	--	--	--	--	--	--	P
	Honor Camps	--	--	--	C	C	--	P	P	--	P
Hospital/Clinic	Clinics/Medical/Dental Offices	P	P	P	P	P	P	C	--	--	--
	Adult Day Care	P	P	P	P	P	P	C	--	--	--
	Bloodbank or Plasma Center	P	P	P	P	P	P	C	--	--	--
	Counseling Centers (non-resident)	C	P	P	C	P	P	C	C	--	--
	Counseling Centers (non-resident) for the treatment of drug abuse and/or alcohol	C	C	C	C	C	P	C	C	--	--

Table 4.6-2 (Continued)
Principal Uses Allowed in Non-Residential Districts

Use Category	Specific Use Type	Zoning Districts									
		B-1	TC	MU	C-1	C-2	C-3	I-1	I-2	RC	PQP
Hospital/Clinic (Continued)	Hospital/Mental Hospital	--	C	C	C	C	C	C	--	--	--
	Physical and Mental Rehabilitation (resident)	--	--	C	--	C	C	C	C	--	--
	All other medical facilities	--	--	C	--	C	C	C	C	--	--
Parks and Open Space	Cemetery	--	C	--	C	C	--	C	C	P	--
	Golf Course	--	P	C	P	P	C	C	C	P	--
	Golf Driving Ranges	--	C	C	C	C	C	C	C	C	--
	Parks/lakes/reservoirs	C	C	C	C	C	C	C	C	C	--
	All other Parks/Open Space	C	C	C	C	C	C	C	C	C	--
Religious Institutions (see §6.20)	Institution (seating capacity up to 1,500 persons) (see §6.20)	P	P	P	P	P	P	P	P	P	--
	Large Institution (seating capacity greater than 1,500 persons) (see §6.20)	C	C	C	C	C	C	C	C	C	--
	All other Religious Uses	C	C	C	C	C	C	--	--	--	--
Safety Services	* All	C	C	C	P	P	C	C	C	C	P
Schools (see §6.14)	Boarding School	C	C	C	C	C	C	--	--	--	P
	Dance/Art/Music Schools	P	P	P	P	P	C	--	--	--	P
	Elementary Schools	P	P	P	P	P	P	--	--	--	P
	Charter, Private and Parochial School	P	P	P	P	P	P	--	--	--	P
	Riding Academies	C	P	C	C	P	C	C	C	--	P
	Secondary Schools	C	P	P	C	P	P	--	--	--	P
	All other Schools	C	C	C	C	C	C	--	--	--	P
Utility, Basic	Utility Service Facilities (underground)	P	P	P	P	P	P	P	P	P	P
	* All other Utility, Basic	C	C	C	C	C	C	P	P	C	P
Utility Corridors	* Transmission Lines (above ground)	C	C	C	C	C	C	C	C	C	C
	Transmission Lines (under ground)	C	C	C	C	P	P	P	P	C	P
	* Utility Treatment, Production or Service Facilities	--	C	C	C	C	C	C	C	C	P
Commercial											
Entertainment Event, Major	Indoor Facilities	C	P	P	C	C	P	P	P	C	--
	Outdoor Facilities	C	C	C	C	C	C	P	P	C	--

Table 4.6-2 (Continued)
Principal Uses Allowed in Non-Residential Districts

Use Category	Specific Use Type	Zoning Districts									
		B-1	TC	MU	C-1	C-2	C-3	I-1	I-2	RC	PQP
Lodging	Hotels & Motels	P	P	P	P	P	P	--	--	--	--
	* Bed & Breakfast Inns (see§ 6.3)	P	P	P	P	P	P	--	--	--	--
Office	General Offices	P	P	P	P	P	P	P	--	--	--
	* Office with Drive-Thru (see §6.10)	--	C	C	C	C	P	--	--	--	--
	All other offices	C	C	C	C	C	P	--	--	--	--
Parking, Commercial	Commercial Parking Lot or Parking Structure	C	C	C	C	C	C	C	C	--	--
Outdoor Recreation and Entertainment	Commercial Amusement, Outdoor	--	--	C	C	C	C	C	C	--	--
	* Campgrounds and Camps (see §6.4)	--	--	--	--	--	--	C	C	C	--
	Carnivals, Dances, Circuses	--	--	C	--	--	C	--	--	--	--
	Equestrian boarding and riding arenas, commercial (setback 500 feet from all property lines)	--	--	--	--	--	--	C	C	--	--
	Equestrian facilities in conjunction with an approved single family residential development	--	--	--	--	--	--	--	--	C	--
	Hunting, fishing, game preserves and recreational clubs or camps - not including recreational vehicle campgrounds.	--	--	--	--	--	--	--	--	P	--
	Resort Cabins and Lodges	--	--	C	--	P	C	C	C	C	--
	Shooting Ranges	--	--	--	--	--	--	C	C	C	--
	Swimming Pools	C	P	C	C	P	C	--	--	P	--
	Zoo	--	--	C	C	C	C	C	C	C	--
	All other Outdoor Recreation	C	C	C	C	C	C	C	C	C	--
Recreation and Entertainment, Indoor	Assembly/Auditorium	--	P	P	C	C	C	--	--	--	--
	Commercial Amusement, Indoor	--	P	P	C	P	P	P	P	--	--
	Clubs/Lodges	--	P	P	C	P	P	--	--	--	--
	Health Club/Fitness Center	--	P	P	C	P	P	--	--	--	--

Table 4.6-2 (Continued)
Principal Uses Allowed in Non-Residential Districts

Use Category	Specific Use Type	Zoning Districts									
		B-1	TC	MU	C-1	C-2	C-3	I-1	I-2	RC	PQP
Retail Sales and Service	Alcohol sales, retail	P	P	P	C	P	P	C	--	--	--
	Alcohol sales, by the drink (primary use)	C	P	P	C	P	P	C	--	--	--
	Alcohol sales, in restaurant	P	P	P	C	P	P	C	C	--	--
	Veterinary Hospitals, Kennels	--	C	P	--	C	P	C	C	--	--
	Animal Sales and Care	P	P	P	P	P	P	P	--	--	--
	Indoor, small animals	P	P	P	P	P	P	C	--	--	--
	Indoor, large animals	C	P	C	C	P	C	C	C	--	--
	* Outdoor Operations (see §6.13)	C	C	C	C	C	C	C	C	--	--
	Arts, crafts and boutique agriculture novelty items - where the retail sales of said items does not exceed 50% of the patron retail floor area of the buildings	P	P	P	P	P	P	--	--	--	--
	Bakeries (small scale not factory or distribution warehousing)	P	P	P	P	P	P	P	--	--	--
	Bakeries (large scale, including distributors or warehousing)	--	--	--	--	--	--	C	P	--	--
	Banks (excluding drive-thru facilities)	P	P	P	P	P	P	P	--	--	--
	Bars & Nightclubs (with or without live music and dancing)	--	C	P	C	C	P	--	--	--	--
	* Sexually Oriented Business (see §6.15)	--	--	--	--	--	--	--	P	--	--
	* Big Box Retail (see §6.17)	--	P	P	--	P	P	--	--	--	--
	Book Stores	P	P	P	P	P	P	--	--	--	--
	Cemeteries, Mausoleums	--	--	--	--	--	--	C	C	--	--
	Coffee Houses	C	P	P	C	P	P	--	--	--	--
	* Contractors and Trade Shops (see §6.9)										
	Indoor operations and storage	--	C	--	--	C	C	P	P	--	--
	Indoor operations and outdoor storage (including heavy vehicles)	--	--	--	--	--	--	P	P	--	--
	Outdoor storage and operations	--	--	--	--	--	--	C	P	--	--
	Convenience Stores	--	P	P	C	P	P	--	--	--	--
	Delivery and Dispatch Services (vehicles on-site)	--	--	C	P	P	P	P	P	--	--
	Department Stores	--	P	P	--	P	P	--	--	--	--

Table 4.6-2 (Continued)
Principal Uses Allowed in Non-Residential Districts

Use Category	Specific Use Type	Zoning Districts									
		B-1	TC	MU	C-1	C-2	C-3	I-1	I-2	RC	PQP
Retail Sales and Service (continued)	* In-vehicle ("drive-thru") service facilities uses, including automated tellers, banks, cleaners, liquor, fuel and restaurants. (see §6.10)	C	C	C	C	C	P	--	--	--	--
	* Farm-Related Business, such as: feed stores, fruit and vegetable stands. (see §6.6)	P	P	C	P	P	C	--	--	--	--
	Fertilizer and Seed Sales	C	C	--	C	C	C	P	P	--	--
	Food Service						P				
	Catering	C	P	P	C	P	P	C	C	--	--
	Restaurant (excluding drive-thru)	P	P	P	P	P	P	--	--	--	--
	Fuel Sales										
	Automotive/Appliance	C	P	P	C	P	P	--	--	--	--
	Heavy Vehicle	--	--	--	--	C	C	C	P	--	--
	Funeral Home/Mortuary Crematorium	--	C	C	C	C	P	P	P	--	--
	Hardware Stores	C	P	P	C	P	P	--	--	--	--
	Landscaping Materials	C	P	--	P	P	C	P	P	--	--
	Manufactured Building Sales and Service	--	--	--	--	--	C	C	P	--	--
	* Massage Establishments (see §6.11)	--	C	C	C	P	P	--	--	--	--
	Motor Vehicle Dealer	--	P	C	--	P	P	--	--	--	--
	Non-chartered Financial Institutions "check cashing and/or payday loan businesses" (see §6.21)	--	C	--	--	C	--	C	--	--	--
	Nurseries and Green Houses where retail sales and services will be conducted on the premises	P	P	C	P	P	P	--	--	--	--
	Pawn Shops (see§6.21)	--	C	--	--	C	--	C	--	--	--
	Rental Services (see §6.9 where heavy equipment is involved)	P	P	C	P	P	C	P	P	--	--
	Repair Services (appliances)	P	P	P	P	P	P	P	P	--	--
	Services										
	Personal Services	P	P	P	P	P	P	C	C	--	--
	General Services	P	P	P	P	P	P	C	C	--	--
	Shopping Centers less than 25,000 square feet	--	P	P	C	P	P	--	--	--	--
	* Shopping Centers, 25,000 to 400,000 square feet (see §6.17)	--	P	P	--	P	P	--	--	--	--
	* Shopping Centers, 400,000 to 600,000 square feet (see §6.17)	--	P	C	--	--	P	--	--	--	--
	* Shopping Centers, more than 600,000 square feet (see §6.17)	--	P	C	--	--	P	--	--	--	--

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Table 4.6-2 (Continued)
Principal Uses Allowed in Non-Residential Districts

Use Category	Specific Use Type	Zoning Districts									
		B-1	TC	MU	C-1	C-2	C-3	I-1	I-2	RC	PQP
	Medical Marijuana Dispensary, Operation or Cultivation					C		C	C		
Retail Sales and Services (continued)	Supermarkets	--	P	P	--	P	P	--	--	--	--
	Swap Meets and Farmer's Markets	--	C	P	--	C	P	C	C	--	--
	Theaters	--	P	P	--	--	P	--	--	--	--
	All other Retail Sales and Services	C	C	C	C	C	C	C	C	--	--
Self-Service Storage	* Mini-Warehouse (see §6.12)	C	C	C	C	C	C	P	P	--	--
Vehicle Service	Automotive Repair	--	P	C	--	P	P	P	P	--	--
	Body Shop	--	--	--	--	--	--	P	P	--	--
	* Car Wash (see §6.10)	--	P	C	--	P	P	--	--	--	--
	* Gasoline Service Station (see§ 6.10)	C	P	P	C	P	P	--	--	--	--
	* Quick Lubrication (see §6.10)	C	P	C	C	P	P	P	P	--	--
	Semi-Truck Repair	--	--	--	--	--	--	C	P	--	--
	Semi-Truck Stop/Travel Plaza	--	--	--	--	--	--	--	P	--	--
	Tire Recapping and Storage (not junkyards)	--	--	--	--	--	--	C	C	--	--
	All other Vehicle Service	--	--	--	--	--	C	C	C	--	--
Industrial											
	Medical Marijuana Dispensary, Operation, or Cultivation							C	C		
Industrial Service, Manufacturing and Production	Animal Food Manufacturer	--	--	--	--	--	--	--	--	--	--
	Cleaning or Processing Establishment	--	--	--	--	C	C	P	P	--	--
	* Indoor Operations and Storage (see §6.9 for storage requirements)										
	Assembly	--	--	--	--	--	--	P	P	--	--
	Food Products	--	--	--	--	--	--	P	P	--	--
	Manufacturing/Processing	--	--	--	--	--	--	P	P	--	--
	* Indoor Operations with Outdoor Storage (see §6.9 for storage requirements)										
	Assembly	--	--	--	--	--	--	C	P	--	--
	Food Products	--	--	--	--	--	--	C	P	--	--
	Manufacturing/Processing	--	--	--	--	--	--	C	P	--	--
	* Outdoor Operations and Storage (see §6.9 for storage requirements)										
	Assembly	--	--	--	--	--	--	--	P	--	--
	Food Products	--	--	--	--	--	--	--	P	--	--
	Manufacturing/Processing	--	--	--	--	--	--	--	P	--	--
	All other Industrial Service	--	--	--	--	--	--	--	C	--	--

Table 4.6-2 (Continued)
Principal Uses Allowed in Non-Residential Districts

Use Category	Specific Use Type	Zoning Districts									
		B-1	TC	MU	C-1	C-2	C-3	I-1	I-2	RC	PQP
* Warehouse and Freight Storage (see§6.9)	Indoor Operations, Storage and Loading	--	--	--	--	--	--	P	P	--	--
	Indoor Storage with Outdoor Loading Docks	--	--	--	--	--	--	P	P	--	--
	Outdoor Storage or Loading	--	--	--	--	--	--	C	C	--	--
Waste-Related Use	Non-Hazardous Waste Transfer Station	--	--	--	--	--	--	--	C	--	--
	Medical/Hazardous Waste Transfer Station	--	--	--	--	--	--	--	C	--	--
	Solid Waste Disposal Sites	--	--	--	--	--	--	--	C	--	--
	Junkyards/Automotive Recycler	--	--	--	--	--	--	--	C	--	--
	All other waste-related	--	--	--	--	--	--	--	C	--	--
Wholesale Sales	Wholesale business without highly flammable material or liquids	--	--	--	--	--	--	--	C	--	--
	All other wholesale uses	--	--	--	--	--	--	C	C	--	--
Other											
Agriculture	Agribusiness	--	--	P	--	--	--	P	P	--	--
	Christmas Tree Sales	--	--	--	--	--	P	P	P	P	--
	Dairy	--	--	--	--	--	--	--	--	--	--
	Feed Lot	--	--	--	--	--	--	--	--	--	--
	Grain Storage, when not used in connection or accessory to use of the property for agriculture cultivation	--	--	--	--	--	--	--	--	--	--
	Winery	--	--	--	--	--	--	C	C	--	--
	All other Agriculture	--	--	--	--	--	--	C	C	--	--
Aviation or Surface Passenger Terminal	Airport/Heliports	--	--	--	--	--	--	--	C	--	--
	Bus/Commuter Stops	P	P	P	P	P	P	P	P	P	--
	Bus/Railroad Depot	--	P	P	C	P	P	P	P	--	--
	Helipads	--	--	P	C	C	P	C	C	--	--
	All other Aviation or Surface Passenger Terminal	C	C	P	C	C	P	C	C	--	--
Mining	Extractive Use	--	--	--	--	--	--	--	C	--	--
	Oil or Gas Drilling	--	--	--	--	--	--	--	--	--	--
	Quarry	--	--	--	--	--	--	--	--	--	--
	Processing	--	--	--	--	--	--	--	--	--	--
	Sand or Gravel Extraction or Processing	--	--	--	--	--	--	--	C	--	--
Telecommunications Facilities	*Antennas or towers on property owned, leased, or otherwise controlled by the Town of Queen Creek (See §6-18)	P	P	P	P	P	P	P	P	P	P
	*Antennas or towers, other (See §6.18)	C	C	P	C	C	P	C	C	C	C
	Satellite Dish Antennas, private residential use only	P	P	P	P	P	P	P	P	P	--

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Table 4.6-2 (Continued)
Principal Uses Allowed in Non-Residential Districts

Use Category	Specific Use Type	Zoning Districts									
		B-1	TC	MU	C-1	C-2	C-3	I-1	I-2	RC	PQP
Signs	All (See §6.16)	A	A	A	A	A	A	A	A	A	A
Temporary Uses (See §6.19)	*Enterprise Sales (See§6.19.C)	P	P	P	P	P	P	P	P	--	--
	*Temporary Events (See §6.19.D)	C	P	P	C	P	P	P	P	C	--
	*Temporary Signs (See§6.19.E)	A	A	A	A	A	A	A	A	A	A
	*Temporary Retail Sales (See§6.19.F)	P	P	P	P	P	P	P	P	--	--
	*Temporary Real Estate and Construction-Related Uses (See §6.19.G)	A	A	A	A	A	A	A	A	--	A
	*Amusement Enterprises (See §6.19.H)	P	P	P	P	P	P	P	P	--	--
	*Promotional activities involving the display of goods and merchandise (See §6.19.I)	P	P	P	P	P	P	P	P	--	--
	*Special events and activities on public property (See §6.19.I)	P	P	P	P	P	P	P	P	P	P
	Display and Sale of Consumer Fireworks (See §6.19.F)	--	P	P	P	P	P	P	P	--	--
	*Temporary Uses not specified (See §6.19.K)	C	C	C	C	C	C	C	C	C	C

4.7 DIMENSIONAL AND DENSITY REGULATIONS.

A. **PURPOSE**. This section establishes minimum and maximum standards for the location, height, bulk, number of stories and size of buildings and structures, the size of lots, yards, courts and other open spaces, the percentage of a lot which may be occupied by a building or structure, access to incident solar energy and the intensity of land use within each zoning district pursuant to §9-462.02.A.3, A.R.S.

B. **INTENSITY OF LAND USE STANDARDS.**

1. **COMPUTATION OF PERMITTED DWELLING UNITS**. Total permitted dwellings units shall be computed by multiplying the maximum net density (**Table 4.7-1**, Column (B)) by the net area of the site, as set forth in the equation below. The maximum net density (**Table 4.7-1**, Column (B)) shall not be construed to guarantee the establishment of a given number of dwelling units on any parcel, but is used exclusively for the calculation of the total number of dwelling units that may be established on a given parcel. This section shall not apply to the computation of permitted dwelling units for a PAD district, shall be as set forth in §4.10.D.4 of this Ordinance. The following formula shall be used to compute the total number of dwelling units on any parcel, which formula is deemed to be consistent with the "Residential Net Density" formula as set forth in part D.2 of the *Queen Creek General Plan*:

$$D = \frac{DU}{A - (C + I + S + a + OS)}$$

DU = Total Number of Dwelling Units Permitted
D = Maximum Net Density (**Table 4.7-1**, Column (B))
A = Total Site Area (Acres)
C = Total Commercial Land Area (acres)
I = Total Industrial Land Area (Acres)
S = School Sites Reserved for Purchase by the School District (Acres)*
a = Arterial and Collector Rights-of-Way (Acres)
OS = Open Space
* Does not include sites dedicated to the School District.

<u>Example</u>: Parcel X is 40 acres and is zoned R1-9. Two (2) acres are devoted to a medical clinic (C), a 5-acre site is reserved for the school district (S), and 4 acres are within the street rights-of-way (A). Eight (8) acres are reserved for common open space. Net acreage is 21 acres (40-2-5-4-8 = 21). Applying this formula, total permitted units are 84 (21 acres x 4.0 permitted density).

2. **MEASUREMENT OF FLOOR AREA RATIO**. Unless otherwise stated, all references to non-residential intensity refer to the ratio of enclosed floor area to the gross area of the lot.

3. **RESIDENTIAL AND NONRESIDENTIAL DENSITY AND INTENSITY**. No Application for Development Approval shall be approved unless the density, intensity, floor area ratio and impervious surface ratio conform to the requirements as set forth in **Table 4.7-1** below. In **Table 4.7-1**, density (column (B)) is expressed in dwelling units per acre. Floor area ratio and impervious surface ratio (columns (c) and (D)) is a maximum and is expressed as a ratio.

5. **IMPERVIOUS SURFACE RATIO**. Not applicable to single family residential zones.

Table 4.7-1
Density and Intensity Regulations

(A) Zoning District	(B) Maximum Net Density	(C) Floor Area Ratio	(D) Impervious Surface Ratio
A-1	0.1	0.10	--
R1-190	0.2	0.15	--
R1-145	0.3	0.15	--
R1-108	0.4	0.15	--
R1-54	0.8	0.15	--
R1-43	1.0	0.25	--
R1-35	1.2	0.25	--
R1-18	2.0	0.35	--
R1-15	3.0	0.35	--
R1-12	3.0	0.35	--
R1-9	4.0	0.40	--
R1-8*	4.0	0.40	--
R1-7	4.0	0.40	--
R1-6*	4.0	0.40	--
R1-5	5.0	0.55	
R1-4	8.0	0.60	
R-2	10.0	0.50	--
R-3	14.0	0.50	--
R-4	18.0	0.50	--
B-1	--	0.50	0.52
TC	--	3.0	0.7
MU	--	1.0	0.9
C-1	--	0.3	0.7
C-2	--	0.3	0.7
C-3	--	1.0	0.9
I-1	--	1.0	0.8
I-2	--	1.0	0.9
RC	--	--	0.10

* Designation of R1-8 and R1-6 districts is prohibited after August 1, 1998 (pursuant to this Ordinance, Ordinances 127-98 and 128-98).

C. **DIMENSIONAL STANDARDS.**

Table 4.7-2 lists the dimensional standards that apply within zoning districts. These are required standards, not guarantees that stated minimums or maximums can be achieved on every site. Other regulations of this Ordinance or site-specific conditions may further limit development on a site. The standards apply to all uses unless otherwise expressly provided in this Ordinance. The Alternative Development Standards of this Section provide additional or supplemental standards for Flag Lots, Attached Housing, Zero Lot Line and Cluster Development (see §6.5).

In **Table 4.7-2**, lot area (column (B)) is expressed in square footage unless otherwise specified. In **Table 4.7-2**, the following figures are expressed in feet: lot width (columns (C) and (D)), lot depth (columns (E) and (F)), height (column (H)), minimum and maximum street frontage (columns (I) through (L)).

Maximum lot area restrictions do not apply to lots designated for open space or recreational uses pursuant to §5.6 of this Ordinance. The minimum setback for the TC district applies only to the first twenty (20) feet of building height in order to assure the provision of adequate sidewalk and planting strips.

Table 4.7-2 Dimensional Standards

(A) Zoning District	(B) Minimum Area (sf or Acres)	(C) Minimum Width (Feet)	(D) Maximum Width (Feet)	(E) Minimum Depth (Feet)	(F) Maximum Depth (Feet)	(G) Maximum Lot Coverage (Percent)	(H) Maximum Height (Feet)	(I) Minimum Front Yard Setback (Feet)	(J) Maximum Front Yard Setback (Feet)	(K) Minimum Side Setback (Feet)	(L) Minimum Rear Setback (Feet)
Residential Zoning Districts											
A-1	10 acres	300	--	--	--	10	30	60	--	30	60
R1-190	190,000 sf	300	--	--	--	10	30	60	--	30	60
R1-145	145,054 sf	200	--	--	--	10	30	50	--	30	50
R1-108	108,900 sf	200	--	--	--	20	30	40	--	30	40
R1-54	54,450 sf	100	--	--	--	20	30	40	--	20	40
R1-43	43,560 sf	145	--	--	--	25	30	40	--	30	40
R1-35	35,000 sf	145	--	--	--	25	30	40	--	20	40
R1-18	18,000 sf	120	190	150	200	35	30	25	35	10	30
R1-15	15,000 sf	115	150	130	150	35	30	25	35	10	25
R1-12	12,000 sf	100	130	120	140	35(6)	30	20	30	10	25
R1-9	9,000 sf	90	120	100	130	40(5)	30	20	30	7(4)	25
***R1-8**	8,000 sf	80	--	--	--	40(5)	30	20	--	7	25
R1-7	7,000 sf	70	100	100	130	40(5)	30	20	30	5(4)	25
***R1-6**	6,000 sf	60	--	--	--	40(5)	30	20	--	5	25
R1-5	5,000 sf	50	70	70	--	50(9)	30	20(11)	30	5(8)	20(12)
R1-4	4,000 sf	40	65	65	--	50(10)	30	20(11)	30	5(8)	15(13)
R-2	6,000 sf(1)	60	100	80	--	50	30	20	30	5	25
R-3	6,000 sf(1)	60	100	80	--	50	30	20	30	5	25

R-4	6,000 sf[1]	60	100	80	--	50	30	20	30	5	25
Nonresidential Zoning Districts											
B-1	6,000 sf	50	--	100	--	75	30	--	--	10	5
TC	--	--	--	--	--	100	30[2]	--	--	0[3]	15
MU	174,240 sf					80	90	(7)	(7)	(7)	(7)
C-1	6,000 sf	50	--	100	--	60	30	--	--	5[3]	0
C-2	43,560 sf	50	--	100	--	60	30	--	--	10[3]	15
C-3	435,600 sf	--	--	--	--	80	(7)	(7)	(7)	(7)	(7)
I-1	43,560 sf	100	--	150	--	80	40	--	--	10[3]	15
I-2	43,560 sf	100	--	150	--	80	40	--	--	10[3]	25
RC	5 acres	--	--	--	--	--	30	60	--	30	60

*****Designation of R1-8 and R1-6 districts is prohibited after August 1, 1998 (pursuant to this Ordinance, Ordinances 127-98 and 128-98).

(1) For dwelling units other than single-family detached, a minimum lot area per dwelling unit also applies as follows: 4,000 square feet in R-4, 3,000 square feet in R-3, and 2,000 square feet in R-2.

(2) Building height may be increased to a height not exceeding forty (40) feet if a conditional use permit is approved by the Town Council.

(3) Buffer yard standards apply (See §5.3, **Table 5.3-1**).

(4) In the R1-9 and R1-7 districts, adjoining lots shall have a minimum spacing of fifteen (15) feet between buildings. For example, if one lot has an existing five (5) foot side yard setback, then the adjoining lot shall have a side yard minimum of a ten (10) foot setback. Staggered setbacks are encouraged to create differentiation in building orientation to the street.

(5) In the R1-6, R1-7, R1-8, and R1-9 districts, lot coverage may increase up to five percent (5%) for houses that provide front porches that meet the design criteria stated in Article 5, §5.11, Residential Design Standards.

(6) In R1-12 zoning districts lot coverage may increase up to five percent (5%) for houses that provide front porches that meet the design criteria stated in Article 5, §5.11, Residential Design Standards.

(7) These setbacks for the MU and C-03 Districts will be established as part of the development approval PAD process.

(8) Side yard setbacks may be 0’ for attached housing products.

(9) 55% for single-story homes.

(10) 60% for single-story homes.

(11) 20’ to front of garage (front entry)/15’ to front of garage (side entry) and living area/10’ to covered front porch.

(12) 20’ for two-story homes/15’ for single-story homes and/or covered patios.

(13) 15’ for two-story homes/10’ for single-story homes and/or covered patios.

D. **LOT AREA**. No building permit or development approval shall be issued for a lot that does not meet the minimum and maximum lot area requirements of §4.7.C of this Ordinance except in the following instances:

1. **UTILITIES**. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area are exempt from minimum lot area standards.

2. **CLUSTER DEVELOPMENT**. Dwelling units may be clustered in lots smaller than those presented in §4.7.C in accordance with the standards of §6.5 of this Ordinance.

E. **SETBACKS**.

1. **MEASUREMENT**. For purposes of this Section, the "setback line" shall be deemed the future right-of-way line of a street or the property line. Setbacks are measured as the unobstructed, unoccupied open area between the furthermost projection of a structure (except as modified by the standards of subsection E.3, below) and the nearest setback line of the lot on which the structure is located. Structures shall meet the front yard setback from all abutting streets unless otherwise provided in this Ordinance.

2. **OBSTRUCTIONS**. Setbacks shall be unobstructed from the ground to the sky except as specified in this section.

3. **EXCEPTIONS AND PERMITTED ENCROACHMENTS**. The following features may encroach into required setbacks:

a. Landscaping;

b. Bay windows, not to exceed three (3) feet;

c. Chimneys, not to exceed two (2) feet;

d. Clothesline post;

e. Driveways, curbs and sidewalks;

f. Flagpoles;

g. Heating and cooling units, not to exceed three (3) feet;

h. Mailboxes;

i. Overhanging roofs, eaves, gutters, cornices, or similar architectural features and awnings, not to exceed three (3) feet;

j. Septic systems, wells and underground utilities;

k. Signs (in accordance with §6.15 of this Ordinance);

l. Steps, stairs or fire escapes (non-enclosed), not to exceed six (6) feet;

m. Uncovered, unenclosed terraces or porches not to exceed six (6) feet, but in no case closer than three (3) feet to any property line;

n. Accessory buildings, within required rear setbacks only or as otherwise allowed by this Ordinance;

o. Fences, in accordance with §5.4 of this Ordinance;

p. Yard and service lighting fixtures or poles; and

q. Fire escapes not to exceed six (6) feet.

r. In residential districts front porches may be allowed to encroach up to twenty-five percent (25%) of the distance of the required front yard setback. For example, a lot in the R1-43 district requires a forty (40)-foot front yard setback, twenty-five percent (25%) of which is ten (10) feet. Therefore, the front porch may encroach up to ten (10) feet for that particular lot. Porches built in the R1-6, R1-7, R1-8, R1-9 and R1-12 districts shall meet a minimum design criteria outlined in Article 5 to qualify for this exemption.

4. **MEASUREMENT OF FRONT YARD SETBACKS AND GARAGE PLACEMENT**. Garages shall be setback a minimum of twenty-five (25) feet from front property line or minimum of five (5) feet from the front face plane of the building. For purposes of this subsection, the front face plane shall not be measured from porch or overhang encroachments.

F. C-3 DISTRICT PERFORMANCE CRITERIA

Development in the C-3 District shall conform to the following criteria:

1. All applications for this zoning district shall be accompanied by site plan and PAD applications.
2. Outdoor display is limited to automobiles, motorcycles, recreational vehicles, trailers and other similar items, including temporary retail sales as authorized in §6.18.
3. All projects in this zoning district shall comply with the standards in §6.16 *Superstores and Big Box Retail*.

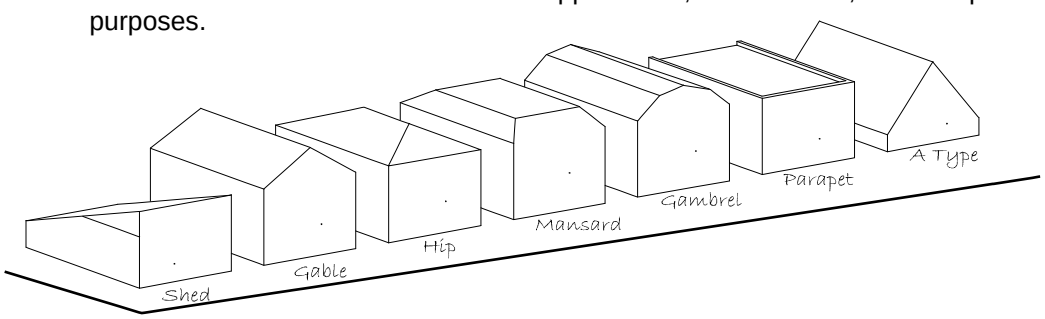
G. MIXED USE DISTRICT PERFORMANCE CRITERIA

Development in the M/U district shall conform to the following criteria:

1. All applications for this zoning district shall be accompanied by Site Plan and PAD applications.
2. Developments in this district shall integrate residential and commercial uses to support pedestrian circulation and transit as an alternative to driving and to provide employment and housing options.

H. HEIGHT.

1. **MEASUREMENT**. Please refer to Appendix A, “Definitions”, for interpretive purposes.



2. **EXCEPTIONS**. Zoning district height limits shall not apply to belfries, cupolas, spires, domes, monuments, airway beacons, structures for essential services, windmills, chimneys, or chimney flues. Height limits shall not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than thirty-three percent (33%) of the area of the roof.

3. **NAVIGATION HAZARDS**. The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take-off of aircraft near an airport, is prohibited.

4. **FLAGPOLES AND FLAGS**

   The following regulations shall apply to all non-single family zoning districts and uses.

   a. **Location**: Flagpoles shall be depicted on site plans

   b. **Flagpole Height**. Flagpoles shall not exceed 1.5 times the allowed building height for the zone in which it is located, or have a maximum height of not more than 60 feet.

   c. **Flagpole Building Permit.** A building permit shall be required for the structure.

   d. **Flagpole Number Limited**. Three (3) flagpoles are allowed on a site.

   e. **Flag Order.** Any flag flown in conjunction with the United States or State of Arizona Flag shall be flown beneath them and shall not exceed them in size.

   f. **Flag Illumination**. Flags shall be illuminated if flown at night.

   g. **Sign Permit**. A sign permit is not required for a flag or insignia of any nation, state, county, city or other political unit or corporate flag.

5. **CHURCHES AND PLACES OF WORSHIP.** Allow churches and places of worship a maximum height of forty (40) feet for the congregation seating area of churches. For churches and places of worship located in or adjacent to residential zoning districts, the following restrictions apply. For any height above 30 feet (congregation seating area only), the minimum setback for the congregation seating area is determined by doubling the zoning district's minimum setback requirement (the most restrictive on or adjacent zoning district setback applies) and for each one (1) foot increase in building height above 30 feet, the setback is increased by an additional (1) foot.

4.8 DENSITY BONUS.

An applicant may be granted a density bonus as established in Column (C) of **Table 4.8-1** by providing any of the community benefits listed in Column (A) of **Table 4.8-1** herein, consistent with the criteria set forth in Column (B) of **Table 4.8-1**. No density bonus shall be granted for mere compliance with the minimum park dedication, open space dedication or agricultural preservation requirements of this Ordinance. The total number of dwelling units permitted shall be a density bonus granted pursuant to this section and shall not exceed the number of total dwelling units permitted pursuant to §4.7.B.1, multiplied by the factor set forth in Column (D) of **Table 4.8-1** and provided further that the total dwelling units permitted shall not exceed the maximum density within the applicable land use category of the *General Plan*.

Table 4.8-1

(A) Community Benefit	(B) Criteria	(C) Density Bonus	(D) Maximum Density Factor
Public Park Land Dedication	Acreage shall comply with §5.5 of this Ordinance.	For each acre in excess of the minimum requirements of §5.5 of this Ordinance, a density bonus equal to the density permitted per acre in the zoning district (**Table 4.7-1**, Column (B)) may be allowed.	1.3
Open Space Dedication	The area shall exceed ten (10) contiguous acres and comply with §5.5 of this Ordinance.	For each acre in excess of ten (10) acres dedicated for open space, a density bonus equal to 0.5 times the density permitted per acre in the zoning district (**Table 4.7-1**, Column (B)) may be allowed.	1.3
Agricultural Preservation	Agricultural land development rights shall be transferred to the Town Center Activity Area or the Urban Corridor, pursuant to §4.14 of this Ordinance.	One unit for each unit of development potential transferred to any zoning district located within the Town Center Activity Area or the Urban Corridor Tiers. Credit is based on allowable density (e.g., if allowed density on donor site is one unit per one (1) acre, then one unit may be transferred for every one (1) acre reserved through a conservation easement or dedication.)	1.3

4.9 SPECIFIC ZONING DISTRICT PERFORMANCE CRITERIA.

A. **SPECIFIC A-1 AND RESIDENTIAL ZONING DISTRICT PERFORMANCE CRITERIA**. No application for development approval in the A-1 zoning district or in any residential zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 of this Ordinance and any and all proposed uses conform to the requirements of Articles 4, 5 and 6 of this Ordinance.

B. **SPECIFIC B-1 DISTRICT PERFORMANCE CRITERIA**. No application for development approval in the B-1 zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 of this Ordinance and any and all proposed uses conform to the requirements of Articles 4, 5 and 6 of this Ordinance and the following additional criteria:

1. B-1 districts shall be limited to areas above the frontage of arterial or collector streets or the intersection of two principal, minor arterial streets or combination thereof, except where an existing center has been established prior to the adoption of this Ordinance.

2. B-1 districts shall be located at least 8/10ths of a mile from another Business or Commercial zone district. The distance shall be measured between the closest boundaries of the two (existing and proposed) districts.

3. Architectural design requirements. See §5.10.

4. All uses in this district shall close to customers and deliveries and extinguish illuminated signs not later than 11:00 p.m. daily.

5. Service entrances and service yards shall be located only in the rear or side yard of the business use. Service yards shall be screened from adjacent zones or uses by the installation and maintenance of a solid decorative wall, fence or vegetation having a height of not less than four (4) feet or more than six (6) feet. If vegetation is proposed, it shall be designed so that it provides immediate screening similar to walls and fences.

6. When practical and feasible, refuse enclosures shall be located at the rear of the site and screened with a decorative wall and gate.

C. **SPECIFIC TC DISTRICT PERFORMANCE CRITERIA**. No application for development approval in the TC zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 of this Ordinance and any and all proposed uses conform to the requirements of Articles 4, 5 and 6 of this Ordinance and the following additional criteria:

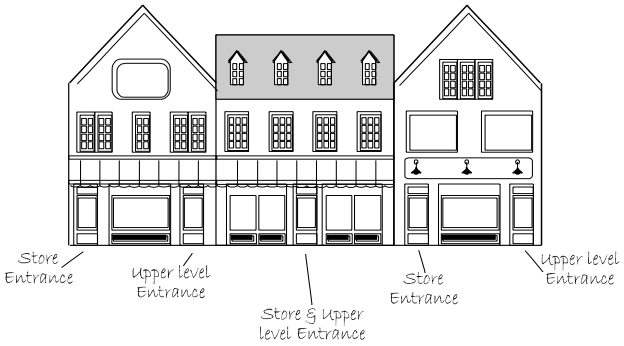
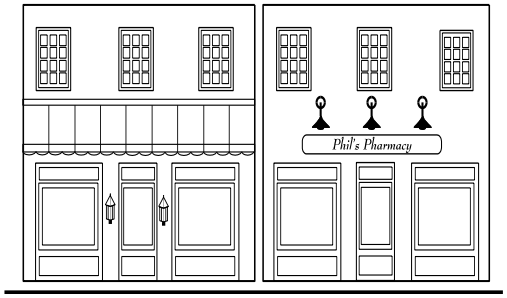
1. **PURPOSE**. The purpose of these criteria is to encourage a mix of uses designed to foster the growth of the Town Center as a special place of community and as a mixed use activity center consistent with the policies of the *General Plan* and the *Queen Creek Town Center Plan*. These standards are designed to project a quality, rural townscape, to promote a pedestrian friendly environment, to establish a variety of mixed uses in the core of the Queen Creek community, to provide an orderly development pattern, to maintain a supply of developable land while preserving the Town Center's compact form, to improve traffic circulation and to promote alternatives to automobile travel, to provide housing opportunities within a walking distance of employment, service and retail

opportunities; to maintain an overall design theme, to preserve a human scale; to provide economic development opportunities through clean industry, office and commercial uses; and to provide for the daily needs and services of the community.

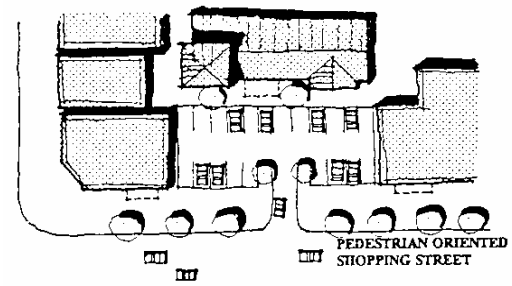
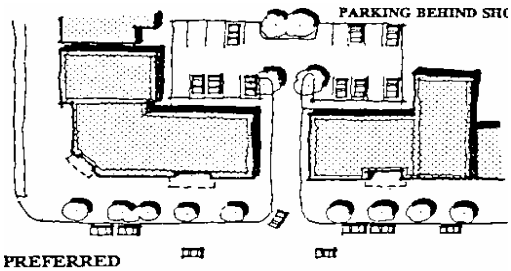
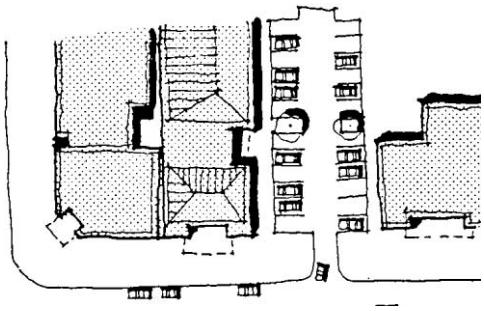
2. **ARCHITECTURAL DESIGN REQUIREMENTS**. See Section 5.10 of this Ordinance.

3. **PEDESTRIAN ORIENTATION**. The use shall conform to the following building and site design standards in order to encourage and to protect pedestrian activity:

(A) STANDARDS	(B) ILLUSTRATION/EXAMPLE
MAIN ENTRANCE. All buildings shall have their principal entrance opening to a street, square, plaza, or sidewalk. Pedestrian access from the public sidewalk, street right-of-way or driveway to the principal structure shall be provided through an improved surface.	
CANOPIES AND OTHER BUILDING ENTRANCES. Canopies, awnings, and similar appurtenances shall be constructed at the entrance to any building subject to the following criteria: (1) such appurtenance shall be constructed of rigid or flexible material designed to complement the streetscape, and (2) any such appurtenance may extend from the building up to one-half (2) of the width of the sidewalk area in front of the building or nine (9) feet, whichever is less, subject to any encroachment permit which may be required by the Arizona Department of Transportation, Maricopa County, or the Town. In no case shall any such facility extend beyond the curb line of any public facility, nor shall it interfere with the growth of maintenance of street trees. A minimum overhead clearance of eight (8) feet from the sidewalk shall be maintained.	

(A) STANDARDS	(B) ILLUSTRATION/EXAMPLE
WINDOWS AND ENTRANCES. The first floors of all buildings shall be designed to encourage and to complement pedestrian-scale activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on not less than fifty percent (50%) of the length of the first floor street frontage. Not less than fifty percent (50%) of the length and twenty-five percent (25%) of the surface of the primary structure(s) shall be in public entrances or windows (including retail display windows). Where windows are used, they shall be transparent. Solid walls shall not exceed twenty (20) feet in length.	 Source: adapted from Anton Nelessen, *Visions for a New American Dream* (Chicago: American Planning Association, 2d ed. 1994, page 339. Reprinted with permission from American Planning Association. 

(A) STANDARDS	(B) ILLUSTRATION/EXAMPLE
FIRST FLOOR RETAIL. In order to stimulate pedestrian activity, the first floor (street level) of any new building abutting a major arterial roadway, minor arterial roadway or major collector roadway shall devote not less than fifty percent (50%) of the net first floor area to retail uses. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access which may be provided. This standard shall not apply to any lot with a street frontage of less than twenty-four (24) feet.	
ENTRYWAYS. Doors shall be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. An entryway shall not be less than one (1) square foot for each 1,000 square feet of floor area, and in all cases shall not be less than fifteen (15) square feet.	
SEATING. Not less than one (1) linear foot of seating shall be provided for each thirty (30) square feet of open space. Seating shall be not less than twenty-four (24) inches high and fifteen (15) inches deep. At least two (2) of the following amenities shall be provided in an open space area: ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, or canopies.	

(A) STANDARDS	(B) ILLUSTRATION/EXAMPLE
PARKING. • No surface parking shall be permitted in front of a principal structure (see Illustration 1, below). Parking shall be located to the rear of the principal structure or structures (Illustration 2), except to the extent that side parking is allowed as provided herein. Not more than two rows of parking shall be permitted to the side of a principal structure and perpendicular to the public streets (Illustration 3) provided, however, that the parking areas shall not occupy more than twenty-five percent (25%) of the width of the lot at any point extending one-hundred feet (100') from the frontage line. • Off-street surface parking shall be screened from the view of public streets in accordance with the parking lot screening requirements in Parking, Loading and Bicycle Storage Standards.  **Illustration 1: Front Parking**	 **Illustration 2: Rear Parking**  **Illustration 3: Side Parking** Illustration 1, 2 and 3 reprinted with permission of American Planning Association. M. Hinshaw, Design Review, Planning Advisory Service Report No. 454 (Chicago: American Planning Association, 1995), at 25.

4. **SECOND FLOOR RESIDENTIAL**. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor and which abuts a Major Arterial Roadway, Minor Arterial Roadway or a Major Collector Roadway.

5. **SERVICE ENTRANCES AND SERVICE YARDS**. Service entrances and service yards shall be located only in the rear or side yard. Service yards shall be screened from adjacent residentially zoned or used property by the installation by the installation of a bufferyard as set forth in §5.4 of this Ordinance.

6. **TOWN CENTER DISTRICT USE RESTRICTIONS**

   a. In order to promote pedestrian activity and to avoid the impacts of heavy traffic and other automobile intensive uses on pedestrian safety, no auto-oriented uses shall be located within one thousand (1,000) feet of another auto-oriented use, as measured from the exterior boundaries of the buildings, parking and storage areas relating to said uses.

b. For purposes of this subsection, "Auto-Oriented Uses" shall mean and refer to the following:

(1) Big box retail;
(2) Drive-thru uses including automated tellers, banks, cleaners, liquor, fuel and restaurants;
(3) Fuel Sales;
(4) Shopping Centers exceeding 15,000 square feet
(5) Vehicle Sales as part or outside of a dealership;
(6) Mini-Warehouse;
(7) Auto Mechanical Repair;
(8) Car Wash;
(9) Gasoline Service Station; and
(10) Quick Lubrication.

c. Design standards and performance criteria for drive-thru and auto-oriented uses are set forth in Article 6 Supplemental Regulations.

7. Each new building in the Town Center district is encouraged to install a period street lamp on the front portion of the property. See **Figures 1** and **2** for illustration.

Figure 1

Figure 2

D. **SPECIFIC C-1 DISTRICT PERFORMANCE CRITERIA**. No application for development approval in the C-1 zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 and 6 of this Ordinance and the following criteria listed below. This district implements *Commercial Goal 1, Policy 1F: encourage small scale neighborhood services that complement the Town Center.*

1. Where feasible, development shall have a minimum twenty-five (25) foot wide Type "D" landscape strip (see **Table 5.4-2**) abutting adjacent to rights-of-way to present a favorable image of the community.

2. The following criteria shall be used (in addition to the general rezoning criteria established in §3.4.E) in consideration of the placement of this zone and the type and arrangement of uses within it:

a. The zone and its uses shall provide for the orderly development and concentration of business and commercial uses; and

b. Pedestrian and vehicular conflicts shall be minimized by providing for adequate separation and channeling of pedestrian and vehicular movements; and

c. Appropriate space and site design shall be provided to satisfy the needs of automobile oriented commercial development while maintaining pedestrian access from surrounding development; and

d. The authorized uses shall be compatible with adjacent development by providing adequate buffers and safe connections to adjacent neighborhoods.

e. C-1 uses are typically personal services in nature and not auto-intensive. Special considerations should be taken to ensure neighborhood compatibility.

3. All uses authorized in the C-1 District, including operations and storage of goods, shall be performed within an enclosed building. Outdoor display of merchandise is authorized subject to the provisions of §6.19.F Temporary Retail Sales.

4. The location, size, number and alignment of driveways shall be so arranged as to prevent traffic hazards and conflicts. The Town Engineer may require common driveways, acceleration and deceleration lanes and/or frontage roads where it is determined, based on the trip generation and distribution of traffic calculated in accordance with §5.1, that such items are necessary to prevent traffic hazards and conflicts

5. The portion of the property forming the sight triangle of an intersection abutting a major highway corridor and a major arterial street shall be landscaped with a variety of plantings to create a gateway effect.

6. Service entrances shall be located only in the rear and side yard of the commercial use.

7. Landscaping requirements are set forth in Article 5, Section 5.5.

E. **SPECIFIC C-2 DISTRICT PERFORMANCE CRITERIA**. No application for development approval in the C-2 zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 and 6 of this Ordinance and any and all proposed uses conform to the following criteria listed below.

1. Fabrication, assembly and repair work shall be limited to areas within enclosed buildings.

2. Unless otherwise approved by the Town Council, rezoning to the C-2 zone shall not be permitted adjacent to any Single Family Residential Zoning District.

3. All garage doors, storage unit doors and loading areas shall be oriented so that the door does not open towards an abutting residential district or arterial street.

4. Outdoor storage shall be screened and located within the side or rear yards.

5. Outdoor display of merchandise shall be limited to:

a. Goods that are stored indoors each night;

b. Automobiles, motorcycles, recreational vehicles and manufactured housing in areas outside required parking and landscaping areas;

c. Screened displays in the side or rear yards.

6. No outside display shall be located within the right-of-way. Outdoor storage of other goods shall be limited to screened areas outside the front yard.

7. Landscaping requirements are set forth in Article 5, Section 5.4.

F. **SPECIFIC I-1 DISTRICT PERFORMANCE CRITERIA**.

1. No application for development approval in the I-1 zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 of this Ordinance and any and all proposed uses conform to the requirements of Article 6 of this Ordinance.

2. **PERMITTED USES**.

a. Any use indicated as a permitted or conditional use in the I-1 column of §4.6, **Table 4.6-2** (Table of Permitted Uses in Non-Residential Districts) shall be permitted subject to the additional criteria set forth herein.

b. Factory Retail - Retail commercial operations, when the product sold at retail is the product which is manufactured as the primary use, not exceeding 10% of the gross floor area. Factory retail commercial operation is directly related to the primary industrial use when the product sold at retail is the product which is manufactured or stored is the primary use. Factory retail commercial operations directly related to the primary industrial use may exceed ten percent (10%) of the gross floor area upon securing a Conditional Use Permit, pursuant to §3.5 of this Ordinance.

c. Complementary Retail - Retail commercial uses which are not directly related to the primary industrial use, but which are complementary to the primary use, the other uses in the industrial park, or the other uses in the district and not exceeding ten percent (10%) of the gross floor area of the principal use. Complementary Retail Use may be permitted where so designated in §4.6, **Table 4.6-2** hereto if the Zoning Administrator finds the following:

(1) The market area of the proposed retail commercial use is principally directed toward the primary use, the other uses in the industrial park or other uses in the district; and

(2) The retail commercial use shall close to customers not later than 8:00 p.m.; and

(3) The retail commercial use meets one or more of the following standards:

(a) The use provides cultural or recreational opportunities for employees;

(b) The use provides day care or pre-schooling for the children of the employees;

(c) The use is a restaurant;

(d) The use sells at retail, products or services used by the primary use, the other uses in the industrial park or the other uses used in the district.

3. **APPROVAL PROCESS**. Concurrent Site Plan and Conditional Use Application Review and approval shall be required for any use in the I-1 zoning district in accordance with §3.6 of this Ordinance prior to construction.

4. **PERFORMANCE STANDARDS**. Uses in this district shall be in full conformance with the standard of this and other applicable sections of this Ordinance.

a. At least fifty percent (50%) of the gross floor area shall be devoted to office or research. Not more than twenty-five percent (25%) of the employees shall be engaged in manufacturing processing at any one time.

b. In addition to the requirements of §5.2 of this Ordinance, no buildings or other structures, except streets and parking lots, shall be erected closer than the following setback lines measured along the perimeter of the district:

(1) Sixty (60) feet of the Town Center Zoning District.

c. All activity shall be conducted within a completely enclosed building

d. Principal vehicle access to and from the site shall be via a primary driveway.

e. No application for development approval shall be approved or issued unless the proposed use complies with the performance standards set forth in §5.9 of this Ordinance.

f. All loading shall be from the rear side of the building, but not facing a public street or residential neighborhood.

g. All exterior building facades must be of wood, reinforced concrete or masonry construction. Corrugated metal buildings shall not be permitted.

h. All buildings shall incorporate architectural elements to relieve long continuous flat appearances such as:

(1) Variety of massing and height of buildings;

(2) Primary architectural elements shall be included on all sides of the building to create four sided architecture;

(3) Provision of courts and plazas.

i. The following site plan elements shall be promoted to create an office complex ambiance and appearance to the industrial development:

(1) Loading courts which are not visible from any public street. Screening of these areas shall be by the principal building;

(2) Entry courts and pedestrian plazas;

(3) Unique landscape features such as berming, fountains, and sculpture gardens, particularly adjacent to the arterial street;

(4) Covered or decked parking structures which appear as an integrated part of the industrial building;

(5) Major entry features;

(6) The majority of the parking structures shall not be located adjacent to the arterial street;

(7) The principal entrance of the primary building shall be oriented to an arterial street.

j. Permitted uses shall not cause to be exhausted or emitted into the air beyond the industrial district wherein such use is located, smoke, soot, dust, fumes or other gases, and vibration. No uses shall endanger surrounding neighborhoods through the risk of explosion or radiation.

k. Landscaping requirements are set forth in Article 5, §5.4.

G. **SPECIFIC I-2 DISTRICT PERFORMANCE CRITERIA**.

1. No application for development approval in the I-2 zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 of this Ordinance and any and all proposed uses conform to the requirements of Article 6 of this Ordinance.

2. Unless approved by the Town Council, rezoning to the I-2 zone shall not be permitted adjacent to any residential zone that is developed or platted for residential use.

3. The front building facade shall be designed with reinforced concrete, wood or masonry construction. Corrugated metal shall be permitted on the remaining exterior portions of the building.

4.10 PLANNED AREA DEVELOPMENT (PAD).

A. **PURPOSE**. The purpose of the planned area development overlay district (PAD) is to provide for the orderly development of land consistent with the *Town of Queen Creek General Plan* and *Zoning Ordinance* while permitting flexibility in the design, construction and processing of residential, commercial and/or industrial developments of a quality which could not be achieved by traditional lot by lot development under conventional zoning concepts. While the conventional zoning districts and the requirements of those districts set forth in the Town of Queen Creek Zoning Ordinance are reasonable, there may be circumstances in which it is in the Town's best interests to allow unique and/or creative designs and techniques that:

1. Promote the most appropriate use of a parcel;
2. Allow diversification of use;
3. Allow economic development;
4. Facilitate the adequate and economical provision of streets, parks, open space, schools, storm drainage and sewer and water utilities;
5. Preserve and utilize open space;
6. Offer recreational opportunities close to residential uses;
7. Enhance the neighborhood's appearance;
8. Counteract adverse effects of urbanization; and
9. Provide for the unified control of land development.

The PAD is designed to encourage these purposes while implementing the goals and policies of the *Town of Queen Creek General Plan.*

B. **MINIMUM DISTRICT SIZE AND APPLICABILITY**.

1. All properties proposed for rezoning shall be designated a Planned Area Development (PAD), pursuant to the requirements stated in **Table 4.10-1.**

Table 4.10-1

SIZE OF PARCEL	ZONING DESIGNATION REQUIREMENT
39-74 Acres	Minimum two (2) zoning districts required. This requirement shall not apply if the density of the development is lower than one dwelling unit per acre (1 DU/ac). Underlying districts should be planned so that one district does not contain more than sixty percent (60%) of the lots. To the extent possible, variable lot sizes, such as variable lot widths, areas and setbacks are strongly encouraged.
74 acres and larger	This requirement shall not apply if the density of the development is less than two (2) dwelling units per acre (2 DU/ac); however, developments in the low density residential (LDR) areas of the Queen Creek *General Plan* are strongly encouraged to balance densities using variable lot sizes for parcels ranging in this size or larger. See **Table 4.10-2** balancing of densities.

C. **PERMITTED USES.**

1. Subject to Subsection 2 of this Section, a PAD District may consist of two or more underlying Zoning Districts as permitted by the Town of Queen Creek Zoning Ordinance. The uses permitted in the PAD District shall be governed by the permitted uses in the underlying district or combination of underlying districts, as approved by the Council. An "underlying zoning district" shall mean those zoning districts set forth in Article 4 of this Ordinance.

2. Except as provided in Subsection 3 of this Section, no site plan for a PAD shall be approved unless the number of lots subject to the site plan contains not more than the percentage of lots prescribed for each underlying zoning district (Column (A)) in columns (B) and (C), respectively, in **Table 4.10-2**, below, and/or at least the percentage of lots prescribed for each underlying zoning district in column (C) respectively, in **Table 4.10-2**, below. The designation not applicable ("N/A") in **Table 4.10-2** means that the column prescribing a maximum or minimum percentage of lots does not apply to the applicable underlying zoning district classification.

Table 4.10-2 Balancing of Densities

	PERCENTAGE OF LOTS	
(A) ZONING DISTRICT	**(B) MAXIMUM**	**(C) MINIMUM**
A-1, R1-190, R1-145, R1-108, R1-54, R1-43, R1-35, R1-18	N/A	N/A
R1-15	N/A	10%
R1-12	N/A	30%
R1-9	N/A	N/A
R1-7	25%	N/A

3. Development agreements establishing permitted uses. A Development Agreement may be implemented in lieu of Subsection 2 **Table 4.10** and Subsection H **Table 4.10-4**, when it is found by the Town Council that the development represents exemplary quality and value to the community and area for which it is proposed. The following criteria may be used by the Town Council in approving a Development Agreement in lieu of **Table 4.10-2**:

   a. The development application for PAD approval proposes substantial land use planning standards and principles over and beyond the minimum standards required in this ordinance or any development ordinance adopted by the Town;

   b. The development application for PAD approval exceeds the minimum intent of **Table 4.10-2**, creating neighborhoods and sustainable communities over and above the criteria established in this ordinance;

c. The development application for PAD demonstrates by narrative specific goals exceeded in the *General Plan* and demonstrates how the overall goal of the *General Plan* is exceeded by the proposed development; and

d. The development application for PAD represents a unique and ingenious approach to land use development that separates itself from other typical suburban and/or urban developments found within the region.

D. **PERMITTED DENSITIES.**

1. **MIX OF DENSITIES**. PAD developments shall contain a mix of zoning districts pursuant to the General Plan that result in a maximum gross density as follows:

Table 4.10-3

DISTRICT	DENSITY
Town Center	6-18 dwelling units per acre
Medium Density Residential (MDR) Urban Corridor	2-3 dwelling units per acre
Low Density Residential (LDR) Suburban Transition	1-2 dwelling units per acre
Very Low Density Residential (VLDR) Rural Preservation	0-1 dwelling unit per acre

2. **PAD PROJECTS PHASED**. All PAD projects shall be phased so that the density of any phase, when combined with previously constructed phases, does not exceed the approved overall project density.

3. **PAD DISTRICT REQUIREMENTS**. The PAD district shall comply with the bulk and area requirements of the underlying zoning district(s) except as otherwise set forth in this Article and in the specific zoning ordinance establishing the specific PAD district. A PAD district may be approved with modifications of these requirements in accordance with Subsection G of this Ordinance.

4. **NO MODIFICATIONS OF REQUIREMENTS**. No modification of the requirements of the underlying zones with respect to ***overall density and use*** shall be approved, nor shall it be construed to require the Town Council to approve or establish any PAD district. For the purpose of calculating density within a PAD, the equation shall be as follows:

$$D = \frac{DU}{A - (C + I + S + a)}$$

Where D = Density

DU	=	Total Number of Dwelling Units in Project
A	=	Total Site Area (Acres)
C	=	Total Commercial land area (Acreage)
I	=	Total Industrial Land Area (Acreage)
S	=	Reserved but undedicated school sites (Acres)
a	=	Arterial and Collector Rights-of-way (Acres)

5. **APPLICATIONS FOR CHANGES OR MODIFICATIONS**. Applications for changes or modifications of the underlying zoning district(s) shall be submitted and processed concurrently with an application requesting approval of a Planned Area Development Overlay District.

E. **CLUSTERED DEVELOPMENT**. (See also §6.5)

1. **PURPOSE**. To preserve environmentally sensitive areas, open space and agricultural lands, clustered development patterns shall be encouraged according to the provisions of this Section.

2. **APPLICATION FOR CLUSTER DEVELOPMENT**. Applicants seeking approval of a cluster development shall proceed according to the requirements for PAD approval but shall label all submissions “Cluster Subdivision Application” and shall comply with the provisions of this Section.

3. **OPEN SPACE STANDARDS**.

a. All cluster developments shall have a minimum of twenty-five percent (25%) of the gross land area preserved as common usable open space.

b. Where possible, open space to be dedicated for public use shall be located to provide access to or provide protection of adjacent public lands.

c. All significant natural features shall be preserved and, where necessary, protected by setbacks from development.

d. Development shall be designed and sited to preserve and protect natural washes and floodplain as depicted in Federal Emergency Management Agency (FEMA) identification maps or area master drainage studies.

e. Significant stands of vegetation shall be preserved and protected from alternation or destruction, unless a mitigation plan is approved in conjunction with the concept or development plan for the project.

f. Development should be located on the site so as to protect scenic vistas of hillsides and ridge lines from the subject and adjacent properties.

g. Development in geologically hazardous areas shall be prohibited.

h. Ownership and maintenance of open space.

(1) The applicant for cluster development may:

(a) Offer to dedicate land to the public;

(b) Convey open space to be held in common by subsequent owners of lots and parcels in the development; or

(c) Where agricultural land is to be preserved, create an agricultural easement over that portion of the property to be protected.

(2) Open space which is to be held in common shall be owned and maintained by an organization established by the applicant/developer as described in subsection (3) hereto. The applicant shall submit conditions, covenants and restrictions regarding permanent maintenance of the open space, including provisions addressing:

(a) Maintenance duties of the organization;

(b) The manner in which lot owners will be assessed by the organization;

(c) Conditions of default; and

(d) The manner of enforcement by the organization.

(3) Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as determined by the Town Council by any of the following mechanisms or combinations thereof:

(a) Dedication of open space to the Town, an appropriate public agency or a non-profit entity if there is a public or non-profit agency willing to accept the dedication and financially capable of maintaining such open space. The Town may delay the acceptance of the dedication of open space unless such dedication is part of a linked open space or trails system included in the *Queen Creek Open Space and Trails Plan*;

(b) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance. The restrictive covenants shall provide that in the event that any private

owner of open space fails to maintain same according to the standards of this ordinance, the Town may, following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space and shall constitute a lien upon the property and buildable lots of the subdivision or development site;

(c) Payment of a fee in lieu of dedication of open space [reserved for future use].

i. An allocation of open space shall be made for each phase of a development in accordance with the minimum open space requirement established in the zone district or pursuant to condition placed on the applicant's zoning plan and/or subdivision plat approval. If common open space will not be provided proportionally by phase, the developer shall execute a reservation of common open space by grant of an easement or covenant in favor of the Town authorizing the Town to dedicate all or a portion of such reserved area to common open space in the event that the development is not completed.

4. **OPEN SPACE DESIGN AND IMPROVEMENTS**.

a. Open space systems shall be designed in accordance with the latest edition of *Park, Recreation, Open Space and Greenway Guidelines* (a publication of the National Recreation and Park Association), a copy of which is on file with the Queen Creek Planning Department.

b. Open space areas in cluster developments shall be linked to existing and planned public open space areas to provide an overall open space system wherever possible.

c. Open space areas shall be arranged to maximize access and use by residents of the cluster development.

d. Where open space improvements are provided, a safe, secure and barrier-free system of trails, paths and walkways shall be designed. Walkways shall link residences with recreation areas, schools, commercial areas and public facilities.

e. Improvements may include the following:

(1) Paved bikeways with two (2) inches of asphalt concourse over four (4) inches of aggregate base concourse, designed in accordance with the Town of Queen Creek Open Space and Trails Plan;

(2) Trails for equestrians, paved with soft materials such as wood chips or gravel; and

(3) Other improvements as established by the Town.

5. **PROJECT LANDSCAPING AND COMPATIBILITY REQUIREMENTS**.

a. Cluster developments shall comply with the design requirements of these regulations.

b. The perimeter of a cluster development shall be buffered from adjacent property that is not included in the project using one or a combination of the following methods:

(1) Buffer yards and transition areas as specified in Article VI of the Queen Creek Subdivision Ordinance;

(2) Berm; or

(3) View fencing as defined by Article VI of the Queen Creek Subdivision Ordinance.

Final project landscaping design shall be delineated in the Final Plat and approved prior to recordation of the Final Plat.

c. Design and installation.

(1) The project landscape plan shall be prepared by an Arizona Registered Landscape Architect.

(2) The developer shall be required to establish a permanent ground cover in the landscape area to stabilize the soil to prevent erosion.

(3) Berms or screening walls shall be approved by the Town and completed prior to the issuance of a building permit.

(4) A permanent automatic irrigation system shall be installed by the developer in the landscape area. This requirement may be modified in natural wash areas as determined by the Town.

(5) Material colors for screening walls shall be limited to earthtone colors. The color shall be uniform for the entire length of the wall.

(6) All landscaping plants shall be living and in sound, healthy, vigorous growing condition.

6. **GENERAL PROJECT DEVELOPMENT STANDARDS**.

a. Each dwelling unit shall have a minimum private area open space of 400 square feet.

b. Each dwelling unit shall meet the minimum parking stall dimensions for individual driveways, pursuant to the standards of the parking section of the Zoning Ordinance. If common parking areas are to be provided, then these areas shall be delineated and garages provided for these areas.

c. Each lot shall be designed to accommodate the location of a 90-gallon refuse container. Each lot shall be designed to allow for the container to be located in the rear or side yards, and screened by landscaping or fencing from public view.

F. **PROFESSIONAL DESIGN TEAM REQUIRED**. An applicant for a PAD approval shall certify in writing at the time of application that a member of each of the following professions will be used in the planning and design process for the proposed development:

1. A licensed Arizona architect or a planner certified by the American Institute of Certified Planners (AICP); or

2. A certified nurseryman or landscape architect approved by the Planning Director; or

3. An Arizona Registered Engineer; or

4. An Arizona Bar certified attorney specializing in the area of land use law.

G. **MODIFICATION OF STANDARDS AND PROCEDURES**. Applications for a PAD Overlay Zone may include a request to modify the requirements of the underlying zoning district, except as to overall density and use. Modification of the requirements of the underlying zoning district may be permitted only upon a finding that the proposed land use exceeds the minimum PAD or *General Plan* requirements. Any modifications shall not include modifications to the minimum requirements of the PAD ordinance. The Town Council may determine that, due to the complexity of the project, sensitivity of the area or scale of the project, other design elements and/or amenities shall be required along with PAD approval, which may exceed or be in lieu of the minimum design elements provided.

H. **REQUIRED DESIGN ELEMENTS AND AMENITIES FOR A PAD**. **Table 4.10-4** lists required and optional design elements for a PAD. The design elements are listed in Column (A). Where an asterisk (*) appears in Column (B) next to the design element, the design element is considered mandatory. Where an asterisk (*) appears in Column (C) next to the design element, the design element is considered optional and may, but need not, be incorporated into the site plan.

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Table 4.10-4 Design Elements and Amenities for a PAD

	(A) Design Elements	(B) Required	(C) Optional
Community Design	Building height and bulk are moderate to low intensity, in harmony with the individual site attributes and are compatible, relative to scale and intensity to surrounding developments.	*	
	In specified areas, the PAD promotes clustered developments to enhance project design and protect environmentally sensitive areas.	*	
	Higher density or intensity developments abutting lower density or intensity areas include buffering and shall substantially mitigate any negative impacts. Mitigation through buffering techniques shall be provided as specified in the General Plan and/or Subdivision Ordinance adopted July 15, 1997.	*	
	Homeowner or property owner associations are required to maintain all roadway/right-of-way landscaping, pedestrian-bicycle, equestrian paths (arterial, collector and local as proposed) to the Town's standards at a minimum.	*	
	Safe pedestrian/bicycle access to schools and parks is provided within the boundary of the PAD.	*	
	Curvilinear residential street patterns are incorporated.	*	
	All new roadway and future pedestrian-bicycle improvements meet public design standards.	*	
	Office, technical and corporate employment facilities are scaled *(built in proportion relative to size and lot coverage)* to the surrounding area.		*
	For a mixed use PAD that includes areas of employment type A land uses, a campus-type employment site is provided.		*
	Multifamily residential development, at moderate to higher densities, has direct access to arterial or collector roadways.		*
	Multifamily (apartment or condominium) developments include useable open space, recreational facilities and other amenities.		*
	Sidewalks or other related pedestrian facilities are incorporated within neighborhoods.	*	
	Park-and-ride lots are incorporated with planned facilities.		*
Public Services and Facilities Element	School site(s) have been reserved or dedicated in large-scale planned communities.		*
	One elementary school of at least 10 acres has been reserved within developments for every 500 elementary school students forecasted to live within the development. In the alternative, a letter from the appropriate superintendent of public schools indicating no such school site is necessary or a letter requiring additional acreage may be necessary, may be submitted.		*
	Park/school combination site dedications are incorporated. Park sites that are intended to be open to the public, where dedication to the Town is proposed, shall be in accordance with adopted standards.		*

Table 4.10-4 Design Elements and Amenities for a PAD (continued)

	(A) Design Elements	(B) Required	(C) Optional
Open Space and Recreation Element	Delineation of common open space requirement. Refer to the subdivision code for the standard required by use.	*	
	Recreational facilities and appropriate links to open space amenities are provided. Provided that the intent of the subdivision ordinance is met, the Town Council shall determine the needs for large lot developments, including R1-35 Single Family Residential and larger lot developments.	*	
	Bike lanes are included in all planned arterial improvements and collectors deemed appropriate in the development review process.	*	
	Pedestrian, equestrian and bicycle trails, including picnic and rest areas, are provided.	*	
	Handicapped accessible facilities are provided to users. Tot lots shall be designed such that 1/3 of the play stations shall be handicap accessible. Provided that the intent is met, the Town Council shall determine the necessity for this requirement in large lot developments, including R1-35 Single Family Residential and larger lot developments.	*	
	Recreation and open space facilities are linked to the community open space network as applicable.	*	
	Neighborhood scale recreation facilities and amenities shall be provided which are functional, not retention/detention or basin-like in design. Retention basins used in conjunction with recreational facilities or amenities shall be designed in accordance with the Subdivision Ordinance but, at a minimum, shall not be “ditch-like” in appearance and shall incorporate substantial areas of turf.	*	
	Development adjacent to washes where public trail systems have been identified shall have trail improvements designed consistently with Town standards, and such improvements shall be dedicated to the Town of Queen Creek upon completion.	*	
	Activity centers provide a wide range of appropriate recreational services.		*
	Bicycle parking facilities are provided for all uses except single family detached and duplex residences.		*
	Fully dedicated equestrian paths that lead to a proposed and/or determinable trail system are dedicated and constructed.		*
	Gateway treatments are incorporated at appropriate locations along the open space network.		*

Table 4.10-4 Design Elements and Amenities for a PAD (continued)

	(A) Design Elements	(B) Required	(C) Optional
Architectural Design Features	Significant architectural differences in the choice of elevations, roof lines and exterior colors for each residential floor plan shall be provided.	*	
	Not more than three (3) adjacent homes shall contain the same front facade, and not more than three (3) adjacent homes shall contain the same rear facade visible from arterial street view, on any block front. Homes facing one another (across the street) shall not have the same or similar facade.	*	
	Garage fronts shall be de-emphasized and not be the most prominent architectural feature of the house. This shall be accomplished by providing side access garages, detached, “in-line” garages, and/or L-shaped floor plans on not less than eighty percent (80%) of the lots. Garages shall be recessed in order to provide interest and relief from the street. The front elevation shall prominently feature an entrance for persons rather than automobiles with the garage area not to exceed forty percent (40%) of the front face plane.	*	
	Berms, tree lines or hedge rows of not less than six (6) feet in height should be provided instead of fencing on at least seventy-five percent (75%) of all lots. (Certain fences, four (4) feet or less in height may be considered as an alternative.) This restriction does not apply to required swimming pool enclosures.		*
	Residential design guidelines are provided, which provide a minimum of seven (7) conceptual standard plan elevations, and may include: variation in building setbacks, detached garages, recessed garages if attached to the principal building and fencing alternatives.	*	
	Distinctive architectural details such as covered front entries, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features shall be provided on each lot.	*	
	A variety of roofing colors, textures and component shapes, including standing seam metal, barrel tile, flat concrete tile, shake shingle, shale and certain wood compositions, shall be provided. Roof materials shall have a warranty of not less than thirty (30) years.	*	
	Trash containers, recycling bins, household tools and equipment shall be completely screened from view.	*	
	Durable exterior materials and finishes, including brick, masonry, smooth-faced stucco (skip trowel finishes) and tile inlays shall be provided on not less than seventy percent (70%) of all homes.	*	
	Roof ridge lines along arterial roads shall be angled to provide a mixture of street orientations so that not more than three (3) adjoining lots on any street from intersection to intersection are parallel with, or perpendicular to, the arterial street line.	*	

Table 4.10-4 Design Elements and Amenities for a PAD (continued)

	(A) Design Elements	(B) Required	(C) Optional
Architectural Design Features	A variety of front yard landscape packages, including lawn and shrub, low water and xeriscape, and/or combined turf and low water, shall be installed.	*	
	All fencing, both on lot and perimeter to the development or project, shall be designed in accordance with the Subdivision Ordinance.	*	
	Harmonious use of building materials shall be required through deed restrictions and/or covenants.		*
	A customized entrance is provided at the entry street intersecting the arterial or major collector which features a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details or a boulevard median.	*	

I. **PAD PROCEDURES**. Subject to the additional procedures set forth in this section, a PAD shall be processed in accordance with the procedures for a rezoning, pursuant to §3.4 of this Ordinance.

1. No application for a rezoning to a PAD district shall be accepted and no PAD shall be approved by the Town Council until a neighborhood meeting has been completed pursuant to Article 3.1 of this Ordinance. Failure to meet the notice and meeting requirements shall render the PAD application invalid and no further processing will be completed by the Town.

2. A specific land use plan shall be submitted with the PAD and rezoning application including the following documents and information:

   a. A narrative brochure and/or report, entitled, "The Development Plan for _____", including the following at a minimum:

      (1) Name and address of recorded landowner, architect/engineer/ surveyor and contractor;

      (2) Date, north arrow and scale;

      (3) Vicinity map at a scale of not less than 1" = 2,000 ft.;

      (4) A complete (surveyed) written legal description of the aggregate property boundaries and each individual sub land use parcel or properties under application for approval;

      (5) A survey map noting the property boundaries and legal description, topography with a maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two percent (2%), then either one (1) foot contours or spot elevation shall be provided where necessary, existing structures, adjacent streets (location, name and width) and significant natural features;

      (6) Maps indicating the land use parcel sizes and zoning categories. Said map shall be accurately measured and described, indicating acreage of land uses and zoning district proposed specifying the number of units proposed for each parcel, with gross and net densities as defined by the General Plan or this ordinance;

      (7) A plan with notes specifying the intended land uses, types of structures and intensity of use, proposed underlying zoning, primary points of access and major interior street alignments; off-street parking and loading, site perimeter setbacks, typical landscaping and screening treatments; total area in open space and drainage information;

      (8) The survey map and conceptual plan should be combined into one plan and may include other data as requested by the Planning Department to assure compliance with this article;

(9) Availability of roads, parks, open space, sewer, water and storm water facilities at or exceeding the levels of service established in the Queen Creek General Plan and land development regulations.

b. Master Open Space and Landscape Plan:

(1) A preliminary landscape plan as defined in Article VI of the Subdivision Ordinance. A concept plan may be submitted if no preliminary plat is submitted along with the PAD application;

(2) A master sign plan, detailing all proposed signage for the site.

c. Master Phasing Schedule:

(1) A schedule for development of the specific, proposed use or uses for which rezoning is required. The schedule for development shall include a construction schedule for various phases of the development if construction phases are anticipated.

d. Residential Design Guidelines:

(1) Indicate at a minimum, typical lot(s), setbacks, architectural style variations, types of materials proposed and the overall theme of the various districts. Indicate how garages will be de-emphasized.

e. Preliminary master drainage report as defined in the Subdivision Ordinance and required by the Town Engineer;

f. Preliminary master water report as defined in the Subdivision Ordinance and required by the Town Engineer;

g. Preliminary master sewer report as defined in the Subdivision Ordinance and required by the Town Engineer;

h. Evidence in both narrative and graphic form of compliance with this ordinance and the following standards where applicable:

(1) All state air quality standards;

(2) All state water quality standards;

(3) School site dedication;

3. The Planning Commission shall hold a public hearing to consider the proposed rezoning and master plan according to the following criteria:

a. The project is consistent with and implements the *Town of Queen Creek General Plan* and the provisions of this Article;

b. The arrangement of all uses and improvements reflects the natural capabilities and limitations of the site as well as the characteristics and limitations of the adjacent property;

c. Development is compatible with the immediate environment of the site and neighborhood relative to architectural design, scale, bulk and building height; historical character and disposition and orientation of buildings on the lot;

d. Buildings, transportation improvements and open space areas are arranged on the site so that activities are compatible with the neighborhood and consistent with adopted ordinances and generally accepted planning principles;

e. Buildings, transportation improvements, open space and landscaping are designed and arranged to produce an efficient, functionally organized and cohesive development;

f. Buildings, transportation improvements, open space and landscaping are in favorable relationship to the existing natural topography, natural water bodies and water courses, exposure to sunlight and wind and long views. Planned building sites are located and designed to minimize their impact on long views;

g. Buildings, transportation improvements, open space and landscaping are designed and arranged to maximize quality of life of the project and surrounding areas; and

h. Adequate facilities shall include water, sewer, storm water and streets, all of which shall be constructed to the levels of service established in these regulations, the *Town of Queen Creek General Plan* or other Town ordinance and planning policy documents.

4. The Planning Commission may recommend approval to the Council of request for modifications to the requirements of the underlying zoning districts, except for modifications to the overall use and density, when the Planning Commission finds:

a. That the requested modifications to the requirements of the zoning ordinance and the underlying zoning districts are in the best interests of the Town and are beneficial to the Town in that a higher quality or more appropriate design, or economic benefits (such as employment) can be achieved by not requiring strict adherence to the terms and regulations of the zoning ordinance;

b. That strict adherence to the requirements of the zoning ordinance is not required in order to ensure the health, safety and welfare of the future occupants of the proposed development;

c. That strict adherence to the requirements of the zoning ordinance is not required in order to ensure that property values of adjacent properties will not be reduced;

d. That the proposed development is consistent with the goals, objectives and policies of the *General Plan.*

5. PAD districts shall be approved by ordinance that states:

a. Findings of fact upon which the approval is based;

b. Any schedule for development for the specific use or uses for which the PAD is being requested;

c. Any modifications to the requirements of the underlying zoning district or districts which may be approved;

d. A stipulation that the PAD is **conditionally approved** subject to the approval of a Final Site Plan or Preliminary Plat for each land use parcel within two (2) years of the effective date of the ordinance. The Council may refer the application back to the Planning Commission.

6. The Council may approve or disapprove any application for PAD overlay zoning. An approval may include conditions deemed appropriate by the Council to ensure that all required findings as stipulated in Subsection 4.10.I.4. hereto are substantiated. The applicant and the Town may enter into a Development Agreement consistent with §9-500.05, Arizona Revised Statutes, in order to effectuate the requirements of this section.

7. Upon the effective date of the ordinance, the zoning map shall be amended to designate the affected area with a PAD symbol or symbols on the subject property.

8. All ordinances establishing a PAD Overlay Zone shall contain, as a condition of rezoning, a requirement for Final Development Plan approval within two years, in accordance with the Master Plan approved by the Council or other standards adopted by the Council and adopted as an amendment to the zoning map.

J. **FINAL DEVELOPMENT PLAN OR SITE PLAN**. Within two (2) years of the effective date of the amendment, the applicant shall file with the Planning Commission the following documents:

1. A Final Site Plan or Final Plat incorporating a fully dimensioned plan identifying again land use parcel dimensions, acres, locating all proposed streets, structures, parking areas, landscaped areas, walls, sidewalks and other elements of the first phase of the proposed project;

2. Final Master Water and Sewer Report;

3. Final Master Drainage Report;

4. A Final Landscape Plan as defined in Article VI of the Subdivision Ordinance with representation of the location of all plant materials, hardscape, walkways, and screening walls; a plant materials schedule indicating plant name (Latin and common), number and sizes used in the plan and on-center spacing;

5. Typical building elevations for all residential units and specific building elevations for any commercial or recreational buildings. If specific residential or commercial

buildings are not known, then conceptual elevations will suffice as long as attention is paid to specific architectural features, such as building scale, form, material types and colors;

6. The final site plan or final plat for each land use parcel shall be in substantial conformance with the land use plan and all requirements and conditions of the amendment adopted by the Council;

7. The final site plan or final plat may be submitted separately for each phase of development or as a whole; each submittal shall require a separate public hearing and approval by the Planning Commission and Council prior to the issuing of the zoning and issuance of building permits. When the final development or site plan is submitted in phases, the first phase shall be submitted as indicated above and each subsequent phase within two years of approval of the previous phase;

8. Where the Planned Area Development Overlay District is used to impose special provisions regarding the design and development of a subdivision, the Final Plat as described in the Town's Subdivision Ordinance may constitute the applicant's Master Plan and Final Subdivision Map or the Final Site Plan for the individual parcel, provided, however, that the Final Site Plan/plat shall include all the elements and data provided for in paragraph (1) of this subsection.

K. **CHANGES TO THE MASTER PLAN OR FINAL SITE PLAN OR PLAT**. Following adoption of the Master Plan or Final Development or Site Plan, as the case may be, said plan shall not be changed, amended or altered in any manner except as set forth herein. Any substantial change or alteration in the physical or spatial characteristics of the plan or its configuration shall be considered a rezoning and shall only be accomplished pursuant to this Article.

L. **TERMINATION OF THE PAD CLASSIFICATION**. Any zoning ordinance amendment adopted under the provisions of this Article shall terminate and the zoning classification of the affected property shall revert, subsequent to a public hearing conducted, to its prior district classification at the end of the two years following the effective date of said amendment if the Final Site Plan or Plat thereof has not been submitted to the Planning Commission and Council for approval. When the submittal is phased, each subsequent phase shall be submitted within two years of approval of the previous phase. The Council may grant one extension of time not exceeding one year for any phase of the development. The Planning Commission and Council shall hold a public hearing prior to any such reversion.

M. **EXISTENCE OF PAD DISTRICTS PRIOR TO ADOPTION OF THIS ORDINANCE**. Any Planned Area Development Overlay District (PAD) that was legally authorized by the Queen Creek Town Council prior to the adoption of this ordinance may remain as a Permitted Planned Area Development Overlay District (PAD).

4.11 FLOODPLAIN DISTRICT.

A. **PURPOSE**. This section is adopted to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

1. To protect human life and health;

2. To minimize expenditure of public money for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

B. **METHODS AND PROVISIONS FOR FLOOD DAMAGE PREVENTIONS**. In order to accomplish its purposes, this Ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

C. **GENERAL PROVISIONS.**

1. **LANDS TO WHICH THIS ORDINANCE APPLIES**. This Ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Queen Creek.

2. **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**. The areas of special flood hazard identified by FEMA in the following Flood Insurance Rate Maps (FIRM), which maps are hereby adopted by reference and declared to be a part of this Ordinance:

   Map No. 04013C2695F (December 3, 1993)
   Map No. 04013C2715E (December 3, 1993)
   Map No. 04013C3075F (December 3, 1993)

   Said maps shall be retained on file in the Office of the Department and shall be available for inspection.

3. **COMPLIANCE**. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Section and other applicable regulations.

4. **ABROGATION AND GREATER RESTRICTIONS**. This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

5. **INTERPRETATION**. In the interpretation and application of this Section, all provisions shall be:

   a. Considered as minimum requirements;

   b. Liberally construed in favor of the Town Council; and

   c. Deemed neither to limit nor repeal any other powers granted under State statutes.

6. **WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Queen Creek or any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

D. PROVISIONS FOR FLOOD HAZARD REDUCTION.

1. **GENERAL STANDARDS**. In all areas of special flood hazard, the following standards are required:

   a. Anchoring

      (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of

the structure and capable of resisting the hydrostatic and hydrodynamic loads.

(2) All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

(a) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet (50') long requiring one additional tie per side;

(b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet (50') long requiring four additional ties per side;

(c) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(d) Any additions to the manufactured home be similarly anchored.

(3) Construction Materials and Methods

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Utilities

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood

waters into the systems and discharge from the systems into flood waters; and

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(5) Subdivision Proposals

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

2. **SPECIFIC STANDARDS**. In all areas of special flood hazard where base flood elevation data has been provided in the Queen Creek Area Drainage Master Study.

a. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot (1') above the base flood elevation.

b. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot (1') above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) Be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph.

c. Openings in Enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;

(2) The bottom of all openings shall be no higher than one foot (1') above grade;

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. Modular Homes and Manufactured Homes

(1) Modular Homes and Manufactured homes shall be installed using methods and practices which minimize flood damage. Modular Homes and Manufactured Homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, the use of over-the-top frame ties to ground anchors. This is in addition to any applicable requirements of the State of Arizona or §5.12.J of this Ordinance for resisting wind forces.

(2) All manufactured homes or those to be substantially improved shall conform to the following requirements:

(a) Manufactured homes that are placed or substantially improved on a site (i) outside of a manufactured home land lease community or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home land lease community or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(b) Manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in subsection (a) above shall be elevated so that either (i) the lowest floor of the manufactured home is at least one

foot (1') above the base flood elevation, or (ii) the manufactured home chassis shall be supported by reinforced piers or other foundation elements that are no less than thirty six inches (36") in height above grade and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(3) Recreational Vehicles. Recreational vehicles shall be either (i) on the site for fewer than one hundred and eighty (180) consecutive days, (ii) fully licensed and ready for highway use, or (iii) meet the permit requirements and elevation and anchoring requirements for resisting wind forces.

3. **FLOODWAYS**. Located within areas of special flood hazard established in subsection C.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and

b. If subsection a. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsection D of this Section, PROVISIONS FOR FLOOD HAZARD REDUCTION.

4.12 CRITICAL AREAS.

A. **PURPOSE**. Critical areas include areas characterized by adverse topography, adverse soils, and subsidence of the earth, high water table, lack of water, or other natural or man-made hazards to life or property. These regulations include variable lot sizes, special grading or drainage requirements, and other requirements which are hereby declared to be necessary for the public health, safety or general welfare, as further defined in this Section, and are hereby designated as special zoning districts pursuant to §9-462.01.A.9, A.R.S.

B. **HILLSIDE DEVELOPMENT AREA**.

1. **PURPOSE**. The purpose of the Hillside Development Area standards is to ensure that hillside development and excavation of hillsides minimizes soil and slope instability and erosion, to minimize the adverse effects of grading, cut and fill operations, to preserve the character of the Town's hillsides, and to otherwise supplement and amplify this Ordinance. The provisions herein are designed to accomplish the following:

   a. Prohibit development or uses which would likely result in a hazardous situation due to slope instability, rock falls, or storm water runoff and excessive soil erosion;

   b. Minimize the threat and consequent damages resulting from hillside area fires by establishing fire protection measures and adequate emergency vehicle access;

   c. Preserve natural features, wildlife habitats, natural vegetation, trees and other natural plant formations;

   d. Provide for safe vehicular circulation and access to recreation areas, natural drainage channels, paths and trails;

   e. Encourage the location, design and development of building sites in a manner that will provide for greater aesthetic appeal, blend with the slopes and hillside terrain, minimize the scarring and erosion effects of cutting, filling and grading of hillsides, and prohibit development of ridge lines as defined;

   f. Encourage preservation of open space by encouraging clustering or other design techniques to preserve the natural terrain and views and vistas.

2. **HILLSIDE DEVELOPMENT STANDARDS**.

   a. **IMPERVIOUS SURFACE RATIO**. The impervious surface ratio shall not exceed the impervious surface ratio set forth in **Figure 4.12-1**, Column (B), which corresponds to the slope of any sloped area (**Figure 4.12-1**, Column (A)), for any sloped area.

b. **BUILDING HEIGHT**. The height of any building or structure shall not exceed the lesser of the height of the underlying zoning district or the height set forth in **Figure 4.12-1**, Column (C), which corresponds to the slope of any sloped area (**Figure 4.12-1**, Column (A)), for any sloped area.

Table 4.12-1 Development Restrictions

(A) Average Slope of Development Site	(B) Impervious Surface Ratio	(C) Height (in feet)
0% - 10%	same as underlying district	same as underlying district
10.01% - 20%	0.15	35
20.01% - 30%	0.10	20
30.01% - 40%	0.05	20
40.01% +	0.00	--

3. **STREET DESIGN.** Town standards for street design shall apply to all development in the Hillside Development Area, except as they may be modified by the following:

a. Roads and other vehicular routes shall not traverse property having a slope greater than thirty percent (30%).

b. Existing vegetation shall be preserved in the location of streets. Street alignment shall follow the natural terrain.

c. Sidewalks may be waived by the Planning Commission in order to keep grading and cut/fill slopes to a minimum upon the favorable recommendation of the Town Engineer.

d. Standard vertical curb and gutter shall be installed along both sides of all paved public streets.

4. **TRANSFER OF DEVELOPMENT RIGHTS**.

a. An applicant may transfer development rights from the HP-1 District to any receiving zone in accordance with the procedures set forth in §4.14 of this Ordinance. The HP-1 District is hereby declared a sending zone for purposes of §4.14 of this Ordinance.

b. Development rights available for transfer from the HP-1 District shall be computed by applying the following formula:

$$R = (D_U - D_H) + ((D_U - V) \times 0.5)$$

where **R** is the amount of development rights which may be transferred to a receiving zone.
D_U is the total number of equivalent dwelling units permitted by the underlying zoning district.
D_H is the total number of equivalent dwelling units permitted by the HP-1 zoning district.
V is any further voluntary reduction in the number of equivalent dwelling units preserved as open space pursuant to a valid conservation easement and a development agreement.

c. For purposes of this subsection, an "equivalent dwelling unit" shall mean and refer to the following:

(1) One (1) single-family dwelling; or

(2) 40,000 square feet of building volume for non-residential or multi-family uses. For purposes of this subsection, building volume shall be computed as the area of the building envelope multiplied by the height of the building exterior measured from the base of the footings to the roof line.

d. **CLUSTERING**. Development on parcels containing slopes in excess of thirty percent (30%) may be clustered on the remaining portions of the site with slopes less than thirty percent (30%) by concentrating the number of units or the amount of square footage allowed for the entire site, unless otherwise approved by the Town Council.

5. **DETERMINATION OF SLOPE AND SLOPE AREAS**. Slope shall be determined on an individual development parcel basis and/or by portions of the development parcel of generally uniform slope. Some incursion hillside disturbance may occur between one slope category and a higher slope category. Such incursions shall not exceed twenty (20) feet unless, upon recommendation of the Planning Commission, the Town Council finds that a greater incursion still serves the purposes of this Section. All property with a slope greater than thirty percent (30%) shall be excluded from the calculation of development parcel area for purposes of determining hillside disturbance and density limitations. The location of the natural slopes listed above for the purposes of this Section shall be determined using the following procedure:

a. **PREPARATION OF CONTOUR MAPS**. The contour intervals, maps, and calculations required to determine the slope shall be prepared in a report by a licensed professional civil engineer which shall be submitted with applications for permits or subdivision approvals. Each report shall bear said engineer's certification as to the accuracy of the report. Current contour maps shall be prepared and certified by a licensed professional engineer or licensed surveyor showing contours at intervals no greater than two (2) feet (the "Contour Map"), drawn at 1" = 200' scale.

b. **VERIFICATION THROUGH FIELD SURVEYS**. Field surveys may be required of the applicant by the Town Engineer to verify the accuracy of the contour lines shown on the Contour Map. The Contour Map shall identify profile lines which shall be used for performing the field survey. Profile lines shall be perpendicular to contour lines and in no case occur at intervals greater than one-hundred fifty (150) feet apart or seventy-five (75) feet from a property line.

c. **DETERMINATION OF SLOPE AREAS FOR DENSITY CALCULATIONS**. Using the field survey, slopes shall be calculated in horizontal intervals no greater than forty (40) feet. Points identified as slopes, as listed above, shall be located on the Contour Map and connected by a continuous line. That area bounded by said lines and intersecting property lines shall be used for determining dwelling unit density.

6. **JOINT DEVELOPMENT APPLICATIONS**. Two (2) or more owners of different development parcels in the Hillside Development Area, whether or not such parcels are contiguous, may file a joint application for development of all such parcels or, the Town Council may direct the Administrator to file such an application on behalf of the Town. For all purposes of this Chapter, such parcels shall be treated as a single development parcel. The aggregate development permitted on such parcels, pursuant to this Chapter, may be clustered on any one or more of the parcels under such joint application subject to the requirements and limitations of this Section, so as to best achieve the purposes of this Section; provided, however, that the provisions of this Section shall not allow variance in the use requirements of the underlying and existing zoning category for the receiving parcel.

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4.13 MANUFACTURED HOUSING OVERLAY DISTRICT (MHR).

A. **PURPOSE**. The principal purpose of the Manufactured Housing Residential Overlay Zoning District is to provide for housing which is similar to conventional site-built housing in subdivisions or on individual lots of record in areas where manufactured housing is appropriate by taking into consideration existing conditions, including present use of land and public utilities.

B. **GENERAL PROVISIONS**.

1. The Manufactured Housing Residential Overlay Zoning District is an overlay zone and may be combined with any Residential Zoning District and not with any other Zoning District. The height, yard, intensity of use, parking, loading and unloading regulations shall be governed by the provisions of the underlying Zoning District.

2. All portions of a lot or parcel located within the Manufactured Housing Residential Overlay Zoning District as designated on the Zoning District maps shall be subject to the regulations set forth in this Article.

C. **USE REGULATIONS**. The Use Regulations which apply to property in any Zoning District with which the Manufactured Housing Residential Overlay Zoning District has been combined shall remain the same as specified in the primary Zoning District, except that a manufactured house shall be utilized in lieu of a site-built single-family dwelling in all cases.

D. **OTHER REGULATIONS**. Additional regulations which apply to property in any Zoning District with which the Manufactured Housing Residential Overlay Zoning District has been combined shall remain the same as specified in the primary Zoning District unless otherwise specified herein.

E. **LOCATION REGULATIONS**. A manufactured house shall be oriented on a lot or parcel so that the wide side of the manufactured house faces the front lot line, except on lots or parcels where such an orientation would not meet side yard width requirements at every location between the front and rear setback lines.

F. **PERMANENT FOUNDATION**. A manufactured house shall be permanently attached to a permanent foundation on a lot or parcel.

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4.14 TRANSFER OF DEVELOPMENT RIGHTS.

A. **PURPOSE**. The density or intensity of a use that would have been allowed on a site designated as a Critical Area in the absence of the application of this Ordinance may be used by "clustering" the development within non-sensitive areas within the project site (see §6.5 of this Ordinance) or off-site through the transfer of development rights pursuant to this Section.

B. **DEVELOPMENT RIGHTS CREATED**. The Town of Queen Creek Development Rights are hereby created. All Critical Areas, except for those owned by a public agency and those subject to a conservation easement or other legal restriction precluding the physical development of the land on the effective date of this Ordinance, are assigned Town of Queen Creek Development Rights at the following ratios:

1. **HILLSIDE PROTECTION**. Development potential may be transferred at the ratio set forth in §4.12.B.4.b of this Ordinance.

2. **AGRICULTURAL PRESERVATION**. One-hundred percent (100%) of the development potential may be transferred to the Town Center Zoning District.

3. **OWNERS OF PROTECTED ENVIRONMENTALLY SENSITIVE AREAS**. Smaller than the acreage specified above are entitled to fractional development rights at the ratios established above. Any fraction equal to one-half (□) or greater shall be rounded to the nearest whole number.

C. **SEVERABILITY**. Town of Queen Creek Development Rights shall be severable from the underlying fee and shall be transferable to receiver parcels of land.

D. **USE OF DEVELOPMENT RIGHTS ON RECEIVER PARCELS**.

1. **RECEIVING DISTRICTS DESIGNATED**. Severable development rights established in accordance with subsection B of this section may be transferred to any of the following districts up to the maximum density set forth in §4.8 up to the maximum density set forth in §4.8 of this Ordinance:

   a. TC Town Center.

   b. Any zoning district located within the Town Center Activity Area or the Urban Corridor Tier.

2. **UNIQUE CIRCUMSTANCES**. If the Town of Queen Creek determines, during the review process established within this Ordinance, that the parcel proposed for development reflects unique or unusual circumstances, or that development of the parcel at the maximum density would affect surrounding uses in a manner contrary to the public health, safety, and welfare, or would be inconsistent with the General Plan, the Town Council may limit the number of development rights that may be transferred to the receiver parcel. Any development order that limits the use of development rights to less than the indicated maximum density shall include specific findings of fact on which the restriction is based and shall specify what changes, if any, would make the parcel proposed for development eligible for development at the maximum indicated density.

E. **PROCEDURE FOR TRANSFERRING DEVELOPMENT RIGHTS**.

1. **TIMING**. Development rights allotted to a Critical Area may be transferred to any person at any time and shall be deemed, for taxation and all other purposes, to be appurtenant to the land from which the rights are transferred until a development order is issued authorizing use of the Development Rights at a receiver parcel at which time they shall attach to the receiver parcel for all purposes.

2. **RECORDATION OF TRANSFER OF DEVELOPMENT RIGHTS**. No Development Right shall increase the intensity or density of the use of a receiver site until the owner of the transferor parcel has recorded a deed in the chain of title of the transferor parcel expressly restricting the use of the land in perpetuity to a conservation zone. The deed restriction shall be expressly enforceable by the Town of Queen Creek, and a boundary plat for the transferor parcel shall be recorded reflecting the restriction.

3. **EVIDENCE OF RESTRICTION REQUIRED FOR DEVELOPMENT APPROVAL**. A developer of a receiver site must submit, in conjunction with his application for development approval, evidence that the transferor parcel has been restricted to non-development uses and that a boundary plat has been recorded in accordance with the above provisions.

F. **NOTICE AND HEARING REQUIREMENTS**. Any proposed transfer of development rights from the sending property or to the receiving property shall be subject to the notice and hearing requirements of §9-462.04, A.R.S.

G. **PRECEDING TRANSFER OF DEVELOPMENT RIGHTS**. Prior to any transfer of development rights, the Town Council shall adopt an ordinance providing for:

1. The issuance and recordation of the instruments necessary to sever development rights from the sending property and to affix development rights to the receiving property. These instruments shall be executed by the affected property owners and lien holders.

2. The preservation of the character of the sending property and assurance that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner.

3. The severance of transferable development rights from the sending property and the delayed transfer of development rights to a receiving property.

4. The purchase, sale, exchange or other conveyance of transferable development rights prior to the rights being affixed to a receiving property.

5. A system for monitoring the severance, ownership, assignment and transfer of transferable development rights.

6. The right of the Town of Queen Creek to purchase development rights and to hold them for resale.

4.15 WILLIAMS GATEWAY AIRPORT OVERLAY DISTRICT

A. **PURPOSE.** The purpose of the Williams Gateway Airport Overlay District is to:

1. Designate an area in the Town that is or may be impacted by noise generated by aircraft using the Williams Gateway Airport; and

2. Mitigate the effects of aircraft noise on the public health, welfare and safety by prohibiting noise sensitive uses in new projects in Overflight Area 1, by establishing noise attenuation requirements applicable to noise sensitive uses in new projects in Overflight Area 2, and by requiring notification to future owners and occupants of possible noise impacts on noise sensitive uses in new projects in Overflight Areas 2 and 3 of the Williams Gateway Airport Overlay District.

B. **APPLICABILITY**

1. Williams Gateway Airport Overlay District overlay base zoning districts. Base zoning district regulations that are not modified by an overlay district shall apply. The Official Zoning Map shall identify each Overflight Area within the Williams Gateway Airport Overlay District.

   a. The provisions of this section shall apply only to noise sensitive uses in new projects located wholly or partially within the Williams Gateway Airport Overlay District.

   b. If a new project is located partially within Overflight Areas 2 and 3, then the development and notification requirements for Overflight Area 2 shall apply to noise sensitive uses in the entire new project.

   c. If a new project is located partially within Overflight Area 3 and partially outside of any overflight area, then the development and notification requirements for Overflight Area 3 shall apply to noise sensitive uses in the entire new project.

   d. For the purposes of this ***Article***, the following words and terms shall have the following meanings:

      1. "Airport" means the Williams Gateway Airport owned and operated by the Williams Gateway Airport Authority.

      2. "New project" means a project with the following status of development as of September 18, 2004: 1) no preliminary plat has been approved; or 2) a preliminary plat has expired; or 3) no preliminary design review site plan has been approved; or 4) a preliminary design review site plan has expired.

      3. "Noise sensitive uses" means single family or multi-family residential uses, hospitals, nursing homes, places of worship, libraries, public and private schools, and daycare centers.

      4. "Overflight Areas" means those areas designated on the Official Zoning Map as overflight areas. Overflight areas are divided into Overflight Areas 1, 2 and 3.

5. "Project" means either, as applicable, a subdivision with boundaries that have been or will be established by a final subdivision plat or a site with boundaries depicted on a site plan.

6. "Williams Gateway Airport Overlay District" means that area designated on the Official Zoning Map.

C. **DEVELOPMENT AND NOTIFICATION REQUIREMENTS WITHIN THE WILLIAMS GATEWAY AIRPORT OVERLAY DISTRICT.** Use and development of land within the Williams Gateway Airport Overlay District shall conform to the base zoning district regulations and other requirements of this code, except as modified by a Development Plan for a Planned Area Development overlay ordinance.

1**.** *Overflight Area 1.* No noise sensitive use shall be permitted in a new project on a lot that is located wholly or partially in Overflight Area 1.

2. *Overflight Area 2.* New projects located within Overflight Area 2 that includes a noise sensitive use shall comply with the following:

a. Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following: **"This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft."**

b. Sales offices for new single family residential projects shall provide notice to prospective buyers that the project is located within an Overflight Area. Such notice shall consist of a sign at least 2-foot x 3-foot installed at the entrance to the sales office or leasing office at each residential project. The sign shall be installed prior to commencement of sales and shall not be removed until the sales office is permanently closed. The sign shall state the following in letters of at least one inch (1") in height: **"This subdivision, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft. For additional information contact the Arizona Department of Real Estate at: (602) 468-1414 or Williams Gateway Airport Public Relations Office at: (480) 988-7600."**

c. Leasing offices for new multi-family residential projects shall provide notice to prospective lessees that the project is located within an Overflight Area. Such notice shall consist of a sign at least 2-foot x 3-foot installed at the entrance to the sales office or leasing office at each residential project. The sign shall be installed prior to commencement of leases and shall not be removed until the leasing office no longer leases units in the new project. The sign shall state the following in letters of at least one inch (1") in height: : **"This subdivision, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft. For additional information contact the Arizona Department of Real Estate at: (602) 468-1414 or Williams Gateway Airport Public Relations Office at: (480) 988-7600."**

d. Public reports filed with the Arizona Department of Real Estate shall disclose the location of the Airport and potential aircraft overflights. The following statement shall be included in the public report: **"This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft."**

e. The construction, alteration, moving, and substantial repair of any human occupied building or structure in the new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 25 decibels (dB) or an exterior to interior NLR that results in an interior noise level of 45 DNL or less. The developer shall submit a signed and sealed letter from a registered architect or engineer certifying that construction materials, methods and design employed to achieve the required noise reduction. A copy of the certification shall be submitted with the application for a building permit.

f. The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an avigation easement prior to or concurrently with the recordation of any final plat or approval of a final site plan for the new project. The easement shall be in a form approved by the Director of Planning.

g. Properties located in this overflight area may still be located in the FAA, William Gateway Airport 65 DNL designation. Further, these properties are to be deed restricted denoting the 65 DNL.

3**.** *Overflight Area 3.* New projects located within Overflight Area 3 that include a noise sensitive use shall comply with the following:

a. Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following**: "This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft."**

b. Sales offices for new single family residential projects shall provide notice to prospective buyers that the project is located within an Overflight Area. Such notice shall consist of a sign at least **2-foot x 3-foot installed at the entrance to the sales office or leasing office at the residential project. The sign shall be installed prior to commencement of sales and shall not be removed until the sales office is permanently closed. The sign shall state the following in letters of at least one inch (1") in height: "This subdivision, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft. For additional information contact the Arizona Department of Real Estate at: (602) 468-1414 or Williams Gateway Airport Public Relations Office at: (480) 988-7600."**

c. Leasing offices for new multi-family residential projects shall provide notice to prospective lessees that the project is located within an Overflight Area. Such

notice shall consist of a sign at least 2 feet by 3 feet installed at the entrance to the sales office or leasing office at each residential project. The sign shall be installed prior to commencement of leases and shall not be removed until the leasing office no longer leases units in the new project. The sign shall state the following in letters of at least one inch (1") in height: **"This subdivision, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft. For additional information contact the Arizona Department of Real Estate at: (602) 468-1414 or Williams Gateway Airport Public Relations Office at: (480) 988-7600."**

d. Public reports filed with the Arizona Department of Real Estate shall disclose the location of the Airport and potential aircraft overflights. The following statement shall be included in the public report: "This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals."

e. The construction, alteration, moving, and substantial repair of any human occupied building or structure in the new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 20 decibels (dB) or an exterior to interior NLR that results in an interior noise level of 45 DNL or less. The developer shall submit a signed and sealed letter from a registered architect or engineer certifying that construction materials, methods and design employed to achieve the required noise reduction. A copy of the certification shall be submitted with the application for a building permit.

f. The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an avigation easement prior to or concurrently with the recordation of any final plat or approval of a final site plan for the new project. The easement shall be in a form approved by the Director of Planning.

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ARTICLE 5
DESIGN AND IMPROVEMENT STANDARDS

SECTION **PAGE**

5.1 ADEQUATE PUBLIC FACILITIES.5-1

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ARTICLE 5
DESIGN AND IMPROVEMENT STANDARDS

5.1 ADEQUATE PUBLIC FACILITIES

A. **PURPOSE AND INTENT.** The purpose and intent of this Section is:

1. To ensure that Public Facilities needed to support new development meet or exceed the Level of Service standards established by the *Queen Creek General Plan* and this Section;

2. To ensure that no rezonings are approved which would cause a reduction in the levels of service for any Public Facilities below the Adopted Level of Service established in the *Queen Creek General Plan* and this Section;

3. to ensure that adequate Public Facilities needed to support new development are available concurrent with the impacts of such development;

4. To establish uniform procedures for the review of development applications subject to the adequate public facilities standards and requirements.

5. To facilitate implementation of goals and policies set forth in the *Queen Creek General Plan* relating to adequacy of Public Facilities and Level of Service standards; and

6. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

B. **APPLICABILITY**.

1. It is the intent of this Section that no rezoning to a zoning district which would increase the intensity or density of a parcel shall be approved unless a positive determination or a positive determination subject to conditions has been rendered by the Town Council.

2. No application for a rezoning requesting the reclassification of a parcel to a zoning district which would increase the net density or intensity of a parcel shall be accepted, approved, granted or issued unless it is accompanied by information relating to the impact of the proposed development on the facilities set forth in §5.1.F.1 consistent with Appendix C and this Section.

3. This Section shall not apply to any use, development, project, structure, fence, sign or activity which does not result in a new equivalent dwelling unit.

4. The determination of adequacy of public facilities shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards or other applicable standards or requirements of the Queen Creek Zoning Ordinance or Queen Creek Subdivision Ordinance, all of which shall be operative and remain in full force and effect without limitation.

C. **GENERAL PROVISIONS; MONITORING.**

1. **PUBLIC FACILITIES INFORMATION DATABASE.** The Planning Department shall develop, maintain, and update an Information Database which shall provide

support to the Town officials and departments responsible for adequacy of public facilities review, monitoring and planning for Public Facilities. At a minimum, the database shall contain the following:

a. Existing dwelling units and nonresidential development;
b. Committed Development;
c. The capacity of existing Public Facilities provided by the Town of Queen Creek and/or which are listed in the Capital Improvements Program; and
d. The capacity created by the completion of Public Facilities included in a Capital Improvements Program for the current year.

2. **ANNUAL REVIEW**. The Administrator shall, not less frequently than annually, prepare and submit to the Town Council an Annual Adequacy of public facilities Management Report. The report shall include:

a. Growth trends and projections;
b. Proposed changes to the boundaries of Impact Areas for any Public Facility;
c. Proposed changes to existing or adopted levels of service standards;
d. Proposed changes in adequacy of public facilities analysis methodologies;
e. Recommendations on amendments to the Adequate Public Facilities Ordinance, if appropriate; and
f. Other data, analysis or recommendations as the Administrator may deem appropriate, or as may be requested by the Town Council.

3. **EFFECT OF ANNUAL REVIEW.** The Annual Review may, in whole or in part, form the basis for Town recommendations to the Town Council and Town Council actions to repeal, amend or modify this Section; other data, reports, analyses and documents relevant to such decisions as may be available may be used.

4. **AMENDMENTS.** Nothing herein precludes the Town Council or limits its direction to amend this Section at such other times as may be deemed necessary or desirable.

D. **PROCEDURES FOR THE PROCESSING OF APPLICATIONS AND DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.**

1. **SUBMISSION REQUIREMENTS.** All applications for development approval shall include sufficient information to allow the Town to determine the impact of the proposed development on Public Facilities pursuant to the adequacy of public facilities determination procedures. The application for a determination of adequacy of public facilities shall be made on a form prepared by the Department. The information required shall include, but shall not be limited to:

a. The total number, type of dwelling units, and gross density of proposed development;
b. The location of the proposed development;
c. An identification of the Public Facilities impacted by the proposed development; and
d. Any other appropriate information as may be required by the Town consistent with the provisions of Appendix C herein.

2. **SUBMISSION OF APPLICATION TO DEPARTMENT AND PAYMENT OF FEE FOR REVIEW OF APPLICATION.** Each application, in addition to other applicable and required processing fees, shall be submitted to the Department and shall be accompanied by all required administrative fees.

3. **PROCEDURES FOR ADEQUACY OF PUBLIC FACILITIES RECOMMENDATION BY DEPARTMENT AND ADEQUACY OF PUBLIC FACILITIES DETERMINATION BY TOWN COUNCIL.**

a. The Administrator shall determine whether the application is complete and complies with the submission requirements set forth in subsection D.1 herein and Appendix C. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies. If the application is complete and the submission requirements have been complied with, the Administrator shall evaluation the proposed development for compliance with the Adopted Level of Service and shall submit an adequacy of public facilities recommendation, pursuant to subsection b. herein.

b. If the Administrator concludes that each Public Facility will be available concurrent with the impacts of the proposed development at the Adopted Levels of Service, the Administrator shall make a positive adequacy of the public facilities recommendation in its staff report. If the Administrator determines that any Public Facility will not be available concurrent with the impacts of the proposed development at the Adopted Level of Service based upon existing Public Facilities, the Administrator shall make a negative adequacy of public facilities recommendation in the staff report or, in the alternative, shall make a positive adequacy of public facilities recommendation with appropriate conditions consistent with the criteria set forth in subsection E. of this Section. If the Administrator recommends that the application be conditionally approved, the staff report shall recommend conditions or stipulations that may be included regarding the density of the proposed development, the timing and phasing of the proposed development, the provision of Public Facilities by the Applicant or any other reasonable conditions to ensure that all Public Facilities will be adequate and available concurrent with the impacts of the proposed development. The staff report shall, at a minimum, include the following, based upon staff and referral agency adequacy of public facilities recommendations:

(1) The number of equivalent dwelling unites proposed by the Applicant, by type, for each Public Facility;

(2) The timing and phasing of the proposed development, if applicable;

(3) The specific Public Facilities impacted by the proposed development;

(4) The extent of the impact of the proposed development in the applicable Impact Areas;

(5) The Capacity of existing Public Facilities in the Impact Areas which will be impacted by the proposed development;

(6) The demand on existing Public Facilities in the Impact Areas from existing and approved development;

(7) The availability of Existing Capacity to accommodate the proposed development; and

(8) If Existing Capacity is not available, Planned Capacity and the year in which such Planned Capacity is projected to be available.

4. **WITHDRAWAL OF APPLICATION.** The Applicant may withdraw the Application for Development Approval at any time by submitting a written request to the Administrator. Withdrawal may result in the forfeiture of all administrative fees paid by the Applicant for the processing of the application.

5. **DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.**

a. Upon receipt of the staff report and subject to the compliance with all other applicable standards of approval for a Development Order, the Town Council may:

(1) Make a positive adequacy of public facilities determination; or

(2) Make a negative adequacy of public facilities determination; or

(3) Make a positive adequacy of public facilities determination subject to one or more of the following conditions:

(a) Deferral of further Development Orders until all Public Facilities are available and adequate if Public Facilities in the Impact Area are not adequate to meet the Adopted Level of Service for the entire development proposal, consistent with the requirements of the subsection F. of this Section; or

(b) Reduction of the density or intensity of the proposed development to a level consistent with the Available Capacity of Public Facilities; or

(c) Provision by the Applicant of the Public Facilities necessary to provide Capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur.

b. A proposed rezoning which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. The adequacy of public facilities review for the application for a rezoning shall compare the Capacity of Public Facilities to the maximum projected demand which may result from the proposed rezoning based upon the potential density of the affected area pursuant to the rezoning. Nothing herein shall authorize a rezoning or the issuance of a conditional use permit that would otherwise be inconsistent with the *Queen Creek General Plan* or the *Queen Creek Future Land Use Map.*

6. **EXPIRATION OF DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.**

a. A determination of Adequacy of public facilities, pursuant to subsection D.5 of this Section shall be deemed to expire when the Development Order to which it is attached expires, lapses or is waived or revoked, or if the Applicant has not complied with the conditions attached to its issuance.

b. If a determination of Adequacy of public facilities attached to a rezoning expires, the Town may initiate proceedings to rezone the property to its original zoning classification.

E. **EFFECT OF DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.**

1. **ADEQUACY OF PUBLIC FACILITIES DETERMINATION RESULTS.** An adequacy of public facilities determination for a Development Order shall be deemed to indicate that:

a. Public Facilities are available at the time of issuance of the determination of adequacy of public facilities.

b. Public Facilities will be considered to be available to all subsequent stages of the development approval process up to the date of expiration of the final plat provided, however, that the determination of adequacy of public facilities shall expire and become null and void upon the expiration of the Development Order to which it is attached or the time frame for submitting a subsequent application for approval, recordation of a subdivision plat, or issuance of a certificate of occupancy unless an application for a subsequent Development Order is submitted within the time frames set forth in the *Queen Creek Zoning Ordinance* or the *Queen Creek Subdivision Ordinance.* If no expiration date is provided in the Queen Creek Zoning Ordinance, the Queen Creek Subdivision Ordinance, in the conditions of the determination of adequacy of public facilities or in the conditions of permit approval, the adequacy of public facilities determination shall expire within two (2) years after approval of the Development Order.

2. **ADEQUACY OF PUBLIC FACILITIES DETERMINATION NOT EVIDENCE OF SUPPORT OF MAP AMENDMENT.** A determination of adequacy of public facilities shall not be deemed as evidence supporting a request for a Future Land Use Map amendment from the Rural to the Suburban Transitional Tier, or from the Suburban Transitional to the Urban Corridor or Town Center Tier, nor shall it affect the need for the Applicant for a rezoning to meet all other requirements as set forth in this Ordinance.

3. **ADVANCEMENT OF CAPACITY.** No advancement of Capacity for Public Facilities needed to avoid a deterioration in the adopted levels of service shall be accepted by the Town Council unless the proposed Public Facility is a Planned Capital Improvement or appropriate conditions are included to ensure that the Applicant will obtain necessary approvals prior to or concurrent with the issuance of a finals subdivision plat or if subdivision approval is not required, a building permit. The commitment to construction of Public Facilities prior to the issuance of a building permit shall be included as a condition of the adequacy of public facilities determination and shall contain, at a minimum, the following:

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a. For Planned Capital Improvements, a finding that the Planned Capital Improvement is included within the Capital Improvements Program of the applicable service provider;

b. An estimate of the total financial resources needed to construct the Planned Capital Improvements and a description of the cost participation associated therewith;

c. A schedule for commencement and completion of construction of the Planned Capital Improvement with specific target dates for multi-phase or large scale Capital Improvement projects;

d. A statement, based on analysis, that the Planned Capital Improvement is consistent with the *Queen Creek General Plan;* and

e. At the option of the Town, and only if the Planned Capital Improvement will provide Capacity exceeding the demand generated by the proposed development, reimbursement to the Applicant for the pro rata cost of the excess Capacity.

F. **METHODOLOGY AND CRITERIA FOR DETERMINING AVAILABILITY AND ADEQUACY OF PUBLIC FACILITIES.**

1. **LEVEL OF SERVICE STANDARDS.** Compliance with Level of Service standards shall be measured for each Public Facilities set forth in Column (A) of **Table 5.1-1** in accordance with the standards set forth in Column (B) of **Table 5.1-1**, as measured within the Impact Area for the applicable Public Facility as set forth in Column (C) of **Table 5.1-1**, below:

Table 5.1-1
Level of Service Standards

(A) PUBLIC FACILITY	(B) LOS STANDARD CRITERIA	(C) IMPACT AREA
Central Water	Residential uses: 127 gpcd Non-residential uses: 75 gpcd	Source and Treatment Facilities: the service area of the Queen Creek Water Company, H_20, Inc., or other service provider, as further defined in subsection a., below. Water pressure. The proposed development site and any transmission or distribution mains providing water to the proposed development site.
Central Sewer	Residential uses: 75 gpcd Non-residential uses: 1,750 gpad	Collection, transmission and distribution facilities (central sewer). The service area of the Town of Queen Creek Wastewater Collection System. Treatment: the capacity of any regional wastewater treatment plant serving the property, or any package treatment plant approved prior to the effective date of this Ordinance.
Streets	ZONING DISTRICT CATEGORY Category 1 / Category 2 / Category 3 / Town Center Major/Minor Arterials: B / C / D / n/a Major Collectors: B / C / D / n/a Local Streets: B / C / C / n/a	Streets: the area, including collector/collector and collector/arterial intersections extending from the proposed residential development to and including the intersection with the nearest major arterial, within which a proposed residential development generates traffic of more than 10 trips per day.
Parks/Open Space & Trails	Table 11, page 53 of the *General Plan.*	Regional Parks: The boundaries of the Town of Queen Creek. Other parks classifications (within the proposed development or in miles from the exterior boundaries of the proposed development): Playgrounds/Neighborhood Parks: 0.5 Playfields: 1.5 Community Parks: 2.0 District Parks: 3.0

(A) PUBLIC FACILITY	(B) LOS STANDARD CRITERIA	(C) IMPACT AREA
Schools	Square footage of classroom space per student as set forth in Table 9 of the *General Plan.*	Public Schools: High School Feeder Areas as designated by the applicable school district.
Drainage	The proposed development shall be served by a complete drainage system, including detention and retention facilities as necessary, which are sufficient to mitigate the impacts of the 100-year, 2-hour rainfall (hereinafter the "Design Event") as defined in the Drainage Manual (see subsection f., below). Increases in runoff from the Design Event resulting from the proposed development shall be detained within the development and released at a rate no greater than existed prior to the development. Post development runoff shall not exceed pre-development runoff unless a maximum discharge rate has been adopted for the applicable drainage basin and the discharge does not exceed that rate. If a maximum discharge rate has not been adopted for the applicable drainage basin, post development discharge may not exceed pre-development discharge. Storm sewers shall be designed for a 10-year frequency storm and the Design Event.	On-site detention or, if a regional stormwater management system has been provided, regional stormwater management facilities within the same drainage basin as the proposed development.

a. **WATER**. Water requirements shall not apply to agricultural uses. The water standard applies to water rights, water source, water supply and water distribution need to accommodate the gallons per capita per day (gpcd) generated by residential and non-residential uses. Usage figures for residential and non-residential usage for Queen Creek for residential uses are taken from Table 5-B of the Arizona Department of Natural Resources, *Second Management Plan 1990-2000* (March 1991). Because non-residential development has historically been minimal, usage figures for non-residential uses use the regional average from the above-referenced document in order to reflect anticipated future trends. The impact area is as follows:

(1) With respect to a lot or parcel or other area of land within any service area officially adopted by a city, town, county or other municipality which provides potable water, the "service area" is the area of land actually being served water for a non-irrigation use by a city or town plus: (i) additions to such area which contain an operating distribution system owned by the municipality primarily for the delivery of water for a non-irrigation use, and/or (ii) the service area of a municipality or private water company that obtains its water from the city or town pursuant to a contract entered into prior to the date of the designation of the active management area.

(2) With respect to a private water company, the "service area" is the area of land of the private water company actually being served water, for a non-irrigation use, by the private water company plus additions to such area which contain an operating distribution system owned by the private water company primarily for the delivery of water for a non-irrigation use.

The "service area" of an irrigation district means:

- With respect to an irrigation district which was engaged in the withdrawal, delivery and distribution of groundwater as of the date of the designation of the active management area, the area of land within the boundaries of the irrigation district actually being served water by the irrigation district at any time during the five years preceding the date of the designation of the active management area plus any areas as of the date of the designation of the active management area within the boundaries of the irrigation district which contain an operating system of canals, flumes, ditches and other works owned or operated by the irrigation district. The service area may be modified, pursuant to §45-494.01, A.R.S.

- With respect to an irrigation district which was not engaged in the withdrawal, delivery and distribution of groundwater as of the date of the designation of the active management area: (i) The acres of member lands within the boundaries of the irrigation district which were legally irrigated at any time from January 1, 1975 through January 1, 1980 for initial active management areas or during the five years preceding the date of the designation of the active management area for subsequent active management areas. (ii) Any areas as of the date of the

designation of the active management area within the boundaries of the irrigation district which contain an operating system of canals, flumes, ditches and other works for the withdrawal, delivery and distribution of water.

b. **WASTEWATER**. The wastewater standard applies to treatment and transmission facilities. The standard for source facilities applies only to treatment capacity legally reserved for usage by the Town of Queen Creek. The figures for gallons per capital per day (gpcd) and gallons per acre per day (gpad) are taken from SFC Engineering Company, *Sewer Collection System Phase I Preliminary Design Report* (Sept. 1995), at 5.

c. **ROADS/STREETS**. Transportation LOS shall be based upon the volume-to-capacity ratios as established by the Transportation Research Board, *Highway Capacity Manual* (Washington, D.C.: National Research Council, 3d ed. 1994), which document is hereby incorporated by this reference. The traffic analysis shall be consistent with the assumptions and guidelines of the following documents, which are hereby incorporated by reference: JHK & Associates, *Williams Area Transportation Plan* (Jan. 1997), chapters 4 through 6; and the Circulation Element of the *General Plan.* The zoning district categories reported in **Table 5.1-1** are as follows:

(1) Category 1 districts correspond to the *Rural Preservation Tier* of the *General Plan*, and are as follows: A-1 Agricultural One; R1-190 Rural Development; R1-145 Rural Development; R1-108 Rural Development; R1- 54 General Rural Development; and R1-43 Rural Estate.

(2) Category 2 districts correspond to the *Suburban Transitional Tier* of the *General Plan*, and are as follows: R1-35 Suburban Residential Type A; R1-18 Suburban Residential Type B; R1-15 Suburban Development Type B; R1-12 Suburban Development Type A; R1-9 Urban Development Type A; R1-8 Urban Development Type A; R1-7 Urban Development Type A; R1-6 Urban Development Type A.

(3) Category 3 districts correspond to the *Urban Transitional Tier* of the *General Plan*, and are as follows: R-2 Urban Development Type B; R-3 Urban Development Type B District – Limited Multiple Family; R-4 Urban Development Type B District – Multiple Family; B-1 Neighborhood Commercial/Office District; C-1 Light Commercial District; C-2 General Commercial District; I-1 Light Industrial District; I-2 Heavy Industrial District.

(4) Road/street LOS analysis is not required within the Town Center Tier, for which the Town Center district is the only corresponding zoning classification.

(5) The LOS standard for Planned Area Developments shall correspond to its Tier classification in the General Plan and the corresponding LOS established in this subsection.

d. **PARKS/RECREATION**. The parks and recreation standard shall apply only to the residential zoning districts. The impact area figures are taken from Table 11, page 53 of the *General Plan*.

e. **SCHOOLS**. The number of students generated for each residential dwelling unit (hereinafter the "student generation rate" for each dwelling unit is computed by taking the average number of persons per household for the Phoenix Metropolitan Area, as reported in the *1997 City and County Extra, Annual Metro, City, and County Data Book* (Lanham, Md.: Bernan Press, 1997), and multiplying that figure by the same ratio as the number of school children per family as reported in J. DeChiara & L. Koppelman, *Urban Planning and Design Criteria* (New York: Van Nostrand Reihhold Company, 3d ed. 1982). For purposes of this Ordinance, the student generation rate for each category shall be as follows:

(1) Elementary schools: 0.4 students per dwelling unit
(2) Middle or Junior High schools: 0.16 students per dwelling unit
(3) High School: 0.16 students per dwelling unit.

The above-referenced figures may be adjusted from time to time by the Town Council by amending this Ordinance to reflect trends in household size, enrollment, and educational facility planning.

f. **DRAINAGE**. The design criteria are derived from Table 2.1 of the document entitled the *Drainage Design Manual for Maricopa County, Arizona*, Volume 1 (Hydrology), published by the Flood Control District of Maricopa County, adopted January 1, 1992 and as amended to the date of adoption of this Ordinance (hereinafter "Drainage Manual"), which document is hereby incorporated by reference as if set forth in its entirety herein.

2. **AVAILABILITY OF PUBLIC FACILITIES**. Public Facilities shall be deemed to be available if they meet the following standards:

a. **WATER AND WASTEWATER FACILITIES**. Public Facilities shall be deemed to be available within the applicable Impact Area if:

(1) The Public Facilities are currently in place or will be in place when the Development Order is granted; or

(2) Provision of the Public Facilities are a condition of the Development Order and are guaranteed to be provided at or before the issuance of a final plat or building permit for proposed development on the subject property; or

(3) The Public Facilities are under construction and will be available at the time that the impacts of the proposed development will occur; or

(4) The Public Facilities are guaranteed by an enforceable development agreement which ensures that the Public Facilities will be in place at the time that the impacts of the proposed development will occur.

b. **REGIONAL PARKS AND PUBLIC SCHOOLS**. Parks and public schools shall be deemed to be available within the applicable Impact Area if

(1) One of the criteria set forth in subsection F.2.a. of this Section is met; or

(2) The Public Facilities are the subject of a written agreement or an enforceable development agreement which provides for the commencement of construction of the required Parks or Public Schools within one (1) calendar year of the issuance of the Development Order; or

(3) They are Planned Capital Improvements.

c. **STREETS**. Streets shall be deemed to be available within the applicable traffic Impact Area if

(1) They meet any one of the criteria set forth in subsections F.2.a or F.2.b, above, or

(2) The proposed development is located in a Traffic Impact Area in which the streets or intersections needed to achieve the Adopted Level of Service are included in the Capital Improvements Program, and the Town Council makes the following specific findings:

(a) The streets identified in this subsection are financially feasible; and

(b) The Capital Improvements Program provides for the construction of Public Facilities or improvements to streets within the traffic Impact Area that are necessary to maintain the Adopted Level of Service standards; and

(c) The Capital Improvements Program contains a financially feasible funding system based on Currently Available Revenue Sources which are adequate to fund the streets required to serve the development authorized by the Development Order; and

(d) The applicable provisions of the Capital Improvements Program show (1) the estimated date of the commencement of construction and (2) the estimated date of project completion for needed streets; and

(e) The adequacy of public facilities information data base includes sufficient data to ensure that proposed developments approved subject to this subsection do not cause a reduction of the Level of Service below the Adopted Level of Service.

3. **ADEQUACY OF PUBLIC FACILITIES**. Public Facilities shall be deemed to be adequate if it is demonstrated that they have Available Capacity to accommodate

the demand generated by the proposed development in accordance with the following calculation methodology, unless otherwise indicated herein:

a. Calculate total Capacity by adding together:

(1) The total Capacity of Water Facilities, Wastewater Facilities, and Fire Protection Facilities consistent with subsection F.2.a. herein;

(2) The total Capacity of Community Parks consistent with subsection F.2.b. herein; and

(3) The total Capacity of streets consistent with subsection F.2.c. herein.

b. Calculate Available Capacity by subtracting from the total Capacity the sum of:

(1) The demand for each Public Facility created by existing development; and

(2) The demand for each Public Facility created by the anticipated completion of Committed Development; and

(3) The demand for each Public Facility created by the anticipated completion of the proposed development under consideration for adequacy of public facilities determination.

4. **PUBLIC FACILITIES AFFECTING AREAS OUTSIDE OF INCORPORATED AREA OF TOWN**.

a. **GENERALLY**. Availability and adequacy of Public Facilities shall be determined only with respect to Public Facilities located within the incorporated area of the Town of Queen Creek. If part of the applicable service area or traffic Impact Area lies in an adjacent municipality or an unincorporated area of Maricopa County or Pinal County, absent an intergovernmental agreement with the County or municipality, availability and adequacy shall be determined only with respect to Public Facilities located within the incorporated area of the Town.

b. **INTERGOVERNMENTAL AGREEMENT**. If the Town has entered into an intergovernmental agreement with an adjacent county or with a municipality in Queen Creek to evaluate Public Facilities in such areas, an Applicant will be subject to the evaluation of the Level of Service standard for the facility as adopted by the adjacent county or municipality. Prior to the determination of adequacy of public facilities, the Town shall require that the adjacent county or municipality certify that issuance of a Development Order for the proposed development will not cause a reduction in the Level of Service standards for those facilities lying within the adjacent county or the municipality in the Town.

G. **ADMINISTRATION**

1. **RULES AND REGULATIONS**. The Town Council may adopt, by resolution, rules, regulations, administrative guidelines, forms, worksheets and processes as are necessary to efficiently and fairly administer and implement this Section.

2. **ADMINISTRATIVE FEES**. The Town Council may establish by resolution, a fee schedule for each of the administrative procedures, determinations, approvals and certifications required by this Resolution.

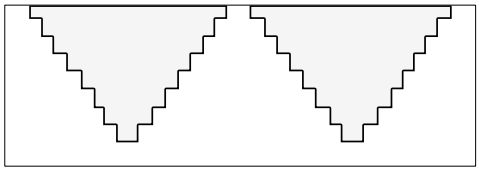
3. **CONFLICT**. To the extent of any conflict between other Town resolutions or regulations and this Section, the more restrictive is deemed to be controlling. This Section is not intended to amend or repeal any existing Town, resolution or regulation.

5.2 FENCES.

A. **FENCING REQUIREMENTS AND STANDARDS ALL DISTRICTS.**
The use of solid perimeter fences is not permitted except where indicated below. External orientation of the subdivision to the surrounding collector streets and adjacent subdivisions is encouraged and should limit the need for perimeter fences. A dense hedge row or other vegetative screening is preferred rather than the use of a fence when a commercial and or industrial subdivision is adjacent to a residential subdivision, unless a fence is required by this Ordinance.

1. PROHIBITED FENCES: No interlocking block system shall be permitted in any subdivision except as provided herein.

2. 4-INCH AND 6-INCH WIDE "INTERLOCKING BLOCKS": A 4" or 6" wide concrete masonry block designed in accordance with the approved Town of Queen Creek design specification are permitted for internal lot line and privacy fences.



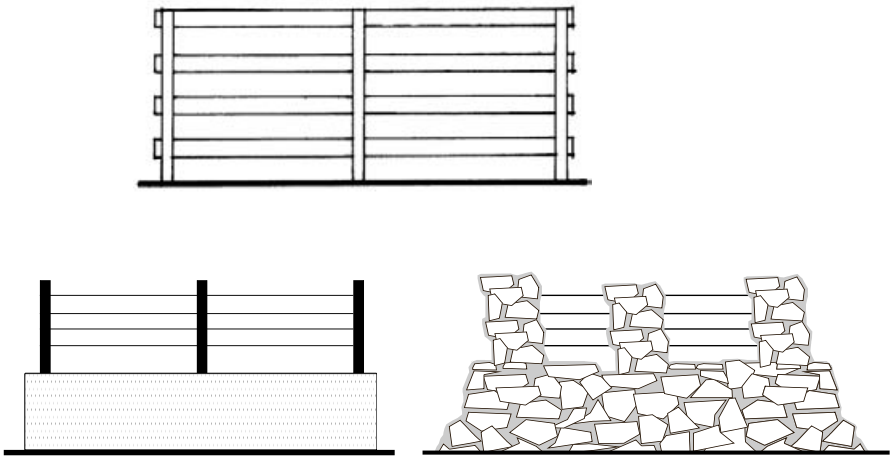
3. 6-INCH WIDE "NON- INTERLOCKING BLOCK": All perimeter subdivision fences adjacent to open space or arterial and collector rights-of-way shall be constructed of a 6" block provided the fence system is designed by an Arizona registered structural engineer and approved by the Town. An 8" block may be used but shall be designed and installed in accordance with the Town of Queen Creek design specification or an Arizona registered structural engineer.

4. 8-INCH WIDE "NON-INTERLOCKING BLOCK": 8" non-interlocking block is permitted in all areas of the subdivision provided it is designed and installed in accordance with the Town of Queen Creek design specification.

5. **ZONING DISTRICTS A-1, R1-190, R1-154, R1-108, R1-54 AND R1-43**.

a. Construction of solid fences shall be limited to the buildable area of the lot (within the building envelope). All fencing along the arterial streets and the perimeter of the subdivisions shall be view fencing (of an open style material). However, any fencing which is adjacent to an arterial or collector road, whether public or private, may be constructed in such a manner as to achieve at least 33% openness overall (4" solid – 2" view). Wire mesh or chain link, no higher than the top rail, may be used when in conjunction with a pipe rail or view fencing but not as a stand alone fencing material. The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member. (Refer to **Figure 5A** at the end of Section 5.2 for example of R1-43 and Larger Fence Diagram.)

FIGURE 5.2-2 View Fence Illustration



b. Where solid view obscuring fences may be required, the fences shall be finished on all sides to match the residential product architectural style and design.

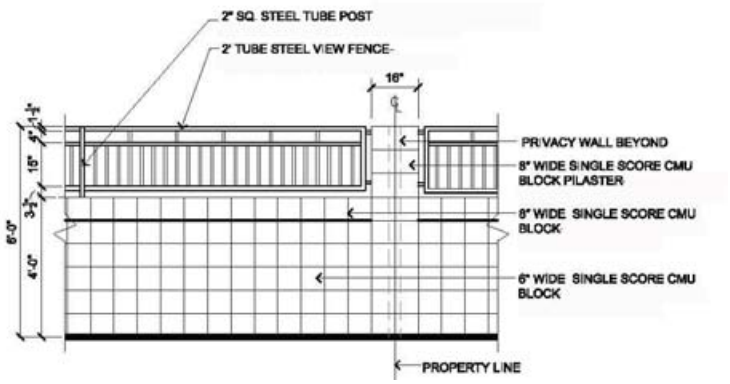
c. Connecting side yard fences are to be set back (minimum distance of one-quarter (1/4) of the required front yard) from the front face plane of the residential structure.

6. **ZONING DISTRICT R1-35, R1-18 and R1-15.**

a. Fences adjacent to streets may be solid fences, regardless of the landscape tract width separating the lots from the street. Openings in the perimeter wall are encouraged at the end of the abutting interior cul-de-sac streets. For use of solid fences – see Section 5.2.D Solid Perimeter Fence Standards.

b. Fences adjacent to a community open space system or trail located in tracts containing a minimum width of ten (10) feet shall be partial view fencing (4' solid – 2' view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member.

FIGURE 5.2-3 Partial View Fence Illustration



c. Fences along side and rear property lines may be solid fences unless adjacent to a community open space or trail located in tracts containing a minimum width of ten (10) feet. (Refer to Figure 5B at the end of Section 5.2 for example when adjacent to trail system, transition area required open space, or street side yard.).

d. All perimeter fences shall be decoratively treated on all sides to match the residential product architectural style and design.

e. Connecting side yard fences are to be set back (minimum distance of one-quarter (¼) of the required front yard) from the front face plane of the residential structure.

7. **ZONING DISTRICTS R1-12, R1-9, R1-7, R1-8, R1-6, R-4, R-2 and TC (when developed as residential)**.

a. Fences adjacent to streets may be solid fences, regardless of the landscape tract width separating the lots from the street. Openings in the perimeter wall are encouraged at the end of the abutting interior cul-de-sac streets. For use of solid fences – see Section 5.2.D Solid Perimeter Fence Standards.

b. Fences adjacent to a community open space system or trail located in tracts containing a minimum width of ten (10) feet shall be partial view fencing (4' solid – 2' view). The top of any view fence, If constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member.

c. Fences along side and rear property lines may be solid fences unless adjacent to a community open space or trail located in tracts containing a minimum width of ten (10) feet. (Refer to 5B at the end of Section 5.2 for

example when adjacent to trail system, transition area, required open space, or street side yard.)

d. All perimeter fences shall be decoratively treated on all sides to match the residential product architectural style and design.

e. Connecting side yard fences are to be set back (minimum distance of one-quarter (¼) of the required front yard) from the front face plane of the residential structure.

8. **NON-RESIDENTIAL ZONING DISTRICT**.

a. All perimeter fences adjacent to an arterial or major collector shall be decorative and undulating. A decorative variation shall be provided every one hundred (100) feet. Fences adjacent to the community open space system and/or perimeter trails shall be partial view fences provided that the perimeter fence is not a screen wall for an outside storage area. The top of any view fence shall have a rail or horizontal member such that no portion of the fence protrudes above the top rail or horizontal member.

b. All perimeter fences shall be finished on all sides to match the commercial and/or industrial product architectural style and design.

c. Trash and refuse collection locations shall be screened with a six (6) foot decorative masonry wall; except that a maximum of fifty percent (50%) of the required screening may be composed of live vegetation provided that the vegetation is view obscuring and a minimum of six (6) feet in height. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or can not be viewed from a public street.

d. Outside storage areas shall be screened from the public street view and adjacent residences, office, and commercial uses to a height of at least six (6) feet. Materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall when adjacent to residential areas.

e. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the undercarriages of the parked vehicles.

B. **FENCE STANDARDS**. Fences in all zoning districts shall comply with the following standards:

1. Fence materials shall be durable and consistent with abutting fences.

2. The site plan shall show the method of construction and anchoring the fence, posts, and gate.

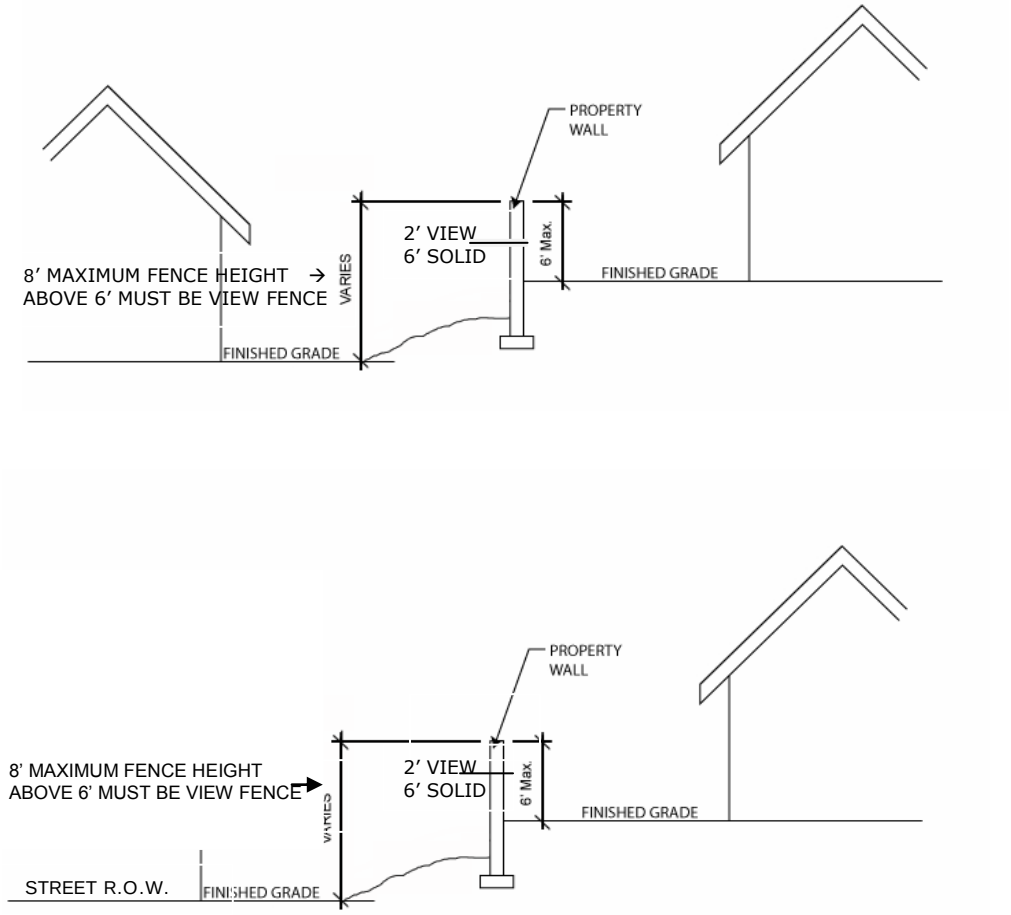
3. The site plan shall clearly show the distance between the fence and the abutting property lines and the distance to the sight line of a street right-of-way intersection. Adequate sight distance shall be maintained.

C. **RESIDENTIAL FENCE STANDARDS**. Fences in residential zones shall meet the following standards:

1. Except as otherwise provided in the district regulations, fences in the required front yard setback shall not exceed thirty six (36) inches in height. Such fences may be increased to forty-eight (48) inches maximum height if the fencing material extending above the thirty-six (36) inch height is an open material such as wrought iron or vinyl rail. Parcels that are zoned R1-43 and larger may construct fences up to six (6) feet in height, where the solid portion of the fence, if any, does not exceed thirty-six (36) inches and does not create any visibility conflicts that may be determined by the Town.

2. A fence constructed on a side or rear property line shall not exceed a height of six (6) feet from highest finished grade adjacent to the fence, nor more than eight (8) feet from the lowest grade adjacent to the fence. Any fence of more than six (6) feet height on the low side shall use berming, landscaping, fence offset(s) or similar enhancements to mask height differences, and in no case shall the fence height exceed eight (8) feet. Where the fence height exceeds six (6) feet on the lower side, a view fence shall be required for the portion above six (6) feet (6' solid – 2' view)

FIGURE 5.2-4 – FENCE HEIGHT DETERMINATION



3. On that part of the lot other than the required front yard setback area, fences may be erected to six (6) feet in height.

4. The height of fences shall be determined by measurement from the ground level at all points upon which the fence is located. An increase in height shall be allowed when spacing for drainage under the fence is needed.

5. When a corner lot abuts a key lot, the fence or freestanding wall over three (3) feet six (6) inches but not more than six (6) feet in height on the corner lot shall be set back from the street side property line not less than one-half (1/2) the depth of the required front yard.

6. The height and location requirements of this section may be modified as part of a subdivision, planned development, special use or conditional use approval. For fences on retaining walls, see definition of a retaining wall.

D. **SOLID PERIMETER FENCE STANDARDS**

Solid Fencing use along arterial and collector streets on the perimeter of residential projects addresses individual property concerns regarding noise, light, privacy and safety. Because solid fence use affects the image, character, safety and privacy of the community, design upgrades such as material choices and additional buffering to offset the reduction in project openness and reduce the impact of solid fencing is required.

Solid fence designs shall require use of a minimum of three (3) materials including stone, brick, block or textured block including treated, split-face, single-score or patterned integrally colored block or similar enhancement and may include changes in color or texture. In addition, to create greater variety and achieve the level of design enhancement required for use of solid fences, use of items in three (3) of the categories listed is also required.

1. Landscape materials may be increased in size and/or quantity to give a more mature “finished” look at initial presentation of the project. All trees shall be twenty-four (24) inch box size or larger and al shrubs shall be a minimum 5-gallon size.

2. Use of distinctive landscaping that integrates changes in grade, boulders, accent flowering shrubs and ground covers.

3. Design features may be employed to create additional visual interest and/or variety, such as additional pilasters or lighting, metal highlights including copper, tin or steel, or architectural details such as sculptural, decorative or water elements.

4. Offsets or undulations of solid fencing with a minimum of two (2) feet change to create additional variety. The length of the offset shall be the lesser of three lot widths or a minimum length of one hundred (100) feet; or

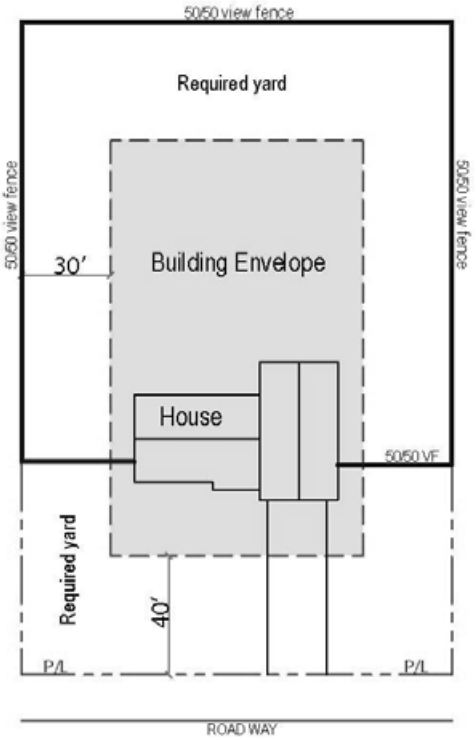
5. Buffer area width may be increased five (5) feet.

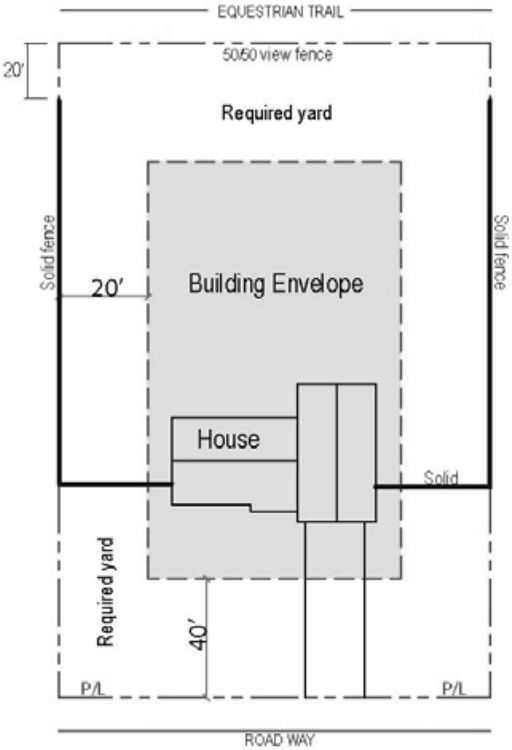
Figure 5.2-6

R1-43 Zoning (and Larger) Fence Diagram

Figure 5.2-7

R1-35 Zoning Fence Diagram





5.3 LANDSCAPING, SCREENING, AND BUFFERYARD STANDARDS.

A. **PURPOSE**. The purpose of these landscaping requirements is to implement the goals of the *General Plan* in regard to providing landscaping and buffering standards for landscaping that will capitalize on the Town of Queen Creek's agricultural character and identity while preserving natural resources, native plants and scarce water supplies. These requirements will be applied to all new development, redevelopment or building expansion (greater than 25% of the gross building area) projects including streetscaping of rights-of-ways. These minimum landscaping requirements will:

1. Establish a landscape theme including street trees and streetscape design to be used throughout the Town to promote the overall Town and neighborhood character and identity;

2. Landscaping is important element of the public realm;

3. Provide buffering and transitions between less intensive land uses abutting intensive development and land uses and between washes, multi-use trails and low intensity residential development;

4. Preserve and accentuate Queen Creek's agricultural heritage;

5. Establish a streetscape program to address major arterial entry design features and landscape easements;

6. Preserve existing native vegetation, as an integral part of the Sonoran Desert and wildlife habitats, and incorporate native plants, low-water need plant communities, and ecosystems into landscape design;

7. Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging water and energy conservation;

8. Screen unsightly equipment or materials from the view of persons on public streets or adjoining properties and buffering from uncomplimentary land uses;

9. Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;

10. Manage efficiently and effectively the groundwater supplies by using drought-tolerant, low maintenance, and low-water consumptive landscape;

11. Mitigate air, dust, noise, heat and chemical pollution;

12. Maintain and increase property values by requiring landscaping to be incorporated into development.

B. **APPLICABILITY**.

1. This Section applies to all new commercial, industrial and multifamily buildings, subdivisions and expansions of existing commercial, industrial and multifamily buildings by twenty-five percent (25%) and greater.

2. Landscape plans, complete with irrigation plans, shall accompany any application for development approval. Such plans shall be prepared and submitted in conformance with the requirements of §3.F of Appendix C to this Ordinance.

C. **INTERPRETATION OF LANDSCAPING TERMS**. Where necessary to interpret the precise meaning of technical landscaping terms used in this Section, reference shall be made to The American Standard For Nursery Stock, as published by the American Association of Nurserymen (AAN), which document is hereby incorporated by reference as if set forth in its entirety herein.

D. **MINIMUM STANDARDS FOR LANDSCAPING DESIGN AND DEVELOPMENT.**

1. **LANDSCAPING REQUIREMENTS**. Except for single family uses, the minimum required landscaping shall be one (1) tree and 10 (ten) shrubs for each increment of five hundred (500) square feet or fraction thereof of required landscape area, except for buffer yards as shown in **Figure 5.3-2**. The planting requirements of this paragraph, as well as the total square footage of landscape area required, may be reduced up to twenty-five percent (25%) where existing shade trees in excess of the minimum requirement are retained upon the approval of the Administrator. Existing shade trees shall measure 4-inch caliper or more when measured eighteen (18) inches above ground.

2. **ACCEPTABLE FRONTAGE LANDSCAPING**. A minimum of thirty percent (30%) of all frontage landscaped areas shall be covered with vegetative or organic ground cover consisting of turf or other living plant materials characterized by horizontal growth which generally do not exceed eighteen (18) inches in height.

3. **FOUNDATION AND WALL LANDSCAPING**. Building foundation and screening wall landscaping shall be required in appropriate locations to provide visual relief.

   a. **Solid Fences.** See Section 5.2 **Fences** for additional design standards regarding provision of solid fences.

4. **MINIMUM PLANT SIZE**. The minimum allowable plant size for new installations shall be as follows:

   a. Tree size shall conform to the standards set forth in the Arizona Nursery Association (ANA) recommended average tree specifications for specified tree species and container size. The minimum allowable tree size shall be fifteen (15) gallon with fifty (50%) percent of the required number of street frontage trees to be twenty-four (24) inch box size or larger.

   b. Shrubs shall measure a minimum of one (1) gallon size upon installation with fifty percent (50%) of the required number to be five-gallon (5) in size.

   c. Organic ground covers shall be a minimum of one (1) gallon size upon installation with fifty percent (50%) of the required number to be five-gallon (5) in size.

   d. Inorganic ground covers shall be used and shall consist of decomposed granite (minimum size 1/2-inch minus or screened, except ¼ inch minus

shall be used on all equestrian trails) or turf. Where boulders are used 1/3 of the boulder shall be buried.

e. All plant material shall meet the minimum standards contained in the most recent edition of the Arizona Nursery Association's Growers Committee Recommended Tree Specifications which document is hereby incorporated by reference as if set forth in its entirety herein, as to size, condition and appearance.

f. Native plants salvaged from the site or relocated as a result of grading shall be salvaged and re-established in conformance with Arizona Revised Statutes, Chapter 7 and subsection H of this section. Refer to the highly safeguarded, salvage restricted and salvage assessed protected native plants listed by the Arizona Department of Agriculture.

g. Trees and shrubs shall be adequately supported when planted. Refer to Section 6.2, Article 6 of the Town Of Queen Creek Subdivision Ordinance for planting and staking details. No trees shall be planted under overhead service wires if their mature heights will interfere with the wires.

h. All landscaped areas shall be finished with a natural topping material which may include, but is not limited to, the following: turf, groundcover planting, decomposed granite two (2) inches minimum in depth, river run rock, or expanded shale.

i. Trees shall not be planted under outdoor lighting structures. Landscape plant material shall be arranged in a manner not to obstruct security lighting. Where a conflict arises between landscape elements required under this Ordinance and security lighting, the Zoning Administrator shall make the final determination.

j. Plant material installed within the site triangle at roadway intersections shall not exceed twenty-four (24) inches in height at maturity. The site triangle at an intersection shall be calculated according to Chapter 9, Section 9.2 of the Maricopa County Department of Transportation Roadway Design Manual. The Town of Queen Creek's official reference for roadway design standards.

k. All plant materials used in medians or parking lot islands shall come from the Arizona Municipal Water Users Association Low Water Use Plant List.

l. **Prohibited Plants**

1. Olive Trees (Olea Europaea), are prohibited for reasons of their profuse production of allergy producing pollen. However, the "Swan Hill Olive" and the "Wilson Hill Olive" varieties may be used due to their non-flowering non-pollen status.

2. Fountain Grass (Pennisetum Setaceum) is prohibited as a defined weed with the potential to spread throughout the Town and become a fire hazard.

3. Common Bermuda Grass (Cynodon Dactilon) is prohibited as a

defined weed and for its profuse production of allergy producing pollen. (For clarification purposes, non-allergenic species are permissible as approved by the Town).

4. Mulberry Trees (Morus) are prohibited as noxions pollen producers.

m. Irrigation shall be provided for all landscape, berm and retention areas, except where xerophytic plantings are used. Irrigation shall be installed according to Article 5, Section 5.3K, Irrigation Guidelines.

5. **STREET RIGHTS-OF-WAY LANDSCAPING**.

a. Street rights-of-way shall be landscaped with street trees and other plantings such as shrubs, vegetative ground cover and accent plantings.

b. All parcels located at the intersection of an arterial intersection, shall observe a fifty foot by two-hundred fifty foot (50' x 250') landscape buffer. Said landscape buffer shall not be encumbered by parking areas, buildings or other improvements. The Town Council shall have the authority to impose special conditions or guidelines on the development of property at arterial intersections that affect the following design elements in order to achieve the purposes of this section: (1) landscape architecture; (2) building architecture; (3) building orientation; (4) vehicular ingress, egress, and circulation; (5) walls and screening devices; (6) building setbacks.

c. Street trees shall be spaced alternately on each side of the street in order to form a pleasant experience for motorists, pedestrians and building occupants, as applicable.

d. Trees shall be spaced at regular intervals without regard to property lines in order to present a balanced appearance. Required spacing shall be not greater than thirty (30) feet or fraction thereof to achieve a tree-lined street appearance. Linear planting is preferred.

e. Trees for an entire block shall be planted at the same time.

f. Up to two different species of trees may be planted alternately where an entire block is developed.

g. The applicant shall design plantings in conformance with the tree planting diagram shown in the "Street Tree Staking Detail" set forth in §6.2.D.2 of the Subdivision Ordinance.

h. The entire area of the right-of-way, between the street property line and back of curb (B.O.C) and/or pavement except for approved driveways, walkways and bike paths, shall be landscaped.

6. **PARKING LOT LANDSCAPING**. Parking lots shall be landscaped in accordance with the requirements of §5.6.A.6 of this Ordinance.

7. **COMMON AREA LANDSCAPING REQUIREMENTS**. In any duplex, multifamily or single residence district, a minimum of two (2) trees per dwelling unit shall be required, exclusive of street trees and perimeter landscaping. A minimum of twenty-five percent (25%) of required trees shall be twenty-four inch box or later.

8. **RETENTION BASIN LANDSCAPING AND DESIGN REQUIREMENTS**.

   a. All private retention basins in single residence, cluster, duplex, multifamily, commercial or industrial projects or districts shall be landscaped. Such basins may not occupy more than fifty percent (50%) of any landscaped area fronting on a public street.

   b. Retention basins shall be contoured and designed as an integral part of any frontage landscaping and shall not take on the appearance of a ditch.

9. **LANDSCAPE BUFFERS FOR TRANSITION AREAS, MULTI-USE TRAILS AND GREENWAYS**. Transition areas, multi-use trails and greenways established along washes shall have a semi-opaque or opaque buffer yard (chosen from Type C or buffer yards, **Figure 5.3-2**) to screen such areas from adjacent residential, other less intensive land uses, and areas where such screening will preserve the tranquility of a trail or greenway. Opaque screening shall be required in order to separate such uses from the least intensive adjacent uses such as low density, single-family residential. Buffer yards along washes shall be placed between the intensive use and the trail. The wash areas should not have any plantings other than native plants or revegetative plants necessary for stabilization of the slope (see Subsection H and I.2 hereto).

10. **LANDSCAPING FOR OFFICE, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS**. Office, commercial and industrial developments shall be landscaped not less than twenty-five percent (25%) of the development parcel.

E. **BUFFER YARDS AND SCREENING METHODS**.

1. **PURPOSE**. The purpose of these standards is to provide:

   a. Visual separation from nuisances;
   b. A transition area;
   c. Noise abatement between land uses of different intensities and densities;
   d. To preserve and enhance property values; and
   e. To implement the goals and policies of the General Plan.

   Table 5.3-1 shows the requirements for landscaping, screening and buffering and **Figure 5. 3-2** provides diagrams of the various buffer yard and screening methods addressed in **Table 5.3-1**.

2. **LOCATION**. Buffer yards shall be provided between adjoining zoning districts, adjoining land uses and between designated land uses and public facilities as follows:

   a. Buffer yards shall be developed in the outer perimeter of a lot or parcel extending to the lot or parcel boundary line. The buffer yard shall not be located on any public right-of-way or private street.

   b. To determine the appropriate type of buffer yard, the applicant shall identify the zoning district in which the proposed development is located at the top of **Table 5.3-1**. The intersection of the proposed development zoning column and the abutting zoning or use row identifies the type of buffer yard required for that development as set forth in **Figure 5.3-1**

[Example: a proposed development within a C-1 district which abuts an R1-7 district is required to provide a Type B2 buffer yard and vice versa.]

c. For urban and suburban type developments as defined in Article 6 of the Subdivision Ordinance, a thirty (30) foot wide landscaped parkway (denoted as a tract) shall be provided where lots abut an arterial or collector street. A five (5) foot wide landscaped parkway shall be provided where lots back or side a local street. The parkway width shall be measured from the right-of-way line to the property line.

d. Plant material shall be applied to berms in an amount and density sufficient to prevent erosion.

3. **STANDARDS FOR BUFFER YARDS FOR SCREENING BETWEEN LAND USES OF DIFFERENT INTENSITY, TRANSITION AREAS, GREENWAY AND MULTI-USE TRAILS**.

a. After determining the appropriate type of buffer yard in **Table 5.3-1**, the applicant shall design a buffer yard that meets the minimum requirements established in **Figure 5.3-1**. The applicant may select between buffer yard options which provide greater space or greater planting densities in each buffer yard category. The minimum standards shall include the following:

(1) All trees used in the landscape buffer yard shall be evergreen with dense foliage and shall be placed and maintained to provide an effective visual opaque screen throughout the year.

(2) All required trees and shrubs within a buffer yard shall be a minimum size as indicated in Subsection D.4 of this Section.

(3) The required plant material required in each landscaped buffer yard indicated **Table 5.3-1** shall be as defined and illustrated in **Figure 5.3-2**.

(4) All buffer yards shall be provided with an irrigation system adequate to sustain plantings in a healthy condition in accordance with the standards of the American Association of Nurserymen (see Subsection C of this Section).

(5) The construction of any building or the placement of any mechanical equipment within the landscape buffer yard shall not be permitted except for equipment necessary for the provision of utilities; provided, however, that signs may be placed within the buffer yard consistent with the provisions of §6.16 of this Ordinance.

(6) A buffer yard may be used for passive recreation. It may contain sculpture, outdoor furniture, picnic areas; pedestrian, bike or equestrian trails; par courses, storm water retention basins; park and open space provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this Section are met. Active recreational uses, such as play fields, swimming pools, racquetball and tennis courts or other

active, structured recreational uses or circulation drives and parking lots, shall not be permitted in the buffer yard.

b. Where a dedicated buffer yard exists on the abutting property, and the abutting property owners have provided a written agreement and proof of title recordation restricting the use of the dedicated buffer yard to uses provided for in this Section and have provided for maintenance of the buffer yard consistent with the requirements of this Section, the Administrator may approve a reduction in the required buffer yard, provided the net buffer yard satisfies the minimum buffer yard requirements of this section.

c. Buffer yards shall be designated as landscape areas on the Site Plan and as landscape easements when shown on a subdivision plat. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement or tract as required.

d. When platting abutting lots, the applicant may dedicate a buffer yard that straddles the property line, so long as the total buffer yard width requirements are met for both abutting districts and uses.

e. Plant materials shall be maintained in a healthy condition consistent with the requirements of Subsection K of this Section.

Back to TOC

Table 5.3-1
Landscaping, Screening & Buffer Yards Between Zoning Districts*

Zoning Districts	Residential					Non-Residential					Adjacent to Arterial and Collector Streets
	A-1 R1-190 R1-154, R1-108	**R1-54 R1-43**	**R1-35**	**R1-18 R1-15 R1-12**	**R1-9 R1-7 R-2 R-3 R-4**	**B-1 C-1 C-2**	**TC**	**I-1**	**I-2**	**RC**	
A-1, R1-190, R1-154, R1-108	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R1-54, R1-43	A	A	A	A	A	A	A	A	A	A	A
R1-35	D	D	D	D	D	D	D	D	D	D	D2
R1-18, R1-15, R1-12	E1	E1	E1	E1	E1	E1	E1	E1	E1	E1	D2
R1-9, R1-7, R-2, R-3, R-4	B2	B2	B2	B2	B2	B2	B2	B2	B2	B2	D2
B-1, C-1, C-2	B2	B2	B2	B2	B2	B2	B2	B2	B2	B2 or D	B, D
TC	B2	B2	B2	B2	D2	B2	N/A	D1	D1	B2	B2
I-1	D2 or D3	D2 or D3	D2 or D3	D2 or D3	D2 or D3	D1 or B3	D2	D1	D1	D2	B2
I-2	D2, D3	D2, D3	D3, D3	D3	D3	B2	D2	D1	D1	D2	B2
RC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

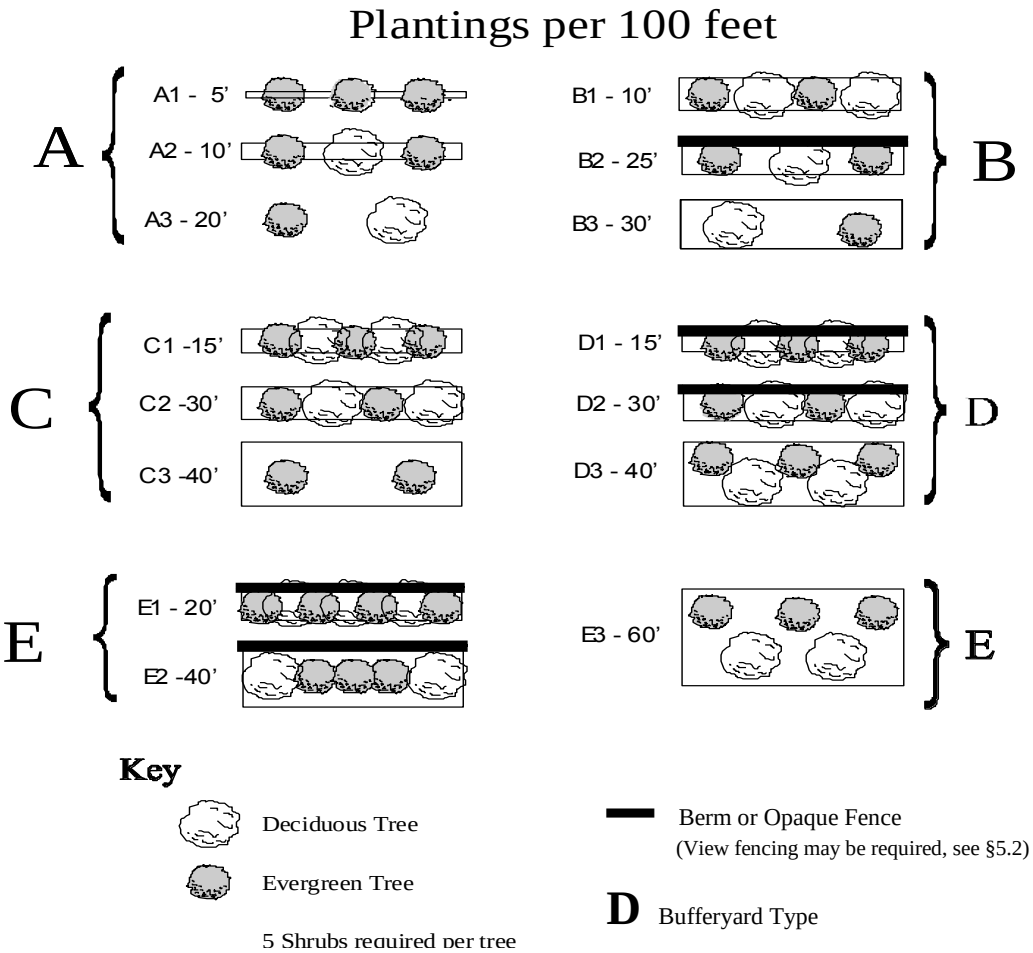
NOTES:

(1) Any land use which is a lower density than the minimum density permitted in the General Plan shall use a buffer yard required of the more dense land use permitted.

*(2) If a letter is specified, the Applicant may select any of the options within that letter classification specified **in Figure 5.3-2.** For example, an R1-54 Applicant adjoining on R1-35 district may use an A1, A2, or A3 buffer. Otherwise, the Applicant is restricted to the buffer specified in **Table 5.3-1**.*

(3) To the extent that there is an inconsistency between Table 2, §6.2.C of the Subdivision Ordinance and this section, the more restrictive requirement shall control.

Figure 5.3-2



F. **NATIVE PLANT PRESERVATION AND LANDSCAPE PLAN STANDARDS.**

1. **PURPOSE.** The purpose of these standards is to protect native plants and to ensure appropriate re-vegetation for all development projects. The standards provide for in-place preservation protection of existing plants and the transplanting of native plant materials indigenous to the area such as: varieties of Acacia, Mesquite and Cercidium trees, Ocotillo, Cholla, Bursage and mixed Palo Verdi-Cacti Community, Hedge Hog Cactus and Barrel Cactus, shrubbery and succulents typical of the Sonoran Desert Region. These standards protect the public health, safety and general welfare by:

   a. Preserving organic and inorganic characteristics of the Sonoran Desert Region;

   b. Preserving desert wildlife habitats and food sources;

   c. Requiring protection re-vegetation of native plants, disturbed during land development;

d. Encouraging the use of native plants that are drought tolerant and require low maintenance and minimal groundwater after establishment; and

e. Reducing the potential for erosion by water, wind or subsidence.

2. **APPLICABILITY**. These standards are applicable to all new development and construction as well as existing development expansions and change in use.

G. **STANDARDS**.

1. All existing native plants shall be preserved in their original location except within those areas permitted to be graded. Large and/or unique native plants within areas proposed for grading shall be preserved in place.

2. In no case, shall native plants be removed, destroyed or relocated from an existing stand of native plants which is to be preserved in place.

3. Protected native plants (as defined by the Arizona Department of Agriculture) determined to be transplantable shall be salvaged and relocated on-site when they are located within areas designated to be graded. Salvaged plants may be maintained in a temporary nursery pending relocation in accordance with the approved landscape plan. All temporary nurseries shall:

a. Provide automatic drip irrigation system.
b. Provide fertilizer to promote plant health.

4. Native plants are to be transplanted on-site and shall be used within those areas designated as “common area” or landscaped area that has been graded as part of the approved grading plan and within the front yards of residential lots.

5. Mistletoe infestations shall be removed from all salvaged plants prior to relocation.

H. **DETERMINATION OF TRANSPLANTABILITY**.

1. Transplantability shall be indicated on the Landscape Plan submittal. The evaluation of protected native plants shall be based on the guidelines in Subsection J hereto.

2. All plants receiving a “high” rating shall be preserved in place or salvaged and transplanted within on-site landscaped areas. All “medium” and “low” rated plants shall be placed in a salvage pool from which fifty percent (50%) of the plants shall be used on site or replaced on a 2:1 basis with nursery stock.

a. High: A “high” rating will be assigned to plants meeting the following criteria:

(1) Plant health is good to excellent with no major infestations or apparent diseases.

(2) Plant age is young enough to suggest a likely chance of transplant survival.

(3) Plant is undamaged and is conducive to box or space transplanting, (upright branching).

(4) Soils can be excavated, are cohesive and seem capable of supporting a boxed or spaded rootball.

(5) Surrounding topography permits access with the appropriate equipment needed to box or spade and remove the plant.

(6) Adjacent plants do not pose a likely interference with root systems or interfere with plant removal.

I. **INSPECTIONS**. All protected native plants scheduled to remain in place or authorized for destruction, removal or relocation by the approved Landscape Plan shall be tagged and numbered prior to an on-site inspection by the Administrator. Salvage operators shall not commence until the Administrator has performed an inspection and given approval to begin salvage.

1. Tagging shall be completed as outlined below:

a. Tags shall be color-coded according to the following schedule so that the status of each plant may be easily identified: plants proposed for destruction shall be tagged with red plastic tape; plants proposed for relocation on-site shall be tagged with blue plastic tape; plants proposed for relocation to another site shall be tagged with yellow plastic tape; and plants proposed to remain in place shall be tagged with white plastic tape.

b. Tags required by this Section shall be affixed in a visible location on the plant. The initial inspection will be performed once tagging is completed and an inspection request has been received by the Administrator.

c. Once affixed, the tags shall not be removed until the approved Landscape Plan is implemented and a final inspection has been performed by the Administrator.

d. All areas designated to remain as natural open space shall be fenced or taped off for protection during the grubbing and/or grading operation. The developer is responsible for maintaining this “no disturbance” boundary line and no plants shall be salvaged from this protected area.

e. No permit for grubbing or grading of a site may be issued prior to the completion of the initial on-site inspection.

2. For single family lot development, the Administrator shall verify limits of grading and the relocation of any salvaged plants in accordance with the approved site plan.

3. A follow-up inspection shall be performed which verifies the required on site relocation of salvaged plants to their new locations or the holding nursery, and the required in place preservation of native plants.

J. **INSTALLATION OF LANDSCAPING.** All required landscaping materials shall be in place prior to the time of issuance of a final Certificate of Occupancy, weather permitting. In periods of adverse weather conditions, a temporary Certificate of Occupancy may be issued, subject to the posting of a cash escrow or irrevocable letter of credit in an amount equal to one and one-half (1-1/2) times the estimated cost of the landscaping, with said estimated cost to be certified by a landscaping provider. The cash escrow or irrevocable letter of credit may be forfeited if the landscaping is not completed within one year after the issuance of the temporary Certificate of Occupancy. Forfeiture of any cash escrow or irrevocable letter of credit shall not relieve the owner of the responsibility to complete the required landscaping.

1. **INSTALLATION IN GENERAL**. All landscaping shall be installed in accordance with accepted planting procedures. If after three (3) years following installation, plant materials have not formed an effective screen, or if an effective screen is not maintained, the Administrator may require that another type of screen be added or additional plantings be installed. Landscaped areas shall require protection from vehicular encroachment. The Administrator shall inspect all landscaping and no Certificate of Occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided.

2. **SITE STABILIZATION**. The applicant shall revegetate the graded and/or disturbed land where any construction activity has occurred in order to prevent erosion by water, wind or subsidence, as follows:

   a. Revegetate the construction area with native species or with revegetation seed mixes. Revegetative native plants include: desert trees, desert shrubs and grasses, large specimen cacti or seeding of the same.

   b. Weedy species such as Russian Thistle, Telegraph Plant, Desert Broom, Pigweed or Burrow Bush shall be weeded to prevent growth and spread of such species onto adjacent properties.

   c. Slopes steeper than 3:1, where revegetation and plant material alone will not hold soil in place, shall be held in place with turf, retaining walls, rip-rap, or shall be developed with a system of terraces or diversions to ensure slope stability, control surface water runoff and encourage rapid vegetation establishment, or any method deemed appropriate by the Town.

3. **DUST CONTROL**. During grading and until revegetation is established, the applicant shall use the following methods to reduce and mitigate the production of dust and such methods shall be addressed in the grading permit prior to commencement of construction.

   a. Dust palliative approved by Town Engineer;

   b. Watering during grading; and

   c. Use of decomposed granite or other decorative landscape material as a groundcover for non-slope and vehicular/pedestrian areas.

4. **PROHIBITED DUST CONTROL METHODS**.

a. Motor oil or oil treatment;

b. Sodium Chloride; or

c. Any other palliative method that cause adverse effects on human, animal or plant life or that may cause property damage.

K. **APPROVED PLANTS**

a. All plant material shall be selected from the Arizona Municipal water Users Association (AMWUA) list of very-low, low, or moderate water use plants, except that the use of Dalbergia Sissoo and Pistacia Chinensis shall be prohibited. The use of such trees designated as street trees in Article VI, Section 6.2D Table-3 shall be permitted along the roads designated.

L. **IRRIGATION GUIDELINES**

a. All materials and workmanship shall conform to the requirements and recommendations of the Irrigation Association Standards, except as modified by this section.

b. All irrigation systems shall utilize a reduced pressure backflow prevention valve. The backflow shall be enclosed in a tubular frame, lockable, mesh, security enclosure.

c. A threaded union shall be installed on all backflow assemblies.

d. Landscape trails, paths, easements, retention areas or buffers to be dedicated to the Town of Queen Creek shall have all irrigation and electrical service on separate dedicated meters.

e. Emitters shall be attached directly to the lateral and installed below finished grade.

f. Drip emission points shall be 3” above surface grade to prevent clogging.

g. Bubblers shall be pressure compensating.

h. All PVC laterals shall be a minimum Class 200 PVC.

i. All main lines shall be a minimum schedule 40 PVC.

j. Compression couplings shall not be allowed on main lines.

k. Main lines shall have a minimum backfill cover of 12”.

l. Piping located in the same trench shall have a minimum horizontal separation of 4 inches.

m. Value boxes shall have a six (6) inch minimum pea gravel sump.

n. Trees and shrubs shall be on separate valves.

o. Remote control valves shall not be installed in the bottom of retention basins.

M. **GENERAL LANDSCAPING AND SITE MAINTENANCE**.

1. The applicant, property owner, and/or subsequent or successor owners and their agents shall be responsible for maintenance of landscaping on the property on a continuing basis for the life of the development as specified in this Section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of landscaping.

2. Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.

3. All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season after installation.

N. **MAINTENANCE**. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy condition. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development order or development permit.

5.4 LIGHTING.

A. **PURPOSE**. These provisions are intended to control the use of outdoor artificial illuminating devices emitting rays into the night sky which have a detrimental effect on the rural atmosphere, astronomical observations, and which create glare. It is the intention of this Ordinance to encourage good lighting practices such that lighting systems are designed to conserve energy and money, to minimize glare, to protect the use and enjoyment of surrounding property, and to increasing nighttime safety, utility, security and productivity. The provisions of this Section are authorized by §49-1106, A.R.S., which provides that the provisions of §49-1101 through §49-1106, A.R.S., are cumulative and supplemental and shall not apply within any county, city or town which by ordinance or resolution has adopted provisions restricting light pollution which are equal to or more stringent than the provisions of this chapter.

B. **CONFORMANCE WITH APPLICABLE CODES**.

1. All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this section and the building code of the Town of Queen Creek.

2. Where any provisions of the Arizona State Statutes, or any Federal law, or any companion Ordinance conflicts with the requirements of this outdoor light control provision, the most restrictive shall govern.

3. The provisions of this section are not intended to prevent the use of any material or method of installation not specifically prescribed by this Ordinance. In considering any variance from the provisions of this Ordinance, the Board of Adjustment shall take into consideration any state of the art technology which is consistent with the intent of the Ordinance as new lighting technology develops which is useful in reducing light above the horizontal plane.

C. **SHIELDING AND FILTRATION**.

1. All non-exempt outdoor lighting fixtures shall limited to the types of fixtures specified in **Table 5.4-1** of this Ordinance and shall have shielding and filtration as required by **Table 5.4-1** of this Ordinance.

2. Light source locations shall be chosen to minimize the hazards of glare. The ratio of spacing to mounting height shall not exceed a 4:1 ratio.

3. Poles and standards. All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated to minimize glare from the light source.

D. **ILLUMINATION**. In order to minimize glare and hazardous conditions, illumination levels shall not exceed the levels set forth in **Table 5.4-2** for any use permitted by this Ordinance. The maximum illumination shall be measured at grade at the property line of the site in accordance with subsection J of this Section.

E. **CONTROL OF GLARE - LUMINAIRE DESIGN FACTORS**.

1. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.

2. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height not exceeding the value 3 + (D3), where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed twenty-five (25) feet.

3. **EXCEPTIONS**.

   a. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or less and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution or mounting height except that if any spot or flood luminaire rated 900 lumens or less is aimed, directed or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be re-directed or its light output controlled as necessary to eliminate such conditions.

   b. Luminaires used for public roadway illumination may be installed at a maximum height of twenty-five (25) feet and may be positioned at that height up to the edge of any bordering property.

   c. All temporary emergency lighting needed by the Police, the Fire Departments or other emergency services as well as all vehicular luminaires shall be exempt from the requirements of this article.

F. **PROHIBITIONS**.

1. **MERCURY VAPOR FIXTURES AND LAMPS**. The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.

2. **CERTAIN OTHER FIXTURES AND LAMPS**. The installation of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor lighting fixture or lamp that does not comply with the shielding requirements of **Table 5.4-1** and the illumination standards of **Table 5.4-2** is prohibited.

3. **LASER SOURCE LIGHT**. The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.

4. **SEARCHLIGHTS**. The operation of searchlights for advertising purposes is prohibited between the hours of 11:00 p.m. and sunrise.

5. **RECREATIONAL FACILITIES**. No outdoor recreational facility, public or private, shall be illuminated by non-conforming means after 11:00 p.m., unless otherwise permitted by the Town Council pursuant to a conditional use permit, except to conclude specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m. All recreational outdoor lighting shall comply with height restrictions as specified in the building codes. Outdoor lighting for open-air arenas primarily used for rodeo and roping activities, shall be permitted to a maximum height of thirty (30) feet, provided shielding and filtration requirements are met.

6. **OUTDOOR BUILDING OR LANDSCAPING ILLUMINATION**. The unshielded outdoor illumination of any building, landscaping, signing or other purpose is prohibited, except with incandescent fixtures of 150 Watts or less, or low pressure sodium fixtures.

G. **EXCEPTIONS**. The following types of light fixtures shall be exempt from the provisions of this Section:

1. **NON-CONFORMING FIXTURES**. All outdoor light fixtures installed prior to January 1, 1985, those equipped with a permanent automatic shut-off device may remain unchanged, except that the subject light fixtures shall not be operated between the hours of 11:00 p.m. and sunrise.

2. **FOSSIL FUEL LIGHT**. Light which is produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

3. **LOW INTENSITY FIXTURES**. Any outdoor lighting fixture which has a maximum candle power or less than one thousand (1,000) candelas is exempt from these provisions, if equipped with an automatic device which shuts off the fixture between the hours of 11:00 p.m. and sunrise.

H. **RECREATIONAL FACILITIES**. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to football fields, soccer fields, baseball fields, softball fields, tennis courts, auto race-tracks, horse race-tracks or show arenas, consistent with the illumination standards specified in **Table 5.4-2** herein, provided all of the following conditions are met:

1. All fixtures used for event lighting shall be fully shielded, or shall be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.

2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court or track be permitted after 11:00 p.m.; except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

I. **OUTDOOR DISPLAY LOTS**. Any light source permitted by this Ordinance may be used for lighting of outdoor display lots such as, but not limited to, automobile sales or rental, recreational vehicle sales or building material sales, provided all of the following conditions are met:

1. All fixtures used for display lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.

2. Display lot lighting shall be turned off within thirty (30) minutes after the closing of the business. The full illumination of the lot may be permitted after 11:00 p.m., pursuant to a temporary use permit (see §3.2.I, 6.19). Any lighting used after shall be used as security lighting.

J. **MEASUREMENT**.

1. **METERING EQUIPMENT**. Lighting levels are to be measured in footcandles with a direct-reading, portable light meter. The meter typically has a color and

cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five percent (5%). It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of its use.

2. **METHOD OF MEASUREMENT**. The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position. Readings are taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements are made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination and property line at ground level. This procedure eliminates the effects of moonlight and other ambient light sources. Where light patterns overlap, their total intensity shall be the sum of their individual intensities.

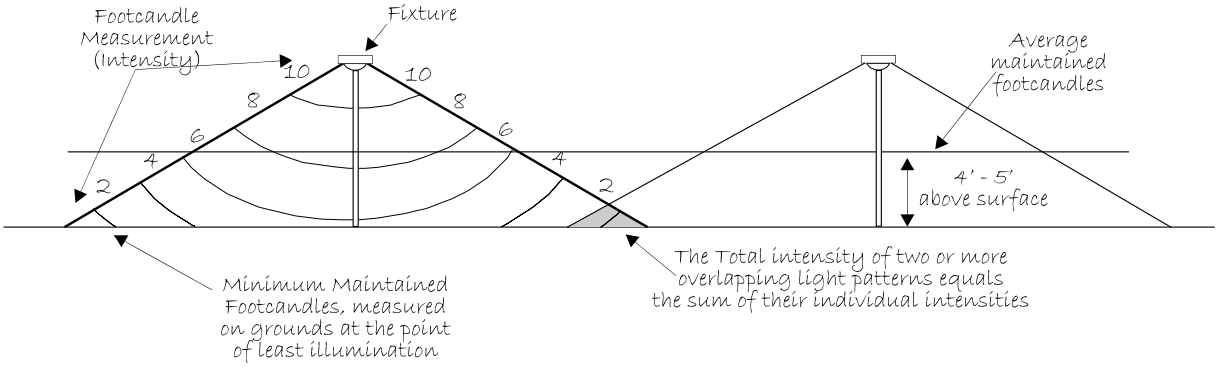


Table 5.4-1
Shielding Requirements

FIXTURE LAMP TYPE	SHIELDED	FILTERED
Low Pressure Sodium [1]	No	None
High Pressure Sodium	Fully	None
Metal Halide	Fully [2, 6]	Yes
Fluorescent	Fully [3, 5]	Yes
Quartz [4]	Fully	No
Incandescent, Greater than 150W	Fully	None
Incandescent, 150W or Less	None	None
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None

Notes:

[1] This is the preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations.

[2] Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaries.

[3] Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects.

[4] For the purposes of this Code, quartz lamps shall not be considered an incandescent light source.

[5] Warm white and natural lamps are preferred to minimize detrimental effects.

[6] Metal halide fixture lamp types shall be filtered. “Filtered” means any outdoor light fixture which has a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement).

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Table 5.4-2
Illumination Standards

AREA/ACTIVITY	LUX (lx)	FOOTCANDLES (fc)
Residential Zoning Districts		
Building Exterior	50	5.0
Front, side or rear yard (at property line)	10	1.0
Non-Residential Zoning Districts		
Adjoining another Non-Residential Zoning District along Major Arterial	20	2.0
Adjoining Residential Zoning District along Major Arterial	10	1.0
Adjoining another Non-Residential Zoning District along Minor Arterial or Collector Street	13	1.2
Adjoining Residential Zoning District along Minor Arterial or Collector Street	6	0.6
Adjoining another Non-Residential Zoning District along Local Street	10	0.9
Adjoining Residential Zoning District along Local Street	4	0.4
Adjoining another Non-Residential Zoning District along Property Line	10	0.9
Adjoining Residential Zoning District along Property Line	2	0.2
Outdoor Events		
Adjoining Non-Residential Zoning District	1,000	100
Adjoining or within one-thousand (1,000) feet of Residential Zoning District	100	10

5.5 OPEN SPACE.

A. **COMMUNITY TRAILS SYSTEM.** The applicant shall provide a community open space network and/or trails system, which system shall be integrated with The *Parks and Trails Plan*, Exhibit 3 of the *Town of Queen Creek Open Space And Trails Plan,* which is hereby incorporated by this reference as if set forth in its entirety herein. The trails shall be maintained by the applicant provided, however, that the applicant may dedicate any trail specifically delineated in the *Parks and Trails Plan* to the public.

B. **REQUIRED OPEN SPACE.** Required open space shall be reserved for any development in the zoning districts set forth in column "A" of **Table 5.5-1,** below, based upon the percentage of net acres in the proposed development corresponding the zoning district as set forth in Column "B" in **Table 5.5-1** hereto.

Table 5.5-1

(A) Zoning District(s)	(B) Required Percentage of Open Space
A-1, R1-190, Rl-145, R1-108, R1-54	0%
R1-43	2%
R1-35	5%
R1-18, R1-15, R1-12	7.5%
R1-9, R1-7, R-2	20%
Commercial Zoning Districts (B1, C-1, C-2, TC)	15%
Industrial Zoning Districts (I-1, 1-2)	10%

C. **OPEN SPACE DESIGNATION.** Open space shall be not further than the following distances from any lot or, if the proposed development does not involve a subdivision, any primary building, and the entrance allowing people, bikes, or equestrians to enter into the open space or view the open space area:

1. One sixth (1/6) of a mile or eight-hundred and eighty (880) feet from passive open space; and

2. One fourth (1/4) of a mile or one thousand, three hundred and twenty (1,320) feet from active open space.

D. **OPEN SPACE MAINTENANCE.** Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed except as provided below.

1. Any areas reserved as open space shall be indicated on the sketch plan and preliminary site plan or subdivision plat. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and

indicate the boundaries of all open-space areas required by this Ordinance. The plan shall:

a. Designate areas to be reserved as open space. The specific design of open-space areas shall be sensitive to the physical and design characteristics of the site.

b. Designate the type of open space which will be provided.

c. Specify the manner in which the open space shall be perpetuated, maintained, and administered.

2. The types of open space which may be provided to satisfy the requirements of this Ordinance, together with the maintenance required for each type, are as follows:

a. Passive open space maintenance is limited to removal of litter, dead tree and plant materials, and brush; weeding and fallowing; and mowing. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

b. No specific maintenance is required for agricultural uses.

c. Active open space areas shall be accessible to all residents of the development. Maintenance is limited to insuring that there exist no hazards, nuisances, or unhealthy conditions.

d. Greenways are linear green belts linking residential areas with other open-space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.

3. All designated open space shall be of suitable size, location, dimension, topography and general character and shall have proper road and/or pedestrian access, as may be appropriate, to be usable open space.

a. The minimum dimension for usable open space shall be ten (10) feet and the minimum area shall be one hundred (100) square feet.

b. Retention areas or detention basins which are required as part of this Ordinance or the Subdivision Ordinance shall not qualify as an open space area unless fifty percent (50%) or more of the active and usable area is above the twenty-five (25) year storm and is designed for multiple area(s) conforms to the requirements of subsection (1) and (2) below. This standard shall not apply to commercial or industrial developments which shall be permitted to calculate the retention and detention are as part of the required open space area.

(1) Retention or detention areas shall meander through the subdivision as a greenbelt, rather than as a single basin. Retention areas shall be improved so as to be useable and accessible. Retention areas shall not be inundated so as to be

unusable for their designated recreational purposes. Site and architectural amenities, such as armadas, benches and par courses, shall be provided.

(2) Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming and contouring is required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three to one slope.

c. Open space areas shall be landscaped and visible from at least one (1) adjoining arterial or local street.

E. **PRESERVATION OF OPEN SPACE.** Open- space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained as determined by the Town Council by any of the following mechanisms or combinations thereof:

1. Dedication of open space to the Town, an appropriate public agency, or a non-profit entity if there is a public or non-profit agency willing to accept the dedication and financially capable of maintaining such open space. The Town may not accept the dedication of open space unless such dedication is part of a linked open space or trails system included in the *Queen Creek Open Space and Trails Plan.* Dedication of Sanokai and Queen Creek washes may be required along with rezoning and\or plat approval if the Town demonstrates that impacts of the development on stormwater discharge, public recreation or water quality are proportionate to the amount of wash area being dedicated. The applicant for plat approval or rezoning may consent to said dedication, pursuant to §3.8 of this Ordinance or as a condition of development approval, and said consent shall be deemed to waive any and all constitutional challenges to said dedication requirement.

2. Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance except for lands dedicated to the Town. The restrictive covenants shall provide that, in the event that any private owner of open space fails to maintain same according to the standards of this Ordinance, the Town may, following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space and shall constitute a lien upon the property and buildable lots of the subdivision or development site.

3. Payment of a fee in lieu of dedication of open space, if

a. The Town Council establishes an Open Space Acquisition Trust Fund for the receipt of fees and other financial commitments for the acquisition and development of public open space.

a. The Town Council adopts an ordinance establishing a fee in lieu or dedication of land for open space. The ordinance shall include the following:

(1) The fee amount per residential dwelling unit or equivalent residential dwelling unit;

(2) Time of determination of the fee;

(3) Time of payment of the fee;

(4) Form of payment of the fee;

(5) Restrictions on use of the fees collected;

(6) Time limit on expenditure of fees;

(7) Placement of fees in the Open Space Acquisition Trust Fund;

(8) Maintenance of financial records;

(9) Allocation of interest on trust fun accounts; and

(10) Refund procedures.

F. **OPEN SPACE PLAN REQUIREMENT.** The applicant shall submit an Open Space Provision and Maintenance Plan meeting the requirement of subsections A through C herein as part of the application for development approval.

5.6 PARKING, LOADING, AND BICYCLE STORAGE STANDARDS.

A. **OFF-STREET PARKING**

1. **PURPOSE.** This section sets minimum standards for off-street requirements for new construction and expansion of or changes to existing uses.

2. **USES NOT IDENTIFIED**. The Administrator shall determine the parking requirement for uses which do not correspond to the categories listed in **Table 5.6-2**. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:

   a. Type of uses;

   b. Number of employees;

   c. Building design capacity;

   d. Square feet of sales area and service area;

   e. Parking spaces proposed on-site;

   f. Parking spaces provided elsewhere; and

   g. Hours of operation.

3. **MULTIPLE USES**. In those instances where there are clearly identified accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure, resulting in a total parking requirement when summed, except as provided in paragraph 4, Shared Parking Facilities.

   a. Unspecified tenants in multi-tenant distribution and industrial facilities larger than 40,000 square feet. After dividing the individual tenant spaces into twenty percent (20%) Office use and eighty percent (80%) Warehouse use, parking shall be provided in accordance with Table 5.6-2 Standards.

4. **SHARED PARKING FACILITIES**.

   a. Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:

      (1) The off-site, off-street parking facilities are within two hundred (200) feet of the property; and

      (2) The parking demands of the individual uses, as determined by the Administrator based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required; and

      (3) A written agreement between the owners and lessees is executed for a minimum of twenty years, approved by the

Administrator, recorded with title to the land, and a copy maintained in the project file. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered nonconforming and any and all approvals, including Conditional Use Permits, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.

b. Developments which contain a mix of uses on the same parcel, as set forth in **Table 5.6-1** below, may reduce the amount of required parking in accordance with the following methodology: (1) determine the minimum parking requirements in accordance with **Table 5.6-2** for each land use as if it were a separate use, (2) multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of **Table 5.6-1**, (3) calculate the total for each time period, and (4) select the total with the highest value as the required minimum number of parking spaces.

Table 5.6-1
Shared Parking

(A) Land Use	Weekday		Weekend		(F) Nighttime 12 a.m. – 6 a.m.
	(B) Daytime 9 a.m. – 4 p.m.	(C) Evening 6 p.m. – 12 a.m.	(C) Daytime 9 a.m. – 4 p.m.	(E) Evening 6 p.m. – 12 a.m.	
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Commercial	40%	100%	80%	100%	10%

5. **LOCATION**. The parking area shall be provided on the same parcel as the principal structure wherever practicable. In non-residential zoning districts, the parking may be up to two hundred (200) feet from the property, but shall be located within a zoning district which allows business, commercial or industrial parking. Parking spaces shall not be located in the front yard setback, or a side yard setback when adjacent to a residential zoning district.

a. In TC, C-1, C-2 and B-1 Zoning Districts the parking design standards of Section 4.9.C.3 Parking Design Standards shall govern development in order to encourage and protect pedestrian activity.

b. In I-1 and I-2 Zoning Districts, parking may be allowed in front of the building.

6. **PARKING LOT LANDSCAPING**. The minimum landscaping requirements of this section are intended to alleviate adverse visual and environmental effects associated with parking facilities for all development except single family detached and duplex dwellings including climate modification. The application of these standards will improve the compatibility and the appearance of such facilities, implement the public realm goals of the General Plan provide relief from unshaded paved areas, reduce heat gain and minimize glare and lights associated with parking areas.

a. **STREET FRONTAGE LANDSCAPING**. Landscaping shall include a type "A" bufferyard as set forth in **Table 5.3-1** along any street frontage (*i.e.*, right-of-way), excluding entrance areas. Minimum thirty (30) foot landscape buffers are required adjacent to any arterial street and collector street rights-of-way. In addition to the requirements of §5.3.B of this Ordinance, the bufferyard shall include a minimum five (5) foot wide landscape strip planted with three (3) foot high shrubbery or a three (3) foot high wall with accent plantings in front of the wall to screen the parked cars from the right-of-way view. Street frontage plantings shall not be counted towards minimum streetscape requirements of §5.3.A.8 of this Ordinance. A landscape barrier, not to exceed three and one-half (3½) feet higher than the abutting parking lot surface at maturity, but at least two and one-half (2½) feet at the time of planting, shall be placed along but not within the right-of-way abutting all parking areas. The height of the landscape barrier can be achieved either with plantings, low walls, berming or a combination thereof. Berming shall be with turf unless prohibited by any local, state, or federal statute or regulation.

b. **PARKING AREA INTERIOR LANDSCAPING**.

(1) Parking areas shall provide a minimum net area of landscaping as follows:

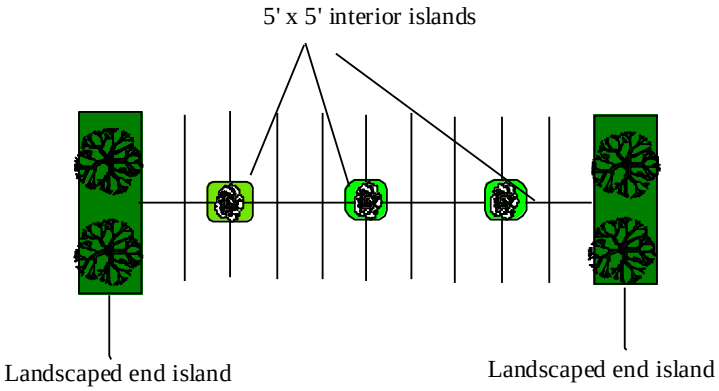
Number of Parking Spaces	Net Interior Area Landscaped	Minimum Site Area
1 to 50	10%	7,000 to 35,000 square feet
More than 50	15%	Not less than 35,000 square feet

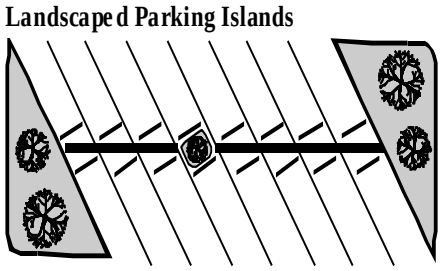
(2) The interior area of a parking facility is defined as the perimeter of the curbs or the edge of pavement. One (1) tree shall be provided for each 8 spaces, exclusive of perimeter landscaping and street trees. Such landscaped areas shall be located and designed in such a manner as to break up the expanse of paving and better define parking lot circulation. Where possible, existing large trees shall be maintained. Such required interior landscaping shall be in addition to required perimeter and street frontage landscaping. All landscape areas shall include a minimum of one hundred (100) square feet of planting area.

(3) Where parking is provided for ten (10) or more vehicles, the interior of the parking lot shall have, at a minimum, landscaped

end islands. Where parking is provided for twenty (20) or more vehicles, a five foot by five foot (5' x 5') island shall be provided for every eight (8) consecutive spaces (including fractions thereof) in addition to the end islands as shown in the attached diagram, landscaped parking islands. These requirements may be waived, in whole or in part, upon approval by the zoning administrator, where an alternative design or configuration of spaces meets the intent of this standard by providing less impervious surface, less visibility from the public right-of-way, and fewer conflicts between pedestrians and automobiles.

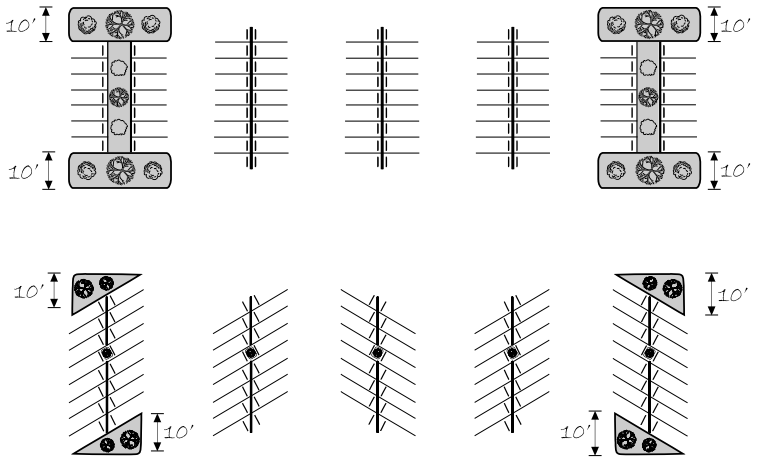
(4) All landscaped areas shall be protected from vehicular encroachment by six-inch (6") concrete vertical curbing. Planting islands shall be wide enough to protect against trees and vegetation against bumper overhang and swinging doors. A two and one-half (2½) foot overhang clearance area shall be provided on planting islands where vehicle or door overhang is anticipated. Overhang clearance area materials are limited to concrete, paver blocks, OR decomposed granite; asphalt paving is not permitted. For purposes of this subsection, the "overhang clearance area" means and refers to the area between the curb and the edge of the planting island.



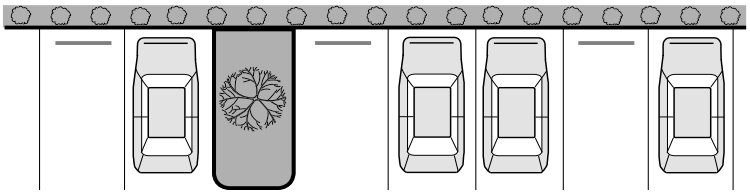


(5) Where any use requires a minimum of one hundred (100) parking spaces, planting islands with a minimum total width and walkway width as prescribed in the table below shall be provided within three hundred (300) feet of the primary entrance to the principal building(s) for alternating parking rows, such that a continuous walkway leads to the primary building entrance. The requirements of subsection (3), above, shall not apply where the requirements of this subsection (5) apply. Planting islands are required for ten (10) ore more adjoining parking spaces. Parking rows that are not required to have a planting island, as set forth in the table below, shall include a minimum five (5) foot by five (5) foot diamond planting island for every eight consecutive spaces. Larger planting islands may be used for angled parking. Planting islands which parallel parking spaces shall be a minimum of 9 feet wide. Planting islands between parking rows shall be a minimum of 10 feet wide. A walkway shall be provided with planting islands at the width set forth below:

Width of Planting Island	Width of Walkway
9 – 10 feet	4 feet
10 – 15 feet	5 feet
Greater than 15 feet	6 feet



(6) One (1) landscaped island encompassing the area of one (1) parking space shall be provided for every ten (10) parking spaces in rows which contain greater than ten (10) spaces. The landscaped island shall be located within the row of spaces to break up the expanse of paved area, as shown in the following diagram, landscaped parking rows.



c. **PERCENTAGE IN LIVING MATERIALS**. Unless otherwise specified, any required landscape area shall consist of a minimum of seventy-five percent (75%) in ground covering by turf or other live plant material (*e.g.* ground cover or shrubs) at full maturity, The majority of plants shall be shrubs. All plants used in parking lot islands shall be from the AMWUA list of low water use plants and in accordance with the requirements of Section 5.3 of this ordinance. The foliage crown of trees shall not be used in calculating this percentage. The remaining twenty-five percent (25%) of the required landscape area may be covered with inorganic materials such as decomposed granite (minimum □-inch minus, screened size) of either a desert or Madison Gold or similar color.

d. **USE OF LANDSCAPE PAVING MATERIALS**. Pedestrian crossing areas in parking lots (especially near building areas) shall be constructed of surface pavers, such as brick, stone blocks, interlocking brick pavers, stamped concrete or other materials that form a smooth surface but contrast with asphalt, as may be approved by the Administrator.

e. **IRRIGATION OF PARKING AREA LANDSCAPING**. All right-of-way street frontage, perimeter and interior parking area landscaping shall be provided with a pressurized, underground irrigation system in accordance with the requirements set forth in Section 5.3 of this Ordinance.

f. **RESPONSIBILITY OF MAINTENANCE**. The maintenance of all required landscaping, whether located on the property in question or on adjoining right-of-way shall be the responsibility of the property owner. The property owner is responsible for obtaining required permits for the location of landscaping in a public right of way.

g. **SUBMITTAL REQUIREMENTS**. A Landscape Plan which complies with the requirements of Appendix C to this Ordinance shall be submitted by an Arizona registered landscape architect.

7. **PARKING LOT LIGHTING REQUIREMENTS**. Adequate lighting shall be provided for surface parking facilities used at night. Lighting sources shall not be directly visible from adjacent roadways or residential uses.

a. **ILLUMINATION REQUIREMENTS**. The minimum required lighting intensity to be provided in all parking areas is 1.0 footcandle. High activity areas such as near building entrances and pedestrian corridors may be provided with a greater lighting intensity as may be required by the Administrator.

b. **LIGHTING HEIGHT, MAXIMUM**. The maximum height of required lighting is fifteen (15) feet. Lighting located near buildings and adjacent to sidewalks shall not exceed twelve (12) feet in height. This provision does not apply to lighting on buildings.

c. **LIGHTING LOCATION**. Parking area lighting shall be located in landscaped areas such as planting islands and buffers.

d. **SUBMITTAL REQUIREMENTS**. A Lighting Plan shall be submitted which details the location and specifications of all lighting provided. An ISO footcandle diagram shall also be provided to indicate the level and extent of proposed lighting.

8. **VEHICULAR TRAFFIC AREAS**. For single family residential zones, all driveways and parking areas shall comply with the following requirements:

a. <u>All lots zoned R-43 or larger</u> **all vehicle parking areas** shall have a primary driveway leading to a residential street with a dust control palliative such as but not necessarily limited to pea gravel, aggregate base, decomposed granite, wood chips, asphalt, concrete or other approved surface generally recognized to control fugitive dust for sustained periods of time.

b. All other lots zoned R1-35 or smaller shall have an improved primary driveway consisting of concrete, asphalt or hard surface for the purpose of permanently controlling dust in heavily traveled areas of residential neighborhoods.

**NOTE: Parking areas in the rear of the lot behind the front face plane of the house shall not be subject to the off-street parking improvement requirements. Garage and carport areas shall be subject to the off-street parking area improvement requirements, unless the garage or carport is detached and located behind the front face plane of the house.

c. All parking and vehicular traffic surfaces are subject to the following:

(1) All required parking and vehicular traffic surfaces shall be graded for drainage and surfaced with concrete or bituminous pavement in accordance with Town standards. The Town Engineer may permit a gravel or similar surface to be used in overflow parking areas, low-traffic storage yards, or as provided in (2) below, if the applicant establishes that dust in excess of the amount which would be generated by a paved surface area will not be generated. Dust control applications may be required as determined necessary by the Town. Overflow parking means parking in addition to the minimum required by this Ordinance, which is designed not to be used more than ten (10) times per year. A low-traffic storage yard means a storage area generating less than 30 ADT (average daily trips).

(2) All surfaces shall be maintained in sound condition and free of weeds, dust, trash and debris. All vehicular traffic areas shall meet or exceed construction standards established by the Town Engineer.

(3) A temporary parking lot shall be used only with an approved site plan. Temporary surface parking lots are parking areas which serve as a transitional use of a property during development and shall not be used for more than 24 months from issuance of a Town permit. Temporary parking lots shall be a permitted use in the TC, C-1, C-2, I-1, and I-2 zoning districts and shall be subject to site plan review as required in §3.6 of this Ordinance. Temporary parking lots shall be hard surfaced or gravel be applied with a Town approved dust control agent and shall be graded for drainage and maintained in sound condition and free of weeds, dust trash and debris. Temporary parking lots shall be subject to all landscaping and screening requirements.

d. Vehicular traffic areas shall be screened in order to minimize disturbance to occupants of adjacent residential buildings. For each boundary line directly abutting a residential zone or use, a decorative solid wall or fence at least four feet in height shall be erected, in accordance with §5.2, "Fences."

e. All entrances and exits to vehicular traffic areas shall be located and constructed to minimize traffic congestion on the public street system. Wheel or bumper guards shall be provided, located and arranged so that

no part of any parked vehicle will extend beyond the boundaries of the parking area.

f. No above-grade equipment at gasoline service stations or public garages for the service of gasoline, oil, air or water shall be located along the street frontage and closer than ten (10) feet to any public right-of-way.

9. **Table 5.6-3** establishes the minimum numbers of parking spaces required and the maximum number of parking spaces permitted for the uses indicated. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the Gross Floor Area of the building.

10. **EXCEPTIONS.** In unusual circumstances, the standard parking requirement may not be appropriate. The Administrator shall have the authority to vary the parking requirement, either upward or downward by up to 10 percent (10%) of the required cut or bicycle parking, if one or more of the following circumstances exist:

a. Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use.

b. The parking demand varies throughout the day in relation to parking supply.

c. The nature of operational aspects of the use warrants unique parking arrangements.

d. Actual parking practice in the community demonstrates that the parking standard may be too high or too low.

11. **MEASUREMENT**. Parking Stall and Aisle Dimensions shall comply with the following standards:

a. Off-street parking areas shall be surfaced with permanent pavement and striped as required herein.

b. Except where a wall is required, a minimum six (6) inch high vertical concrete curb shall be constructed so that no part of a vehicle extends beyond the property line.

c. Parking spaces and driveways shall be arranged to require ingress and egress from the lot to a street by forward motion of the vehicle.

d. Minimum dimensions of parking spaces (other than compact car parking spaces) and maneuvering area shall be as set forth in **Table 5.6-2**

Table 5.6-2
Parking Aisle Dimensions

Parking Angle	Stall Width	Stall Depth	ONE-WAY Aisle Width	TWO-WAY AISLE WIDTH	Curb Length	Curb-to-Curb Bay Width	Stall Center-to-Center Width
0º	19’	10’	12’	24’	23’	32’	--
45º	10’	20.2’	13’	24’	14.1’	55.4’	48.3’
60º	10’	21.5’	18’	24’	11.5’	63’	58’
70º	10’	21.3’	19’	24’	10.5’	63.4’	60.3’
90º	10’	19’	24’	24’	10’	64’	--

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Table 5.6-3
Off-Street Parking Requirements

Use Categories	Specific Uses	Minimum and Maximum Number of Spaces (See §5.6.A.11 for Measurement Standards)		
		Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces
Residential				
Group Living	Assisted Living Facilities; Treatment Facility	0.3 per room	1 per room	NS
	Other Group Living	0.3 per room	1 per room	NS
Household Living	Bed and Breakfast	1 per guest room plus 2 spaces for owner's portion	N/A	NS
	Rooming/Board House	1 per room	2 per room	NS
	Dormitories/Fraternities/Sororities	1 per 2 beds	1 per bed	0.5 per unit
	Single-Family and Duplex	2 accessible (non-tandem) spaces per dwelling unit	N/A	NS
	Multi-Family			
	Efficiency Dwelling	1 per unit	1.5 per unit	.2 per unit
	One Bedroom	1.5 per unit	2.5 per unit	.2 per unit
	Two Bedroom	2 per unit	3.0 per unit	.5 per unit
	Three or more bedrooms	2 for the first two bedrooms- .5 per additional bedroom	4.0 per unit	.75 per unit
	Elderly housing	1 per three units	1.5 per unit	NS
	All Other Dwelling Units	1 per unit	2.0 per unit	NS
Institutional				
Colleges	All	1 per 4 students	1 per 2 students	1 per 5 vehicle spaces
Community Services	All	1.5 per 250 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces
Cultural	Museums, Art Galleries, Opera Houses, Libraries	1.5 per 1,000 sf GFA	1 per 200 sf GFA or 1 per 4 seats	2 per 1,000 sf GFA
Day Care	Limited Day Care and General Day Care (see Appendix C)	1 per 375 sf GFA		
Hospital or Medical Clinic	All	1 per 200 sf + 1 space per physician or 3 spaces per bed	1 per 100 sf GFA	.2 per 1,000 sf GFA

Table 5.6-3 (continued)

Use Categories	Specific Uses	Minimum and Maximum Number of Spaces (See §5.6.A.11 for Measurement Standards)		
		Minimum Vehicle Spaces	**Maximum Vehicle Spaces**	**Minimum Bicycle Spaces**
Parks and Open Space	Campground	1 (10' X 30') per campsite + 1 (10' X 30') per 6 campsites + 4 per laundry & shower facility	N/A	NS
	All Other	20 per athletic field or ball diamond or 1 per 4 seats, whichever results in more spaces	N/A	1 per 10 vehicle spaces
Religious Assembly	All	1 per 8 seats	1 per 1.5 seats	NS
Safety Service	--	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space	N/A	2% of number of parking spaces
Schools	Elementary and Junior Highs	1 per classroom + 1 per 200 sf	N/A	1 per 10 students
	High Schools	1 per 200 sf	N/A	1 per 20 students
	Schools of Private Instruction	1 per 200 sf	1 per 150 sf	1 per 10 students
Utilities, Basic	--	1 per employee	N/A	NS
Commercial				
Office	General	1 per 350 sf GFA	1 per 200 sf GFA	1 per 30 vehicle spaces, 4 space minimum
	Medical	1 per 200 sf GFA	1 per 150 sf GFA	1 per 30 vehicle spaces, 4 space minimum
Recreation and Entertainment, Outdoor	Golf Course	4 per hole + 1 per 200 sf for clubhouse		NS
	Driving Range	1 per 2 tees	1 per tee	NS
	Miniature Golf	1 per hole	2 per hole	NS
	All Other Outdoor Recreation, including amusement parks, batting ranges, and water slides	1 per 600 sf outdoor recreation area	1 per 500 sf outdoor recreation area	N/A

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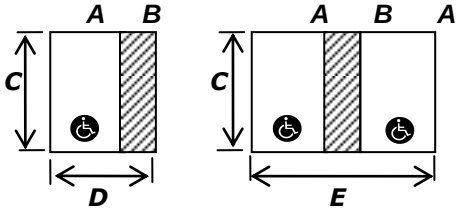
Use Categories	Specific Uses	Minimum and Maximum Number of Spaces (See §5.6.A.11 for Measurement Standards)		
		Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces
Retail Sales and Service (Continued)	Funeral Home/Mortuary/Crematorium	1 per 4 seats	1 per 2 seats	NS
	Restaurants	1 per 75 sf GFA	1 per 50 sf GFA	1 per 20 vehicle spaces; 4 space minimum
	Shopping Centers less than 15,000 sf	3 per 1,000 GFA	7 per 1,000 GFA	1 per 20 vehicle spaces; 4 space minimum
	Theaters	1 per 6 seats	1 per 4 seats	1 per 20 vehicle spaces; 4 space minimum
	Outdoor Sales (e.g. plant nurseries, building supplies) and Vehicle Sales, (including Recreational Vehicles/Boats)	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	NS
	Supermarkets, clothing & department stores, hardware building supplies, book stores, big box stores and similar uses greater than 15,000 sf	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces; 4 space minimum
	Appliance and sales, repair shops, nurseries, green houses and similar uses	1 per 300 sf GFA	1 per 215 sf GFA	1 per 20 vehicle spaces; 4 space minimum
	Other Service Business, Stand-Alone (e.g. beauty/barber shops, frozen food lockers, laundries, and similar uses)	1 per 300 sf GFA	1 per 215 sf GFA	1 per 20 vehicle spaces; 4 space minimum
	Swap meets/farmer's markets	1 per 100 sf gross public sales area	1.5 per 100 sf gross sales area	NS
Lodging	Hotels/Motels; Bed and Breakfast Inns	0.8 per room + 1 per 800 sf of public meeting area and restaurant space	1 per room + 1 per 400 sf of public meeting area and restaurant space	NS
Self-Service Storage	--	4 spaces + 2 for manager's quarters	N/A	NS
Vehicle Service	Auto Mechanical Repair, Body Shop, Car Wash, Gasoline Service Station, Quick Lubrication, Truck Repair, Truck Shop/Travel Plaza, Tire Recapping and Storage	1 per 375 sf GFA including service bays, wash tunnels and retail areas + 1 per 100 sf patron seating for restaurants	1 per 500 sf GFA including service bays, wash tunnels and retail areas per 100 sf patron seating for restaurants	NS

Use Categories	Specific Uses	Minimum and Maximum Number of Spaces (See §5.6.A.11 for Measurement Standards)		
		Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces
Industrial				
Manufacturing and Production	--	0.3 per employee + 1 space per 1,000 sf GFA to 10,000 sf, then 1 space for each 10,000 sf over	1 per 350 sf GFA	1 per 20 vehicle spaces; 4 space minimum
Warehouse and Freight Movement, Wholesales Sales	--	0.3 per employee + 1 space per 1,000 sf GFA to 10,000 sf, then 1 space for each 10,000 sf over 1	--	1 per 20 vehicle spaces; 4 space minimum
Waste-Related Uses	--	1 per employee	N/A	NS
Other				
Agriculture	--	None	None	NS
Aviation, Surface Passenger Terminals	--	1 per employee + spaces required to satisfy projected peak parking needs	N/A	NS
Telecom-munications Facilities	--	1 per service employee	N/A	NS
Recreation and Entertainment, Indoor	Assembly/Auditorium	1 per 6 seats or 1 per 50 sf of GFA if no permanent seats	1 per 4 seats or 1 per 100 sf of GFA if no permanent seats	1 per 20 vehicle spaces
	Amusement Center	1 per game table, video game, amusement device + 1 per 200 sf of GFA	N/A	1 per 10 vehicle spaces
	Bowling Alley	2 per lane	4 per lane	1 per 10 vehicle spaces
	Clubs/Lodges	1 per 3 persons or 1 per 200 sf whichever greater	N/A	1 per 20 vehicle spaces
	Health Club/Fitness Center	10 spaces + 1 per 200 sf in excess of 1,000 sf	N/A	1 per 10 vehicle spaces
	Skating Rinks and Dance Halls	5 per 1,000 sf GFA	6 per 1,000 sf GFA	1 per 10 vehicle spaces
Retail Sales and Service	Bank, Excluding Drive-Thru Facility	1 per 250 sf GFA	1 per 140 sf GFA	1 per 30 vehicle spaces; 4 space minimum
	Bank, with drive-thru facility	1 per 250 sf GFA plus required stacking spaces for drive-thru	1 per 140 sf GFA	1 per 30 vehicle spaces; 4 space minimum
		1 per 250 sf GFA	1 per 140 sf GFA	NS

	Drive-In Cleaners; Drive-In Liquor			
	Fuel: full-service with repair/service facility; full service no repair/service facility; self-service	1.5 per 1,000 sf GFA	4 per 1,000 sf GFA	NS
	Restaurant with Drive-In Facilities	1 per 50 sf GFA of patron seating area + 1 per 200 sf office/food prep. area	1 per 65 sf GFA of patron seating area + 1 per 250 sf of office/food prep. area	1 per 20 vehicle spaces
	Bars/Nightclubs	1 per 2 seats	1 per 1.5 seats	1 per 10 vehicle spaces
	Convenience Store	6 per 1,000 sf GFA	10 per 1,000 sf GFA	1 per 10 vehicle spaces

12. ACCESSIBLE (**HANDICAPPED) PARKING**.

FIGURE 5.6-2 UNIVERSAL ACCESSIBLE PARKING SPACE ILLUSTRATION (HANDICAP AND VAN ACCESSIBLE SPACE)



A – Width of Stall: 11 FT.
B – Width of Access Aisle: 5 FT. (Always on right of single space)
C – Length of space: 20 FT with A stripe of 18 FT.
D – Overall width of Single Space: 16 FT
E – Overall width of Double Space: 27 FT

a. Accessible (Handicapped) Parking Space Size. Accessible parking spaces shall be a minimum of sixteen feet by twenty feet (16' X 20') for a single space [eleven (11) feet in width in addition to a five foot (5') access aisle]; or twenty-seven feet by twenty feet (27' X 20') for a double space [eleven feet in width for each space with a five foot (5') access aisle between the spaces].

b. Accessible Parking Space Requirements. All off-street parking areas other than for single family dwellings shall include reserved spaces for use by disabled persons. The Town of Queen Creek requires accessible parking spaces in accord with the ADA (American with Disabilities Act) "Universal Parking Space" design, as may be amended. The number of spaces provided shall be in accordance with Table 5.6-4.

c. Identification of Accessible Parking Spaces. All accessible parking spaces and access aisles shall be prominently outlined in a color contrasting with that of the surrounding parking spaces on all four (4) sides with the International wheel chair symbol displayed on the ground within each space or identified by a sign showing the International wheel chair symbol in any color scheme on a contrasting background on a stationary post or object not less than three (3) feet nor more than six (6) feet above grade, visible directly in front of the parking space.

Table 5.6-4 Accessible Parking Spaces Required	
TOTAL PARKING IN LOT	NUMBER REQUIRED
1 TO 25 SPACES	1 ACCESSIBLE SPACE
26 TO 50	2 ACCESSIBLE SPACES
51 TO 75	3
76 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	7
301 TO 400	8
401 TO 500	9
501 TO 1,000	2 PERCENT OF TOTAL
1,001 AND OVER	20 PLUS 1 FOR EACH 100 OVER 1,000

d. Location of Accessible Parking Spaces. Accessible parking spaces shall be located on the shortest possible accessible route of travel to an accessible building entrance. Wherever practical, the accessible route of travel shall not cross lanes for vehicular traffic. Where crossing vehicle traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.

(1) Where parking spaces are provided under shade cover or within a parking garage, accessible spaces shall be provided in the same ratio and not less than twenty percent (20%) of the accessible spaces shall be designated for high-profile vehicles, with a minimum headroom clearance of nine (9) feet six (6) inches.

(2) Accessible parking spaces shall be located on a surface with a slope not exceeding one (1) vertical foot in fifty (50) horizontal feet.

d. Existing Parking Lots. Parking areas provided before the effective date of this section may combine and convert existing parking spaces to accessible parking spaces and associated access aisles, provided that the overall reduction in total parking spaces availability shall not exceed five percent (5%) below the quantity of off-street parking spaces otherwise required by this Ordinance.

13. **LARGE VEHICLE PARKING**. Certain uses may be required to install larger customer parking spaces for trucks and trucks hauling equipment. A maximum of twenty percent (20%) of the total required parking may be used to meet large vehicle parking requirements. Minimum dimension standards for large vehicles shall be thirty-five feet by twelve feet (35’ x 12’). Said spaces shall be clearly marked for customer use. Applicants shall be required to differentiate on applications the type of customer parking provided.

14. **OFF-STREET PARKING**. Off-street parking space shall be connected with a public street by a paved driveway which affords safe and convenient ingress and egress. The minimum width of driveways shall be twenty (20) feet if ingress and egress are the same. If ingress and egress are separate drives, then the maximum width shall be twelve (12) feet.

15. **DESIGN STANDARDS FOR FRONT AND SIDE ENTRY GARAGES, AND FRONT AND SIDE ENTRY GARAGE COMBINATIONS.** For design requirements consult Section 5.11 Residential Architectural Design Standards and Table 5.11-1 Single Family Design Requirements, and See illustrations below.

FIGURE 5.6-3 SIDE ENTRY GARAGE STANDARDS

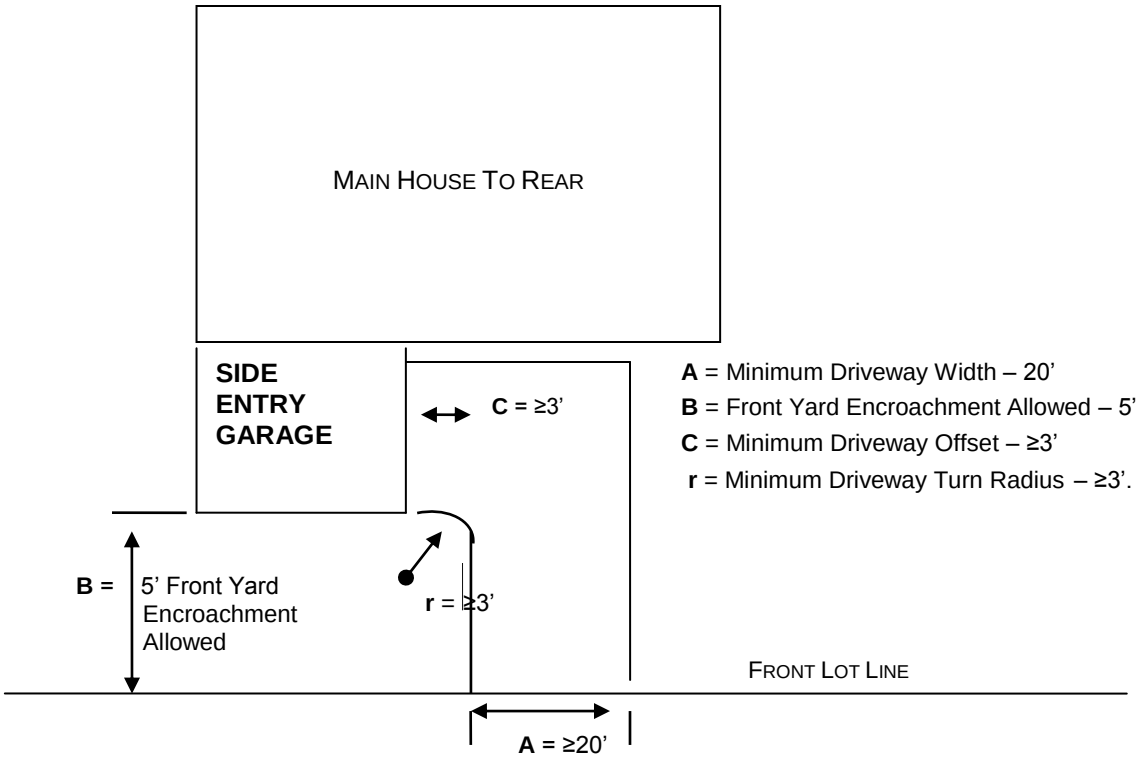


Figure 5.6-4 Combined Front and Side Entry Garage Standards

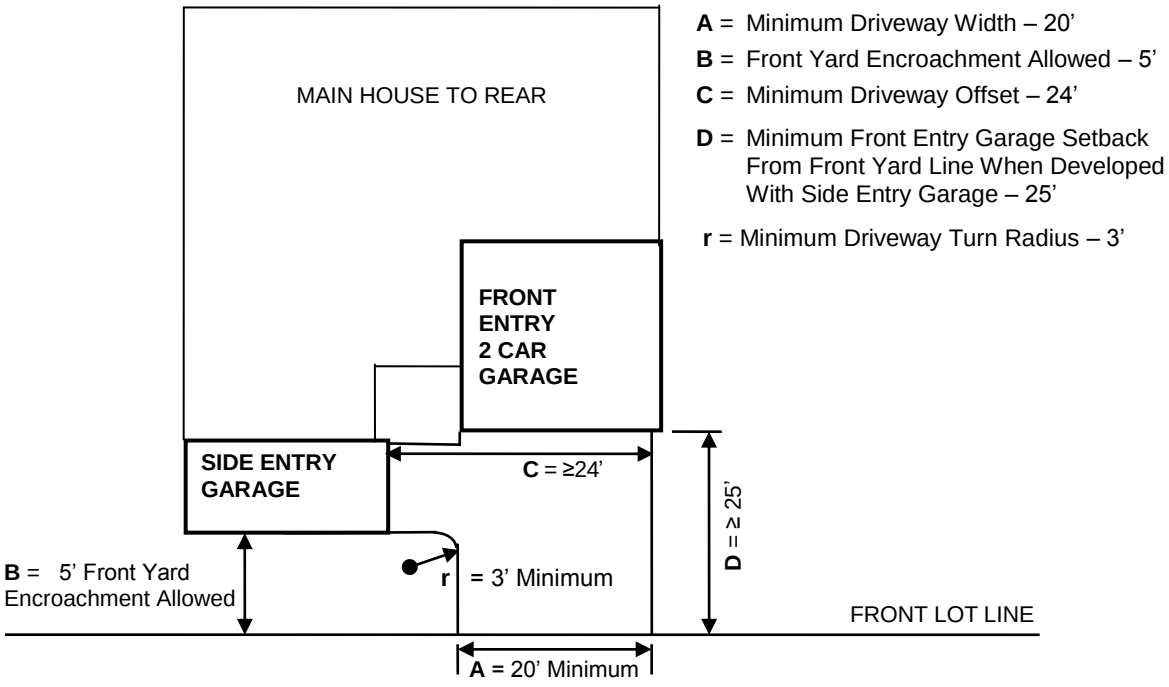
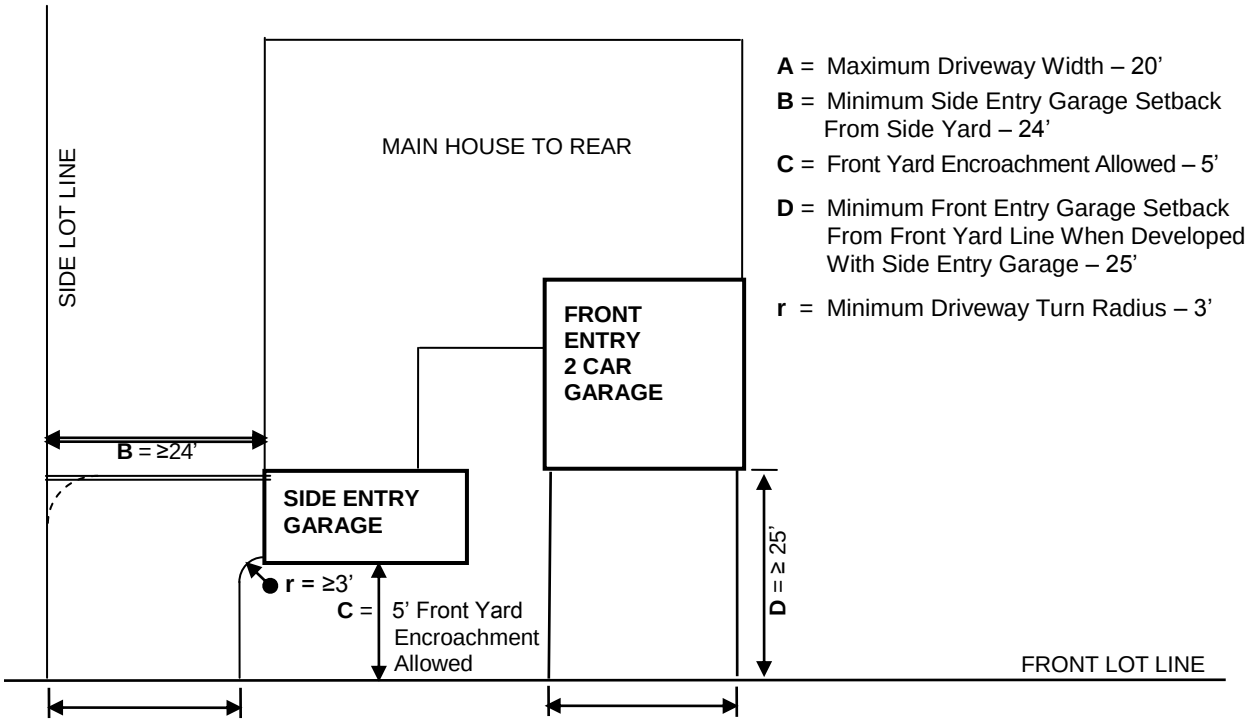


Figure 5.6-5 Side Yard Access Side Entry Garage Standards



16. **EXEMPTIONS FOR PARKING SPACE WIDTH.** Exemptions from the standard ten (10) foot wide parking spaces shall be applicable to sites where there is a conversion of an existing residential property to a commercial property in the Town Center area (Town Center as defined in the Queen Creek General Plan), and have a total maximum lot size of 12,000 square feet. Exemptions for parking space width are shown in **Table 5.6-5**.

Table 5.6-5 Exemptions for Parking Space Width

Parking Angle	Stall Width	Stall Depth	ONE-WAY Aisle Width	TWO-WAY Aisle Width	Curb Length	Curb- to-Curb Bay Width	Stall Center-to-Center Width
0º	9’	90’	12’	--	23’	30’	--
	9.5’	9.5’	12’	--	23’	31’	--
	10’	10’	12’	24’	23’	32’	--
45º	9’	19.4’	13’	--	12.7’	53.8’	48’
	9.5’	19.6’	13’	--	13.4’	54.2’	48’
	10’	20.2’	13’	24’	14.1’	55.4’	48.3’
60º	9’	20.9’	18’	--	10.4’	61.8’	57.5’
	9.5’	21.1	18’	--	11’	62.2’	57.5’
	10’	21.5’	18’	24’	11.5’	63’	58’
70º	9’	21’	19’	--	9.5’	63’	60.3’
	9.5’	21.2’	19’	--	10.1	63.4’	60.3’
	10’	21.3’	19’	24’	10.5’	63.4’	60.3’
90º	9’	19’	24’	24’	8.5’	64’	--
	9.5’	19’	24’	24’	9’	64’	--
	10’	19’	24’	24’	10’	64’	--

17. **PERMANENT RESERVATION.** The area reserved for off-street parking or loading in accordance with the requirements of this Article shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking or loading space is provided. Street parking allowed adjacent to any land use shall not reduce the off-street parking requirements.

18. **PARKING OR STORAGE OF LARGE VEHICLES**

a. Parking or Storage of these classes of vehicles is prohibited as follows:

(1) In Residential Districts R1-54 and R1-43 consisting of less than two (2) contiguous acres and R1-35, R1-18, R1-15, R1-12, R1-9, R1-8, R1-7, R1-6, R1-4, R1-3 and R1-2.

(2) At a location in front of the rear wall plane of the primary residence or closer than ten feet (10') from any property line in R1-54 and R1-43 Residential Districts.

(3) **Vacant lots or open area in any Residential District**. The use of vacant lots or open land area in any Residential District for parking of customer or employee passenger vehicles or large vehicles is prohibited.

(4) **Bus and Recreational Vehicle (RV) parking**. Buses and RVs shall not be parked in the front yard of any Residential District.

b. **Parking or Storage of these classes of vehicles is permitted as follows:**

(1) In any Residential zone while actively loading or unloading.

(2) One (1) large vehicle in R1-190, R1-145, and R1-108 Residential Districts.

(3) One (1) large vehicle in R1-54 and R1-43 Residential Districts consisting of two (2) or more contiguous acres.

B. **LOADING**.

1. There shall be provided on the same lot with each commercial and industrial building or structure adequate space for off-street loading, unloading and the maneuvering of commercial vehicles. There shall be no loading or unloading of commercial vehicles on the public street. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. All loading and maneuvering areas shall:

a. Be surfaced with hard, impervious surface dustless material,
b. Be properly drained,
c. Be designed with regard to pedestrian safety,
d. Have direct access to public streets, and
e. Shall be screened from adjacent residentially zoned property as provided in §5.3 of this Ordinance.
f. no loading docks, service bays, or service windows shall be visible from an arterial or collector right-of-way.

2. Off-street loading spaces shall be not less than twelve feet (12') in width and thirty-five feet (35') in length, exclusive of access aisles and maneuvering space.

3. A Multi-Family Residential, Commercial or Industrial structure or use (except self-service storage warehouses) that has an aggregate gross floor area of 25,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with Table 5.6-6.

Table 5.6-6 Off-Street Loading Requirements

SQUARE FEET OF AGGREGATE GROSS FLOOR AREA DEVOTED TO SUCH USE:	REQUIRED NUMBER OF BERTHS
25,000 S.F. UP TO AND INCLUDING 40,000 S.F.	1
40,001 S.F. UP TO AND INCLUDING 100,000 S.F.	2
100,001 S.F. UP TO AND INCLUDING 160,000 S.F.	3
160,001 S.F. UP TO AND INCLUDING 240,000 S.F.	4
240,001 S.F. UP TO AND INCLUDING 320,000 S.F.	5
320,001 S.F. UP TO AND INCLUDING 400,000 S.F.	6
400,001 S.F. UP TO AND INCLUDING 490,000 S.F.	7
FOR EACH ADDITIONAL 100,000 S.F.	1 ADDITIONAL

NOTES: Off-street loading facilities required shall be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area to satisfy the off-street parking requirements of this Ordinance. The provisions of this section shall apply to the entire Town of Queen Creek, including the Town Center (TC) District.

5.7 OUTDOOR STORAGE AND DISPLAY.

A. **NO PERMANENT STORAGE**. No portion of any required front yard shall be used for the permanent storage of appliances, motor vehicles, trailers, airplanes, boats, parts of any of the foregoing, or building materials, except building materials for use on the premises and stored thereon during the time a valid permit is in effect for construction on the premises. Permanent storage, as used in this section, means presence for a period of forty-eight (48) or more consecutive hours in the required front yard setback.

B. **SOLID WASTE STORAGE AREAS**. Storage areas, solid waste dumpsters and large items for solid waste pick-up shall be confined in an enclosed area that is screened on all sides. A solid waste enclosure, large enough to confine solid waste items and dumpster(s), shall be of solid construction, 6 foot high with locking gates providing access. Enclosures shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, wood or similar material. The applicant shall ensure that the choice of materials and color are consistent and compatible with those of the principal building(s) on the site. Bollards shall be installed in front of the gates to prevent refuse vehicles from inadvertently bumping into the gates or causing dumpsters to damage the gates. This enclosure, the dumpster(s) and solid waste shall be placed on an asphalt pad and the access drive to the enclosure shall be concrete.

C. **NO SALVAGE YARDS**. Junk, junk vehicles, and salvage yards shall not be allowed on any premises except as provided for in Appendix C; except that a maximum of two vehicles intended for repair or restoration may be kept on the premises, but only if all of the following conditions are satisfied:

1. Vehicles shall be owned by the owner or occupant of the premises upon which the vehicles are located.

2. The vehicles shall be stored in an enclosed garage, under an opaque cover designed for the vehicle, or otherwise screened from public view.

3. Vehicles shall not be stored within a front or side yard.

4. There shall be no exterior storage of vehicular parts.

D. **NO OUTDOOR STORAGE**. Outdoor storage and outdoor storage operations (excluding nursery stock in non-residential zoning districts) shall be prohibited along street rights-of-way and within five hundred (500) feet of residential uses and residential zoning districts.

1. Except for integral units (see Definitions, Appendix A), stored items shall not project above the screening.

2. No storage shall be maintained in the front yard area.

3. Chain link, sheet metal and barbed and razor wire shall not be used for screening materials for outdoor storage or operations except that chain link with wood slats and with approved landscaping may be used in the I-2, General Industrial District.

4. Vehicles stored for repair shall be located within an area screened on all sides with opaque fencing at least six (6) feet in height.

5. Dumpsters and refuse containers shall be enclosed in a six-foot-tall brick, masonry, or stucco opaque enclosure. The enclosure shall be constructed of brick, masonry or stucco.

6. All screening shall be installed and maintained in sound condition.

7. Screening shall not obstruct sight distance.

E. **OUTDOOR DISPLAY OF VEHICLES**. Outdoor Display of Vehicles (*e.g.,* operable autos, recreational vehicles, boats, trucks, or equestrian trailers) for sale, where authorized by existing zoning, shall not be permitted unless the method of display conforms with the following requirements:

1. The vehicles shall be located behind a landscaped area at least ten (10) feet wide between the property line and display area.

2. Landscaping shall provide a buffer between the right-of-way and the vehicle storage area.

3. No vehicle shall be displayed or stored within a required landscape area.

4. Not more than one vehicle display pad, which may be elevated up to three (3) feet in height as measured at the highest point, shall be permitted per one hundred (100) feet of road frontage.

5. No other materials for sale shall be displayed between the principal structure and the arterial street without securing an authorized conditional use permit.

5.8 STANDARDS FOR NOISE, ODOR, AND OTHER CIRCUMSTANCES.

A. **GENERAL**. Dust, fumes, odors, refuse matter, glare, smoke, vapor, noise, electromagnetic or equivalent interference, vibration, or similar noxious substances or conditions shall be effectively confined to the premises where located, or minimized so as not to be injurious or detrimental to the adjacent uses, neighborhood, or the general public.

B. **NON-RESIDENTIAL PERFORMANCE STANDARDS**. The Town shall enforce the following standards for industrial nuisance where the regulations are not superseded by more stringent State, Federal or other local standards.

1. **ODORS**. In those instances where Federal and State regulations are not applicable, no use in an I-1 or I-2 District shall emit any continuous, frequent, or repetitive odor or odor causing substances which is detectable at or beyond the point of measurement. An odor which is emitted no more than fifteen (15) minutes in any one day nor more than two (2) days out of the calendar month shall not be deemed to be continuous, frequent, or repetitive under this subsection. The existence of an odor shall be presumed when the concentration of the odor causing substance in the air at or beyond the point of measurement exceeds the lowest concentration listed as the odor threshold for such a substance in Table III, Odor Thresholds, appearing in Chapter 5 "Physiological Effects", "The Air Pollution Abatement Manual", Manufacturing Chemists Association (1952) or any subsequent amendments or revisions thereto. Substances which are not listed in that table shall not be deemed to be odorous unless analysis by a competent chemist demonstrates that a discernible odor is being emitted. In any district other than the I-1 or I-2, no emission of an odor or odor causing substances shall be permitted.

2. **HEAT**. Where the Federal and State regulations are not applicable, no continuous, frequent, or repetitive discharge or emission of heat shall be allowed if it increases the ambient air or water temperature by one degree centigrade (1º C) or more or beyond the lot line by one degree centigrade (1º C) or more or beyond the lot line of the property from which it is being emitted or discharged.

3. **FIRE AND EXPLOSION HAZARDS**. All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited.

4. **GLARE**. In the I-1 and I-2 districts, no direct or sky reflected glare, whether from flood lights or from high temperature processes, such as combustion or welding, shall cause illumination in excess of 0.5 foot-candles at the point of measurement. In all other districts, no operation or activity shall be conducted so that any glare, whether direct or reflected, is visible at the point of measurement.

5. **SMOKE**. Measurement of smoke shall be at the point of emission. The Ringleman Smoke Chart published by the United States Bureau of Mines shall be used for the measurement of smoke. The following table indicates for the various zoning districts the acceptable level of smoke emissions. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

Zoning District	Maximum Level of Emission	Exception
All Residential Zoning Districts	Ringleman No. 0	None
TC, B-1, C-1, C-2	Ringleman No. 1	Smoke of a shade equal to No. 2 on the chart may be emitted for a total of eight (8) minutes during any one (1) hour period.
I-1, I-2	Ringleman No. 2	Smoke of a shade equal to No. 3 on the chart may be emitted for a total of eight (8) minutes during any one (1) hour period.

6. **PARTICULATES**. No solid or liquid particles shall be emitted at any point in concentrations to exceed 0.1 grains per cubic feet of conveying gas in any residential district and 0.3 grains per cubic feet of conveying gas in any other district. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred degrees (500º) Fahrenheit and fifty percent (50%) excess air.

7. **VIBRATION**. Vibration, as used in this ordinance, refers to ground transmitted oscillations. For the purposed of identifying and measuring different types of vibration, the following definitions shall apply:

   a. Ground transmitted vibration shall be measured at the point of measurement using a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three mutually perpendicular directions. Vibration shall not exceed the following levels:

Maximum Peak Particle Velocity in Inches Per Second	When the Lot is Adjacent to:
0.02 (7:00 a.m. – 9:00 p.m.) 0.01 (9:00 p.m. – 7:00 a.m.)	All Residential Zoning Districts
0.05	TC, B-1, C-1, C-2
0.10	I-1, I-2

   b. The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as six and twenty-eight hundredths (6.28) times the displacement in inches multiplied by frequency in cycles per second. Steady state vibrations are ones which are continuous or in discrete impulses of more than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations. Impact vibrations are limited to values which are no greater than twice those specified above.

8. **NOISE**. Noise level readings shall be taken at the point of measurement. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity. The sound pressure level of noise in an octave band frequency radiated continuously from a facility shall not exceed the following values:

Duration of Sound	7:00 a.m. – 6:00 p.m. (all districts)	6:00 p.m. – 10:00 p.m. (residential districts) or 6:00 p.m. – 7:00 a.m. (all other districts)	10:00 p.m. – 7:00 a.m. (residential districts)
Less than 10 minutes	75 db	70 db	60 db
Between 10 minutes and 2 hours	70 db	60 db	50 db
In excess of 2 hours	60 db	50 db	40db

a. Values in this table are subject to the correction factors listed in subsection b., below. Sounds in excess of the residential district limitations as measured in a residential district violate this section whether the sound originates in a residential district or any other district.

b. If the noise is not smooth and continuous, one or more of the corrections which follow shall be added or subtracted from the applicable decibel level given in the preceding paragraph.

Type of Operation of Character of Noise	Correction in Decibels
Noise source operates less than 20% of any one hour period	Plus 5
Noise source operates less than 5% of any one hour period	Plus 10
Noise source operates less than 1% of any one hour period	Plus 15
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5

c. **EXCEPTIONS TO NOISE LEVEL STANDARDS**. Sounds emerging from the operation of (1) motor vehicles on a public highway; (2) aircraft with flights originating outside of the jurisdiction of this Ordinance; (3) outdoor implements such as power lawn mowers, power hedge clippers and power saws; (4) emergency equipment of any kind; (5) maintenance equipment operated by a public agency or utility; and (6) pile drivers or jackhammers and other construction equipment, are exempt from the provisions of this section. Sounds emanating from lawful and property activities at school grounds, playgrounds, parks or places wherein athletic contests take place are exempt from the provisions of this ordinance. In addition, in locations where the ambient noise level generated by daily traffic on an adjacent street or by commercial aircraft exceeds the standards set forth in subsection a., control of noise shall not be required to produce a sound level below that of the ambient noise level.

5.9 ARCHITECTURAL DESIGN REQUIREMENTS.

A. **PURPOSE AND APPLICABILITY**. These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the town, preserve taxable values, and promote the public health, safety and general welfare. These criteria implement *Commercial Goal, Policy 1B and 1B* of the *Queen Creek General Plan.* Unless otherwise specified in this ordinance, this section is applicable to all multifamily, commercial and industrial zoning districts in Queen Creek.

B. **GENERAL ARCHITECTURAL REQUIREMENTS FOR NON-RESIDENTIAL ZONING DISTRICTS**. Architecture and the man-made elements are the predominant feature and thus must be carefully crafted to create a small town appearance and to be pedestrian friendly. In the Town Center area street presence is predominant with the buildings located at the street and vehicular parking is on-street or in joint use parking lots located to the side or rear of the buildings. Terms and phrases used herein shall be construed in accordance with Francis D.K. Ching, *A Visual Dictionary of Architecture* (Van Nostrand Reinhold, 1995), at 52-59, which publication is hereby incorporated by reference as if set forth in its entirety herein.

1. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from public view and designed to appear as an integral part of the building.

2. The building materials of a project shall be durable, require low maintenance, and be of a substantial quality.

3. All building elevations which face a public street or are adjacent to residential uses or zoning districts, shall have an architectural design other than metal or corrugated metal.

4. All buildings shall incorporate three hundred and sixty degree (360°) architecture, a variety of massing and building heights, and stepping roof lines.

5. Buildings detached from the main commercial development within the same commercial center (pad buildings) shall be designed in a compatible architectural style, and incorporate the same materials, colors and landscaping as the host development.

C. **RELATIONSHIP OF BUILDINGS AND SITE TO ADJOINING AREA**.

1. Adjacent building of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.

2. Attractive landscape transition to adjoining properties shall be provided.

3. Harmony in texture, lines and masses is required. Monotony shall be avoided.

D. **BUILDING DESIGN**.

1. In order to preserve the small-town characteristics of Queen Creek, the following architectural styles are required. Architectural interpretation is encouraged. Evaluation of the appearance of a project shall be based on the quality of design, consistency with adopted architectural styles and its relationship to surroundings.

Back to TOC

The following styles are defined in L. Walker, *American Shelter* (The Overlook Press, Woodstock, N.Y.: Rev. 1996), which is hereby incorporated by this reference, and the following table. In the following table, the architectural styles are listed in Column (A) and the corresponding illustration is listed in Column (B).

(A) Architectural Style	(B) Illustration
Western Territorial	
Spanish Colonial/ Mission.	

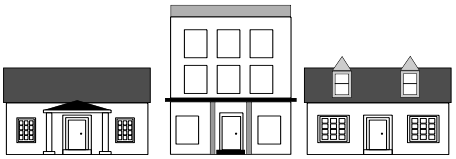
Back to TOC

Old Pueblo/ Mission	
Georgian Revival/ Victorian Hybrid	

2. Building Massing. Building mass shall not vary more than fifteen percent (15%) from buildings on adjoining lots. Building mass is the volumetric shape of a structure including sides, and roofs, and the size of the base, or footprint. See **Figure C-1**.

Figure C-1

Buildings in scale with neighboring buildings



Buildings out of scale

3. Roof Types and Materials. Roof materials shall be consistent with the architectural styles set forth in §4.9.J.4.a, above. Gable roofs with a minimum 9/12 pitch shall be used to the extent possible in the Town Center area. Where hipped roofs are used, the pitch shall be 6/12. Both gable and hipped roofs shall provide overhang eaves on all sides that extend a minimum of one foot beyond the building wall. Flat roofs may be used with the Pueblo architectural design. Mansard roofs are prohibited. Architectural elements that add visual interest to roofs, such as dormers, belvederes, masonry or brick chimneys, cupolas, clock towers and other similar elements are encouraged. See **Figure D-1**.

Figure D-1

4. **BUILDING FACADES AND MATERIALS**.

a. All visibly exposed sides of the building shall have three hundred and sixty degree (360º) Architecture and design themes. Sides of buildings that extend more than thirty (30) feet in length shall provide a pitch roof element, windows, porch or other design feature to break up the long, continuous and otherwise uninterrupted blank wall. Flat roof buildings shall have an articulated base course and cornice for all sides visibly exposed.

b. The base course shall align with either kickplate or sill level of the first story. The cornice shall terminate or cap the top of a building wall, may project horizontally from the vertical wall plane, and may be ornamented with moldings, brackets, vigas, tile or other details.

Figure E-1

c. Materials in Town Center are encouraged to be predominantly brick versus stucco. All buildings shall be constructed of reinforced masonry, concrete, wood, or metal frame. The use of metal buildings, such as, but not limited to corrugated steel, are prohibited. Use of ornamental metal as an architectural design feature may be permitted. **Figure E-1.**

d. The use of standardized "corporate" architectural styles associated with chain type restaurants, convenience store and/or automobile service stations are prohibited.

e. Building colors shall follow the following guidelines:

(1) Large areas of white color shall be avoided.

(2) The color palette chosen for new structures should be compatible with the colors of adjacent structures. An exception is where the colors of adjacent structures strongly diverge from these guidelines.

(3) Wherever possible, the number of colors appearing on the structure's exterior shall be minimized. Small commercial structures should use not more than three (3) colors.

(4) Primary colors shall only be used to accent elements, such as door and window frames and architectural details.

(5) Architectural detailing should be painted to complement the facade and tie in with adjacent structures.

f. Signs.

(1) Every structure and commercial complex shall be designed with a precise concept for signage. Provisions for sign placement, sign scale in relationship with building, and sign readability shall be considered in developing the signage concept. All signage shall be compatible with the building architecture and site design relative to color, material and placement.

(2) Monument-base signs are the preferred alternative for business identification whenever possible. Where several tenants occupy the same site, individual wall mount signs are appropriate in combination with a monument sign identifying the development and address.

Figure F-1

(3) The use of backlit individually cut letter signs is strongly encouraged. Wall painted signs are prohibited.

(4) Each development site shall be appropriately signed to give directions to loading and receiving areas, visitor parking and other special areas.

(5) Refer to Article 6, §6.16 "Signs" for area, size and location regulations.

g. Building Entrances. All main entrances to buildings shall be the focal point of design. Architectural elements may include: lintels, pediments, pilasters, columns, porches, railings, balustrades. See **Figure F-1**.

E. **PUBLIC ART, STREET FURNITURE AND LIGHTING REQUIREMENTS**.

1. Street furniture such as benches, waste containers, phone booths, bicycle racks, and bollards should be carefully selected to ensure compatibility with the architecture of surrounding buildings and the general area.

Figure G-1

Figure H-1

2. All main entrances to buildings shall use a light fixture. Symmetrical adaptations consistent with the architectural design criteria shall be used.

Figure I-1

5.10 GENERAL SITE PLANNING REQUIREMENTS FOR ALL COMMERCIAL USES.

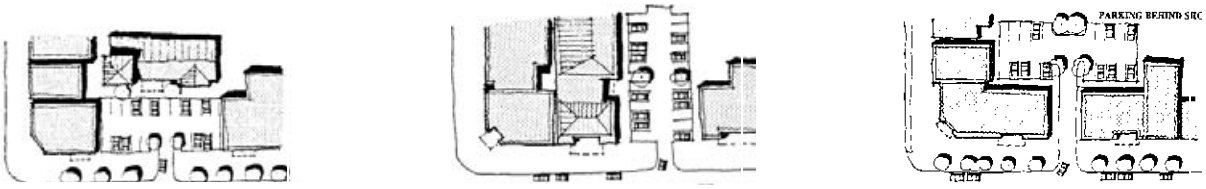
A. Placement of structures should consider the existing built context, the location of incompatible land uses, the location of major traffic generators as well as an analysis of a site's characteristics, particular influences and design goals embodied by the Town.

B. Structures shall be designed in a manner that will complement the adjacent structures. Sites shall be developed in a coordinated manner to provide order and diversity and avoid a jumbled, confused development.

C. Whenever possible, new structures should be clustered. This creates plazas or pedestrian malls and prevents long "barracks-like" rows of structures. When clustering is impractical, a visual link between separate structures should be established. This link can be accomplished through the use of an arcade system, trellis or other open structure. Parking areas shall not be placed in front of the principal building. See **Figure L-2.**

Figure L-2

Prohibited Acceptable Preferred



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D. Locate structures and on-site circulation systems to minimize pedestrian/vehicle conflicts where possible. Link structures to the public sidewalk where possible with textured paving, landscaping and trellises.

E. Recognize the importance of spaces between structures as "outdoor rooms" that are the public realm. Outdoor spaces should have clear, recognizable shapes that reflect careful planning and are not simply "after thought" areas between structures. Such spaces should provide pedestrian amenities as indicated in §5.9.E Public Art, Street Furniture, and Lighting Requirements.

F. Loading facilities shall not be located at the front of the structure where it is difficult to adequately screen them from public view.

5.11 RESIDENTIAL ARCHITECTURAL DESIGN STANDARDS.

The purposes of these provisions are: (1) to supplement the zoning regulations applied to site built, modular and manufactured homes with additional standards and procedures which will promote a satisfactory living environment for residents of single family homes, and which will permit a mix of homes and other types of housing within the Town; (2) to permit greater diversity in the types of housing communities; (3) to ensure that all new single family dwellings are compatible with other forms of housing; (4) to ensure the provision of single-family housing opportunities for persons or families of low or moderate income by providing for design standards which ensure compatibility among various types of housing units as an alternative to exclusionary zoning.

A. SINGLE FAMILY DESIGN REQUIREMENTS.

No application for development approval for a single family home shall be issued, approved or authorized unless the application conforms to the standards and criteria listed in Table 5.11-1 below, where indicated by an asterisk (*) in the respective zoning districts set forth in Columns (B), (C) and (D), as follows:

Section 1.01 Table 5.11-1

(A) STANDARDS	ZONING DISTRICT		
	(B) A-1, R1-190 R1-145	(C) R1-108 R1-54 R1-43 R1-35	(D) R1-18 R1-15 R1-12 R1-9 R1-7
Building Design			
Repetitious elevations shall be avoided. The same elevations shall not be utilized across from or adjacent to each other. Repetitive use of standard plans shall be avoided. A minimum of four (4) floor plans, three (3) of which must have two (2) distinct elevations, shall be required for all tract home subdivisions.	--	--	*
Open gable roofs emphasizing the lack of detail should be avoided. The home shall have a pitched roof with a slope of not less than a nominal three (3) feet in height for each twelve (12) feet of width (3:12 pitch). The exception to the roof pitch requirements is for Santa Fe/Pueblo architectural styles. The roof overhang shall not be less than one (1) foot measured from the vertical side of the dwelling unit. When carports, garages, porches or similar structures are attached as an integral part of the dwelling unit, the zoning administrator may waive the eave requirement.	--	--	*
Monotonous, uniform roof forms shall be avoided. Roof forms shall be varied by incorporating different building heights and/or ridgeline orientation.	--	--	*

Section 1.02 Table 5.11-1 (Continued) **(A) STANDARDS**	**ZONING DISTRICT**		
	(B) A-1, R1-190 R1-145	**(C) R1-108 R1-54 R1-43 R1-35**	**(D) R1-18 R1-15 R1-12 R1-9 R1-7**
The front elevation shall feature a pedestrian scaled entry which is clearly visible when standing at the front property line.	--	--	*
Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted or roof mounted, shall be screened and designed to appear as an integral part of the building.	*	*	*
Vehicular access to rear yards with sufficient space to store cars, small boats and recreational vehicles is encouraged. Storage areas shall be completely screened through the use of wood or masonry fence walls, solid gates and landscaping. Vegetation screening shall be required on lots that abut open space or arterial streets where view fencing is required. Town Codes shall supersede Homeowner's Association regulations regarding screening of items over a specific height or on lots which abut open space or arterial streets.	--	--	*
Materials/Details			
The building materials of a project shall be durable and require low maintenance. The use of T1-11 siding (rough sawn plywood siding with vertical grooves at 4" or 8" O.C.) shall be avoided.	*	*	*
A minimum of three (3) exterior paint colors per elevation shall be required to further promote visual interest.	*	*	*
Provide window detailing that replicates traditional construction methods, such as wood trim and sills or recessed windows, rather than false pop-outs or other artificial applications.	--	--	*
Roof material and colors in new subdivision developments, shall provide a minimum of seven (7) distinct color varieties and materials. There shall not be a predominant singular color.	--	--	*

Section 1.03 Table 5.11-1 (Continued) **(A)** **STANDARDS**	**ZONING DISTRICT**		
	(B) **A-1,** **R1-190** **R1-145**	**(C)** **R1-108** **R1-54** **R1-43** **R1-35**	**(D)** **R1-18** **R1-15** **R1-12** **R1-9** **R1-7**
Roof material shall be durable and low maintenance and shall consist of non-reflective material customarily used for conventional dwellings including, but not limited to, the following: a. fiberglass shingles (estate development type only); b. shake shingles (estate development type only); c. asphalt shingles (estate development type only); d. standing seam; or e. clay or concrete tile	*	*	*
The dwelling shall be covered by an exterior material of a color, material, and appearance that is compatible with those of existing single-family dwellings including, but not limited to, the following: a. residential horizontal aluminum lap siding; b. residential horizontal vinyl lap siding; c. brick, stone or masonry siding; d. frame stucco siding; skip trowel preferred; or e. other siding materials which are determined by the zoning administrator to be compatible with the above referenced materials. f. flat or corrugated sheet metal shall not be used for exterior siding material. g. the exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.	--	--	*
Canopies and awnings may be attached to any home and may be enclosed and used for recreation or sun room purposes. When enclosed for living purposes, such shall be considered as part of the home and a permit required, issued by the administrator, before such enclosure can be used for living purposes.	--	--	*
Garages			
The dwelling unit shall have a garage with roofing and siding identical to the primary structure. The Administrator may require an attached garage where such is consistent with the predominant construction of immediately surrounding dwellings.			*

Section 1.04 Table 5.11-1 (Continued) **(A) STANDARDS**	**ZONING DISTRICT**		
	(B) A-1, R1-190 R1-145	**(C) R1-108 R1-54 R1-43 R1-35**	**(D) R1-18 R1-15 R1-12 R1-9 R1-7**
Front loaded garages shall be recessed a minimum of five (5) feet from the front plane of the living area to provide interest and relief from the street.	--	*	*
The width of front loaded garages (from outside of return to outside of return) shall not exceed forty percent (40%) of the width of the front façade of the house.	--	--	*
Provide a minimum of three (3) distinctly different garage door designs as a standard feature for all homes	--	--	*
Reduce the visual dominance of the garage by providing a variety of driveway orientations, including elbow, circular, or angle driveways; side entry garages; or detached garages.	--	--	*
Front Porches/Rear Patios			
At least forty percent (40%) of front elevations shall incorporate a porch, courtyard or combination thereof with a minimum area of 120 square feet, a depth of eight (8) feet and a width equal to or greater than the depth. ***This requirement does not apply to R1-18 Zoning Districts*	--	--	*
Front porches may be allowed to encroach up to twenty-five percent (25%) of the distance of the required front yard setback. For example: a lot in the R1-43 District requires a forty (40) foot front yard setback, twenty-five (25%) of which is ten (10) feet. Therefore the front porch may encroach up to ten (10) feet for that particular lot. Front porches in the R1-6 to R1-12 Districts shall meet the minimum size requirements listed below to qualify for this encroachment.	*	*	*
Single story houses build in the R1-6, R1-7, R1-8, R1-9 and R1-12 Single Family Residential Districts will be allowed a five percent (5%) increase in lot coverage to forty-five percent (45%) where front porches are provided that are a minimum of one hundred and twenty (120) square feet and eight (8) feet in depth.	--	--	*

Section 1.05 Table 5.11-1 (Continued) **(A)** **STANDARDS**	**ZONING DISTRICT**		
	(B) **A-1,** **R1-190** **R1-145**	**(C)** **R1-108** **R1-54** **R1-43** **R1-35**	**(D)** **R1-18** **R1-15** **R1-12** **R1-9** **R1-7**
Single family houses built in the R1-12 Single Family Residential District will be allowed an increase in lot coverage to forty percent (40%) where front porches are provided that are a minimum of one hundred and twenty (120) square feet and eight (8) feet in depth.	**--**	**--**	*****
An all-weather hard surfaced outdoor rear patio area of not less than one hundred and eighty (180) square feet shall be provided for any lot with an area not exceeding 18,000 square feet, conveniently located to the rear entrance of the home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces.	**--**	**--**	*****

B. MANUFACTURED/MODULAR HOMES. Manufactured and modular homes shall conform to the Section 1.06 requirements of Subsection 1 through 5 of this Subsection and to the following standards and criteria:

1. Any manufactured or modular home on an individual lot shall conform to the same building setback standards, side and rear yard requirements, standards for enclosures, access, vehicle parking, and square footage standards and requirements to which a conventional single-family residential dwelling on the same lot would be subject.

2. The dwelling shall be attached to a permanent foundation system in compliance the International Conference of Building Officials "Guidelines for Manufactured Housing Installation," as may be amended, and the following requirements:

3. All wheels, hitches, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the dwelling unit.

4. The foundation shall be excavated and shall have continuous skirting or backfill leaving no uncovered open areas excepting vents and crawl spaces. The foundation shall be exposed no more than twelve (12) inches above grade.

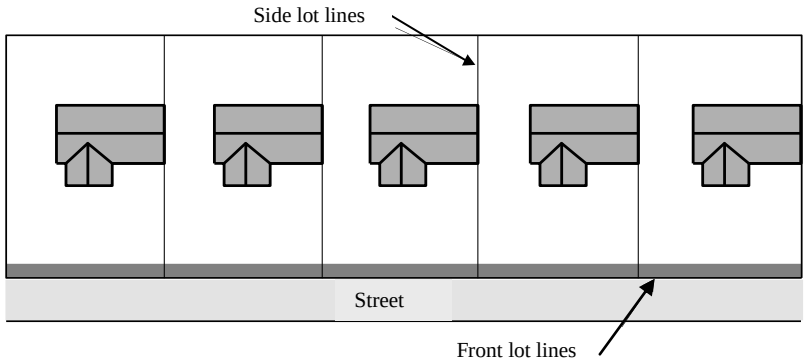
5. All manufactured and modular homes shall be anchored to the ground by means of anchors attached to the frame or with straps extending over the top and completely surrounding the sides and roof, consistent with Uniform Building Code guidelines. Anchor design shall be approved by the Administrator prior to installation and shall comply with all requirements of the State of Arizona. In addition, test data giving certified results of pull tests in soils representative of the area in which the anchors are to be used shall be submitted to the Administrator. Minimum load in direct pull shall be 5,400 pounds. Anchors shall be marked so that after installation, the identification is in plain view for inspection.

   For homes which are narrower than sixteen (16) feet in width, the unit shall be oriented on the lot so that its long axis is parallel to the street.

C. ZERO LOT LINE. In a zero lot line development, houses are shifted to one side of the lot. This provides for greater usable yard space on each lot. These developments require that planning for all of the house locations be done at the same time. Because the exact location of each house is predetermined, greater flexibility in site development standards are possible while assuring that the single-family detached character of a neighborhood is maintained.

1. **APPLICABILITY**. Zero lot line developments may be permitted by right as part of a PAD pursuant to Article 4.

2. **SETBACKS**. The side building setback on one side of the house may be reduced to zero. This reduction shall not apply to the street side setback or to the interior side setback adjacent to lots that are not part of the zero lot line project.



3. **ADDITIONAL STANDARDS**.

a. **DISTANCE BETWEEN HOUSES**. The minimum distance between all buildings in the development shall be equal to twice the required side setback required by the underlying zoning district.

b. **EAVES**. The eaves on the side of a house with a reduced setback may project a maximum of eighteen (18) inches over the adjacent property line. In this case, an easement for the eave projection shall be recorded on the deed for the lot where the projection occurs.

c. **MAINTENANCE EASEMENT**. An easement to allow for maintenance or repair is required when the eaves or side wall of a house are within four (4) feet of the adjacent property line. The easement on the adjacent property shall provide at least five (5) feet of unobstructed space between the furthermost project of the structure and be wide enough to allow five (5) feet between the eaves or side wall and the edge of the easement.

d. **PRIVACY**. If the side wall of the house is on the property line, or within three (3) feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not permitted. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are permitted.

D. **ATTACHED SINGLE-FAMILY**. Attached residential development shall be permitted in accordance with §4.6, **Tables 4.6-1 and 4.6-2**, subject to the following standards.

1. **LOT WIDTH**. Attached housing may be exempt from the lot width standard of the underlying zoning district pursuant to a PAD in Article 4, but is not exempt from minimum lot area requirements.

2. **SETBACKS**. No interior side setback is required on the “attached” side of a lot containing attached house. The front, side, and rear setback standards shall apply around the perimeter of any building which contains attached housing units.

3. **DUPLEX DEVELOPMENT**. In an R-2, 3 and 4 zoning district, a duplex may be developed on a corner lot pursuant to the following standards:

a. Minimum land area per dwelling unit shall be six thousand (6,000) square feet.

b. No more than two (2) garage bays may face either street.

c. The main entry of each unit shall front on a different street.

E. **MULTI-FAMILY DEVELOPMENT.** Within an R-2, 3 and 4 zoning district, but excluding the Town Center, the following standards shall apply to multi-family dwelling units:

1. **SEPARATION OF MULTI-FAMILY BUILDINGS**. Multi-family buildings shall be separated by a minimum of fifteen (15) feet.

2. **PRIVATE OPEN SPACE**.

a. A minimum of four hundred (400) square feet of usable common open space shall be provided for each multi-family dwelling unit to provide for active recreational needs of residents. Usable open space excludes parking areas, required landscape areas, land within a floodway, water bodies, and land with greater than fifteen percent (15%) slope. Open space provided pursuant to this requirement shall be accessible to all residents of the development and shall measure at least thirty (30) feet across its narrowest dimension.

b. The Administrator may waive up to fifty percent (50%) of the open space requirement if the development satisfies one of the following criteria.

(1) All units are located within one thousand (1,000) feet of a public park as measured along a public sidewalk, trail or bikeway; or

(2) The development includes, on-site, a portion of the Town's trail system; or

(3) The development includes active recreation amenities for residents such as pools, tennis courts or playgrounds.

2. Flat or corrugated sheet metal shall not be used for exterior siding material.

3. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

ARTICLE 6
SUPPLEMENTAL USE REGULATIONS

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ARTICLE 6
SUPPLIMENTAL USE REGULATIONS

6.1 ACCESSORY USES AND STRUCTURES.

A. ALL DISTRICTS.

1. Buildings or uses shall not be constructed or established on a lot until construction of the principal building has been substantially commenced or the primary use established. Accessory buildings shall not be used for dwelling purposes, except as provided in subsection B of this Section.

2. Detached accessory buildings shall not be located in the required front yard. Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of the required rear yard and shall not be closer than three (3) feet to any side of the rear lot line.

3. Accessory buildings shall not exceed the height regulations of the zoning district within any part of the buildable lot area, and shall not exceed fifteen (15) feet in height in any required yard.

4. Accessory buildings on through lots shall not be closer to either street than a distance equal to the required front yard of such lot.

5. Accessory buildings that are not a guesthouse as defined by the Queen Creek Zoning Ordinance shall be allowed to install an electrical meter. Any accessory building that is later converted to a guest house shall be required to remove the meter and connect to the electrical service of the main residence and meet all of the terms and conditions stated in Article 6, §6.1.B., Accessory Dwelling Units.

6. Accessory buildings used in conjunction with a home occupation shall be subject to the requirements of the Zoning Ordinance Article 6, Special Use Regulations, §6.8 Home-Based Occupations.

7. Covered structures (i.e. stables) for the purpose of sheltering animals are considered detached accessory buildings and shall conform to standards set forth in §6.2 Animal Regulations of this Zoning Ordinance.

B. DETACHED ACCESSORY DWELLING UNITS.

Detached accessory dwelling units, where permitted pursuant to §4.6 and Appendix C to this Ordinance, shall not be established except in accordance with the following criteria in addition to the criteria set forth in §6.1.A hereto:

1. The detached accessory dwelling unit shall comply with the minimum yard and intensity of use regulations as set forth in §4.7 of this Ordinance.

2. The detached accessory dwelling unit shall not exceed fifty percent (50%) of the square footage of the livable area of the primary structure with a maximum livable area of one thousand one hundred (1,100) square feet.

3. The detached accessory dwelling unit shall be connected to the primary structure's utilities and meter, subject to the exceptions set forth in subsection 4 hereto.

4. The detached accessory dwelling unit shall be connected to the primary structure's central sewer connection, however, a separate septic system may be allowed.

5. Only one (1) accessory unit shall be permitted per lot, unless the lot is at least ten (10) acres, in which case two (2) accessory units may be permitted.

6. Required parking for the detached accessory dwelling unit shall be located on the property of the principal structure in accordance with the standards established in Article 5 of this Ordinance.

7. The detached accessory dwelling unit shall require annual inspection by the Building Official and the Fire Marshall.

8. The detached accessory dwelling unit shall be of the same architectural style as the primary residence, constructed of the same materials as the primary residence.

C. SWIMMING POOLS.

The following standards shall apply where swimming pools are permitted as an accessory use.

1. Private swimming pools along with incidental installations, such as pumps and filters, provided such pool and incidental installations are located in other than the required front yard and completely enclosed form adjoining lots by solid wall or protective fence of not less than five (5) feet in height and provided such pool set back from all lot lines a distance of not less than three (3) feet. Residential structure walls containing an exterior entry door may <u>not</u> be used in meeting the pool enclosure requirement. Any fence/wall used for pool enclosure may not contain any openings that might be used for foothold climbing purposes (e.g. unslatted chain link fence). Every opening in a required pool fence/wall shall be provided with a minimum five (5) foot high self-closing gate, which shall open outwards away from the pool and shall have a self-latching latch or lock in good condition, with the latch/lock placed at least fifty (50) inches above the underlying ground and with the closing device (spring, pneumatic, etc.) at least thirty-six (36) inches above the underlying ground. Any vertical opening or opening at ground level in a pool enclosure fence (e.g. wrought iron) shall be of such size that a spherical object four (4) inches in diameter cannot pass through the openings. Wrought iron or wood barriers or enclosures shall be constructed with at least fifty-four (54) inches between the top surfaces of the horizontal members. All fish ponds and other contained bodies of water, either above or below ground level, with the container being eighteen (18) inches or more in depth and/or wider than eight (8) feet at any point measured in the long axis shall conform to the location and enclosure requirements for swimming pools. Irrigation and storm water features in public parks and golf courses are exempt from the fencing requirements of this provision. It is the responsibility of the property owner to ensure that any pool enclosure fence and its appurtenances (e.g., gates, latching devices, locks, etc.) are maintained in safe and good working order.

2. If the residence or living area constitutes part of the enclosure required by Subsection 1. for a swimming pool or other contained body of water in lieu of the requirements of Subsection 1., there shall be one of the following:

   a. Between the swimming pool or other contained body of water and the residence or living area, a minimum four foot wall, fence or barrier to the pool area which meets all of the requirements of subsection 1.

   b. The pool shall be protected by a motorized safety pool cover which requires the operation of a key switch which meets American society of testing and materials emergency standards 13-89 and which does not require manual operation other than the use of the key switch.

   c. All ground level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device which meets the requirements of subsection b. Emergency escape or rescue windows from sleeping rooms with access to the swimming pool or other contained body of water shall be equipped with a latching device not less then fifty-four (54) inches above the floor. All other openable dwelling unit or guest room windows with similar access shall be equipped with a screwed in place wire mesh screen, or a keyed lock that prevents opening the window more than four inches, or latching device located not less that fifty-four (54) inches above the floor.

   d. The swimming pool shall be an aboveground swimming pool which has nonclimbable exterior sides which are a minimum height of four feet. Any access ladder or steps shall be removable without tools and secured in an inaccessible position with a latching device not less than fifty-four inches above the ground when the pool is not in use.

D. TENNIS COURTS.

Where permitted as an accessory use, private tennis courts may be allowed up to 10 feet from side and/or rear property lines. Tennis court fences or walls shall not exceed twelve (12) feet in height or six (6) feet in height in any required side or rear yard. Any lights for the tennis court shall be consistent with the height provisions for accessory uses in the zoning ordinance and shall be shielded so as to not direct or reflect light on adjoining properties, pursuant to Article 5, Section 5.5 Lighting of the Queen Creek Zoning Ordinance.

E. CONFLICT WITH OTHER REGULATIONS.

If there is a conflict between the accessory dwelling unit standards of this Section and any other requirement of this Ordinance, the standards of this Section shall control. Otherwise, accessory dwelling units are subject to all other applicable requirements of this Ordinance.

6.2 ANIMAL REGULATIONS.

A. PURPOSE AND SCOPE.

The purpose of this §6.2 is to provide rules and regulations for the keeping of agricultural animals, household pets and other animals so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public.

B. AGRICULTURAL ANIMALS.

No agricultural animal/livestock shall be kept, maintained or stabled on any lot less than 35,000 square feet, except for those developments previously approved by the council. On parcels of 35,000 square feet or more, livestock shall be permitted in the A-1and R1-35 and larger Zoning Districts and shall be subject to the following provisions.

1. One animal unit is equivalent to one (1) large livestock animal, five (5) medium livestock animals or ten (10) small livestock animals/fowl as defined in appendix A of this ordinance. The number of animal units permitted is established in Table 6.2 below.

Table 6.2 Permitted Animal Units in Residential Districts

Square Footage of Residential Lot	Number of Animal Units Permitted
35,000 sf to 39,999 sf	2
40,000 sf to 43559 sf	3
43,560 sf and larger*	4
One (1) additional animal unit permitted per 3,000 sf in excess of one acre (43,560 sf).	
Offspring (under the age of 6 months) of animals on-site, do not count towards the number of permitted animal units	
Animals used for educational purposes as stated in §6.2 F do not count towards the number of permitted animal units.	

2. The area used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying. For lots less than one (1) acre in size, no confinement area shall be located in the front yard, and the grazing of livestock shall be limited to the side and rear yards.

3. Fencing shall be required for all agricultural animals and shall consist of a view or partial view type fence, pipe rail or other similar fencing material, or a wall of

sufficient height to restrain the animals(s). Such fence or wall shall be maintained and kept in a sound condition at all times.

4. Where permitted by §4.6 of this Ordinance, private stables for the housing of agricultural animals shall be constructed so as to facilitate maintenance in a clean and sanitary condition. Sheet metal buildings are discouraged.

5. Where permitted, stables used for the keeping of agricultural animals shall be located behind the front face plane of the principal building or structure. Stables shall be set back a minimum of three (3) feet from all other property lines. Stables shall not exceed the height regulations of the zoning district in which they are located. Where allowed to be located within the setbacks, stable height shall not exceed fifteen (15) feet. Any structure 120 square feet or larger is required to obtain a building permit as established in §3.2 Permits Required of this Zoning Ordinance.

6. Corrals, or yards areas used for the keeping of agricultural animals on lots less than one acre shall be located within the rear half of the lot (or side yard) or parcel and shall be enclosed by a view or partial view-type fence, pipe rail or other similar fencing material, or wall of sufficient height to restrain the animal(s). Such fence or wall shall be maintained and kept in a sound condition at all times.

7. Animal wastes shall be stored at least twenty (20) feet from any property line, open space, drainage channel or surface waters and shall not violate the health and sanitation provisions of the Town Code and Maricopa County's Health Code.

C. HOUSEHOLD PETS.

1. a) In all zones, a maximum of six (6) dogs shall be permitted.
   b) In all zones, a maximum of 10 cats shall be allowed to be kept outside of the residence.

2. The requirements of subsection 1, above shall not apply to those small animals kept within a residence including fish, cats, small birds (parakeets, parrots), rodents (mice, rats), and reptiles (non-poisonous snakes, lizards).

3. Dogs confined in kennels shall not be kept closer than twenty feet (20') from the nearest principal residential structure on an adjacent property. Such permission may be revoked at any time. Upon revocation, the owner of the animals(s) shall have thirty (30) days to move the animal(s) so that compliance is achieved. All agreeing parties shall have their signatures notarized.

D. KENNELS.

Facilities for the boarding of all dogs and other household pets shall conform to the following:

1. No shelter or building used for boarding of said animals or the storage of feed and supplies shall be located closer than thirty (30) feet from any property line.

2. A conditional use permit is required for commercial boarding and kennel facilities.

3. Animal wastes shall not be stored any closer than fifty (50) feet from any property line, open space, drainage channel or surface waters.

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4. The area used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying or a suitable restraint shall be provided to prevent straying.

E. ANIMAL HUSBANDRY.

Offspring (less than six (6) months of age) of animals on-site
Is not counted toward the number of permitted animal units.

F. ANIMAL HUSBANDRY FOR EDUCATIONAL PURPOSES.

1. Any agricultural/livestock activity or project conducted primarily for educational purposes (i.e. Future Farmers of America (FFA), 4-H), or school credits, are permitted in the R1-35 and larger zoning districts.

2. Under this provision, animals utilized in projects are not counted toward the number of permitted animal units. Animals may include swine. The following criteria shall be met:

   a) Active membership must be maintained and verification of such may be required upon request.

   b) A sign designating a given member (i.e. 4-Hor FFA) is in residence must be posted on the property at all times any such project or activity is in progress.

6.3 BED AND BREAKFAST.

All breakfast uses shall be subject to the following standards:

A. Structures shall not be altered in a way that changes its general residential appearance.

B. A minimum of one (1) parking space shall be provided for each guest bedroom and two (2) spaces for the owner's portion of the dwelling. Additional parking shall be required if reception or party space is available. If four (4) or more off-street parking spaces are provided, visual screening from adjacent residential used shall be required.

C. One sign shall be permitted, with a size limit of NINE (9) square feet on roads with a speed limit of 45 miles per house or less. Internally illuminated signs are not permitted. Externally illuminated signs shall meet the standards of §6.15 of this Ordinance.

D. No receptions, private parties, or similar activities shall be permitted unless expressly approved as part of Conditional Use Permit or Site Plan application.

E. No long-term rental of rooms shall be permitted. The maximum length of stay shall be thirty (30) days.

F. All guest rooms shall be located within the principal structure.

G. Other than registered guests, no meals shall be served to the general public unless expressly approved as part of the Conditional Use or Site Plan application. No cooking facilities shall be permitted in the guest rooms.

6.4 CAMPGROUNDS.

Public Recreational Campgrounds shall meet all of the following standards:

A. Campgrounds shall not be used as permanent residences except for the owner or manager and permanent maintenance personnel.

B. Towed vehicles within the campground shall not exceed eight feet (8') in width.

C. No person shall stay in any campground more than ninety (90) days per calendar year.

D. Separate camping areas shall be maintained for independent units, dependent units, and tents.

E. Camping sites shall be a minimum of one thousand two hundred fifty (1,250) square feet per camp ground space.

F. Each campground shall provide a recreational area consisting of one hundred (100) square feet per campground space.

G. Campsites shall be spaced so that there is at least ten feet (10') between sites; eight (8) feet from the interior roadways; fifty feet (50') from exterior roadways; and fifteen (15) feet from property lines.

H. Parking spaces and interior roadways shall be paved or treated to reduce dust.

I. Sewage facilities shall be connected to a public sewer collection and treatment system or alternative approved by the Maricopa County Environmental Services Department.

J. If provided, electric and gas services shall meet all state and local electric and gas regulations. All utilities shall be underground.

K. At least one public telephone shall be provided.

L. Walkways within the campground areas shall be at least four feet (4') wide with an all weather surface.

M. Streets and walks shall be lighted every four hundred feet (400'), conforming to the overall design of the campground.

N. At least one (1) service building with a restroom shall be provided for every twenty (20) spaces.

O. All areas within the campground must have an acceptable form of ground cover to prevent erosion and blowing dust.

P. One tree of species suitable for the area shall be provided for each two camping spaces, and shall be located in close proximity to those spaces.

Q. All trash collection shall be screened, and protective fencing shall be provided around hazardous areas.

R. Adjoining residential areas shall be screened by a minimum Class "C" buffer yard as described in §5.5 of this Ordinance.

S. At least one clothes washing machine shall be provided for the first ten (10) spaces, plus one machine per each additional fifteen (15) spaces. One clothes dryer shall be provided per each twenty (20) spaces. These requirements may be waived by the Administrator if adequate facilities exist in the surrounding area.

T. Each campground shall be provided at least one full-time attendant. A permanent record of registrations shall be maintained.

6.5 CLUSTER DEVELOPMENTS.

A. PURPOSE.

To preserve environmentally-sensitive areas, open space and agricultural lands, clustered development patterns shall be permitted according to the provisions of this section.

B. CLUSTERING PERMITTED.

In any single family subdivision in any Residential Zoning District where clustering is permitted, by a developer may create lots that are smaller and arranged differently than those required by these regulations if the developer complies with the provisions of this section.

C. APPLICATION FOR CLUSTER DEVELOPMENT.

Applicants seeking approval of a cluster development shall proceed according to the requirements for subdivision approval but shall label all submissions "Cluster Subdivision Applicant" and shall comply with the provisions of this section.

D. PROJECT DENSITY.

The maximum allowable residential density for cluster development varies by zoning district but shall not exceed the maximum density permitted as of right, except pursuant to Section 5.2.H of this Ordinance.

E. OPEN SPACE STANDARDS.

1. **MINIMUM PERCENTAGE.** All cluster developments shall have a minimum twenty-five percent (25%) of the gross land area preserved as open space as provided in §5.6.B of this Ordinance.

2. **LOCATION.** Where possible, open spaces to be dedicated for public use shall be located to provide access to or provide protection of adjacent public lands.

3. **OWNERSHIP AND MAINTENANCE OF OPEN SPACE.**

   a. The applicant for cluster developments may: (a) offer to dedicate land to the public, (b) convey open space to be held in common by subsequent owners of lots and parcels in the development, or (c) where agricultural land is to be preserved, create and agricultural easement over that portion or the property to be protected. Town approval of the form of the easement, dedication or conveyance is required along with application processing.

   b. Open space which is to be held in common shall be owned and maintained by an organization established by the applicant/developer and approved by the Town. The applicant shall submit covenants and restrictions regarding permanent maintenance of the open space, including provisions addressing:

      (1) Maintenance duties of the organization;
      (2) The manner in which lot owners will be assessed by the organization;
      (3) Conditions of default; and
      (4) The manner of enforcement by the Town.

4. **OPEN SPACE ALLOCATION.** Open space shall be provided for each phase of a development. If common open space will not be provided proportionally by phase, the developer shall execute a reservation of common open space by grant of an easement or covenant in favor of the Town of dedicate all or a portion of such reserved area to common open space in the event that the development is not completed.

5. **OPEN SPACE DESIGN AND IMPROVEMENTS.**

   a. Open space areas in cluster developments shall be linked to existing and planned public open space areas wherever possible. See §5.6.

   b. Improvements may include the following:

      (1) Paved pedestrian paths, located in buffer yards or pedestrian tracts;
      (2) Paved bikeways, designed in accordance with the Town standards;
      (3) Trails for equestrians, paved with soft materials such as wood chips;
      (4) Other improvements as required by the Town.

F. PROJECT LANDSCAPING AND COMPATIBILITY REQUIREMENTS.

1. **BUFFERS.** The perimeter of a cluster development shall be buffered from adjacent property pursuant to §5.5.B of this Ordinance. If the cluster development has the same zoning as the adjacent lot, a type B butter yard, as set fourth in **Figure 5.5-2** of this Ordinance, shall be required.

2. **DESIGN AND INSTALLATION.**

   a. A project landscape, open space and screening plan shall be prepared by a registered Arizona landscape architect.

   b. The developer shall be required to establish a permanent ground cover in the landscape area to stabilize the soil to prevent erosion.

   c. Berms or screening walls shall be approved by the Town and completed prior to the issuance of a building permit.

   d. Material colors for screen walls shall be limited to Earth Tone colors. The color shall be uniform for the entire length of the wall.

   e. All landscaping plants shall be living and in sound, healthy, vigorous growing condition.

G. PHASING.

An applicant may propose that a cluster development project be developed in phases, or the Town may require the applicant to divide the project into phases in order to meet requirements and standards contained in these regulations. Each phase shall contain a mix of residential uses and densities and open space so as to make the phase self sufficient, meeting the requirements, standards and the conditions applicable to the project as a whole. Each phase of the project shall be supported by adequate facilities and services.

H. CLUSTERED DEVELOPMENT.

1. **OPEN SPACE AREAS.** Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as determined by the Town Council by any of the following mechanisms or combinations thereof:

   a. Dedication of open space to the Town, an appropriate public agency, or a non-Profit entity if there is a public of non-Profit agency willing to accept the dedication and financially capable of maintaining such open space. The Town may delay the acceptance of the dedication of open space unless such dedication is part of a linked open space or trails system included in the *Queen Creek Open Space and Trails Plan.*

   b. Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event that any private owner or open space fails to maintain same according to the standards of this ordinance, the Town may, following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space and shall constitute a lien upon the property and buildable lots of the subdivision or development site.

   c. Payments of a fee in lieu of dedication of open space.

2. **OPEN SPACE ALLOCATION.** An allocation of open space shall be made for each phase of a development in accordance with the minimum open space requirement established in the zone district or pursuant to condition placed on the applicant's zoning plan and/or subdivision plat approval. If common open space will not be provided proportionally by phase, the developer shall execute a reservation of common open space by grant of an easement or covenant in favor of the town authorizing the Town to dedicate all or a portion of such reserved area to common open space in the event that the development is not completed.

3. **OPEN SPACE DESIGN AND IMPROVEMENTS.**

   a. Open space systems shall be designed in accordance with the latest edition of *Park, Recreation, Open Space, and Greenway Guidelines* (a publication of the National Recreation and Park Association), a copy of which is on file with the Queen Creek Planning Department.

   b. Open space area in cluster development shall be linked to existing and planned public open space areas to provide an overall space system wherever possible.

   c. Open areas shall be arranged to maximize access and use by residents of the cluster development.

   d. Where open spaces improvements are provided, a safe, secure and barrier-free system of trails, paths and walkways shall be designed.

Walkways shall link residences with recreation areas, schools, commercial areas and public facilities.

e. Improvements may include the following:

(1) Paved bikeways with two (2) inches of asphalt concourse over four (4) inches of aggregate base concourse, designed in accordance with the Town of Queen Creek Open Space with Trails Plan;

(2) Trails for equestrians, paved with soft materials such as wood chips or gravel; and

(3) Other improvements as established by the Town.

4. **PROJECT LANDSCAPING AND COMPATIBILITY REQUIREMENTS.**

a. Cluster developments shall comply with the design requirements of these regulations.

b. The perimeter of a Cluster development shall be buffered from adjacent property that is not included in the project using one or a combination of the following methods:

(1) Buffer yards and transition areas as specified in Article VI of the Queen Creek Subdivision Ordinance;

(2) Berm; or

(3) View fencing as defined by Article VI of the Queen Creek Subdivision Ordinance.

c. Final project landscape plan shall be prepared by an Arizona Registered Landscape Architect.

d. Design and installation.

(1) The project landscape plan shall be prepared by an Arizona Registered Landscape Architect.

(2) The developer shall be required to establish a permanent ground cover in the landscape area to stabilize the soil prevent erosion.

(3) Berms or screening wall shall be approved by the Town and completed prior to the issuance of a building permit.

(4) Permanent automatic irrigation system shall be installed by the developer in the landscaping area. This requirement may be modified in natural wash areas as determined by the Town.

(5) Material colors for screening walls shall be limited to earth tone colors. The colors shall be uniform for the entire length of the wall.

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(6) All landscaping plants shall be living and in sound, healthy vigorous growing condition.

5. **GENERAL PROJECT DEVELOPMENT STANDARDS.**

a. Each dwelling unit shall have a minimum private area open space of four hundred square feet (400').

b. Each dwelling unit shall meet minimum parking shall dimensions for individual driveways, pursuant to the standards of the parking section of the Zoning Ordinance. If common parking areas are to be provided, then these areas shall be delineated and garages provided for these areas.

c. Each lot shall be designed to accommodate the location of a 9- gallon refuse container. Each lot shall be designed to allow for the container to be located in the rear or side yards, and screened by landscaping or fencing public view.

6.6 FARMING-RELATED BUSINESSES

No application for development approval related to a farm-related business shall be issued , approved or authorized except in accordance with the following standards and criteria:

A. Not more than two (2) areas of land and four-thousand (4,000) square feet of floor area shall be devoted to such use including areas used for structures, parking, storage, display, setbacks, and landscaping.

B. No outdoor storage area shall be permitted except as a conditional use. No outdoor storage area shall be located closer than six (6) feet to the rear property line or closer than twenty (20) feet to the side property line. All storage shall be screened from adjoining roads and existing residence except for dwellings located on the same parcel as the farm related business. Such screening shall be consistent with a Type "A" buffer as delineated in **Figure 5.5-3** of this Ordinance.

C. The area containing the farm related business shall be partitioned and clearly separated and delineated from any adjoining area.

D. Not more then five (5) persons, other then the owners of the farm related businesses or partners of said owners pursuant to a written partnership agreement or residents of the property housing the farm related business shall be employed in the farm related business.

6.7 GROUP HOMES.

Group Care Homes include: Assisted Living homes for the elderly and the handicapped, adult foster care homes, and group homes for the developmentally disabled.

1. Group Care homes for the handicapped are permitted in all residential zoning districts and all commercial zones and other zones specified in this Ordinance. The Community Development Department shall review all applications submitted pursuant to this section. No zoning clearance for a group care home shall be issued unless the proposal meets all of the following criteria:

    a. No more than six (6) residents are permitted per home. This limitation does not include the operator of the facility, members of the operator's family or staff persons, except that the number of all persons living in the residential facility shall not exceed eight (8).

    b. No signs, graphics, displays, or other visual means of identifying the group care home shall be visible from a public street.

    c. Large and/or multiple trash receptacles not usually found in the residential area shall be blocked from public view.

    d. No outside fire escapes and stairways leading to second-floor bedroom windows shall be permitted on the building.

    e. The proposal shall comply with all applicable building and fire safety regulations. If any group care home has one or more non-ambulatory residents, or more than five residents receiving care, additional building code requirements apply.

    f. A separation between such homes of no less than one-thousand, two hundred (1,200) feet in all zoning districts is required. For the purposes of this subsection, all separation distances shall be measured from the property lines of the residential facility including any rights-of-way.

    g. Copies of all materials including licenses, certifications, or registrations required for the group care home by a county, state or federal agency shall be submitted to the Town.

    h. All group care homes included in this section shall be subject to an annual inspection by the Town of Queen Creek to ensure compliance with the above criteria.

    i. The decision of the Community Development Department or designee shall be final; provided, however, that such decisions shall be appealable to the Town of Queen Creek Board of Adjustment.

2. Notwithstanding the forgoing, if the State has adopted laws or rules for the regulation of a specific type of home, such as a group home for the developmentally disabled, pursuant to A.R.S. §36-582, or an adult care home, pursuant to A.R.S. §36-448.09, then any such state law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.

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6.8 HOME-BASED OCCUPATIONS.

A. PURPOSE

1. A home based occupation is permitted as an accessory use in all residential districts, as shown in **Figure 6.8-1**. The purpose of the home based occupation regulations and performance standards are:

   a. To establish criteria for operation of home based occupation in dwelling units within residential districts;

   b. To ensure that such home based occupations are compatible with, and do not have a deleterious effect on nearby residential properties and uses;

   c. To allow residents to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, and criteria;

   d. To enable the fair and consistent enforcement of home based occupations; and

   e. To promote and protect the public health, safety and general welfare.

B. PERFORMANCE STANDARDS.

TABLE 6.8-1

HOME BASED OCCUPATION PERFORMANCE STANDARDS BY ZONING DISTRICT
Y=Required N/A=Not Applicable

PERFORMANCE STANDARDS	R1-190/ R1-145/ R1-108/ R1-54	R1-43	R1-35	R1-18/ R1-15	R1-12/R1-9/ R1-8/R1-7/ R1-6/R1-5/R1-4/ R-2/R-3/R-4
1. Obtain permits and conforms to applicable town ordinances and regulations	Y	Y	Y	Y	Y
2. Home shall continue to be used and maintained as a residence and maintain a residential character and appearance.	Y	Y	Y	Y	Y
3. Not more than twenty five percent (25%) of the gross floor area of the primary structure to be used for the home based occupation.	Y	Y	Y	Y	Y

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PERFORMANCE STANDARDS	R1-190/ R1-145/ R1-108/ R1-54	R1-43	R1-35	R1-18/ R1-15	R1-12/R1-9/ R1-8/R1-7/ R1-6/R1-5/R1-4/ R-2/R-3/R-4
4. No exterior indication of a non-residential use, other than one non-illuminated sign not exceeding three (3) square feet attached to the building or placed in a window.	Y	Y	Y	Y	Y
5. Full-time home resident is the business operator	Y	Y	Y	Y	Y
6. No employees other than those residing in the home.	N/A	N/A	N/A	Y	Y
7. No more than one (1) non-resident employee.	Y	Y	Y	N/A	N/A
8. The home not to be used as a location for the assembly of employees for instruction or dispatch to other locations.	Y	Y	Y	Y	Y
9. Five (5) or fewer clients per day. Customer hours between 8:00 a.m. And 6:00 p.m.	Y	Y	Y	Y	Y
10. Music, art, sports, or similar lessons: Five (5) or fewer clients per day	Y	Y	Y	Y	Y
11. Home day care: Six (6) or fewer clients per day Twelve (12) or fewer clients per day	N/A Y	N/A Y	Y N/A	Y N/A	Y N/A
12. No dust, odors, noise, vibration or electrical interference shall be created.	Y	Y	Y	Y	Y

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PERFORMANCE STANDARDS	R1-190/ R1-145/ R1-108/ R1-54	R1-43	R1-35	R1-18/ R1-15	R1-12/R1-9/ R1-8/R1-7/ R1-6/R1-5/R1-4/ R-2/R-3/R-4
13. Storage of all products and use of all equipment, and materials shall be done within an enclosed building.	Y	Y	Y	Y	Y
14. No hazardous equipment or hazardous or toxic chemicals or materials shall be kept at the property.	Y	Y	Y	Y	Y
15. Parking shall be provided only on the driveway or in the garage/carport. On-street parking is not permitted.	Y	Y	Y	Y	Y
16. No truck or van with a payload rating of more than one half (1/2) ton shall be parked on the site.	N/A	N/A	Y	Y	Y
17. Deliveries and pickups shall not block traffic and shall occur within the hours of 8:00 a.m. And 8:00 p.m. Monday-saturday.	Y	Y	Y	Y	Y
18. Demonstrate that public facilities and utilities are adequate to safely accommodate equipment used for home occupation.	Y	Y	Y	Y	Y
19. Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials.	Y	Y	Y	Y	Y
20. Parking shall be provided only in driveway and shall not create hazards or street congestion.	Y	Y	Y	Y	Y

PERFORMANCE STANDARDS	R1-190/ R1-145/ R1-108/ R1-54	R1-43	R1-35	R1-18/ R1-15	R1-12/R1-9/ R1-8/R1-7/ R1-6/R1-5/R1-4/ R-2/R-3/R-4
21. Outside storage of heavy equipment or material shall be prohibited.	Y	Y	Y	Y	Y
22. No truck or van with a payload rating of more than one (1) ton shall be parked on the site.	N/A	Y	Y	Y	Y
23. Mechanized equipment shall be used only in a completely enclosed building.	N/A	Y	Y	Y	Y
24. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.	Y	Y	Y	Y	Y
25. Deliveries and pickups shall be those normally associated with residential services and shall: A. Not block traffic circulation; B. Occur only between 8:00 a.m. And 8:00 p.m. Monday-Saturday.	Y	Y	Y	Y	Y

Y=Required N/A=Not Applicable

6.9 HEAVY EQUIPMENT AND INDUSTRIAL STORAGE LOT.

No conditional use permit or building permit shall be issued for a junkyards/salvage yard and heavy equipment or industrial storage lot unless all of the following standards and criteria are satisfied:

A. Junkyards/salvage yards shall be screened from all surrounding uses and all roadways or be in a totally enclosed building with a wall or fence not less than eight feet (8') in height in addition to the provision of a Type E buffer yard (as described in 5.5-2 of this Ordinance) adjacent to any street right-of-way or non-industrial zoning district.

B. The wall or fence of the outdoor storage lot shall be of solid, one hundred percent (100%) opaque construction of wood, masonry or other similar material approved in writing by the Administrator.

C. All sides of the heavy equipment or industrial storage lot shall be screened from the view of all surrounding land uses and all streets and rights-of-way.

D. All outdoor yards or storage lots shall comply with the following:

1. No yard or storage lot shall be placed or maintained within a required yard setback.

2. Stored items shall not project above the screening.

3. All screening shall be installed in a professional and workmanlike manner, and maintained in good condition.

E. Unusable items shall be disposed of and not be allowed to collect on the premises.

F. All tires not mounted on a vehicle shall be neatly stacked or placed in racks. If stacked, the stacks shall not be stacked over six (6) feet in height. No garbage or putrescent waste, likely to attract vermin, shall be kept on the premises. Gasoline, oil, or other hazardous materials, which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state, and local regulations. All other regulations of the Town such as, but not limited to, building codes, fire codes, weed regulations, and health regulations shall apply to the operation of all such uses.

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6.10 IN-VEHICLE SERVICE FACILITIES.

A. DESCRIPTION.

In-vehicle sales and service land uses include all land use which perform sales and/or services in vehicles, or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibits their highest levels concurrent peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use or (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall considered accessory.

B. PERFORMANCE STANDARDS.

All in-vehicle services facilities are subject to a conditional use permit review procedure.

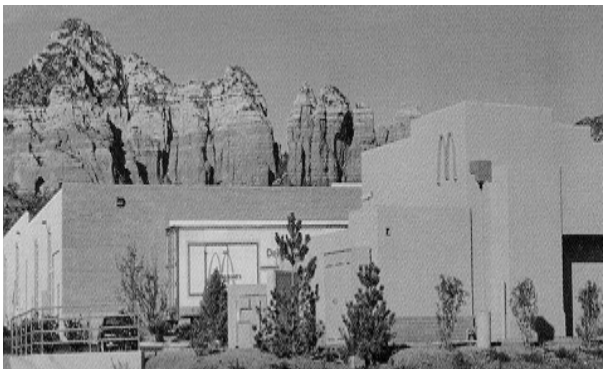
1. Establishments providing in-vehicle facilities may be permitted in the C-2 and Town Center districts only.

2. Pedestrian walkways should not intersect the drive-through drive aisles, but where that do, they shall have clear visibility, and they must be emphasized by enriched paving, such as products to similar to boomanite, stone, etc.)

3. Drive-through aisles shall have a minimum twelve foot (12') width on curves and a minimum eleven foot (11') width on straight sections.

4. All service areas, rest rooms, and ground mounted and roof mounted mechanical equipment shall be screened from view.

5. Architectural design of the building(s) shall be representative of Santa Fe/Pueblo, Spanish Colonial/mission or Georgian/Georgian Revival architectural styles. Architectural interpretation is encouraged.



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6. Landscaping shall screen drive-through or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact or readerboard signs and directional signs.

7. The building shall be the main element of the overall site plan and parking shall be oriented on the side or rear of the site.

8. Menu boards shall be a maximum of twenty-four (24) square feet, with a maximum height of five (5) feet, and shall not be placed adjacent to the public street.

9. Drive-through uses within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-through use must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create a variety and interest in its basic form and silhouette.

Articulation of structure surface shall be encouraged through the use of opening and recesses, which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment and landscaping plaza.

10. No drive-through aisles shall exit directly onto a public right-of-way.

C. INTERNAL CIRCULATION REQUIREMENTS.

1. A traffic study shall be submitted to the Town along with the required application packet. The traffic study shall address the following issues:

   a. Nature of product or service being provided;
   b. Method by which the order is being processed;
   c. Time required to serve a typical customer;
   d. Arrival rate of customers;
   e. Peak demand hour;
   f. Anticipated vehicular stacking required; and
   g. Location of the storage of loading area with respect to parking spaces of circulation aisles.

2. Traffic study shall include a scaled drawing delineating all parking spaces, circulation facilities, driveways and nearest public street.

3. Each drive-through lane shall be designed to prevent circulation congestion, both on-site and on adjacent public and private streets and access ways.

4. The stacking lanes for drive-thru facilities should not cross or pass through off-street parking areas nor cross or be crossed by pedestrian access ways.

D. ELEVATIONS.

Elevations for all sides shall be submitted along with the application packet.

E. REFUSE DISPOSAL AREAS.

Refuse disposal areas shall be located to the rear of the site and screened with a decorative masonry wall and gate matching the main building architecture.

F. SPEAKER BOXES AND OTHER NOISE RELATED IMPACTS.

Speaker boxes designed to communicate from drive-through or pump islands shall not be audible on any residential property adjacent to the business. Failure to contain the sound shall warrant the speaker boxes immediate removal upon proof or two (2) or more complaints within a twelve-month period of violations of the Town's noise/nuisance ordinances. When abutting residential zone or use, all drive-through facilities with noise generating equipment must document in advance that the facility will meet off-site impact noise standards. Noise generating equipment includes items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.

6.11 MASSAGE ESTABLISHMENTS.

A. PURPOSE.

The Town Council hereby finds and determines that massage parlors can, if not regulated properly, serve as covers for lewd or illegal conduct which can produce secondary impacts on surrounding neighborhoods, crimes such as prostitution and money laundering, and a reduction un property values. The town Council further finds that massage establishments which are properly regulated can operate in a manner compatible with surrounding issues. The standards established herein are designed to ensure that:

1. The massage establishment is operated for the legitimate purpose of massage therapy and not as a front for prostitution, money laundering, or other crimes.

2. The massage establishment does not become a *de facto* sexually oriented business without the proper licensing,

3. The massage establishment is clean and sanitary, and accordingly, does not become a blighting influence on the neighborhood.

4. The areas in which massage activities occur are adequately lighted and open so as to permit inspection for compliance with the provisions of this Ordinance.

B. LOCATION.

A massage establishment may be located in any zoning district where permitted as a primary use, and as an accessory use to any medical or chiropractic office, athlete club, health club, school gymnasium, reducing salon, spa, or hotel, subject to the following reasons:

1. Where permitted as a primary use, no massage establishment shall be located within:

   a. Five-hundred (500) feet of a public or private school, park, playground, civic center, cultural, site, or church site; or

   b. Within five-hundred (500) feet of another massage establishment.

2. Where permitted as an accessory use, the area if the massage establishment shall not exceed the lesser of:

   a. Twenty-five percent (25%) of the floor area of the primary use; or

   b. Four-hundred (400) square feet.

C. OWNER/OPERATOR AND MINIMUM TRAINING.

No application for development approval shall be accepted to establish a massage establishment unless evidence is provided that the owner, operator, responsible managing employee, manager, or licensee in charge of or in control of any massage establishment, and any masseuse or masseur employed therein, has passed the National Certification Exam and has completed not less than five-hundred (500) hours of training by a school approved by the American Massage Therapy Association ("AMTA") Commission on Accreditation and Training. No massage shall be administered by any person who is not certified as a full member, in good standing, of AMTA. Proof of such

membership shall be provided to the Administrator and the City Clerk prior to issuance of a certification of zoning compliance.

D. NUDE MASSAGING PROHIBITED.

1. No massage establishment shall be established or conducted as part of a sexually-oriented business.

2. No owner, operator, responsible managing employee, manager, or licensee in charge of or in control of any control of any massage establishment shall permit any person in any area within the massage establishment shall permit and person in any areas within the massage establishment which is used in common by the patrons or which is used in common by the patrons or which can be viewed by patrons or which can be viewed by patrons from such an area (excluding bathrooms, dressing rooms, or any room utilized for dressing purposes), unless the person's specified anatomical areas are fully covered. In addition, no owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any person to be in any room with another person unless all persons' specified anatomical areas are fully covered.

3. No owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any masseur, masseuse, or employee to be on the premises of a massage establishment during it hours of operation while performing, or available to perform any task or service associated with the operation of a massage business, and no masseur/masseuse or employee shall be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or services associated with the operation of a massage business, unless the masseur/masseuse or employee is "fully covered". For purpose of this subsection, "fully covered" means the state of dress in which the covering shall be of an opaque material and shall be maintained in clean and sanitary condition, and which extends from a point no to exceed four (4) inches above the center of the knee cap to the base of the neck.

4. No masseur/masseuse or employee, while performing any task or service associated with the massage business, shall be present in any room with another person unless the person's specified anatomical areas are fully covered.

E. MASSAGE ROOMS.

1. Rooms in which massage is to be practiced to administered shall have at least fifty (50) square feet of clear floor area and shall maintain a light level of not less than forty (40) foot-candles as measured three (3) feet above the floor. Such rooms shall be equipped with cabinets for the storage of clean linen and chemicals and approved receptacles for the storage of soiled linen. Such rooms shall contain a door incapable of being locked from the exterior or interior. Such door shall contain a transparent window pane no less then twelve (12) inches wide and twelve (12) inches long, such that an obstructed view of the room is provided from a hallway or other less common access area, which is immediately adjacent to the room.

2. Separate bathing, dressing, locker, toilet, and massage room facilities shall be provided for female and male patrons, so that female and male patrons can be served simultaneously without viewing one another while bathing, dressing, washing, or receiving a massage, if both sexes are permitted by the establishment.

3. All walls, ceilings, floors, pools, showers, bathtubs, steam room, hand basins, and all other physical facilities for the massage establishment must be in good repair and maintained in a sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, bathtubs, hand basins, and toilet rooms shall be thoroughly cleaned and disinfected at least once each day the business is in operation. For purpose of this subsection, "sanitary" means free from vegetative cells of pathogenic microorganisms.

F. HOURS OF OPERATION.

No massage establishment shall open earlier than 8:00 a.m. or remain open later than 10:30 p.m.

6.12 MINI-WAREHOUSE.

A. PURPOSE.

This section sets standards for the establishment and maintenance of safe and attractive mini-warehouse developments that will remain a long-term asset to the community.

B. FENCING AND SCREENING.

1. A barrier shall be provided around the perimeter of any mini-warehouse development and inside the landscape buffer required by the Subsection B of this Section. Said barrier shall be located at the setback line and shall be in conformance with applicable provisions of §5.4 of this Ordinance.

2. The barrier shall be a minimum of six feet (6) in height.

3. Signs or other advertising mediums shall not be placed upon, attached to, or painted on said barrier.

C. LANDSCAPING.

A type B buffer yard shall be provided within the setback areas consistent with §5.5.B of this Ordinance and shall provide appropriate visual screening and/or buffering for adjacent properties. All areas on the site not covered by pavement or structures shall be brought to finished grade and planted with turf or other appropriate ground cover(s) and with deciduous and/or coniferous plant materials. All plantings shall be maintained in sound condition by the property owner.

D. ON-SITE MANAGER REQUIRED.

No facility herein provided for shall be used or maintained unless and until an on-site manager shall be provided for such facility.

E. COMMERCIAL ACTIVITY PROHIBITED.

It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units, or to permit same to occur upon any area designated as storage warehouse.

F. REPAIR OF AUTOS, BOATS, MOTORS, AND FURNITURE PROHIBITED.

Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within any structure on a tract of land designed as a mini-warehouse. All mini-warehouse rental contracts shall include clauses prohibiting, (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for the purposes other dead storage.

G. STORAGE ONLY.

No business activity other than rental of storage units shall be conducted on the premises. No outside storage shall be permitted except the storage of vehicles within approved areas designed for such storage.

H. ACCESSIBILITY.

Vehicular ingress-egress shall provide for safe access by customers and emergency vehicles.

I. FIRE PROTECTION.

Fire hydrants shall be provided to meet adopted Town codes and Fire Department requirements.

J. OFF-STREET PARKING AND DRIVEWAY STANDARDS.

1. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six 26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.

2. Two covered parking spaces shall be provided adjacent to the manager's quarters.

3. One parking space for every two hundred (200) storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two (2) such spaces shall be provided.

4. Required parking spaces shall not be rented as, or used for vehicular storage. However, additional parking area may be provided for recreation vehicle storage, provided that it is screened with a Class B Buffer yard in conformance with **Figure 5.5-2** of this Ordinance.

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6.13 OUTDOOR SALES.

A. PURPOSE.

This section establishes standards for the operation of the flea markets in a manner that projects adjacent property values and street functions.

B. PERFORMANCE STANDARDS.

All outdoor sales and flea markets shall meet the following standards:

1. No booths, stalls, or other display areas shall be placed or maintained within any required setback area.

2. Off-street parking shall be provided at one and one-half spaces (1-1/2) per booth or stall designated parking area meeting the standard of §5.7 of this Ordinance.

3. Parking areas shall only be accessible by driveways meeting the standards established in §5.2A.8 of this Ordinance.

4. Sanitary facilities shall be provided on site.

5. All items for sale shall be stores indoors (or within an approved screened storage area) or removed from the site at the close of each business day. Flea markets shall not be open for business in excess of eight (8) hours per day.

6. No storage of items other than those available for retail sale may be stored on the premises unless confined within an approved screened storage area.

7. Flea markets shall not derive access from a collector or local street which serves a residential district located within twelve-hundred (1,200) feet of the of the property on which the flea market is located.

6.14 PUBLIC AND QUASI-PUBLIC USES.

A. APPLICABILITY.

The standards set fourth in this Section shall apply to the following uses listed as an "Institutional & Civic" use in **Tables 4.6-1** and **4.6-2** (excluding Home-Based Day Care or Limited Day Care) of this Ordinance.

1. Community Services, including Community Activity Buildings and All other Community Services;

2. Detention Facilities, including Jails, Honor Camps, Reformatories, Law Enforcement Rehabilitation Center;

3. Safety Services;

4. Schools; and

5. Utility services buildings and Utility Treatment, Production or Services Facilities.

B. WALLS.

1. Walls which face a public street shall be stuccoed, have mortar wash finish or otherwise be designed to match the primary building on the site, Such walls shall be a minimum of three (3) feet in height.

2. When located within shopping centers or large commercial projects, which are adjacent to residential uses, a Class "A2" buffer shall be provided (see §5.3).

C. MECHANICAL EQUIPMENT.

Mechanical equipment, whether ground level or roof-mounted, shall be screened from public view and designed to appear as an integral part of the building. Electrical meter and service components shall be screened from public view and painted to match the exterior color of the building.

D. NOISE.

Noise from loudspeakers or paging systems shall not audible from adjacent properties. Where abutting a residential district, sirens on vehicles shall not be activated until emergency vehicles reach the nearest arterial street.

6.15 SEXUALLY ORIENTED BUSINESSES.

A. PURPOSE AND FINDINGS.

1. The Town Council finds that this Ordinance in order to protect the Town for the potential secondary effects adults business including crime, the protection of the Town's retail trade, the prevention of the blighting of neighborhoods and the maintenance of property values, protecting and preserving the quality of the Town's quality of life, the increased threat of the spread of sexually transmitted diseases, and the protections of the peace, welfare and privacy of persons who patronize adult businesses. Experience in this Town, as well as in cities and counties within and outside of Arizona including the County of Los Angeles, the City of Garden Grove and the cities of Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix, Arizona have demonstrated that such uses have objectionable secondary effects upon immediately adjacent residential and commercial areas. The Town recognizes and relies upon the experience of these other cities and counties in adopting adult businesses regulations including the County of Los Angeles (as discussed in *Smith v. County of Los Angeles* 211 Cal.App.3d 188 (1989)); City of Renton, Washington (as discussed in *City of Renton v. Playtime Theaters, Inc.*475 U.S 41 (1976)); The City of Seattle, Washington (as discussed in *Northern Cinema v. City of Seattle* 90 Wash 90.2d 709, 585 P.2d 1153 (1978)); and the County of Palm Beach, Florida (as discussed in *Movie & Video World v. Board of County Commissioners* 723 F.Supp. 695 (S.D. Fla.1989)) in support of this Ordinance. The Town also recognizes and relies upon the studies done by: (1) the 1979 Adult Use Study by the Phoenix Planning Department; (2) Tucson, Arizona (1990); (3) the 1991 report to the City of Garden Groves by Drs. McCleary and Meeker on the relationship between crime and adult business operations; (4) the City of Los Angeles in 1977; (5) the 1984 "Analysis of Adult Entertainment Business in Indianapolis" by the Department of Metropolitan Development; (6) Minneapolis, Minnesota (1980); (7) Cleveland, Ohio (1977); (8) Oklahoma City, Oklahoma (1986); (9) Austin, Texas' study of effects of adult businesses; (10) Amarillo, Texas (1977); (11) Beaumont, Texas (1982); (12) Houston, Texas (1983); and (13) Seattle, Washington (1989).

2. Prior to the Adoption of this Ordinance the Town Council reviewed the detailed studies prepared by other jurisdictions regarding the social and economic effects on a persons and properties surrounding established adult used facilities. Copies of these studies are available for the public review upon request. The Town Council believes the following statements are true, in part based upon its understanding of the experiences of various jurisdictions identified.

3. Crime rates tend to be higher in residential areas surrounding adult uses than in industrial areas surrounding adult uses.

4. Areas within close walking distance of single and multiple family dwellings should be free of adult uses.

5. Adult uses should be restricted to specific areas of the Town which are specified distance from sensitive uses such as residences, parks, religious institutions and schools, irrespective of whether physical barriers are present. This is necessary to (1) insure that the impact on such sensitive uses by adverse secondary effects cause by adult uses are mitigated to the maximum extent possible; (2) to prevent ad hoc decisions with respect to potential adult use site which does not meet the

criteria set fourth herein; and (3) to provide certainty to the residents of the Town and adult use operators with respect to potential adult use sites.

6. The image of the Town of Queen Creek as an attractive place to reside will be adversely affected by the presence of adult uses in closed proximity to residential uses, schools, religious institutes and parks.

7. The existence of adult uses in close proximity to residential areas has been shown in some cities to reduce the property values in those residential areas.

8. A reasonable regulation of the location of adult uses protects the image of the community and its property values and protects its residents for the adverse secondary affects of adult uses, while providing those who desire to patronize adult uses an opportunity to do so in appropriate areas in the Town.

9. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and being aggravated by adult businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution pandering, and violence against persons and property. The studies from other cities establish convincing evidence that adult which are not regulated as to permissible locations often have a deleterious effect on near by businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for adult business should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.

10. The Town Council recognizes and relies on the findings set forth in the 1986 Attorney General's Report on pornography in support of this Ordinance including, but not limited to its recommendations that local governments band certain features of video booths that facilitate carnal sexual encounters. A copy of the Attorney General's Report on Pornography is available for public review upon request.

11. The Town Council finds the following, in part based upon its understanding of the document and judicial decisions in the public record:

    a. Evidence indicates that some dancers, models and other person who publicly perform specified sexual activities or publicly displayed anatomical parts in adult businesses (collectively referred to as "performers") have been found to engage in sexual activities with patrons of adult businesses on the site of the adult business.

    b. Evidence has demonstrated that performers employed by adult businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows.

    c. Evidence indicates that performers at adult businesses have been found to engage in acts of prostitutions in acts with patrons of the establishment.

    d. As a result of the above, and the increase of incidence of AIDS and Hepatitis B, which are both sexually transmitted diseases, Town have a

substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at adult businesses.

12. The Town Council has determined that the establishment of an adult use development permit process is a legitimate and reasonable means of insuring that:

    a. Operators of adult businesses comply with the reasonable regulations of this Ordinance;

    b. The recognized secondary impacts of a proposed adult use business in a specific location are mitigated; and

    c. Adult use operators have specific guidelines with respect to where they can establish or operate an adult business.

13. It is not the intent of the Town Council in adopting this Ordinance to suppress any activities protected by the First Amendment, but rather to enact content neutral Ordinance, which addresses the secondary effects that adult uses have on the Town.

14. The Town Council desires to protect the rights conferred by the United States Constitution to adult use businesses in a manner that insures the continued and orderly development of property within the Town and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of adult uses.

15. The Town Council and Planning Commission have held duly noticed public hearings, to receive input and testimony from the public concerning the subject of regulation of adult uses and this proposed Ordinance.

B. LOCATION STANDARDS.

1. No sexually-oriented businesses shall be located within one-thousand (1,000) feet of any other sexually-oriented business.

2. No sexually-oriented business shall be located within five-hundred (500) feet of an establishment having an Arizona Spirituous Liquor License with any of the following classifications; Bar License (Series #06), or Beer and Wine License (Series #07), or the equivalent of any such license. No person shall, on premises having an Arizona Spirituous Liquor License, perform acts of or acts which constitute or simulate: (1) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; or (2) the touching, caressing or foundling of the breast, buttocks, anus, or genitals; or (3) the displaying of post-pubertal human genitals, buttocks, or public area, or the female breast below the top of the nipple. No person shall, on such licensed premises use artificial devices or inanimate objects to perform, simulate or depict any of the prohibited conduct or activities described in the Section. It shall be unlawful for any person to show, display or exhibit, on licensed premises, any film, video, still picture, electronic reproduction or any other visual reproduction or image of any act or conduct describes in this Section. No operator shall allow or permit to remain in or about the licensed premises any person who performs acts of or acts which constitute or simulate: (1) sexual intercourse, masturbation,

sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; or (2) the touching caressing or fondling of the breast, buttocks, anus or genitals; or (3) the displaying of post-pubertal human genitals, buttocks, or pubic area, or the female breast below the top of the nipple.

3. No sexually-oriented business shall be located within one-thousand (1,000) feet of a public or private school, public or private daycare center, public or private recreation center, or church or park used by the public for recreational purposes.

4. No sexually-oriented business shall be located within five-hundred (500) feet of a hotel, motel, or boarding house that has fewer than forty (40) sleeping rooms.

5. No sexually-oriented business shall be located within one-thousand (1,000) feet from any single of multifamily dwelling.

C. SIGNS.

Signs shall be permitted in accordance with the following:

1. One (1) free-standing or monument sign shall be permitted per site in accordance with the following standards Maximum height shall be six (6) feet as measured from the adjacent curb or crown of the roadway. Sign area shall not exceed twenty-four (24) square feet. Free-standing signs shall have a substantial base and planter not to exceed two (2) feet in height. If an inorganic base is used, it shall be designed to match the predominant architectural character of the main building.

2. Window signs are permitted up to twenty-five (25) percent, per window, of the establishment's window area provided the following criteria are complied with:

   a. All such signs must be mounted, affixed or painted on the inside face of the window;

   b. No such sign shall be illuminated, animated or emit sound;

   c. Signs conforming to the above criteria shall be allowed in all zoning districts and shall not be considered a part of the aggregate allowed sign area.

3. Total sign area for each building or occupancy frontage shall not exceed one (1) square foot of sign area for each two (2) linear feet of street or occupancy frontage.

4. In no case shall the total sign area exceed sixty-four (64) square feet of sign area for each building or occupancy including all ground and wall mounted signs.

5. Prohibited Signs. Signs not specifically authorized are prohibited including but not limited to the following:

   a. Animated Signs. No animated sign shall be allowed.

   b. Flashing Signs. Flashing signs, except those, which alternately display time and temperature having a maximum sign area of three (3) square feet.

c. Signs Emitting Sound Substance. Any signs emitting sound or emitting any substance.

d. Obscene Signs. No person, as principal agent or otherwise, shall exhibit post or display or cause or permit to be exhibited, posted or displayed, upon any advertising structure, any obscene statements, symbol or sign. A statement, symbol or sign is obscene within the meaning of this Article when:

(1) The average person, applying contemporary state standards would find that the item, taken as a whole appeals to the prurient interest; and

(2) The item depicts or describes, in a patently offensive way, sexual activity; and

(3) The item taken as a whole lacks serious literary, artistic, political or scientific value,

e. Miscellaneous Signs and Posters. The tacking, painting pasting, or otherwise affixing of signs of posters of a miscellaneous character, visible from a public way, on the walls of the building, a shed, tree, shrub, ground cover, fences, utility poles or other structures, or upon vehicles where such vehicles are used primarily as a support for such signs or parked on the property.

f. Pole Signs and/or Roof Signs.

g. Projecting Signs. No sign shall project into the public right-of-way or beyond a street plan line.

h. Portable Signs.

i. Oversize Signs. Signs which exceed 3 square feet in area and which are mounted, attached or painted on motor vehicles, trailers or boats and are parked on the premises.

6.16 SIGN REGULATIONS.

A. PURPOSE AND INTENT.

To establish reasonable sign regulations to promote economic vitality, a visually attractive environment, and vehicular and pedestrian traffic safety. The regulations are intended to maximize establishment identification, minimize visual clutter and maintain a high quality of signs throughout the Town.

B. GENERAL REGULATIONS.

1. **LOCATION AND PLACEMENT OF SIGNS.**

   a. Temporary signs, as defined in this Ordinance, may be permitted in the public right-of-way provided they are fifteen (15) feet from the pavement edge of any roadway, or two feet behind the sidewalk, where a sidewalk is present.

   b. No sign shall be erected, relocated or maintained so as to prevent free ingress to, or egress from, any door, window or fire escape nor shall any sign be attached to a standpipe or fire escape.

   c. No signs (temporary or permanent) shall be erected or maintained within the sight visibility triangle as defined in the *Town of Queen Creek Design Standards and Procedures Manual,* or at any location where, by reason of its position, shape, color or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or with any device mounted on a police or fire protection vehicle; or which makes use of such words as, “Stop”, or “Look”, in such a manner as to interfere with, mislead, or confuse drivers.

   d. No sign shall be erected or painted upon or attached to any tree, rock or other natural feature, or to any fence post, or utility pole or structure.

   e. Every illuminated sign shall be so placed as to prevent any light or reflection from being cast directly on any adjoining Residential district.

   f. The lowest portion of any sign, which extends over an area intended for pedestrian use shall not be less than eight (8) feet above the finished grade below the sign. The lowest point of any sign, which extends over an area intended for vehicular use shall not be less than fourteen (14) feet above the finished grade below the sign.

2. **SIGN WALKERS.** Sign walkers shall be permitted in conjunction with adjacent apartment, commercial and industrial areas in the R-3, R-4, B-1, TC, C-1, C-2, C-3, I-1 and I-2 zoning districts, subject to the following requirements:

   a. **LOCATION:**.
      (1) Sign walkers shall be located:
         i. at least thirty (30) feet from a street or driveway intersection measured from the back of the curb, or edge of pavement if no curb exists.

.

ii. at least five (5) feet from the street, measured from the back of curb or edge of pavement if no curb exists.
iii. at grade level.
iv. In front of property on which the advertised business or use is located.

(2) Sign walkers shall not be located:
i. within a minimum of twenty (20) feet of any other sign walker.
ii. in any location which interferes with the right-of-way for pedestrians, bicyclists and others located on a sidewalk.
iii. in a raised or painted median.
iv. in a parking isle or space.
v. in driveways or driving lanes.
vi. on equestrian or multi-use trails.
vii. on a fence, vehicle, utility facility, other sign or any other structure.
viii. in a manner that results in sign walkers physically interacting with motorists, pedestrians or bicyclists.

b. **NUMBER AND DISPLAY**: Signs shall:

(1) be no more than one sign per business.
(2) be displayed only during the hours the business is open to the public.
(3) be held, worn, or balanced at all times.
(4) be no greater than twelve (12) square feet per sign face, with a maximum of two sign faces.
(5) not be worn by a sign walker in costume; i.e. an individual in costume shall be considered a sign walker.

c. **PROHIBITED ELEMENTS:**

(1) any form of illumination or animation on or within the sign.
(2) The use of mirrors or other reflective materials.
(3) Attachments to the sign including, but not limited to, balloons, ribbons or speakers.

3. GRAND OPENING BANNERS – PERMIT REQUIRED.

Grand opening banners, flags or balloons may be used in conjunction with adjacent apartment, commercial and industrial areas in the R-3, R-4, B-1, TC, C-1, C-2, C-3, I-1 and I-2 zoning districts, for a maximum period of ninety (90) days, commencing with the first day following the issuance of a sign permit for the designated grand opening of a new business or change in the ownership of an existing business, in accordance to the following:

a. Such banners or flags shall be located on the exterior building wall of the tenant space to which they are appurtenant, and shall not exceed a total area of;
(1) forty-eight (48) square feet for occupancies up to 5,000 square feet.
(2) Ninety-six (96) square feet for occupancies up to 10,000 square feet.
(3) One-hundred and forty-four (144) square feet for occupancies up to 20,000 square feet.

(4) One-hundred and ninety-two (192) square feet for occupancies up to 40,000 square feet; or,
(5) Two-hundred and forty (240) square feet for occupancies over 40,000 square feet.

b. A total of up to three (3) banners are permitted for each event, and a balloon shall be counted as a banner.

c. The banner, flag, or balloon shall not be located or placed in a fashion that would obstruct the safe and orderly traffic flow, or present a danger to the health, safety and welfare of the public.

d. A permit authorizing shall be obtained prior to the use of any grand opening banner, flag or balloon.

4. **GARAGE SALE SIGNS.** Garage sale signs may be used only during the hours the sale is being conducted. Such signs shall not exceed six (6) square feet in area, or six (6) feet in height above the finished grade. Three (3) off-site, temporary signs may be used, and shall be placed a minimum of fifteen (15) feet from the pavement edge or two (2) feet behind the sidewalk, if a sidewalk exists.

5. **WINDOW SIGNS.** Up to twenty-five (25) percent, per window, of an establishment's window area may be devoted to signage, providing that the following criteria are complied with:

a. All such signs must be mounted, affixed or painted on the inside face of the window.

b. No such sign shall be illuminated, animated or emit sound.

c. Signs conforming to the above criteria shall be allowed in all zoning districts and shall not be considered a part of the aggregate allowed sign area.

6. **POLITICAL SIGNS.** Political signs are permitted in the public right-of-way, subject to the following requirements:

a. Political signs in the right-of-way are allowed for a period not to exceed sixty (60) days prior to a special, primary or general election at the local or state level.

b. Political signs shall be removed no later than fifteen (15) days following a special or general election. Political signs for a candidate in the Primary Election who does not advance to the General Election shall be removed no later than fifteen (15) days following the primary election.

c. political signs shall not exceed sixteen (16) square feet in an area zoned for residential use and thirty-two (32) square feet in any other location. The highest portion of the sign shall not exceed six (6) feet from the finished grade.

d. All political signs placed in the right-of-way shall include the name and telephone number of the candidate or campaign committee contact person.

e. Political signs may be placed on private property with the property owner's permission.

f. A political sign shall not be placed in a location that is hazardous to public safety, obstructs clear vision in the area, or interferes with the requirements of the Americans with Disabilities Act.

g. If the Town deems the improper placement of a political sign an emergency, the Town may immediately relocate or remove the sign. The Town shall notify the candidate or campaign committee who placed the sign within twenty-four hours after the relocation that the sign has been relocated or removed.

h. If a political sign is placed in a location in violation of this ordinance, but is not deemed to constitute an emergency, the Town may notify the candidate or campaign committee who placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the notification to the candidate or campaign committee, the Town may remove the sign. Town staff shall contact the candidate or campaign committee contact and shall retain the sign for at least ten (10) business days to allow the candidate or campaign committee to retrieve the sign without penalty.

i. Political signs shall not be placed on or affixed to any utility pole, fence, tree or other vegetation, traffic control device, or safety barrier.

j. The installation of political signs on any structure owned by the Town is prohibited.

k. No sign permit is required.

7. **TEMPORARY REAL ESTATE SIGNS.** Real estate signs for properties for sale, rent or lease within the incorporated boundaries of the Town of Queen Creek are allowed in any district, subject to the following requirements:

a. Real estate signs of six (6) square feet in area and less than six (6) feet in height do not require a permit. Written permission must be obtained from the property owner prior to installing such signs on private property. Except as provided herein, posting such signs on public property is prohibited and subject to immediate removal.

b. Residential real estate *open house* signs are allowed and do not require a permit. A total of five (5) off-site open house signs are permitted; however, the sign must contain the words "open house" or similar wording. Such signs may be posted in the public right-of-way provided they are a minimum of fifteen (15) feet from the pavement edge of any roadway or two (20) feet behind the sidewalk, where sidewalk exists. Written authorization for such installation shall be provided by the property owner prior to posting such signs on private property. Open house signs may only be displayed during the hours a real estate agent is at the residence offered for sale.

c. Unsubdivided and non-residential properties are allowed one (1) on-site sign per street frontage. Said sign shall be no larger than thirty-two (32) square feet in area. The highest portion of the sign shall be no greater than eight (8)

feet above the finished grade. A setback of ten (10) feet behind the right-of-way line is required.

d. A home builder sign plan is required in conjunction with the issuance of a temporary use permit for model home complex within a residential subdivision, which may include some or all of the following signage options. All signs approved as part of a home builder sign plan shall be removed upon termination of the temporary use permit.

(1) Residential subdivision off-site directional signs of six (6) square feet in area and less than (6) feet in height do not require a permit. A total of two (2) residential subdivision off-site directional signs are permitted. A setback of ten (10) feet behind the right of way line is required. Written permission must be obtained from the property owner prior to installing such signs on private property. Except as provided herein, posting such signs on public property is prohibited and are subject to immediate removal.

(2) Residential subdivisions are allowed one (1) on-site sign per arterial street frontage. Said sign shall be no larger than forty-eight (48) square feet in area. Sign rider panels are not permitted. The highest position of the sign shall be no greater than twelve (12) feet above the finished grade. A setback of ten (10) feet behind the right-of-way line is required.

(3) Model complex location signs, are limited to one (1) and shall not exceed forty-eight (48) total square feet of sign area or twelve (12) feet in height above the finished grade. Sign rider panels are not permitted. In the event more than one (1) model home complex is provided within the subdivision, each model home complex location shall be allowed one (1) model complex location sign.

(4) Model home complex directional signs used to identify the location of parking the location of another model home complex within the project, etc. shall not exceed six (6) square feet in area or four (4) feet in height above finished grade. A maximum of two (2) directional signs are permitted per model home complex. Two directional signs may be co-located on the same structure, provided the structure does not exceed eight (8) feet in height.

(5) One (1) flag pole for the flags of the United States of America and/or the State of Arizona with a maximum height of sixty (60) feet at each model home complex. A building permit shall be required for the flag pole construction. Corporate flags shall be placed below both flags of the United states of America and the state of Arizona.

(6) Builder attention flags, at the model home complex not to exceed fifteen (15) square feet in area or fifteen (15) feet in height. A maximum of three (3) attention flags shall be permitted per model home within the model home complex and shall maintain a minimum spacing of twenty (20) feet between attention flags. Flagpoles must have a minimum setback of five (5) feet behind the right of way line.

(7) One (1) on-site future development sign per arterial street frontage providing the name and contract information for the future home builder. Said sign shall be no larger than thirty-two

(32) square feet in area. The highest portion of the sign shall be no greater than eight (8) feet above the finished grade. A setback of ten (10) feet behind the right-of-way line is required. Future development signs may be approved in advance of submission of a home builders sign plan, provided sufficient documentation is presented to indicate the applicant is the property owner of record. Future development signs are permitted for one (1) year, or until approval of a home builder sign plan, whichever occurs first.

(8) A comprehensive sign plan is required for all master planned communities and subdivisions which will have more than one model home complex. The comprehensive sign plan will use the design elements approved for the project to develop a unique and consistent sign design theme and designate the locations of the signs proposed for each model home complex. The purpose of the comprehensive sign plan is to provide adequate signage options for product identification, while avoiding an overconcentration of signage at highly visible locations.

8. **OFF-SITE TEMPORARY REAL ESTATE SIGNS.**
Temporary off-site directional real estate signs may be placed in an approved sign plaza located in the right-of-way.

9. **TEMPORARY SIGNS FOR RELIGIOUS INSTITUTIONS.** Religious institutions within the incorporated boundaries of the Town of Queen Creek are allowed temporary directional signs, which may be placed in the right-of-way, subject to the following:

a. A religious institution may use a total of ten (10) off-site directional signs. Each sign shall not exceed six (6) square feet. These signs are subject to the following:
   (1) Off-site directional signs shall be located within a two (2) mile radius of the subdivision or religious institution being advertised.

   (2) Signs shall be installed no earlier than 6 p.m. on Friday of each week, and shall be removed no later than 5 a.m. on the following Monday.

   (3) Signs shall also be installed no earlier than 6 p.m. preceding any commonly recognized holiday and shall be removed by 5 a.m. the day following the holiday or on Monday when the holiday falls on the previous Friday.

b. The content of these signs shall be directional instructions and may show the religious institution name, general description and directional arrows.

c. Signs shall be constructed of any heavy-duty, weather-resistant material including laminated paper, plastic, metal or wood.

d. The back of each individual sign must contain, in clear, legible form, the owner's name and telephone number in characters at least one-half (1/2) inch in size.

e. No sign shall be installed within the center median of any public roadway or within the safety triangle of an intersection.

f. No signs shall be attached to any roadway or natural features including light and signal poles, street or regulatory signs, bridges, trees or other existing objects.

g. The person responsible for any sign shall be the owner of the congregational leader/pastor of the religious institution being advertised.

h. Written permission must be obtained from the property owner prior to installing these signs on private property.

10. **PERMANENT SIGN DESIGN CRITERIA.**

a. Signs are regarded as an integral and complementary element of the overall architectural character of the Town and shall be integrated with the building and landscape design.

b. All freestanding signs shall have a substantial base or planter with a minimum height of two (2) feet.

c. All signs, except those consisting of individual letters mounted against a non-differentiated surface, shall have edge treatment or borders.

d. Signs which are designed to be compatible with Queen Creek's Western/Southwestern character and agricultural heritage are encouraged.

11. **ON-SITE DIRECTIONAL SIGNS.** Directional signs, as defined herein, are permitted in any district, subject to the following requirements:

a. Such signs are limited in area to three (3) square feet.

b. When freestanding, no such sign shall exceed four (4) feet in height.

c. Unless indicated otherwise, directional signs do not count against the total allowed sign area for a given site, building or occupancy.

12. **HISTORIC SIGNS.** Signs which have been accepted and certified as historic by the Town Council may be utilized in all zoning districts, subject to the following:

a. All such signs shall be restored or recreated in the same precise location for which certification was granted by the Town Council.

b. The restoration or recreation of certified historic signs shall be consistent with the details of color, copy and artwork approved by the Town Council.

c. Any such sign may not be utilized to increase the allowed sign area for a business product or service which is located on or sold on the premises for which the historic sign was approved; however, the historic sign may be utilized in place of non-historic signs regardless of the square footage of the certified historic sign.

d. The Town Council may grant historic certification to a sign which is more than fifty (50) years old, whether or not the sign has been in continuous use, upon making the following findings as based on the evidence presented:

(1) That the sign in question is typical of signs which were utilized during the time period when the sign was erected painted or installed.

13. **SIGNS FOR RELIGIOUS INSTITUTIONS.**

a. Bulletin Board signs are allowed as listed in subsection 6.16.d.4.
b. Freestanding signs are allowed as follows:
(1) One (1) per street frontage;
(2) Maximum of twenty-four (24) square feet in area and six (6) feet in height;
(3) Maximum of twelve (12) square feet in area for display of the date, time of services, etc.;
(4) Wall-mounted signs are allowed as listed in subsection 6.16.d.5.

14. **MENU BOARDS.** Menu boards are permitted, as described below:

a. For drive-thru and/or drive-up restaurants;

b. May be freestanding and/or building-mounted;

c. Each qualified restaurant may have a maximum of two;

d. Shall not exceed twenty-four (24) square feet in area;

e. Shall not exceed six (6) feet in height when freestanding or eight (8) feet in height when building-mounted;

f. Shall not be placed adjacent to a public right-of-way

g. Shall require a permit prior to installation.

15. **OBSOLETE SIGNS.** Any obsolete sign and its supporting structures and frames shall be removed by the owner of the property, his agent or person having beneficial use of the building or structure upon which such sign structure is erected within six (6) months of the date of receipt of notification from the Town that the sign is obsolete.

16. **MAINTENANCE OF SIGNS.** All signs shall be maintained in order to prevent and eliminate any peeling, cracking, discoloration, covering with dirt or other material and other similar problems caused by common weather conditions. All cracked or broken sign faces and non-functioning interior lamps shall be repaired or replaced within forty-five (45) working days following receipt of notification from the Town that the sign requires repair or maintenance.

17. **PROHIBITED SIGNS.** Signs not specifically authorized are prohibited, including but not limited to the following.

a. **ANIMATED SIGNS.** Animated signs are not allowed, except for approved pennants, banner, flags, revolving barber poles and clocks

including those which alternately display time and temperature having a maximum face area not exceeding three (3) square feet.

b. **FLASHING SIGNS.** Flashing signs other than those which alternately display time and temperature, and are a maximum of three (3) square feet in area.

c. **SOUND SIGNS.** Signs emitting sound or any substance are not allowed.

d. **OBSCENE SIGNS.** No person, as principal, agent or otherwise, shall exhibit, post or display or cause or permit to be exhibited, posted or displayed, upon any advertising structure, any obscene statements, symbol or sign. A statement, symbol or sign is obscene within the meaning of this Section when:

(1) The average person, applying contemporary state standards would find that the item, taken as a whole, appeals to the prudent interest; and

(2) The item depicts or describes, in a patently offensive way, sexual activity; and

(3) The item taken as a whole, lacks serious literary, artistic, political or scientific value.

e. **SIGNS AFFIXED TO OBJECTS.** The tacking painting, pasting or otherwise affixing of signs visible from a public way, to any trees, fences, utility poles or other structures, or upon vehicles where such vehicles are used primarily as support for such signs, is prohibited.

f. **POLE SIGNS AND/OR ROOF SIGNS.** Pole signs and/or roof signs except as specifically approved when it is determined that a ground or wall sign is not feasible due to site limitations and/or line of sight interruptions for vehicular traffic.

g. **PROJECTING SIGNS.** No sign shall project into the public right-of-way, except as follows:

(1) Upon administrative approval, wall signs attached to the front face of building may extend a maximum of twelve (12) inches into the public right-of-way.

(2) The bottom of the sign shall not be less than eight (8) feet from the base of the building.

h. **VEHICLE SIGNS.** Signs attached to a vehicle primarily for the purposes of advertising, with such vehicle placed adjacent to a roadway and not used for the typical conduct of the business so advertised.

i. **OFF-SITE SIGNS.** Any form of remote signage, such as off-premises advertising signs or billboards, are prohibited, unless specifically allowed by this Section.

18. **NON-COMMERCIAL SPEECH.** Sign authorized in this section may contain non-commercial copy in lieu of any other copy.

19. **GOVERNMENTAL SIGNS.** Signs erected by governmental entities are exempt from provisions of this article.

20. **TEMPORARY USE AND SPECIAL EVENT SIGNS**. Signage for temporary uses or special events including, but not limited to, carnivals, festivals, parades, art or cultural events, farmer's markets, charity or educational activities, signs identifying or announcing the activities conducted by religious institutions, schools, civic and other special events or other similar activities are permitted, subject to the following criteria:

    a. Banners and other forms of special vent signs announcing the activity or special event shall not be placed in the right-of-way or installed more than five (5) days immediately preceding the activity or special event, unless otherwise approved by the Zoning Administrator in accordance with a Town-issued Tier III Special Event Permit for those times and locations approved by the Town through the Special Event Permit process.

    b. Temporary use and special event signs may be placed on private property within any required setbacks or yard areas provided said signs do not obstruct vehicular view, such as within the safety triangle of an intersection. Special Event signs may be placed in the public right-of-way, subject to the approval of the Zoning Administrator, as part of an approved Tier III Special Event Permit as described in Item "a" above.

    c. Temporary use and special event signs shall not exceed sixteen (16) square feet in area.

    d. Window signs and posters are permissible for a maximum duration of four (4) weeks prior to the first day of the activity or special event. All such signs and posters shall be removed within five (5) days after the last day of the special event.

    e. For the purposes of this regulation, special event signs shall include banners, balloons, flags, streamers, and pennants. Vehicle-mounted signs, flashing lights, illumination, animation, artificial light and seraph lights are prohibited. All signs shall include wind cuts when applicable to reduce sign billowing or sailing and shall be securely fastened to a building, pole or permanent structure. Such signs and/or banners shall not be mounted to trees, utility facilities, traffic signals or other landscape improvements.

    f. Signs shall be placed only with the permission of the owner of the property on which they are placed. Both the person who installed the sign and the property owner are jointly and severally responsible for the sign removal.

    g. A sign permit is required for each display.

    h. A sign permit is not required for a temporary use or special event that is operated or sponsored by the Town.

    i. Town Staff may remove unauthorized signs. Unauthorized signs removed by the Town shall be disposed of after the Town provides notice to the

organization, responsible person, or establishment identified by the sign. A notice shall be sent within five days of the removal by notifying the organization, responsible person or establishment to claim the unauthorized sign at a location specified on the notice. If unclaimed after the time period, the Town may dispose of the unauthorized sign. If an organization, responsible person or establishment is not identified by the sign, the sign may be disposed of no sooner than five (5) days after removal.

C. MEASUREMENT OF SIGNS; SIGN AREA AND SIGN HEIGHT.

1. All sign areas shall be measured in accordance with the following;

   a. The area of signs with all copy mounted on a single geometric plane shall consist of the entire area within a continuous exterior perimeter which bounds all portions of the sign including background panels except those which are entirely opaque and have the same color and texture as the building to which the sign is attached. Necessary structural supports are also excluded from the sign area calculation.

   b. Double faced signs shall be counted as one sign and the area shall be calculated as that which is visible from any single viewing position on or above the ground.

   c. Spherical, free form sculptured and other non-planar signs are counted as one sign and the area shall be calculated as the sum of the two largest of the four vertical sides of the smallest polyhedron that will encompass the sign structure.

   d. For a sign having multiple components (*e.g.,* a service station identification/price sign combination) and mounted on the same surface; the sign area will constitute the area defined by the smallest continuous exterior perimeter that will encompass that several components of the sign.

   e. Total sign area for a given site, building or occupancy shall include the aggregate area of all permitted signs, except on site directional signs and window signs as allowed by this Section.

   f. When calculating the allowed sign area for a given occupancy the following shall apply.

      (1) Allowed sign area ratios are indicated in those sections of this Ordinance which set forth the regulations for each respective zoning district.

      (2) Interior Occupancies. Allowed sign area calculations shall be based on the linear distance of the width of single occupancy from which the building or occupancies' address is derived.

      (3) Corner Occupancies. Each building face shall be allowed sign area based on the ratio of respective zoning district for each individual building face fronting on a public street. However, in no case shall the aggregate sign area exceed the maximum

allowed sign area for a single frontage or interior occupancy business as allowed in the respective zoning district.

(4) Diagonal Cutoffs. A corner occupancy which has a diagonal cutoff at the corner may calculate the allowed sign area as follows:

(a) Project a line along the front and side exposures to the point of intersections.

(b) Select the resultant distance for either the front or side exposures projections.

(c) Add the distance of the selected projection into the linear measurement of the actual building exposure for the exposure selected.

(d) The result may be utilized in conjunction with the appropriate ratio for the respective zoning district to establish the allowed sign area for the exposure so measured. The allowed sign area thereby calculated may be placed only: a) on the diagonal cutoff; b) the exposure for which the calculation was made; or, c) upon approval by the Administrator a non-calculated exposure.

(e) The remaining exposure not calculated with the diagonal cutoff exposure (street of street side) shall be allowed sign area in accordance with the linear distance of the actual building exposure (non-projected) and the ratio allowed by the respective zoning district.

(f) In no case shall the total sign area exceed that allowed by the respective zoning district.

(g) All linear occupancy frontage distances shall be measured at sidewalk or grade level immediately adjacent to that portion of the structure being utilized for the occupancy in question.

2. **SIGN HEIGHT.** Sign height shall be measured as follows.

a. **FREESTANDING SIGN.** The height of freestanding signs shall be measured as the vertical distance between the top of the curb, or crown of the roadway where no curb exists, to the top of the sign. The total sign height includes any monument base or other structure erected to support or ornament the sign.

b. **WALL-MOUNTED SIGN.** The height of wall-mounted signs shall be measured as the vertical distance between the top of the curb, or crown of the roadway where no curb exists, to the top of the sign, including ornamentation.

D. SIGNS PERMITTED IN RESIDENTIAL ZONING DISTRICTS.

The following signs are permitted in Residential Zoning Districts, excluding R-2, R-3, and R-4:

1. **ADDRESS SIGNS.** Address signs not exceeding two (2) square feet in area. Address signs which are readily visible from the street are required on all new construction prior to issuance of a certificate of occupancy.

2. **NAME PLATE SIGNS.** Name plate signs indicating the resident's name, title and address.

3. **TEMPORARY SIGNS.** Temporary real estate and miscellaneous signs as described in subsection 6.15.B.9 above.

4. **BULLETIN BOARDS.** Bulletin boards shall be limited to one (1) on the premises and subject to the following conditions:

   a. Maximum Size: Twelve (12) square feet in area.

   b. Maximum Height: Freestanding…… six (6) feet
      Wall-mounted……eight (8) feet

   c. Any source of illumination shall not be visible.

   d. Such sign shall be located at least fifteen (15) feet from any lot line.

5. **OTHER USES ALLOWED.**

   a. Institutional and civic uses where allowed in a residential zone, are allowed a total sign area based on the following street frontages:

Street Frontage	Total Sign Area
0-50 feet	16 square feet
51-100 feet	24 square feet
101-250 feet	32 square feet
251-500 feet	40 square feet
500+ feet	48 square feet

   b. Subdivision entry monument signs. Such signs may be wall-mounted or freestanding, but shall not exceed five (5) feet in height and thirty-two (32) square feet in area. If freestanding, the height is measured from the top of the adjacent curb or crown of roadway, whichever is higher. Freestanding signs shall be decorative using a minimum two (2) foot architectural planter or base. No wood, plastic or vacuform signs are allowed. A sign may be displayed on one or both sides of a street providing direct access to the subdivision and serving as a major entry.

6. **ON-SITE DIRECTIONAL SIGNS.** On site directional signs are allowed pursuant to subsection 6.16.B.13 above.

E. SIGNS PERMITTED IN THE R-2, R-3 AND R-4, RESIDENTIAL ZONING DISTRICTS.

1. Any sign permitted by subsection D of this section, subject to all sign regulations for the aforementioned districts.

2. Signs for a permitted use or building shall be limited to one (1) on the premises, subject to the following conditions:

   a. Maximum Size: Twenty-four (24) square feet in area.

   b. Located in the front yard.

   c. If attached to a building, no part of such sign shall project more than one (1) foot from the building, nor shall it extend beyond the corner of the building, nor shall it extend beyond the corner of the building, nor shall it extend above the top of a parapet wall, or the eave line of gable, gambrel, mansard or similar type roof.

   d. If such sign is ground-mounted, it shall be located at least ten (10) feet from any lot line and it shall not exceed six (6) feet in height.

   e. If such sign is illuminated, the source of illumination shall not be visible and no flashing or intermittent illumination shall be employed.

F. SIGNS PERMITTED IN COMMERCIAL CENTERS OR COMPLEXES.

1. Prior to issuance of Sign Permits for any business or occupancy in a center or complex, a sign program detailing the size, type, location, and color of all signage within the project shall be submitted to the Administrator along with the site plan for review and approval.

2. The following signs are allowed in centers and complexes in the B-1, TC, C-1, C-2, C-3, I-1 and I-2 districts:

   a. Identification sign for each permitted use or principal building, subject to the following conditions:

      (1) The total sign area of such sign shall not exceed one and a half (1½) square feet of sign area per linear foot of street occupancy frontage. (1.5 S.F. of sign area times lineal frontage equals total allowed sign area).

      (2) No part of such sign shall project more than one (1) foot nor extend beyond the corner of the building nor extend above the height of the building;

      (3) Such sign may be illuminated provided the source is not visible.

   b. Identification ground-mounted sign containing the name of the center and the names of up to three (3) designated primary tenants subject to the following conditions:

      (1) Not more than one (1) sign per street frontage of the center.

(2) Such ground sign shall not exceed forty-eight (48) square feet in sign area, nor shall it exceed eight (8) feet in height above grade nor shall it extend or project over any street or alley line.

c. Directional signs not exceeding two (2) square feet in area.

d. One (1) parking lot wall or ground sign per parking lot entry or exit not exceeding six (6) square feet in area and limited to off-street parking instructions and direction. Such sign may have interior illumination.

e. Freestanding or pad tenants may be allowed one (1) ground identification sign in accordance with the following:

(1) Such sign shall not exceed twelve (12) square feet in area, exclusive of base.

(2) No such sign shall be located within one hundred (100) feet of any other ground sign.

j. Any lighting shall be placed to reflect the light away from Residential Districts or Residences.

k. Temporary real estate, construction and subdivision signs, pursuant to §6.16.B.9.above.

G. SIGNS PERMITTED IN THE C-1, LIGHT COMMERCIAL DISTRICTS FOR INDIVIDUAL BUILDINGS NOT PART OF A CENTER OR COMPLEX.

1. Any sign allowed by this Ordinance in the Residential Zoning District is subject to the sign regulations of the respective district. When any use allowed in the foregoing residential districts is established in any commercial zoning district, the sign limitations of the district in which the use is first allowed shall apply, regardless of the zone in which the use is located.

2. Address signs which are readily visible from the street are required on all new commercial construction regardless of the zoning district prior to issuance of a Certificate of Occupancy.

3. On site directional signs pursuant to §6.16.B.13 above.

4. One ground sign per site shall be allowed up to fifty percent (50%) in area of the total sign area, with a maximum area of twenty-four (24) square feet and not to exceed six (6) feet in height.

5. Total sign area for each building or occupancy frontage shall not exceed one (1) square foot of sign area for each two (2) linear feet of street or occupancy frontage. (Frontage divided by two (2) equals total allowed sign area.)

6. Temporary real estate, construction, and subdivision signs pursuant to §6.16.B.9 above.

H. SIGNS PERMITTED IN THE TC, TOWN CENTER DISTRICT FOR INDIVIDUAL BUILDINGS NOT PART OF A CENTER OR COMPLEX.

The following signs are permitted in the TC, Town Center District.

1. Any sign permitted by §6.16.I below.

2. One freestanding sign per street frontage per site, not exceeding twenty-four (24) square feet in area or six (6) feet in height.

3. Total sign area for each building or occupancy shall not exceed one (1) square foot of sign area per one and one-half (1½) lineal feet of street or occupancy frontage. (Frontage divided by 1.5 equals total allowed sign area.)

4. In no case shall the allowed sign area for each building or occupancy exceed one hundred (100) square feet including all freestanding and wall-mounted signs, except those identifying the rear or side entrance of any establishment and less than five (5) square feet in area.

I. SIGNS PERMITTED IN THE C-2, GENERAL COMMERCIAL DISTRICT FOR INDIVIDUAL BUILDINGS NOT PART OF A CENTER OR COMPLEX.

1. Freestanding in accordance with the following regulations:

   a. One ground-mounted per site, or two ground-mounted signs per site having a street frontage exceeding five hundred (500) feet.

   b. Ground-mounted signs shall not exceed eight (8) feet in height nor nine feet by five square feet (9' x 5') in area.

2. Total sign area for each building shall not exceed one and one-half (1½) square feet of area per lineal foot of street frontage or occupancy frontage when the occupied area doesn't font on a street.

3. In no case shall the allowable sign area for each building or occupancy exceed two hundred and fifty (250) square feet including all ground- and wall-mounted signs.

J. SIGNS PERMITTED IN THE I-1 LIGHT INDUSTRIAL DISTRICT FOR INDIVIDUAL BUILDINGS NOT A PART OF A CENTER OR COMPLEX.

1. Ground- or wall-mounted identification signs for single tenant sites, subject to the following conditions:

   a. One sign per street frontage.

   b. Maximum sign area shall not exceed two hundred (200) square feet, including ground-and wall-mounted signs.

   c. Maximum height of a ground sign shall not exceed eight (8) feet and twenty-four (24) square feet in area.

2. Identification wall-mounted and freestanding signs for multi-tenant industrial projects shall comply with the regulations in subsection 6.16.I above.

K. SIGNS PERMITTED IN THE I-2 HEAVY INDUSTRIAL DISTRICT FOR INDIVIDUAL BUILDINGS NOT PART OF A CENTER OR COMPLEX.

Any sign permitted in the I-1 Light Industrial District subsection 6.16.J above.

L. SIGNS PERMITTED IN THE MIXED USE (MU) AND C-3 REGIONAL COMMERCIAL DISTRICTS.

Sign standards for developments in these districts shall be established as part of the development approval process.

M. PERMITS, APPROVAL, AND REGISTRATION REQUIRED.

1. **BUILDING PERMIT REQUIRED.** A building permit is required for all signs, unless specifically exempted, which are intended to be erected, painted or otherwise installed in the Town of Queen Creek. Building permits shall not be required for nameplate signs, home occupation signs, temporary real estate, construction, or subdivision signs, or for minor repair or for repainting of any permitted sign.

2. **APPLICATION FOR BUILDING PERMIT.** In addition to information required in accordance with the building code, application for building permit for signs shall include:

   a. Site plan indicating the location of the sign in relation to nearby buildings, structures, right-of-way, easements and driveways;

   b. A scaled drawing indicating the dimensions of the sign, sign copy, all materials and the method of construction and attachment to the building;

   c. Name of person, firm or corporation erecting signs and any attendant structures;

   d. Written consent of the owner of the building, structure or premises on which sign is to be erected; and

   e. Other information as may be required.

3. **ISSUANCE AND EFFECT OF PERMIT.**

   a. **COMPLIANCE WITH ORDINANCES.** If, upon examination of plans, specifications and the premises on which erection of the sign is proposed, the Zoning Administrator finds that the proposed sign complies with all provisions of this Ordinance and with all other Ordinances of the Town, a building permit shall be issued.

   b. **PERMIT REVOCABLE.** All rights and privileges acquired under a building permit are mere licenses revocable at any time by the Town of Queen Creek.

c. **LIABILITY.** The granting of a building permit shall not be deemed to be a permit for approval of any violation of this Ordinance, The provisions of this Ordinance shall not be constructed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, erecting or owning any sign, or resulting from the negligence or willful act of such person, firm or corporation, its agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall issuance of such permit be constructed as imposing on the Town or its officers or employees, any responsibility of liability by reasons of the approval of any signs, material or devices under the provision of this Ordinance.

5. **REGISTRATION OF SIGNS.** Every sign subject to the issuance of a building permit shall have affixed so as to be visible from the adjacent grade thereto, in letters not less than one (1) inch in height: the date of installation, the permit number, and the voltage of any electrical apparatus.

N. NONCONFORMING SIGNS.

1. **DEFINITION OF LEGAL NONCONFORMING SIGNS**. Legal nonconforming signs shall mean a sign (or signs) which is lawfully existing at the time of the enactment of this Ordinance, and which does not conform to the regulations as specified herein for the zone in which said sign is located.

   a. A legal nonconforming sign may not be altered in any manner not in conformance with this Ordinance; however, such sign(s) shall be maintained as required by this Section and may be reasonably repaired as determined by the Administrator.

   b. Notwithstanding any provisions to the contrary contained herein, a legal nonconforming sign may be utilized in perpetuity as noted herein.

   c. Whenever the use of given building or premises changes to another use allowed in the respective zoning district, all nonconforming signs on the building and/or premises shall be modified to bring them into conformance with these regulations.

2. **REMOVAL OF NONCONFORMING SIGNS**. Upon adoption of this Ordinance, any signs not enjoying legal nonconforming status shall be removed from display within six (6) months.

O. DEFINITIONS.

The words, terms and phrases used in this section have the meaning prescribed in Appendix A this Ordinance, and as follows:

Frontage, street. The width of a lot at the street right-of-way line.

Frontage/Exposure, Building. The horizontal width of any given building as measured at grade, a long the face of the building which is closest to and most nearly parallel with the contiguous street right-of-way line.

Frontage/Exposure, Occupancy. The width of that portion of a multi-tenant structure, which is occupied by a given tenant.

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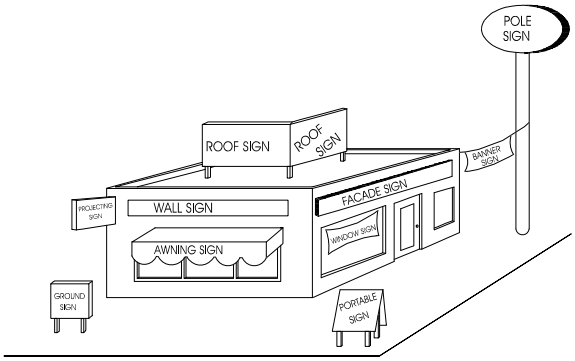
Model Home Complex. The area used by a home builder and approved by the Town as the location of the homes to be used as models for the home builder's development within the subdivision. A model home complex may include only: (I) The lots occupied by the model homes; (II) Any immediately adjacent lots to be used for parking for the model home complex (limited to not more than one (1) lot for parking per model home); (III) One (1) lot for temporary construction office; (IV) Immediately adjacent common areas within the subdivision which is landscaped and improved in conjunction with the model home complex; and (V) The immediately adjacent roadways which provide entry to the model home complex. Inclusion of property categories (III) – (V) May only be included in, or excluded from, a specific model home complex as approved by the Town depending on the circumstances and specific location. A subdivision may have more than one (1) model home complex if different housing product lines are being offered by a home builder at different locations within the subdivision, or if more than one (1) home builder is offering housing products within the subdivision.



Sign. Any object, device display or structure, or part thereof, visible from a public right-of-way and situated outdoors or on the inside face of a window, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Excluded from these definitions are: national or state flags, window displays, athletic scoreboards, or the official announcement or signs of government.

Sign, A-Frame. A form of temporary sign constructed of two panels angled to form a point and resembling the shape of the letter "A". Also known as a 'sandwich board' sign. See also **Sign, Temporary.**

Sign, Animated. Any sign or part of a sign which changes physical position by any movement, rotation, or undulation or which gives the visual impression of such movement, rotation or undulation. This category of signs includes but is not limited to banners, pennants, flags and spinners as well as signs with flashing intermittent or sequential illumination.

Sign, Awning, Canopy or Marquee. A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by Ordinance. For the purpose of this Ordinance, a marquee is defined as a canopy constructed of rigid materials which projects over an entrance to a building.

Sign, Banner. A sign constructed of fabric or similar material mounted on a pole or building and intended for the temporary advertisement of a special event being conducted on the site. National, state or municipal flags, or the official flag of any institution or business, shall not be considered banners.

Sign, Business. A sign, which attracts attention to a business or profession, conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

Sign, Constructed. A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, Directional. Signs limited to directional messages, principally to direct and aid the flow of pedestrian or vehicular traffic, such as “one-way”, “entrance”, and “exit”, building address, and etc.; as well as providing directional information relating to points of interest, institutions, facilities and districts.

Sign, Directory. Any sign listing the names and/or uses and/or locations of the various businesses or activities within a building or a multi-tenant development not for the purpose of bringing same to the attention of vehicular traffic.

Sign, Double Face. Any sign having copy on two faces of equal dimension with an interior angle between the two faces of 45 degrees or less.

Sign, Facade. See SIGN, WALL.

Sign, Face. The area or display surface used for the message.

Sign, Flashing. Any directly or indirectly illuminated sign, which exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, Freestanding. Any non-movable sign not affixed to a building and mounted on it own self-supporting structure.

Sign, Garage Sale. A temporary sign advertising a short-term private sale of personal property characterized as being a “Yard Sale”, “Garage Sale”, “Rummage Sale”, or similar event.

Sign, Government. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Sign, Ground. Any freestanding sign, other than a pole sign, placed upon or supported by the ground, independent of any other structure, except footings.

Sign, Historic. Any sign which can be shown through photographs or other documentation to have been in existence fifty (50) years or more.

Sign, Identification. A sign that includes, as copy, only the name of the business, place, organization, building or person it identifies.

Sign, Illuminated. A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

Sign, Mansard. A sign permanently affixed to a wall or surface designed to protect the edge of a roof, constructed no more then 20E from vertical.

Sign, Memorial. A sign memorializing a person, event, structure or site.

Sign, Obsolete. Any sign, which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, activity conducted, or product available on the premises where such sign is displayed.

Sign, Off-Site. Any sign which directs attention to any business, commodity, service or entertainment/event conducted, sold or offered at a location other than the premises on which the sign is located.

Sign Plaza. A permanent freestanding sign containing multiple sign panels which provide directional information to locate public facilities, subdivisions, developers, services and attractions.

Sign, Pole. A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

Sign, Political. A temporary sign erected in support or opposition to a candidate seeking public office in a special, primary or general election, or in support or opposition to a ballot measure on a special, primary or general election.

Sign, Portable. A sign that is not permanent, affixed to a building, structure or the ground.

Sign, Private Sale or Event. A temporary sign advertising private sales of personal sales of personal property such as "house sales", "garage sales", "rummage sales" and the like or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows and Christmas Tree sales.

Sign, Program. A coordinated program of one or more signs for an individual business establishment or a business center.

Sign, Projecting. A sign that is wholly or partly dependent upon a building for support and which projects more that 12 inches from such building.

Sign, Real Estate. A sign pertaining to the sale or lease or the premises, or portion of the premises, on which the sign is located.

Sign Rider Panel. A separate accessory panel affixed to a temporary subdivision sign or model home complex directional sign which is of a contrasting color and/or shape and used to promote a secondary message such as lot size, closing costs, down payment, etc.

Sign, Roof. A sign that is mounted on the roof of a building of which is wholly or partly dependent upon a building for support and which projects above the eave line of a building which a gambrel, gable, or hip roof or the deck line of a building with a mansard or within six inches of the top of a parapet.

Sign, Temporary. A sign or advertising display constricted of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

Sign, Vehicle. Signs attached to a vehicle primarily for the purposes of advertising, with such vehicle placed adjacent to a roadway and not used for the typical conduct of the business so advertised. Magnetic signs, and signs painted or wrapped on a vehicle which are used for the daily conduct of business, are not considered as vehicle signs

under this provision.

Sign Walker. An individual who carries, holds, or displays a temporary sign, or an individual dressed in a costume intended to identify a business, whether or not they also carry, hold or display a temporary sign.

Sign, Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

Sign, Window. A sign that is applied or attached to the interior of a window or located in such manner within a building that is can be seen from the exterior or the structure through a window.

6.17 SUPERSTORES AND BIG BOX RETAIL USES.

A. APPLICABILITY.

The following standards and guidelines are applicable to any retail structure in excess of twenty-five thousand (25,000) square feet. These standards shall also be used as guidelines for retail structures under twenty-five thousand (25,000) square feet.

B. SITE DESIGN.

1. **COMMUNITY SPACES**. Superstores and big box retail uses shall provide outdoor spaces and amenities to link structures with the remainder of the community. Bus stops, drop-off and pick-up points shall be integrated with traffic patterns on the site. Special design features shall enhance the building's function as a center of community activity.

2. **DESIGN FEATURES**. Each development shall provide a roofed arcade extending along at least sixty percent (60%) of the length of the building front. Arcades shall be at least ten feet (10') in width as measured from the building face to the columns supporting the arcade. In addition, at least one of the following design features shall be provided: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, a fountain or water feature, or a clock tower.

3. **OFF-STREET BUS STOP**. Each development shall provide an off-street bus stop for customers and employees.

4. **CONSTRUCTION MATERIALS**. Each of these features shall be constructed of materials which are architecturally compatible with the principal structure and linked by pedestrian connections as provided in subsection C.5 hereto.

C. LANDSCAPING.

1. **PERIPHERAL**. A thirty (30) foot wide landscaped buffer shall be provided along the front property line and along all abutting arterial roadways with breaks for approved access points. A minimum fifteen (15) foot wide landscape buffer shall be planted along all other property lines and along all internal roadways. No parking is permitted within these required buffer area or landscape areas.

2. **MINIMUM SETBACK**. The minimum setback for any building facade shall be thirty-five (35) feet and the maximum setback shall be seventy-five (75) feet from the nearest property line. Where the facade faces adjacent residential uses, an earthen berm and/or opaque fence, no less than six (6) feet in height, containing at a minimum evergreen trees planted at intervals of twenty (20) feet on center, or in clusters or clumps and shrubbery shall be provided.

3. **PARKING LOT**. Buildings shall be placed along the required setbacks and between the street frontage and parking areas in order to provide a visual buffer. A minimum of twenty percent (20%) of the parking area shall be landscaped. Landscaped areas shall be protected by raised curbs and shall be a minimum of one-hundred fifty (150) square feet in size except that parking lot islands shall be a minimum of twelve (12) feet in width between parallel parking rows and shall run the length of the parking aisle capped at each end by the termination of the island. No parking space shall be located more than one-hundred (100) feet from a landscaped area. Landscaped planters shall be provided a minimum of

one (1) every ten (10) parking spaces. For other types of parking configurations, Landscaping, Screening and Buffer yard Standards shall prevail.

4. **REQUIRED PLANTINGS**.

   a. **STREET TREE SPACING**. Trees shall be planted on thirty-foot (30') centers. For variety, trees may be occasionally grouped to accent an area.

   b. **NUMBERS OF TREES AND SHRUBS PER 100 SQUARE FEET**. Trees and shrubs shall be provided consistent with §5.5.A of this Ordinance.

   c. **GROUND COVER AREAS**. All areas shall be planted at a minimum with turf or grass. Ground covering such as ivy or similar material shall be used to accent planting areas.

5. **PEDESTRIAN CIRCULATION**. Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

   a. Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.

   b. Continuous internal pedestrian walkways, not less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity including, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty percent (50%) of its length. Four (4) foot-wide pedestrian walkways shall be provided in the parking aisle medians.

   c. Sidewalks, not less than ten (10) feet in width, measured from the face of the building to the face of the columns, raised permanent planters or other permanent amenities that define the outer edge of the sidewalk, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Should such sidewalks be utilized fro outdoor display of retail goods, a minimum of eight feet (8') clear walking area shall be maintained at all times. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

   d. A plaza area shall be provided along at least sixty percent (60%) of the length of the front of the building. The plaza shall start at the outside face of any columns, planters or other amenities provided as part of the arcade or walkways, and extend a maximum of twenty feet (20') measured perpendicular to the building face. The plaza shall be equal in grade (flush) with the adjacent sidewalk and drive aisles. It shall also

provide decorative materials to define the perimeter of the plaza and enhance the plaza itself. The plaza shall further incorporate bollards or other decorative elements and signage to prevent parking, loading and/or unloading at the main entry.

e. Internal pedestrian walkways provided in conformance with part (b) above shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.

f. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

6. **PARKING LOT ORIENTATION**. Parking areas shall provide safe, convenient, and efficient access. Parking areas shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. No more than twenty-five percent (25%) of the off-street parking area for the entire property shall be located between the front facade of the principal building(s) and the primary abutting street.

7. **OUTDOOR STORAGE, TRASH COLLECTION AND LOADING AREAS**. The following standards are intended to reduce the impacts of outdoor storage, display of retail goods, loading and operations areas on adjacent land uses, on-site visitors and improve general public street curb appeal of the use.

a. Areas for truck parking and loading shall be screened by a combination of structures and evergreen landscaping to minimize visibility from adjacent streets and property lines.

b. Areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located in the rear of the lot. If that is not feasible, then the side yard can be used, but in no case shall such areas be located within twenty (20) feet of, and shall not be visible from, any public street, public sidewalk, or internal pedestrian way.

c. Outdoor storage, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping plan. Views of these areas shall be screened from visibility from all property lines and separated from pedestrian areas.

d. Screening structures shall be made of the same materials as the principal structure.

e. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors on the building.

f. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 P.M. and 7:00 A.M. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 db, as measured at the lot line of any adjoining property.

g. Outdoor display of retail goods shall be limited to the Plaza area and/or building front sidewalk. A maximum of sixty percent (60%) of the plaza area may be utilized for outdoor display. No individual item or stack of items may exceed eight feet (8') in height. The minimum clear walking area shall be maintained consistent with Article 6.17C.

D. BUILDING DESIGN.

The following standards shall apply to all building facades and exterior walls that are visible from adjoining public streets or properties. These standards are intended to reduce the massive scale of large buildings that, without application of these standards, are incompatible with Queen Creek's desired character. These standards are also intended to provide sufficient visual screening, and separation from pedestrian and vehicular circulation, to accommodate outdoor display of retail goods.

1. Facades greater than one-hundred fifty (150) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed one-hundred fifty (150) horizontal feet. These facades shall utilize raised permanent planters, seating areas, screen walls or other amenities between the columns of the arcade to provide visual interest, and provide a background for outdoor display but not to obscure display windows.

2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty percent (60%) of their horizontal length.

E. DETAIL FEATURES.

Buildings shall incorporate architectural features and patterns that provide visual interest at the pedestrian scale, reduce massive aesthetic effects, and reflect the local character. The following elements should be integral parts of the building fabric, and not superficially applied trim, graphics or paint: color changes, material changes, texture changes and relief features (such as offsets, projections and reveals).

1. **ROOFING**. The following standards are intended to foster variations in roof lines to add interest to, and reduce the massive scale of large buildings. Roof features shall complement the character of adjoining development. Roofs shall have no less than two of the following features:

a. Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not exceed, at any point, one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment and shall not be of a constant height for a distance of greater than one-hundred fifty feet (150').

b. Overhanging eaves, extending no less than three (3) feet past the supporting walls, for no less than thirty percent (30%) of the building perimeter.

c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.

d. Three or more roof slope planes.

2. **MATERIALS AND COLORS**. The following standards are intended to ensure that large structures are compatible with neighboring development.

a. Predominant exterior buildings materials shall be high quality materials. These include, without limitation:

(1) Brick
(2) Wood
(3) Sandstone
(4) Other native stone
(5) Tinted, textured, concrete masonry units

b. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited.

c. Building trim and accent areas may feature brighter colors, including primary colors.

d. Predominant exterior building materials shall not include the following:

(1) Smooth-faced concrete block
(2) Smooth-faced tilt-up concrete panels
(3) Pre-fabricated steel panels

3. **ENTRYWAYS**. Superstores shall feature multiple entrances because they reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store. Multiple entrances also mitigate the effect
of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

a. All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street.

b. Entryway design elements and variations shall provide orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

(1) Canopies or porticos;
(2) Overhangs;
(3) Recesses/projections;
(4) Arcades;
(5) Raised cornice parapets over the door;
(6) Peaked roof forms;
(7) Arches;
(8) Outdoor patios;
(9) Display windows;
(10) Architectural details such as tile work and moldings which are integrated into the building structure and design;
(11) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;
(12) Building Height. Building height shall not exceed thirty-five (35) feet measured from the average natural grade. Average grade is the average elevation of the highest point of the building perimeter and the lowest point measured at prior to site fill or excavation.

4. **MECHANICAL APPURTENANCES**. To the greatest extent possible, mechanical appurtenances shall be located within the structure. External mechanical appurtenances such as heating and air conditioning equipment shall be screened and finished to match the colors of adjacent building materials.

F. PUBLIC ART.

Big box retail as defined in Article 6 of this Ordinance shall be required to install public art on their site plans.

Public art shall be appropriately placed so at to be visible by pedestrians. Public art should be reflective of the agrarian heritage of Queen Creek.

6.18 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS.

A. PURPOSE.

The purpose of this ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, THE Town of Queen Creek shall give due consideration to the *Town of Queen Creek General Plan*, the Town of Queen Creek Zoning Ordinance, existing land use, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. DEFINITIONS.

As used in this Section, the following terms shall have the meanings set forth below:

Alternative tower structure means man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Backhaul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers or the public switched telephone network.

Existing structure means light poles, power poles, chimneys, billboards and other similar structures which are placed within the Town at the time of adoption of this Chapter, except existing building.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. if the structure is located in a platted subdivision, the height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plan (whichever is lower) to the highest point of the structure directly above the finished grade. In the event that terrain problems

prevent an accurate determination of height, the Town Planner shall rule as to height and appeal from that decision shall be to the Board of Adjustment.

Pre-existing towers and preexisting antennas means any tower or antenna for which a building permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

Site means the physical location upon which wireless telecommunications facilities are located. Unless otherwise stated in this Article, "site" shall be limited to the area occupied by a single tower and its accompanying ground- or roof-mounted equipment.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term also includes the structure and any support thereto.

C. APPLICABILITY.

1. **NEW TOWERS AND ANTENNAS**. All new towers or antennas in the Town of Queen Creek shall be subject to these regulations.

2. **EXCEPTIONS.**

   a. Amateur Radio Station Operators/Receive Only Operations. This ordinance shall not govern any tower, or the installation of any antenna, that is under the maximum building height of the zoning district in which such structure is located and which is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only operations.

   b. Pre-existing Towers or Antennas. Legally established pre-existing towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of §6.20(D)(6) and (7).

   c. AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right

D. GENERAL REQUIREMENTS.

1. **PRINCIPAL OR ACCESSORY USE**. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

2. **LOT SIZE**. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

3. **INVENTORY OF EXISTING SITES**. Each applicant for an antenna and/or tower shall provide to the Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town of Queen Creek or within one mile of the border thereof, including specific information about the location, height, and design of each tower. Each applicant shall also provide a one-year build out plan for all other proposed wireless communications facilities within the Town. The Town Planner may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or with other organizations seeking to locate antennas within the jurisdiction of the Town of Queen Creek, provided, however that the Town Planner is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. **AESTHETICS**. Towers and antennas shall meet the following requirements:

   a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

   b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

   c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. **LIGHTING**. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

6. **STATE OR FEDERAL REQUIREMENTS**. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

7. **BUILDING CODES; SAFETY STANDARDS**. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance

with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA) and by the Telecommunications Industries Association (TIA), as amended from time to time. If, upon inspection, the Town of Queen Creek concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

8. **MEASUREMENT**. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Town of Queen Creek irrespective of municipal and county jurisdictional boundaries.

9. **NOT ESSENTIAL SERVICES**. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities or private utilities.

10. **FRANCHISES**. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Town of Queen Creek have been obtained and shall file a copy of all required franchises with the Town Planner.

11. **PUBLIC NOTICE**. For purposes of this chapter, any conditional use request shall require public notice pursuant to §3.5 of this Zoning Ordinance except that the notice required shall include posting of the property, and mailing to all property owners within three-hundred (300) feet of the proposed use, and publication in a newspaper of general circulation regardless of any expression to the contrary in §3.5.

12. **SIGNS**. No signs shall be allowed on an antenna, on a tower or on any portion of the premises leased for wireless telecommunication use.

13. **BUILDINGS AND SUPPORT EQUIPMENT**. Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection 14 of this Section.

14. **CO-LOCATION AND MULTIPLE ANTENNA/TOWER PLAN**. The Town of Queen Creek encourages tower and antenna users to submit a single application for approval of multiple towers and/or antenna sites and to submit applications which utilize co-location with an existing wireless telecommunications provider. Applications for approval of multiple sites or for co-location with an existing provider shall be given priority in the review process.

15. **SECURITY FENCING**. Towers shall be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height, shall be constructed of a block or masonry and shall be equipped with an appropriate anti-climbing device; provided, however, that the Town Council may waive such requirements as it deems appropriate.

16. **LANDSCAPING**. The following requirements shall govern the landscaping surrounding towers; provided, however, that the Town Council may waive such requirements if the goals of this chapter would be better served thereby.

    a. Tower facilities shall be landscaped with a buffer of plan materials that effectively screens the view of the tower compound from residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

    b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

    c. Existing mature plan growth and natural land forms on the site shall be preserved to the maximum extent possible.

E. PERMITTED USES.

1. **GENERAL**. The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a conditional use permit.

2. **PERMITTED USES**. The following uses are specifically permitted:

    a. Antennas or towers located on property owned, leased or otherwise controlled by the Town of Queen Creek, provided a license or lease authorizing such antenna or tower has been approved by the Town of Queen Creek Town Council. No such license or lease shall be issued for a tower located within three hundred (300) feet of any residentially zoned property until a public hearing has been held at a regular or special Town Council meeting. This subsection shall not apply to property presently known as Town Hall.

    b. Antennas or towers located in any Industrial Zoning District (I-1 or I-2); provided, however, that freestanding towers or antennas shall not exceed forty (40) feet in height without a special use permit, and that roof mounted antennas shall not extend more than ten (10) feet above the tallest point on such roof and in no case shall the total combined height of the building and the roof-mounted antenna exceed fifty (50) feet in height.

3. Amateur Radio Towers.

    a. Non-commercial, private residential use allowed but subject to an administrative over-the-counter permit; non-residential uses require a conditional use permit.

    b. Setback and height standards: minimum three (3) feet from property line for towers up to fifteen (15) feet in height. Over fifteen (15) feet in height, then an additional one (1) foot setback for each one (1) foot of tower and antenna height (over 15 feet) with a maximum height of seventy-five (75) feet.

    c. Towers are prohibited in the front yard and shall not be placed in front of the
    front face plane of the principal building.

d. Limitation on quantity of towers by zoning district:

(1) R1-35 SFR Zoning District and larger lot zoning districts: Up to two (2) primary transmission and reception towers per lot of record and subject to the setback and height standards established in §3.b.

(2) All other zoning districts: One (1) tower permitted per lot of record.

(3) Additional towers, greater in number prescribed in 3.d.1 and 3.d.2, may be permitted in any zoning district but shall be subject to securing a conditional use permit.

e. Towers are prohibited in any airport clear zone or landing zone designated by FAA.

F. CONDITIONAL USE PERMITS.

1. **GENERAL**. The following provisions shall govern the issuance of special use permits for towers or antennas by the Town Council:

a. If the tower or antenna is not a permitted use under subsection (E) of this chapter, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts. The maximum height of any such tower shall be sixty-five (65) feet.

b. Applications for conditional use permits under this Section shall be subject to the procedures and requirements of §3.5 of this Zoning Ordinance, except as modified in this Section.

c. In granting a special use permit, the Town Council may impose conditions to the extent such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by an Arizona licensed professional engineer.

e. An applicant for a conditional use permit shall submit the information described in this section and a non-refundable fee established pursuant to a Resolution of the Town Council.

f. A Special Use Permit issued under this Chapter shall be conditioned upon verification by the own Engineer or his designee that such tower structure is structurally sound. Such verification shall be received by the applicant prior to submission and at five intervals from the date of issuance of such permit.

2. **TOWERS**.

a. **INFORMATION REQUIRED**. In addition to any information required for applications for conditional use permits, pursuant to Appendix C of this

Zoning Ordinance, applicants for a conditional use permit for a tower shall submit the following information:

(1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), General Plan classification of the site and all properties within the applicable separation distances set forth in subsection (G)(2), adjacent roadways, proposed means of access, setbacks from property lines elevation drawings of the proposed tower and any other structures, and other information deemed by the Town Planner to be necessary to assess compliance with this article;

(2) The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties;

(3) The separation distance from other towers described in the inventory of existing sites submitted, pursuant to subsection D(2) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known;

(4) Method of fencing and finished color and, if applicable, the method of camouflage and illumination;

(5) A description of compliance with subsections (D)(3), (4), (5), (6), (7), (10), (12), (13), (14), (15), and (16) and G(1) and (2), and all applicable federal, state or local laws;

(6) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users;

(7) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality;

(8) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower;

(9) A description of the feasible alternative location(s) of future towers or antennas within the Town of Queen Creek based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected; and

(10) A statement of compliance with Federal Communications Commission (FCC) Radio Frequency (RF) exposure standards;

b. **NOISE**. No permit shall be issued for any facility which generates a noise level greater than fifty decibels (50 db) as measured at the edge of the property upon which such facility is sited.

c. **FACTORS CONSIDERED IN GRANTING SPECIAL USE PERMITS FOR TOWERS**. In addition to any standards for consideration of special use permit applications pursuant to §3.7 of this Zoning Ordinance, the Town Council shall consider the following factors in determining whether to issue a conditional use permit, although the Town Council may waive or reduce the burden on the applicant of one or more of these criteria if the Town Council concludes that the goals of this ordinance are better served thereby:

(1) Height of the proposed tower;

(2) Proximity of the tower to residential structures and residentially zoned district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and vegetation;

(6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress; and

(8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection F(2)(d) below.

d. **AVAILABILITY OF SUITABLE EXISTING TOWERS, OTHER STRUCTURES, OR ALTERNATIVE TECHNOLOGY**. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Town Council related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(1) No existing towers or structures are located within the geographic area which meets applicant's engineering requirements;

(2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;

(3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;

(4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

(5) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;

(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; or

(7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

G. MINIMUM SETBACKS AND SEPARATION.

1. **SETBACKS**. The following setback requirements shall apply to all towers for which a conditional use permit is required; provided, however, that the Town Council may reduce the standard setback requirements if the goals of this chapter would be better served thereby:

   a. Towers shall be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line; provided, however, that separation distances from residential uses shall be in accordance with **Table 6.18-1** set forth below.

   b. Accessory buildings must satisfy the minimum zoning district setback requirements.

2. **SEPARATION**. The following separation requirements shall apply to all towers and antennas; provided, however, that the Town Council may reduce the standard separation requirements if the goals of this chapter would be better served thereby:

   a. **SEPARATION FROM OFF-SITE USES/DESIGNATED AREAS**.

      (1) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in **Table 6.18-1**, except as otherwise provided in **Table 6.18-1**.

      (2) Separation requirements for towers shall comply with the minimum standards established in **Table 6.18-1**.

3. **EXCEPTION**. The minimum separation requirements of this section shall not apply to towers which are co-located on a single site.

a. **SEPARATION DISTANCES BETWEEN TOWERS**. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in **Table 6.18-2**.

Table 6.18-1
Separation Requirements from Offsite Uses/Areas

Off-site Use/Designated Area	**Separation Distance**
Single-family or duplex residential units	200 feet or 300% of tower height, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary plat approval which is not expired	200 feet or 300% of tower height, whichever is greater[2]
Vacant unplatted residentially zoned land[3]	100 feet or 100% of tower height, whichever is greater
Existing multi-family residential units greater than duplex units	
Non-residentially zoned lands or non- residential uses	None, only setbacks apply

[1] Includes modular homes and mobile homes used for living purposes.
[2] Separation measured from base of tower to closest building setback line.
[3] Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan and any multi-family residentially zoned land greater than a duplex.

Table 6.18-2
Minimum Separation Distances between Towers

	Monopole 65 feet in height or greater	Monopole less than 65 feet in height but greater than 40 feet in height	Monopole less than 40 feet in height
Monopole 65 feet in height or greater	2,000 feet	1,500 feet	1,000 feet
Monopole less than 65 feet in height but greater than 40 feet in height	1,500 feet	1,500 feet	1,000 feet
Monopole less than 40 feet in height	1,000 feet	1,000 feet	750 feet

H. BUILDINGS OR OTHER EQUIPMENT STORAGE.

1. **ANTENNAS MOUNTED ON STRUCTURES OR ROOFTOPS**. The equipment cabinet or structure used in association with antennas shall comply with the following:

a. The cabinet or structure shall not contain more than one hundred-twenty (120) square feet of gross floor area or be more than eight (8) feet in height and shall be located on the ground.

b. Equipment storage buildings or cabinets shall comply with all applicable building codes.

2. **ANTENNAS MOUNTED ON UTILITY POLES, LIGHT POLES OR TOWERS**. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

a. In residential zoning districts, the equipment cabinet or structure may be located:

(1) In a required front yard or required street side yard provided the cabinet structure is no greater than three and one-half (3.5) feet in height or twenty (20) square feet of gross floor area and the cabinet/structure is located a minimum of three (3) feet from all lot lines. The cabinet/structure shall be screened by sight-obscuring landscaping which obscures at least ninety-five percent (95%) of the structure at planting and throughout the duration of the cabinet or structures existence with an ultimate height not to exceed forty-two (42) inches.

(2) In a required rear yard, provided the cabinet or structure is no greater than five (5) feet in height or one hundred-twenty (120) square feet in gross floor area. The cabinet/structure shall be screened by sight-obscuring landscaping which obscures at least ninety-five percent (95%) of the structure at planting and throughout the duration of the cabinet or structures existence with an ultimate height of six (6) feet.

(3) The entry or access side of a cabinet or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet or structure.

b. In commercial or industrial districts the equipment cabinet or structure shall be no greater than fourteen (14) feet in height or three hundred (300) square feet in gross floor area. The structure or cabinet shall be screened by sight-obscuring landscaping with an ultimate height of sixteen (16) feet and a planted height of at least six (6) feet. The entry or access side of a cabinet or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet or structure. Such access way shall not face residentially zoned property.

3. **MODIFICATION OF BUILDING SIZE REQUIREMENTS**. The requirements of §6.16.F.1 to 6.16.F.3 may be modified by the Town Council in the case of uses permitted by conditional use to encourage co-location.

I. CO-LOCATION.

1. **GOOD FAITH**. Applicants and permittees shall cooperate and exercise good faith in co-locating wireless telecommunications facilities on the same support structures or site, if the Town so requests. For the purposes of this section only, a site may accommodate more than one tower and its accompanying equipment; provided, however that no site shall exceed ten (10) acres. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and

may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing such information normally will not be considered as an excuse to the duty of good faith.

2. **THIRD PARTY TECHNICAL REVIEW**. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Town may require the applicant to obtain a third party technical study at the applicant's expense. The Town may review any information submitted by the applicant and permittee(s) in determining whether good faith has been exercised.

3. **EXCEPTIONS**. No co-location may be required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing wireless telecommunications facilities or failure of the existing wireless telecommunications facilities to meet federal standards for emissions.

4. **VIOLATION; PENALTY**. Failure to comply with co-location requirements when feasible may result in denial of a permit request or revocation of an existing permit.

J. REMOVAL OF ABANDONED ANTENNAS AND TOWERS.

Any antenna or tower that is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Town of Queen Creek notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day period shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower for the prescribed period.

K. NON-CONFORMING USES.

1. **NOT EXPANSION OF NON-CONFORMING USE**. Towers that are constructed and antennas that are installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a non-conforming use or structure.

2. **PRE-EXISTING TOWERS**. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this chapter.

3. **REBUILDING DAMAGED OR DESTROYED NON-CONFORMING TOWERS OR ANTENNAS**. Notwithstanding other provisions of this Article, bona fide non-conforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special use permit and without having to meet the separation requirements specified in, bona fide non-conforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a conditional use permit and without having to meet the separation requirements specified in § G(1) and (2). The type, height and location of the tower onsite shall be of the same type and intensity as the original facility approval; provided, however, that any destroyed lattice or guyed tower shall be replaced with a monopole structure only. Building permits to rebuild the facility

shall comply with the then applicable building codes and shall be obtained within ninety (90) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section H.

6.19 TEMPORARY USES.

The following temporary uses are allowed in the T.C., C-1 and C-2 Districts upon approval of a Temporary Use Permit by the Zoning Administrator.

A. PURPOSE.

The Temporary Use Permit is a mechanism by which the Town may allow a use to locate within the Town on a short-term basis and by which it may allow seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Planning Department is required pursuant to §3.2 of this Ordinance.

B. APPROVAL CRITERIA.

All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to criteria for any particular temporary use as specified in subsections C through H of this Section:

1. **COMPATIBILITY WITH/EFFECT ON SURROUNDING AREA**. The allowance of such use shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

2. **LOCATION ON PUBLIC PROPERTY**. The use shall not be on publicly owned property unless the applicant first obtains approval of a revocable or other applicable permit through the Town or the owner, if not the Town.

3. **TRAFFIC**. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area.

4. **PARKING AND ACCESS**. Adequate off-street parking, in accordance with §5.7 of this Ordinance, shall be provided to serve the use. The use does not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

5. **PROPERTY LINE SETBACKS**. Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zone district within which it is located. The items shall be displayed so as not to interfere with the sight visibility triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case shall items be displayed within the public right-of-way.

6. **SIGNS**. Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. No sign for a temporary use shall exceed thirty-two (32) square feet, not including permanent signage that

may be on a vehicle. All signs for temporary uses shall be attached to a structure, vehicle or existing sign post. Portable signs shall not be allowed. Off premise signage for a temporary use shall not be allowed.

7. **NUMBER PER PARCEL**. Only one (1) Temporary Use Permit shall be permitted for a single parcel of land at any given time.

8. **PERIOD OF TIME BETWEEN PERMITS**. The period of time between any temporary use permit on a parcel and application for another temporary use permit on that parcel shall be at least three times the amount of time of the first (previous) permit.

C. ENTERPRISE SALES.

"Enterprise Sales" may be conducted, unless otherwise prohibited, without reference to other regulations of the Zoning Ordinance, upon issuance of a Permit by the Zoning Administrator, when it is found that the following criteria will be met:

1. That the Permit shall be obtained prior to commencing any enterprise sale;

2. That the Permit shall not authorize a sale for more than four (4) days in length, no more than six (6) times per calendar year for each of the following:

   a. A bona fide non-profit, charitable or religious organization and fraternal or service club; or

   b. An individual bona fide Queen Creek merchant who shall possess a valid Business License for a specific identifiable location in a commercial zoning district in the Town of Queen Creek. All merchandise offerings shall consist of items normally stocked by the holder of the Business License.

3. That the site or location of such sales shall be kept in a clean and orderly fashion, free of refuse and other debris;

4. That no element of the sale will obstruct or interfere with the safe and normal flow of pedestrian or vehicular traffic;

5. That no element of the sale will constitute a condition which, in the opinion of the Zoning Administrator, Building Inspector, or Fire Chief presents a danger to the health, safety, or welfare of the general public; and

6. That upon the conclusion of the sale, the site or location shall be cleaned and restored to its previous condition.

D. TEMPORARY EVENTS.

"Temporary Uses" may be allowed, without reference to other regulations of the Zoning Ordinance, upon issuance of a permit by the Zoning Administrator for events lasting not more than thirty (30) days and customarily associated with recognized local or national holidays, and activities, such as:

1. Christmas Tree sales at Christmas time;
2. Pumpkin sales at Halloween;
3. Music festivals;
4. Promotional events;
5. Horse shows, Rodeos, and Charity Events.

6. Fireworks Sales.

E. TEMPORARY SIGNS.

"Temporary Signs" and attention getting devices such as banners, pennants, spinners, balloons, etc. may be allowed concurrent with Enterprise Sales or Temporary Uses in accordance with the following:

1. No such attention getting devices shall in any way interfere with the safe and orderly flow of traffic or in any way present a danger to the health, safety and welfare of the public at large.

2. A Permit authorizing the use of special attention getting devices must be issued by the Town of Queen Creek Planning and Building Department prior to the installation of said devices. In order to obtain the Permit, the applicant shall make application to the Planning and Building Department along with the required fees as established by Resolution of the Town Council and a plan depicting, or narrative describing, the type and location of all special attention getting devices to be used on site.

F. TEMPORARY RETAIL SALES USES.

1. **SEASONAL SALE OF AGRICULTURAL PRODUCTS**. Temporary Use Permits are required for all seasonal sales of agricultural products in non-residential zone districts. Such sales are limited to a period of time not to exceed four (4) consecutive months per calendar year. A maximum of one (1) building/display booth shall be allowed and may cover a maximum of four-hundred (400) square feet. The structure must be portable and completely removed at the end of the period.

2. **SEASONAL GREENHOUSES (ACCESSORY TO ESTABLISHED BUSINESS)**. Limited to only non-residential zone districts for a period of time not to exceed six (6) months per calendar year. A maximum of one (1) building shall be allowed and may cover a maximum of two-thousand (2,000) square feet. The structure must be portable and completely removed at the end of the permit period.

3. **SIDEWALK VENDORS**. The sale of food, beverages, or merchandise from a stand or motor vehicle, or from a person may be allowed in non-residential zoning districts consistent with the requirements of subsection C of this Section (Enterprise Sales), and shall be limited to a period not to exceed ninety (90) continuous days per calendar year in a given location. Even if at any time the vendor does not occupy the permitted site, the 90-day limit shall not be extended.

4. **FIREWORKS SALES.** The display and sale of consumer fireworks as defined by the American Pyrotechnics Association Standard 87-1 and pursuant to State Law.

   a. Permissible Consumer Fireworks:
   1. Ground and hand-held sparkling devices;
   2. Cylindrical Fountains.
   3. Cone Fountains
   4. Illuminating Torches.
   5. Wheels.
   6. Ground Sparklers.
   7. Flitter Sparklers.

8. Toy Smoke Devices.
9. Wire sparklers or Dipped Sticks.
10. Multiple Tube Fireworks Devices and Pyrotechnic articles.

b. Does not include anything that is designed or intended to rise into the air and explode or detonate in the air or to fly above the ground, including, for example, firework items commonly known as Bottle Rockets, Sky Rockets, Missile-Type Rockets, Helicopters, Torpedoes, Roman Candles and Jumping Jacks.

c. A person shall not sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen (16) years of age.

d. Use of consumer fireworks is prohibited in the Town of Queen Creek pursuant to Town Code Chapter 9.

G. REAL ESTATE DEVELOPMENT AND CONSTRUCTION-RELATED TEMPORARY USES.
The following uses are allowed in all zoning districts.

1. **PERMITS REQUIRED.** Temporary Use Permits are required for real estate development and construction-related temporary uses and are subject to the following criteria:

a. The property owner or authorized representative shall obtain zoning clearance and building permit authorization for construction prior to issuance of the Temporary Use Permit. Unless otherwise specified below.

b. The temporary building, travel trailer or mobile home shall be located on the lot or parcel on which construction is occurring and shall be occupied and/or used only by the property owner or authorized representative.

c. Any temporary use permit for such temporary building, travel trailer or mobile home issued by the Zoning Administrator shall be limited to a period of time not to exceed one (1) year from the date of such approval unless otherwise specified within this ordinance, but said permit may be renewed thereafter upon the property owner submitting a request to the Zoning Administrator for the renewal of said permit and the submittal of satisfactory evidence to the Zoning Administrator indicating that the need for such temporary building, travel trailer or mobile home continues to exist.

d. Unless such Temporary Use Permit is renewed, the temporary building, travel trailer or mobile home shall be removed from the property upon expiration of the previously issued Temporary Use Permit or within ten (10) days after completion of the construction work, or within ten (10) days after the expiration of the authorized building permit for the construction work, whichever comes first. If an accessory building has been used for temporary residential use during construction, the building shall be returned to its accessory use state and any kitchen facilities placed in the building shall be removed within the above time frame.

2. **CONTRACTORS OFFICE AND EQUIPMENT/STORAGE SHEDS**. Accessory to a Construction Project (Residential or Non-Residential). Multiple temporary structures may be allowed under one temporary use permit. Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year as and if approved by the Administrator. A trailer may be used for a contractor's office or for the contractor's storage of equipment or materials. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a Certificate of Occupancy or completion of the construction project, whichever occurs first.

3. **REAL ESTATE OFFICE IN A TRAILER/MOBILE HOME**. One (1) temporary structure such as trailer or mobile home may be used as a real estate sales office in any new construction project for the sale of units within that project only. Such a temporary use may be allowed in all zone districts subject to the following:

a. The property owner or authorized representative shall obtain zoning clearance and make application for construction of a model prior to issuance of the temporary use permit;

b. The permit shall be valid for a period of six (6) months or until all units for the project are sold, whichever comes first. At the conclusion of the 6-month period or lot sales, then the temporary structure shall be removed form the site within ten (10) days after the expiration of the temporary use permit. Said permit may be renewed thereafter upon the property owner submitting a request to the zoning administrator for renewal of said permit and the submittal of satisfactory evidence to the zoning administrator indicating that the need for such temporary building, travel trailer or mobile home continues to exist;

c. An all-weather emergency access road approved by the fire department and the Town engineer shall be provided to the site. All weather access

shall mean a minimum twenty (20) foot wide roadway consisting of a minimum six (6) inches of aggregate base;

d. An off-street parking area shall provide one stall for each person stationed at the mobile home, plus two customer spaces and one handicapped accessible space;

e. Prior to opening the sales office there shall be operable fire hydrants within five-hundred (500) feet of the sales office;

f. An affidavit from the builder stating that no general public access to home sites shall be permitted until street improvements are completed;

g. All ADA requirements shall be complied with;

h. Evidence of compliance with all other state/county agencies shall be provided.

4. **REAL ESTATE OFFICE IN A MODEL HOME**. Accessory to Construction of a New Residential Development. Limited to a period of time not to exceed one (1) year with the option of an extension of up to one year as and if approved by the Administrator. The number of employees utilizing the office at any one time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

5. **SINGLE FAMILY DWELLING IN TEMPORARY STRUCTURE**. During the active construction period (after a building or grading permit has been issued) of a construction project involving a non-residential use or a residential development, one (1) mobile home or trailer may be allowed on the same property to be used as a temporary residence or for a night watchman for a period not to exceed twelve (12) months or the active construction period, whichever is less. The temporary home shall be removed from the site within fourteen (14) days of issuance of the final Certificate of Occupancy for a non-residential structure or the first residential unit if within a residential development.

H. AMUSEMENT ENTERPRISES.

Carnival, circus, or menagerie and amusement rides may be allowed in any non-residential zone district for a period not to exceed fifteen (15) days within any calendar quarter. This classification excludes events conducted in a permanent entertainment facility.

I. SPECIAL EVENTS AND ACTIVITIES.

Special events and activities conducted on public property such as school sites and Town parks shall be exempt from the provisions of this section of the Ordinance but must comply with any guidelines, regulations and permitting process required by the authorizing agency (*e.g.* School District or Town Parks and Recreation Department).

J. LOCATION OF MANUFACTURED, MOBILE HOMES, TRAVEL TRAILERS, AIRCRAFT, BOATS, CAMPING TRAILERS, TRUCK CAMPERS AND MOTOR HOMES.

Unless otherwise permitted by the use regulations for a specific zoning district, the location or storage of manufactured homes, mobile homes, travel trailers, aircraft, boats, camping trailers, truck campers and motor homes outside of approved mobile home parks, travel trailer parks and manufactured/mobile home subdivisions, and the location

or storage of aircraft, boats, camping trailers, truck campers and motor homes in all zones shall be subject to the following:

1. At no time shall the manufactured home, mobile home, travel trailer, aircraft, boat, camping trailer, truck camper or motor home be occupied or used for living, sleeping or household purposes.

2. Manufactured homes, mobile homes, travel trailers and motor homes intended for non-residential uses shall be subject to securing a temporary use permit; provided the mobile homes used for quarters for on duty personnel in connection with publicly or privately owned or operated fire stations shall be considered to be a non-residential use in any zoning district and subject to the zoning permit requirements.

3. If a manufactured home, mobile home, travel trailer, aircraft, boat, camping trailer, truck camper and/or motor home is located outside a garage or carport, it shall be placed in the rear yard of the lot and screened from view by an opaque fence (i.e. wood picket, block or chain link using commonly colored slats), except that placement in other than the rear yard for loading an unloading purposes may be permitted for a period of time not to exceed seventy-two (72) hours.

K. SIMILAR AND COMPATIBLE USES NOT SPECIFIED.

Those uses which are similar and compatible to those allowed as temporary uses in this section.

1. Determination of what constitutes similar and compatible shall be made by the Administrator.

2. In such instances, the applicant shall provide the following information by which the proposal can be reviewed:

   a. Type of use;

   b. Number of employees;

   c. Parking/circulation needs;

   d. Hours of operation; and

   e. Duration of operation.

6.20 RELIGIOUS INSTITUTIONS.

A. APPLICABILITY.

The standards set forth in this Section shall apply to the following uses listed as Religious Institutions in **Tables 4.6-1** and **4.6-2** of this Ordinance. Religious Institutions often serve as a transition between commercial and residential uses, and the standards reflect this unique combination.

B. PROCESSING

Religious Institutions shall be processed as established in §3.2 *Permits Required* Subsection (G) *Religious Institutions*.

C. PERFORMANCE STANDARDS.

Regardless of the zoning district in which the Religious Institution is located, the standards shall be met as set forth in this section; unless a zoning amendment application has been filed and approved.

1. **DIMENSIONAL AND DENSITY REGULATIONS** The standards established in §4.7 *Dimensional and Density Regulations* shall apply, specifically the following:

    a. FLOOR AREA RATIO AND IMPERVIOUS SURFACE: The Maximum Floor Area Ratio shall be 0.3 and the Maximum Impervious Surface Ratio shall be 0.7.

    b. SETBACKS: The zoning district in which the property is located will apply in Subsections (C) *Dimensional Standards* TABLE 4.7-2 and (E) *Setbacks*

    c. HEIGHT: Church height exceptions and requirements are outlined in Subsections (F)(2) *Exceptions* and (F)(5) *Churches and Places of Worship.* Various symbols of expression (crosses, spires, etc.) are encouraged to be associated with the main building either by direct attachment or by architectural design and/or materials.

2. **FENCES** The fence standards established in §5.2 *Fences,* specifically subsection (A)(9) *Non-Residential Zoning District* of this Ordinance shall apply, regardless of the zoning district in which the Religious Institution is located.

3. **LANDSCAPING, SCREENING, AND BUFFERYARD STANDARDS** The standards as set forth in §5.3 *Landscaping Standards* shall be met in its entirety, with the exception of Subsection (E)(3) *Standards for Bufferyards* which will be established as follows:

    a. Street bufferyards shall be a minimum of 30’ when adjacent to an arterial, or a minimum of 25’ along all other streets.
    b. Parking screen walls should be located such that they are along, but not within, the right-of-way abutting parking areas adjacent to the street.
    c. Bufferyards along the remaining perimeters shall be a minimum 10’ wide.
    d. Perimeter fencing, not adjacent to the street should be located such that the bufferyard is interior to the site.

4. **OPEN SPACE** The standards established in §5.5 *Open Space* shall be met for the zoning district in which the property is located.

5. **ALL OTHER REQUIREMENTS AND STANDARDS** All other applicable zoning requirements and standards established in this Ordinance shall apply.

D. ARCHITECTURAL DESIGN

These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the Town, preserve taxable values, and promote the public health, safety and general welfare.

1. **ARCHITECTURAL PRINCIPLES** The Architecture shall reflect a balance of form and function. It is not required to subscribe to a specified architectural style, but it is encouraged to be architecture that can withstand changes in style and economy. The architecture shall complement the existing built environment by accomplishing the following:

    a. Architecture and detail is compatible with surrounding uses and sympathetic to location, particularly as it pertains to scale, proportion, and massing;
    b. Site design and building shall be integrated, relating to exterior features such as courtyards; use of landscaping should accentuate site, building features, and provide shade;
    c. The local or vernacular styles in the vicinity are taken into account;
    d. Site design and layout is sensitive to location, including geographical and topographical considerations.

2. **ARCHITECTURAL GUIDELINES.** The following are elements to be incorporated into design:

    e. The building materials of a project shall be durable, require low maintenance, and be of a substantial quality;
    f. All buildings shall incorporate three hundred and sixty degree (360°) architecture and shall have clearly delineated entries.
    g. Variety of massing, building heights, and stepping roof lines are encouraged, as is harmony in texture and lines.
    h. Architecture shall include shade and shadow. Architectural elements that add visual interest to roofs are encouraged;
    i. Sides of buildings that extend more than thirty (30) feet in length shall provide a pitch roof element, windows, porch or other design feature to break up the long, continuous and otherwise uninterrupted blank wall;
    j. Flat roof buildings shall have features such as an articulated base course and cornice for all sides visibly exposed, unless a particular style dictates otherwise;
    k. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from public view and designed to appear as an integral part of the building;

E. PHASING PLAN.

Should the project be developed in phases, a detailed phasing plan, including a narrative and site plan delineating which portions of the property are in which phase, shall be submitted as part of the application. Each phase shall have a complete and finished appearance.

6.21 PAWN SHOPS AND CHECK CASHING/PAYDAY LOAN BUSINESSES.

A. PURPOSE.

The purpose of this section is to regulate the location and spacing of pawn shops and non-chartered financial institutions (also known as check cashing/payday loan businesses) in the Town of Queen creek to avoid the overconcentration of these uses in particular areas of the community and the potential for adverse effects for the adjoining neighbors and adjacent neighborhoods.

B. DEFINITIONS.

a. **DISTANCE SEPARATION REQUIREMENTS –** All distance separation requirements specified by this section shall be measured in a straight line from the outside building wall of the proposed use to the location of the nearest outside wall of the existing use from which the proposed use is to be separated, without regard to any intervening uses, buildings, streets, property lines or land parcels.

b. **NON-CHARTERED FINANCIAL INSTITUTION (NFI) –** 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, and payday loan businesses that make loans upon assignment of wages received. Excluded are retail uses in which a minimum of 70 per cent of the floor area of the store is devoted to display or sale of merchandise. Non-chartered financial institutions may also be referred to as payday loan and/or check cashing businesses.

c. **PAWN SHOP** – An establishment at which money is lent on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

C. CONDITIONAL USE PERMITS.

Approval of a Conditional Use Permit as set forth in §4.6-2 Principal uses Allowed in Non-Residential Districts, is required for all pawn shops and non-chartered financial institutions.

D. DISTANCE SEPARATION REQUIREMENTS.

a. A minimum distance separation requirement of one-thousand, two-hundred feet (1,200') shall be maintained between all existing and proposed non-chartered financial institutions.

b. A minimum distance separation requirement of one-thousand, two-hundred feet (1,200') shall be maintained between all existing and proposed pawn shops.

c. A minimum distance separation requirement of five-hundred feet (500') shall be maintained between all existing and proposed pawn shops and non-chartered financial institutions and any existing public or charter school.

6.22 MEDICAL MARIJUANA.

Section 6.22-1-1 Legislative Findings and Purpose.

A. In many communicates in which so-called medical marijuana "dispensaries" have been established, law enforcement agencies have documented the serious and adverse impacts associated with such dispensaries. These communities and the media have reported increased crime, including burglaries, robberies, violence, illegal sales of marijuana to and use of marijuana by minors and others without medical need in the areas immediately surrounding such medical marijuana dispensaries. Other negative secondary effects include the smoking of marijuana in public areas and adverse impacts on neighboring businesses (including odor complaints). Such negative secondary effects related to medical marijuana use have been considered by other government agencies such as the County of San Diego. The Town of Queen Creek could reasonably anticipate experiencing similar adverse impacts and effects from any marijuana dispensaries and cultivation and other marijuana operations established in the Town.

B. Additionally, a number of sources, including the United States Department of Justice's California Medical Marijuana website [which contains various documents and reports related to issues surrounding marijuana use] and the "White Paper on Marijuana Dispensaries" published by the California Police Chiefs Association's Task Force on Marijuana Dispensaries (April 22, 2009), have concluded that the establishment of marijuana dispensaries can lead to an increase in crime. Among the crimes cited as typical examples are burglaries, robberies, sales of illegal drugs in areas immediately surrounding such dispensaries, as well as other public nuisances such as loitering, smoking marijuana in public places, sales to minors and driving while under the influence of marijuana. The Town Council of Queen Creek finds that these data and conclusions, experiences in other cities, towns and counties justify the implementation of the regulatory zoning and safety measures included in this ordinance.

C. The provisions of this Article are intended to acknowledge and protect the rights of qualifying patients and their designated caregivers under the provisions of Title 36, A.R.S § 36-2801 et seq., while also protecting the health, safety, and welfare of the public; through implementation of the Zoning Code; and curtailing to the extent reasonably possible, the possession, use, distribution, or cultivation of marijuana for unlawful purposes by:

1. requiring that medical marijuana businesses, operations and facilities be operated in a manner that minimizes potential health and safety risks and mitigates the negative impacts that a medical marijuana dispensary or cultivation operation might have on surrounding properties and persons;
2. regulating the conduct of persons owning, operating and using medical marijuana dispensaries and cultivation facilities in order to protect the public health, safety and welfare; and
3. regulating the location and operation of medical marijuana dispensaries, cultivation facilities and medical marijuana operations.

D. By adoption of this Article, the Town Council does not intend to authorize or make legal any act that is not permitted under federal or state law.

Section 6.22-1-2 Definitions.

A. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

1. ***Cultivation*** shall mean the process by which a person grows a marijuana plant(s) as allowed by Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. and the Department rules and regulations.

2. ***Department*** shall mean the Arizona Department of Health Services or its successor agency.

3. ***Department rules and regulations*** shall mean the adopted regulations of the Department relating to the provisions of Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. currently in existence and as adopted in the future.

4. ***Designated caregiver*** shall mean a person, other than qualifying patient and the patient's physician, who, pursuant to Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. and the Department rules and regulations, assists no more than five (5) registered qualifying patients with the medical use of marijuana.

5. ***Group care home*** shall mean a residential facility for persons providing living facilities, sleeping rooms, and meals and which has a permit issued by the Arizona Department of Health Services or Maricopa County Health Department. This definition shall be construed to include assisted living homes for the elderly and the handicapped, adult foster care homes, group care homes for the developmentally disabled, boarding houses, lodging houses, nursing homes, residential substance abuse diagnostic and treatment facilities, residential drug or alcohol rehabilitation facilities, and halfway houses.

6. ***Massage establishment*** shall mean any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders.

7. ***Medical marijuana*** shall mean marijuana or cannabis, including all parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant, approved under state law for treatment of persons suffering from debilitating medical conditions as designated in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., the Department rules and regulations, and other laws and regulations of the State of Arizona.

8. ***Medical marijuana designated caregiver cultivation location*** shall mean an enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 250 square feet of cultivation space where a designated caregiver, as designated by Arizona Revised Statutes, Title 36, § A.R.S. 36-2801 et seq., Department rules and regulations, cultivates medical marijuana.

9. ***Medical marijuana dispensary offsite cultivation location*** shall mean a building, dwelling, structure, or premises used for the cultivation or storage of medical marijuana that is the additional location where marijuana is cultivated by a medical marijuana dispensary as designated in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. or Department rules and regulations.

10. ***Medical marijuana dispensary or dispensary*** shall mean a building, dwelling, structure or premises used to acquire, possess, cultivate, manufacture, deliver, transfer, transport, sell, distribute, transmit, give, dispense or otherwise provide medical marijuana in any manner to patients or designated caregivers pursuant to the authority contained in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., Department rules and regulations, or other implementing state statutes and administrative regulations.

11. ***Medical marijuana infusion facility*** shall mean a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods.

12. ***Medical marijuana operation*** shall mean any person acting alone or in concert with another person, whether for barter, reimbursement, profit or not for profit, who cultivates, grows, harvests, processes, packages, transports, displays, sells, dispenses or otherwise

distributes the stalks, stems, roots, seeds, leaves, buds or flowers of any plant of the genus cannabis, or any mixture or preparation thereof, and medical marijuana for medical use as authorized by Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. This definition shall be construed to include, but is not limited to, the following: a) all services offered by a designated caregiver; b) cultivation by a designated caregiver, c) medical marijuana dispensaries; d) medical marijuana offsite cultivation locations; e) medical marijuana infusion facilities; and f) any other operation involving medical marijuana registered with the Department; all as designated in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., the Department rules and regulations, or other implementing state statutes and administrative regulations.

13. ***Medical marijuana paraphernalia or paraphernalia*** shall mean all equipment, products and materials of any kind, which is used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, including medical marijuana.

14. ***Medical marijuana qualifying patient cultivation location*** shall mean an enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where a qualifying patient, as defined in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. or Department rules and regulations, cultivates medical marijuana. The qualifying patient cultivation location must be accessory to the qualifying patient's primary residence. Medical marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. Medical marijuana cultivation as an accessory use to the qualifying patient's primary residence shall only be permitted if the residence is located at least 25 miles from a medical marijuana dispensary.

15. ***Minor patient*** shall mean a patient less than eighteen (18) years of age.

16. ***Park*** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

17. ***Patient*** shall mean a person who has a debilitating medical condition as defined in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. and is a registered qualifying patient as defined by State law and the Department rules and regulations.

18. ***Person*** shall mean a natural person or business entity such as, without limitation, a corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership or any group or combination thereof.

19. ***Place of worship or religious assembly*** shall mean buildings or facilities used for the purpose of conducting religious services, worship and related educational, cultural, and social activities.

20. ***Premises*** shall mean the entire parcel of property upon which a medical marijuana dispensary, medical marijuana cultivation facility or any other medical marijuana operation is located.

21. ***Registered pharmacy*** shall mean those pharmacies which have registered under A.R.S. § 32-1929 and obtained a pharmacy permit from the Arizona Board of Pharmacy and operate within the State of Arizona.

22. ***School*** means any building, portion of building, or group of buildings which is designed, constructed, or used for education or instruction in any branch of knowledge, including tutoring centers, day care centers, and the following types of schools:

a)"Charter school" means a school operating under sponsorship of a public school district governing board, the State Board of Education or the State Board for Charter Schools and has been created pursuant to A.R.S. 15-181.

b)"Instructional school" means a public or private school providing domestic, recreational, and other types of instruction such as dance, gymnastics, cooking, music, martial arts (without fitness center equipment), and fine arts.

c)"Private school" means any building, portion of building, or group of buildings used for elementary, secondary or higher education that does not secure the major part of its funding from a governmental agency.

d)"Public school" means any building, portion of building, or group of buildings used for elementary, secondary or higher education that secures the major part of its funding from a governmental agency.

e)"Vocational school" means an institution which teaches trades, business courses, hairdressing and similar skills on a post-secondary level.

23. ***Sensitive uses*** shall be construed to include the following uses: school; public or private recreation center; park; public library; place of worship; massage establishment; group care home; sexually oriented business; teen club; or registered pharmacy.

24. ***Teen club*** An enclosed or unenclosed structure which is open to persons from fifteen (15) through twenty (20) years of age unaccompanied by adults at which music is furnished for the purpose of social dancing, and at which a person fifteen (15) through twenty (20) years of age pays an admission, membership dues, or a minimum fee or cover charge, whether or not admission is limited to members only. This definition shall be construed to include the enclosed or unenclosed structure and the surrounding premises used for parking and any activity related to the dancing operation.

25. ***Zoning clearance*** shall mean the issuance of a permit certificate or authorization by the Zoning Administrator, or designee, indicating that a proposed building, structure, or use of land for a medical marijuana operation meets all of the standards, criteria, procedures, and requirements contained in this Article and the Zoning Ordinance.

Section 6.22-1-3 Conditional Use Permit, Site Plan, and Zoning Clearance.

A. Conditional Use Permit and Site Plan. All medical marijuana operations, including medical marijuana designated caregiver cultivation locations, medical marijuana dispensary offsite cultivation locations, medical marijuana dispensaries and medical marijuana infusion facilities shall require the approval of a Conditional Use Permit as set forth in Zoning Ordinance Section 4.6-2 "Principal Uses Allowed in Non-Residential Districts", and pursuant to the criteria required in Sections 3.5, Conditional Use Permits and Section 3.6, Site Plan Review.

B. Zoning Clearance. All medical marijuana operations, including medical marijuana designated caregiver cultivation locations, medical marijuana dispensary offsite cultivation locations, medical marijuana dispensaries, and medical marijuana infusion facilities shall require a zoning clearance. Compliance with all applicable Town Code and Zoning Ordinance requirements, including but not limited to, fees, timelines, submittal requirements, security plans and site plans shall be considered in the zoning clearance process. An annual zoning compliance certification signed by the owner of the premises and responsible person for medical marijuana operations shall be required and must be renewed prior to the anniversary date of the issuance of the original conditional use permit.

C. Compliance with State law and Department rules and regulations. Failure to comply Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., or Department rules and regulations or other implementing state statutes and administrative regulations, shall be grounds for revocation of a Conditional Use Permit, Site Plan and Zoning Clearance.

Section 6.22-1-4 Distance Separation Requirements.

A. All medical marijuana dispensaries, medical marijuana dispensary offsite cultivation locations, marijuana designated caregiver cultivation locations and medical marijuana infusion facilities shall meet the following minimum location requirements:

1. No medical marijuana dispensary, medical marijuana dispensary offsite cultivation location, marijuana designated caregiver cultivation location and medical marijuana infusion facility shall be operated or maintained within 1500 feet of another medical marijuana dispensary, medical marijuana dispensary offsite cultivation location, marijuana designated caregiver cultivation location or medical marijuana infusion facility.
2. No medical marijuana dispensary, medical marijuana dispensary offsite cultivation location, marijuana designated caregiver cultivation location or medical marijuana infusion facility shall be operated or maintained within 1500 feet of any Sensitive Uses, including, a school; public library; public or private recreation center; park; place of worship; massage establishment; group care home; sexually oriented business; teen club or registered pharmacy
3. No medical marijuana dispensary, medical marijuana dispensary offsite cultivation location, marijuana designated caregiver cultivation location or medical marijuana infusion facility shall be operated or maintained within 1500 feet of a boundary of a residential district defined herein; or the property line of a lot devoted to a residential use in any zone.

B. For purposes of this section, the distance limitations shall be measured as the shortest horizontal line between the property lines of the relevant properties involved. This measurement shall exclude any public right-of-way that is adjacent and connected to the recorded lot lines of the relevant properties involved in the measurement.

Section 6.22-1-5 Security Plan.

A security plan for all medical marijuana operations shall be submitted to Town incorporating and detailing the following elements:

1. Exterior lighting.
2. Security alarm system.
3. Building security measures.
4. Interior floor plan.
5. Exterior site and parking plan.
6. A secure storage area.

Section 6.22-1-6 Dispensary Hours of Operation.

Medical marijuana dispensary hours of operation shall be no earlier than 9:00 a.m. and no later than 5:00 p.m.

Section 6.22-1-7 Additional Conditions and Standards.

A. The following provisions shall govern the issuance of conditional use permits and zoning clearances for medical marijuana operations, including medical marijuana designated caregiver cultivation locations, medical marijuana dispensary offsite cultivation locations, medical marijuana dispensaries, and medical marijuana infusion facilities by the Zoning Administrator and Town Council:

1. All activity related to medical marijuana operations shall be conducted in compliance with Arizona Revised Statutes, Title 36, A.R.S. 36-2801 et seq., Department rules and regulations, and other implementing state statutes and administrative regulations.
2. All activity related to medical marijuana operations including but not limited to cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors and in a permanent building and may not be located in a trailer, cargo container or motor vehicle.
3. Medical marijuana operations shall not be allowed as home occupations.
4. Medical marijuana operations shall not have drive-through service.
5. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation facility must be provided at all times. In the event that any odors, debris, dust, fluids or other substance exit a dispensary or cultivation facility, the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition.
6. Off-site delivery of medical marijuana is prohibited.
7. Consumption of marijuana on the premises is prohibited.
8. Outdoor seating is prohibited.
9. Medical marijuana operations shall obtain and display current applicable business licenses, certificates and registrations.
10. Facilities shall not be larger than 2,500 square feet for a dispensary and 3,000 square feet for a cultivation location.
11. No retail sales of paraphernalia are permitted at a dispensary, except as permitted by law to patients or registered designated caregivers.
12. No minor patients shall be permitted within a medical marijuana operation at any time.
13. Retail sales of medical marijuana are prohibited.

B. The total number of medical marijuana dispensaries in the Town of Queen Creek shall be limited to one per every ten registered pharmacies located within the corporate boundaries of the Town.

Section 6.22-1-8 Supplemental Materials.

A. The minimum requirements of this subpart requiring supplemental materials shall apply to all medical marijuana dispensaries and medical marijuana dispensary offsite cultivation uses located in any zoning district.

B. In addition to the other application requirements, an applicant for any medical marijuana dispensary or medical marijuana dispensary offsite cultivation location conditional use permit shall provide the following:

1. A notarized authorization executed by the property owner, acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary or medical marijuana dispensary offsite cultivation location, as applicable.
2. The legal name of the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location.
3. If the application is for a medical marijuana dispensary offsite cultivation location, the name and location of the medical marijuana dispensary with which it is associated.
4. The name, address, and birth dates of each officer and board member of the nonprofit medical marijuana dispensary.
5. The name, address, birth date, and valid registry identification card for each nonprofit medical marijuana dispensary agent.
6. A copy of the operating procedures adopted in compliance with Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., and Department rules and regulations.
7. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has been convicted of any of the following offenses:

a) A violent crime as defined in A.R.S. § 13-901.03 (B) that were classified as a felony in the jurisdiction where the person was convicted.

b) A violation of state of federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration of supervised release, was completed ten or more years or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

8. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked.

Section 6.22-1-9 Prohibited Activities; No Nonconforming Uses.

A. Any medical marijuana dispensary offsite cultivation location not associated with a medical marijuana dispensary is prohibited, and only (1) one medical marijuana dispensary offsite cultivation location shall be permitted for the single medical marijuana dispensary with which it is associated.

B. No medical marijuana operation or use which purports to have cultivated or dispensed medical marijuana prior to the enactment of this Article shall be deemed to have been a legally established use under the provisions of the Zoning Ordinance and such medical marijuana operation and use shall not be entitled to claim legal nonconforming status.

C. Medical marijuana dispensaries and cultivation operations may not be co-located with facilities used to prepare, produce or assemble food, whether for medical or nonmedical purposes.

D. No medical marijuana or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises.

E. If the State prohibits medical marijuana dispensaries or cultivation, any conditional use permit, site plan and zoning clearance shall be deemed immediately revoked by operation of law.

Section 6.22-1-10 No Town Liability; Indemnification.

A. By accepting a conditional use permit pursuant to this Article, the applicant waives and releases the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of dispensary or cultivation owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

B. By accepting a conditional use permit pursuant to this Article, all permit holders, jointly and severally if more than one, agree to indemnify, defend and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever arising out of or are in any manner connected with the operation of the medical marijuana operation that is the subject of the conditional use permit.

Section 6.22-1-11 Other Laws Remain Applicable.

A. The issuance of any conditional use permit pursuant to this Article shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.

B. To the extent the State or Department has adopted or adopts in the future any additional or stricter law or regulation governing the sale or distribution of medical marijuana, the additional stricter regulation shall control the establishment or operation of any medical marijuana operation in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any conditional use permit or zoning clearance under this Article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any conditional use permit or zoning clearance issued hereunder.

ARTICLE 7
NON-CONFORMING USES

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ARTICLE 7
NON-CONFORMING USES

7.1 CONTINUATIONS OF NON-CONFORMING USES. Any non-conforming uses in existence at the time of the adoption of this Zoning Ordinance shall not be subject to this Ordinance to the extent that the regulations, restrictions and requirements of this Ordinance would prohibit that use. Any non-conforming use which, at any time, is not in use for a continuous twelve (12) month period following the adoption of these regulations shall be considered to be abandoned and, therefore, extinguished. The initial decision as to whether a prior existing, non-conforming use has been abandoned shall be made by the Administrator, subject to said decision being appealed to the Board of Adjustment be they affected property owner within three (3) months of the ruling by the Administrator.

7.2 EXPANSION OR ENLARGEMENT OF NON-CONFORMING USES.

A. A non-conforming use shall not be changed to another non-conforming use.

B. A non-conforming use shall not be repaired and/or remodeled, except to the extent necessary to maintain the non-conforming use as is or convert it into a conforming use.

C. A non-conforming use may be expanded or enlarged to an extent not exceeding twenty-five percent (25%) of the land area or building floor area devoted to the use at the time it became non-conforming. Such expansion shall require a conditional use permit.

7.3 CERTIFICATE OF NON-CONFORMING USE.

A. A Certificate of Non-conforming Use shall be required for all non-conforming uses. Application for a certificate of Non-conforming Use shall be filed within twelve (12) months for the effective date of this Order, and shall be accompanied by affidavits of proof that such non-conforming use was not established in violation of this Ordinance or any other applicable County, State or federal law or regulation. If a Certificate of Non-conforming Use is not filed in a timely manner as prescribed herein, no use shall be made of said property, nor shall any building or structure on said property be occupied, constructed, reconstructed, altered, enlarged, or repaired except in conformity with the then-existing provision of this Ordinance. Said Certificate of Non-conforming Use shall be made on a prescribed form, to the Administrator, and shall certify the following:

1. That such non-conforming use did exist on the adoption date of this Ordinance; and

2. That such use was not used, operated or maintained in violation of any local, state or federal law; and

3. That such use has been continuously in operation and in compliance with applicable Federal, State or local laws, regulations or the other requirements, and has not, as of the effective date of this Ordinance, been abandoned as defined in §7.1

4. In order that the exact nature and extent of such non-conforming use may be determined, a survey plat prepared by a registered professional engineer or registered surveyor showing the boundaries of each use for which certification is requested.

B. Within thirty (30) days after the effective date of this Ordinance and the effective date of any amendment hereof which shall render any existing structure, building or use non-conforming as to bulk or use, the Administrator shall cause to be published a public notice in a daily paper, twice, on two (2) successive weeks, notifying all property owners and persons affected by such amendment, known or unknown, of the provisions of this §7.3.Band the requirement that an application for a Certificate of Non-conforming Use must be filed within the period prescribed in this Section. The Administrator shall also send by certified mail, return receipt requested, a copy of such public notice to the property owners or persons affected, of every structure, building or use actually known by the Administrator to be affected by the provisions of this Ordinance or amendment to this Ordinance resulting in non-conformity as to use or bulk. The failure of the Administrator to comply with the provisions of this §7.3.B shall not excuse the property owner or person affected from filing a Certificate of Non-conforming Use within the period prescribed by this Ordinance.

C. The filing of a Certificate of Non-conforming Use shall not preclude the Administrator from challenging the status of any use for which certification is requested as a non-conforming use. If the Administrator believes that any information set forth in said Certificate of Non-conforming Use is incorrect, does not contain substantial competent evidence that the non-conformity as to use or bulk was legally established and lawfully maintained prior to the effective date of this Ordinance or any amendment thereto creating said non-conformities, or does not, as a matter of law, establish a legal non-conforming use, the Administrator may return said Certificate of Non-conforming Use to the applicant with a statement of the reasons for the denial of said Certificate of Non-conforming Use. An appeal of the proposed Certificate of Non-conforming Use, or the return of a Certificate of Non-conforming Use, may be taken by any owner, lessee or tenant of land, or by any

public officer, department board or bureau, affected by the use, in the manner prescribed by §3.1 and §3.7 of this Ordinance.

D. An existing structure, building, or use which becomes non-conforming as to bulk or use by virtue of this Ordinance, or by virtue of any amendment to this Ordinance, and for which a Certificate of Non-conforming Use has not been filed within the time permitted by this §7.3 shall be deemed abandoned and the right to operate or maintain said non-conforming use shall terminate immediately.

7.4 VESTED RIGHTS AND DETERMINATION.

A. **PURPOSE AND INTENT.** The purpose and intent of this section is:

1. To provide detailed administrative rules, regulations and procedures in order to guide Town officials in the administration, interpretation and implementation of the Town of Queen Creek Subdivision Ordinance, and/or any other ordinances, regulations and or administrative rules adopted by the Town of Queen Creek in order to implement the *General Plan of the Town of Queen Creek;*

2. To establish predictability and fairness for affected landowners;

3. To recognize that development projects for which vested rights have been obtained must be accounted for in the *General Plan*, zoning ordinance, capital improvements programs, and other land development regulations or the Town of Queen Creek, Arizona;

4. To provide a method for determining and quantifying the number of projects, development projects, and land uses, which do not now comply with the Land Development Regulations, or which may in the feature fail to comply with the Land Development Regulations due to subsequent amendments to the Land Development Regulations of the Town of Queen Creek, Arizona, but which are vested, so that such projects, development projects and land uses can be accounted for in the existing and future general plans and Land Development Regulations of the Town of Queen Creek, Arizona.

5. To establish uniform and non-burdensome procedures and specific criteria for the determination of vested rights and claims of equitable estoppel in order to aid in the accomplishments of sound and orderly planning;

6. To define the scope of vested rights that have been obtained by virtue of prior development approvals, including the expiration of development permits;

7. To protect legitimate investment-backed expectations;

8. To protect the planning and implementation process;

9. To settle potential disputes and to minimize protracted and costly litigation;

10. To facilitate implementation of the goals, objectives and policies set forth in the *Town of Queen Creek General Plan*; and

11. To ensure that all applicable legal standards and criteria are utilized in the determinations to be made hereunder.

B. **MONITORING.**

1. The Administrator shall be responsible for monitoring and maintaining records of the following:

   a. Applications for Vested Rights Determinations.
   b. Application for Consent Agreements.

2. Monitoring shall include:

a. The name and location of the project;
b. The date of the application filing;
c. The type of application submitted;
d. The disposition of the application; and
e. The reason for the disposition.

C. **APPLICATIONS FOR VESTED RIGHTS DETERMINATION**.

1. PREREQUISITES.

a. A Vested Rights Determination shall be required for all applicants claiming entitlement to approval of a Development Permit based upon vested rights or equitable estoppel under Arizona law. No Application for a Vested Rights Determination shall be considered unless it has been filed within the time limits prescribed in this subsection and an initial determination of completeness has been rendered by the Administrator. An application for a Vested Rights Determination claiming entitlement to approval on the basis of vested rights or equitable estoppel shall be filed within ninety (90) days from the effective date of any Amendment.

b. If a Vested Rights Determination is not filed in a timely manner as prescribed herein, no use shall be made of said property, nor shall any building or structure on said property be occupied, constructed, reconstructed, altered, enlarged, or repaired, nor shall any Application for Development Approval be submitted or approved, except in conformity with the then-existing provisions of this Ordinance.

c. Within thirty (30) days after the effective date of this Ordinance and the effective date of any Amendment pursuant to which any proposed structure, building or use fails to comply with any Land Development Regulation as to bulk or use, or which would impose new, different or additional requirements for the approval of an Application for Development Approval, the Administrator shall cause to be published or posted a reasonable notice notifying all property owners and persons affected by such Amendment, known or unknown, or the provisions of this Ordinance and the requirement that an application for a vested for a Vested Rights Determination shall be filed within the time period prescribed in Section C.1.a of this Section. The administrator may also send by certified mail, return receipt requested, a copy of such public notice to the property owners or persons affected of every proposed structure, building or use actually known by the Administrator to be affected by the provisions of this Ordinance or Amendment resulting in non-compliance as to use or bulk, or which would impose new, different or additional requirements for the approval of an Application for Development Approval. The failure of the Administrator to comply with the provisions of this Section shall not excuse the property owner or person affected from filing and application for a Vested Rights Determination within the period prescribed by this Ordinance. For the purposes of this subsection, the term "reasonable notice" shall mean: (1) the publication posting of a notice of the provisions of this Ordinance and the requirement that an application for a Vested Rights Determination shall be filed within the time period prescribed by this Section in at least three public places within the Town and the publication of a notice thereof in a newspaper of general circulation in the Town, or (2)

providing actual notice to the property owners and other affected persons of the hearing or meeting.

D. **VESTED RIGHTS DETERMINATION.** Any proposed structure building or used, or any Application for Development Approval, which fails to comply with any Land Development Regulation by virtue of any Amendment, and for which an application for Vested Rights Determination has not been filed within the time period prescribed herein, shall be deemed waived and abandoned and the right to the approval of, or the operation or maintenance of said use shall terminate immediately.

E. **SUBMISSION REQUIREMENTS.** An Application for a Vested Rights Determination shall be made by the Applicant on a form established for such purpose and provided by the Town and shall contain at least the following information:

1. Name and address of the Applicant;
2. Project description and name of subdivision or development, if applicable;
3. Location of development;
4. Total land area, in square feet;
5. Total area of impervious surface, in square feet;
6. Number of residential dwelling units, by type;
7. Type and amount of non-residential square footage;
8. Phases of the development, if applicable;
9. Verified or certified copies of all development permits, contracts, appraisals, reports, correspondence, letters, or other documents or materials upon which the Applicant's claim for vested rights or equitable estoppel is based;
10. A Sworn Statement, in a form prescribed by the Town, and signed by the Applicant;
11. A legal description of the Property; and
12. Such other relevant information as may be reasonably required by the Administrative Official or the Council in order to ensure full and proper consideration of the Application.

F. **COMPLETENESS OF APPLICATION.**

1. The Administration shall not review an Application for a Vested Rights Determination unless the Administrator has deemed that it is complete.

2. An Application for a Vested Rights Determination shall be deemed incomplete if any relevant information is not provided, if the application form is not signed by the Applicant, if required documents have not been provided, pursuant to subsection E hereto, or if other information, as may be specified by the Administrator and which is necessary to adequately review the Application, is not supplied in a timely fashion.

3. The Administration shall make an initial determination as to whether the application is complete. If the Administrator has determined that an application for a Vested Rights Determination is complete, the Administrator shall process the Application accordingly. If the Administrator has determined that an application for a Vested Rights Determination is incomplete, the Administrator shall notify the Applicant specifying the reasons for the determination of incompleteness. The Administrator shall take no further action until the deficiencies are corrected and the Application is resubmitted.

4. A determination of completeness shall only constitute compliance with the submission requirements of the VRDO and the applicable forms, and shall not

imply compliance with the substantive requirements of the VRDO nor shall it indicate that the information submitted by the Applicant is accurate or has been verified or certified.

5. An Applicant aggrieved with a decision of incompleteness by the Administrator pursuant to this subsection may file an appeal to the Board of Adjustment within ten (10) days after said decision is rendered. An appeal of a determination that an application is incomplete which is filed at least eighty (80) days from the effective date of an Amendment and within ten (10) days after the Administrator's determination of incompleteness shall extend the time period prescribed in this subsection for a period equal to ten (10) days following a determination by the Board of Adjustment that the Application for a Vested Rights Determination is complete.

G. **DETERMINATION OF VESTED RIGHTS.**

1. The Administrator shall prepare a report as to whether a complete application for a Vested Rights Determination is approved, approved with conditions or denied.

2. The report and order set forth in this subsection shall address, and the Order shall include, at a minimum, the following:

   a. A determination of whether the Applicant has been found to have acquired vested rights and the basis therefore;

   b. If the Order included a determination that vested rights exist;

   c. The geographic scope of the determination in relation to the total area of the development site;

   d. The duration of the determination;

   e. The substantive scope of the vested rights determined to have been acquired and the limitations applicable thereto, including, but not limited to, the applicability of impact fees; and

   f. Any appropriate conditions, consistent with the rights of the Applicant, which are needed to ensure consistency with the *General Plan* and Land Development Regulations.

3. The Order shall constitute the minimum determination needed to ensure that that Applicant's vested rights are protected.

4. The written report and Order shall be filed with the Town Clerk within a reasonable period of time after the close of the public hearing, The Order shall be considered final when filed with the Town Clerk as provided herein.

5. The report and Order shall be transmitted to the Applicant in writing.

6. An appeal of the decision of the Administrator may be taken in the manner prescribed by §3.1.H and 3.7 of this Ordinance.

H. **STANDARDS AND CRITERIA FOR VESTED RIGHTS DETERMINATION APPROVAL.**

1. **GENERALLY.**

a. The Applicant has the duty and responsibility to demonstrate compliance with the standards and criteria set forth in this Section by a preponderance of the evidence.

b. The standards the criteria set forth herein are not intended to limit either the Administrator or the Town Council in applying the common law or vested rights or equitable estoppel, and the Administrator and the Town Council may, in any particular case, consider all such applicable law.

2. **COMMON LAW VESTED RIGHTS.** No Vested Rights Determination claiming entitlement to approval of an Application for Development Approval shall be approved or issued unless the Applicant has demonstrated compliance with the criteria set forth in subsection 2.a. hereto for vested rights or the criteria set forth in Subsection 2.b for equitable estoppel.

a. For a claim for vested rights, the applicant shall demonstrate the following:

(1) The Applicant filed an Application for Development Approval prior to the effective date of the Amendment;

(2) Said application was complete under the terms of the Land Development Regulation pursuant to which said application was filed;

(3) The Application for Development Approval was made by the Applicant and accepted by the Town well in advance of the Amendment, and the Town had an opportunity to require the Applicant to submit relevant information, including, but not limited to, adequate public facilities data;

(4) The Application for Development Approval was issued or approved by an officer or agency of the Town with authority to render such approval;

(5) In reliance on the approval set forth in subsection (4) hereto, the Applicant made substantial commitment or substantial obligations within the purview of the activities authorized by said permit or approval;

(6) The Applicant has proceeded in good faith, and no approvals or permits have lapsed or been revoked; and

(7) The Applicant has established any other factor, which may establish vested rights under State or Federal law.

b. For a claim of equitable estoppel, the applicant shall demonstrate compliance with the following criteria:

(1) The existence of an act or omission of a Town official or agency, beyond the mere failure to enforce a Land Development Approval, upon which the Applicant may rely. An "act" means an action that is clear, definite and affirmative. An "omission" means a negligent or culpable failure to act where there was a duty to act;

(2) The actual, good faith reliance by the Applicant on the act or omission described in subsection E.9 herein, and

(3) That the Applicant made substantial changes in position or incurred extensive expenses in reliance on the act or omission described in subsection E.9 herein, beyond the mere purchase of the property.

I. **CONSENT AGREEMENTS.** Any Applicant for a Vested Rights Determination may apply for Consent Agreement Approval provided that the requirements of subsection H of this Ordinance are satisfied or the required approval is for one (1) or more, but less than all phases of the proposed development. An application for Consent Agreement Approval may be approved subject to compliance with a Consent Agreement.

1. An Application for Consent Agreement Approval shall be processed in the same fashion as an Applicant for a Vested Rights Determination as set forth in subsections C through G of this Ordinance.

2. In addition to the required processing as set forth above, an application for Consent Agreement Approval shall include, but shall not be limited to the following: a timing and phasing plan for the proposed development; a plan for the provision of public facilities and services to the proposed development, by phase; the conditions under which the proposed development will be authorized to proceed; and the conditions under which the proposed development will be authorized to proceed; and the conditions under which approvals or permits will lapse or may be revoked.

3. Consent Agreements shall include all of the following terms and conditions:

a. A legal description of the subject property and the names of the legal and equitable owners;

b. The duration of the consent agreement and the conditions that will result in revocation;

c. The uses permitted on the property, including population densities and/or building intensities and height;

d. A description of the public facilities that will service the proposed development, including who shall provide such facilities; the date any new facilities, if needed, will be constructed; and a schedule to assure that public facilities are available concurrent with the impacts of the development;

e. A description of any preservation or dedication of land for public purposes;

f. A description of all development approvals, permits, or other local or State approvals needed for the proposed development;

g. A finding that the proposed development is consistent with the *General Plan* and the relevant provisions of the Land Development Regulations;

h. A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the preservation and protection of the public health, safety, or welfare;

i. A statement indicating that the omission of a limitation or restriction shall not relieve the Applicant of the necessity of complying with all applicable Town, state and federal laws;

j. A phasing plan indicating the anticipated commencement and completion date of all phases of the proposed development; and

k. A statement that the Town shall review progress pursuant to the consent agreement at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the consent agreement. If the Town finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the consent agreement, the consent agreement may be revoked or modified by the Town after a public hearing which has been noticed by publication, and for which notice has been expressly provided to the Applicant.

7.5 EXPIRATION OF DEVELOPMENT APPROVALS.

A. **TIME OF EXPIRATION.** Unless otherwise specifically provided for in this Ordinance, development applications shall automatically expire and become null and void, and all activities taken pursuant to such development application shall cease and become null and void, and all activities pursuant to such approval thereafter shall be deemed in violation of this Ordinance, when: 1) the applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the application for the development approval, or that was made pursuant to the terms of any development agreement, including the failure to abide by specified time limits established therein; or 2) the applicant fails to present a subsequent development application as required by **Table 7.5-1** or **7.5-2** of this Ordinance or the A.R.S. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be presumed to be eighteen (18) months from the date of approval,

B. **EXTENSION PROCEDURES.** Unless otherwise prohibited by Arizona law this approval is for a period not to exceed one (1) year from the date of the original decision granting approval, if the application for extension is made in writing within the original period of validity. Subsequent extensions may be made by the final approval body upon finding that conditions at the same time of approval have not changed.

C. **DATE FROM WHICH TIME LIMIT IS MEASURED.**

1. Each time period referenced on **Table 7.5-1** and **Table 7.5-2** shall run from the final action of the appropriate Town official, officer, board, commission or the governing body with valid and legal jurisdiction to take such action or to approve such plans or to issue such permits. Except as may be otherwise indicated herein, the date of final action shall be the date such action was taken or such approval was granted or such permit was issued, as set forth on such action, approval or permit.

2. In order to assure that all applicants for actions, approvals or permits are informed of the applicable time limit, the date of final action and the expiration date shall be shown on each such action, permit or approval; but provided, however, that the Town's failure to include either the date of final action or the expiration date shall not be deemed to be a waiver of such dates nor shall it be the basis of any action by the applicant to challenge the applicable expiration date. The burden is on the applicant to know the date of issuance and the expiration date. If either or both of such dates are not shown, the applicant may request, and the Town shall promptly supply such date or dates.

3. All actions, approvals or permits shall expire on the expiration date unless a valid extension has been granted on or before the expiration date pursuant to Subsection D herein.

D. **EXTENSIONS OF TIME LIMITS.**

1. There shall be no extension of any time limits for actions, approvals or permits set forth herein, as of right. Any extensions must be expressly requested by the applicant, in writing, and approved by the appropriate official, officer, board, commission or the governing body which originally took the action, approved the plan or issued the permit.

2. A request for extension of an expiration date shall be made on a form provided by the Town and shall include, but shall not necessarily be limited to, the following:

   a. The current date of expiration;

   b. The extension period requested, which shall be no longer than the original period of time granted; and

   c. The reason(s) that the applicant has been unable to proceed within the period of the original expiration date.

3. Before granting an extension, the Town official, officer, board, commission or the governing body shall determine whether any applicable changes in land use regulations have occurred which would impose new requirements with respect to such action, approval or permit, if an extension were denied and the applicant were compelled to re-file for an original action, approval or permit. If changes have occurred, the Town official, officer, board, commission or the governing body shall balance the burden imposed on the applicant if required to re-file for an original action, approval or permit against the benefit accruing to the Town and the public by requiring the applicant to comply with the new regulation.

Table 7.5-1
Time Limits for Use of Zoning Approvals and Permits
Town of Queen Creek, Arizona

Action/Permit/Approval	Time Limit
Zone change: Map or Text Change	One (1) year to obtain a building permit after site plan approval for a building or buildings comprising twenty-five percent (25%) of the building floor area of the site plan.
Conditional Use Permit (formerly Special Use Permit)	One (1) year to obtain a building permit and commence construction of the primary use authorized by the permit, or in the case of home occupations, to complete any necessary alterations, adjustments, modifications, or other activities authorized by the permit.
Variance or Special Exception	Six (6) months to obtain a building permit and to commence construction of the primary use authorized by the variance.
Building Permit	Six (6) months.
Site Plan	One (1) year to obtain certification of approved site plan. Eighteen (18) months to commence construction, two (2) years from commencement of construction to complete construction.
Certificate of Occupancy	One (1) year.
Development Agreement	The above-referenced time limits may be extended up to a maximum of five (5) years, pursuant to an approved development agreement.

Table 7.5-2
Time Limits for Use of Subdivision Approvals
Town of Queen Creek, Arizona

Action/Permit/Plat/ Plan/Approval	Revised Time Limit
Sketch Plan	Not applicable (not applicable or rejected).
Preliminary Plat	One (1) year to submit final plat or preliminary plat void.
Final Plat	One (1) year to initiate construction of improvements; two (2) years to complete construction of improvements.

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Appendix A
DEFINITIONS

Terms Defined. Words contained in this section are those having a special meaning relative to the purposes of this Ordinance. Words not listed in this section shall be defined by reference to the Webster's Third New International Dictionary, unabridged, 1993, or the A.R.S. In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

1. Words used or defined in one tense or form shall include other tenses and derivative forms.

2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

4. The word "shall" is mandatory.

5. The word "may" is permissive.

6. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.

7. The word "Town" shall refer collectively to the Town of Queen Creek.

8. The word "Board" shall mean the Board of Adjustment.

9. The words "Planning Commission" shall mean the Town of Queen Creek Planning Commission.

10. The words "Recorder" and "Recorder of Deeds" shall mean the County Recorder.

11. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control.

12. All provisions of this ordinance shall be construed to be in addition to all other applicable laws, ordinances and rules of the federal government, the State of Arizona or a Constituent Jurisdiction; and in case of any conflict between this ordinance and any such other law, ordinance or rule, the more restrictive shall prevail.

13. The words "include" and "including" mean include or including by way of illustration and not by way of limitation.

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ABUT Having property or District lines in common.

ABUTTING PARCELS Parcels which are directly touching and have common parcel boundaries. (Parcels across a public right-of-way shall not be considered abutting.)

ACCESSORY Refers to a minor use or structure which is clearly subordinate to a principal use or structure which has been issued a permit under this Code; includes signs.

ACCESSORY APARTMENT A supplementary, secondary dwelling unit that may be constructed as an addition to the principal structure or as an accessory to the principal structure.

ACCESSORY DWELLING UNIT A detached residential dwelling unit which provides complete independent living facilities for one or more persons, and which includes provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary single-family dwelling is situated. An "accessory dwelling unit" includes a "granny flat" or "guest house" as defined in this ordinance.

ACCESSORY STRUCTURE A detached subordinate structure, the use of which is customarily incidental to, and supportive of, the principal structure or the principal use of land and which is located on the same parcel of ground with the principal structure or use.

ACCESSORY USE A subordinate use of a building, other structure, or use of land which is:

1. Clearly incidental to the use of the main building, other structure, or use of land; and
2. Customarily in connection with the main building, other structure, or use of land; and
3. Located on the same lot with the main building, other structure, or use of land.

ADEQUATE PUBLIC FACILITY STANDARDS The procedures and standards for determining the compliance of an Application for Development Approval with the Adopted Level of Service, as established by Section 5.1 of this Ordinance, as such may be amended from time to time.

ADJACENT All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

ADJOIN Touching at some point.

ADULT ARCADE Any business establishment or concern to which the public is permitted or invited and where coin or slug operated or electronically, electrically or mechanically controlled amusement devices, still or motion picture machines, projectors, videos or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE Any business establishment or concern having as a regular and substantial portion of its stock in trade, "material" (as defined below) which is distinguished or characterized by its emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."

ADULT CABARET OR NIGHTCLUB	A business establishment or concern (whether or not serving alcoholic beverages) which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, and where such performances are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
ADULT DANCE STUDIO	Any business establishment or concern which provides for members of the public a partner for dance where the partner, or the dance, is distinguished or characterized by the emphasis on matter depicting, or describing or relating to ”specified sexual activities” or “specified anatomical areas.”
ADULT FIGURE MODELING STUDIO	Any business establishment or concern which provides for members of the public a model which exposes their “specified sexual activities” or “specified anatomical areas”, and which does not provide all members of the audience or all patrons spaces and utensils for artistic renderings thereof.
ADULT HOTEL OR ADULT MOTEL	Any hotel or motel which leases rooms for less than twenty-four (24) hours and which derives not less than fifty (50) percent of its revenues from the display of movies or materials distinguished or characterized by their emphasis on matter depicting, or describing or relating to “specified sexual activities” or “specified anatomical areas.”
ADULT ORIENTED MERCHANDISE	Sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually-oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
ADULT SHOWS	Any commercial establishment regularly used for the presentation of shows where persons display specified anatomical areas, as defined in this Glossary, or where persons perform acts of or acts which simulate specified sexual activities, as defined in this Glossary, or where persons perform acts of or acts which simulate specified sexual activities, as defined in this Glossary.
ADULT THEATER	A theater or other commercial establishment with or without a stage or proscenium which is used for presenting, on a regular and substantial basis, “material” which is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to “specified sexual activities” or “specified anatomical areas.”
ADMINISTRATIVE DECISION	Any decision on a development application made by an authorized Town employee, pursuant to this Ordinance.
ADOPTED LEVEL OF SERVICE	See “Level of Service, Adopted”.
AERIAL EASEMENT	A grant by a property owner of the use of a strip of land at least four (4) feet wide for the specific purpose of extending wires for street lighting.
AFFORDABLE HOUSING	Very low income housing, low income housing, or moderate income housing, as defined in this Ordinance.

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AGRI-BUSINESS A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

AGGRIEVED PERSON The Town, through the Town Council, the Planning Commission, or the Administrator; a county or municipality within an area designated as a joint planning area; applicants, persons, businesses, corporations, institutions, governments or other entities having standing to challenge a development order pursuant to Arizona law.

AGRICULTURAL ANIMALS The following animals (also known as livestock) and fowl are considered accessory to an agricultural or residential use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, goats, ostrich, emu or rhea, alpaca, llama or similar animals or fowl (excluding pea fowl).

AGRICULTURAL PRODUCE Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Ordinance.

AIRPORT Any public or private airport, as defined in A.R.S. §28-8461, including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

ALLEY A public passageway affording a secondary means of access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements of this Code related to frontage on a dedicated street.

ALTER For purposes of §4.12 of this Ordinance, “alter” means to modify or change naturally occurring physical and/or functional elements of a desert wash system.

ALTERNATIVE TOWER STRUCTURE Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

AMATEUR RADIO TOWER A structure, either freestanding or building-mounted, that may consist of more than a single shaft of steel or concrete used to elevate an antenna intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communication Commission. For the purpose of interpreting this definition, connecting wires used for transmission and/or reception between poles, masts, or ancillary supports, shall be considered accessory appurtenances to the tower and not additional towers. Poles, masts, cross-wires for transmission/ reception and ancillary supports less than 18’ high, or a maximum of 10’ above the highest part of the residence, whichever is the greater, shall not be considered Amateur Towers.

AMENDMENT An amendment to an existing Land Development Regulation or a new Land Development Regulation

AMPLITUDE The maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or mils.

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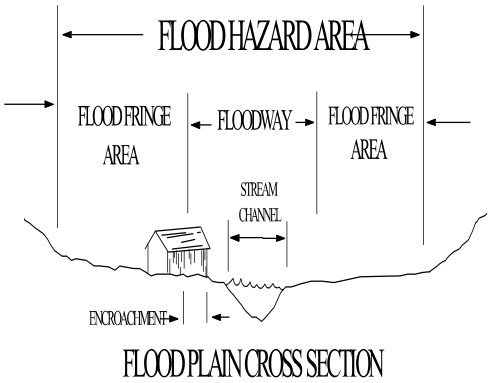
ANIMAL FOOD MANUFACTURER	Any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses or parts or products of the carcasses of livestock.
ANIMAL UNIT	Represents the unit of measurement utilized as the basis for determining the number of agricultural animals permitted in residential districts on lots 35,000 square feet and larger. An animal unit consists of: one large livestock animal (e.g. a weaned beef animal over six months of age, or horse, llama, alpaca, mule, burro, ostrich or similar animals (swine are only permitted as part of an educational project as stated in § 6.2F) or, ten (10) small livestock animals or fowl, (e.g. rabbits, ducks, chickens, geese, or similar animals or fowl (excluding pea fowl).
ANTENNA	Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
APPEAL	A request for a review of the Director's interpretation of any provisions of this Ordinance or a request for a determination that there is error in an order, requirement or decision made by the Director pursuant to this Ordinance.
APPLICANT	Any person, firm, partnership, joint venture, association, corporation, group or organization applying for any permit, approval or decision governed or required by this Ordinance.
APPLICATION FOR DEVELOPMENT APPROVAL OR APPLICATION	A written request for any approval, permit, or action required by this Ordinance, including any written request for approval or issuance of a development order or development permit. This includes such terms as "proposals" and "requests."
AQUIFER	As defined in §49-201, A.R.S.
ARCADE BOOTH	Any enclosed or partially enclosed portion of an establishment in which an adult arcade is located, or where a live performance is presented, on a regular or substantial basis, where the material presented is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to "specified sexual activities" or "specified anatomical areas."
AREA OF INFLUENCE (Airport)	An area surrounding an airport which is impacted or influenced by its proximity to the airport, either by aircraft overflight, noise, vibrations, or by vehicular traffic associated with airport operations.
AREA OF SHALLOW FLOODING	A designated AO or VO zone of the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD The land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year.



ART, MUSIC, DANCE SCHOOL See "Personal Service Establishment".

ASSISTED LIVING CENTER Means an assisted living facility that provides resident rooms or residential units to seven (7)or more residents.

ASSISTED LIVING FACILITY Means a residential care institution, including adult foster care, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis. This definition shall include assisted living centers and assisted living homes.

ASSISTED LIVING HOME Means an assisted living facility that provides resident rooms to six or fewer residents.

AUDITORIUM A room, hall, or building, that is a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly".

AUTHORIZED AGENT Any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval

AUTOMOTIVE RECYCLER As defined in §28-4301, A.R.S.

AUTOMOTIVE REPAIR Engine rebuilding or major reconditioning (The removal from any vehicle or a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan.), worn or damaged motor vehicles or trailer collision service, including body, frame or fender straightening or repair, and/or painting of vehicles, or the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles.

AVAILABLE CAPACITY Existing Capacity and Planned Capacity less Existing Demand and demand that will be generated by Committed Development.

AVIGATION EASEMENTS A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

AWNING Roof like cover entirely supported by and extending from a building for the purpose of protecting openings therein, from the elements.

BACKHAUL NETWORK Means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

BAKERY A place in which baked products (such as bread, cakes, or cookies) are made.

BAKERY, LARGE-SCALE A building or structure used as a bakery which exceeds 3,500 square feet gross floor area.

BAKERY, SMALL-SCALE A building or structured used as a bakery which does not exceed 3,500 square feet gross floor area.

BAR Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use.

BASE FLOOD The peak discharge of a 100-year flood. The base flood has a one percent probability of being equaled or exceeded in any given year. The base flood shall be determined from an analysis of floods on a particular watercourse and other watercourses in the same general region in accordance with the criteria established by the Director of the Arizona Department of Water Resources, which criteria is hereby incorporated by reference and made a part of this Ordinance.

BASE FLOOD ELEVATION The calculated water-surface elevation of the base flood.

BASEMENT That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.

BEACON Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

BERM A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or bufferyard with landscaping.

BEST MANAGEMENT PRACTICES (BMPs) As defined in §49-201, A.R.S.

BICYCLE (A.R.S. 28-101) Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen (16) inches in diameter or having three wheels in contact with the ground, any of which is more than sixteen (16) inches in diameter.

BICYCLE FACILITIES A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

BICYCLE LANE (BIKE LANE) A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

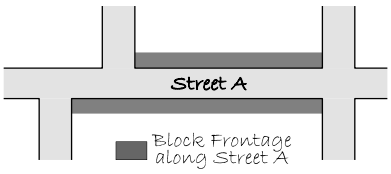
BICYCLE PATH See “Path, Bicycle.”

BIG BOX RETAIL A single retail establishment with a building with a gross floor area not less than 25,000 square feet, and which may include fast food restaurants and other accessory retail uses with an entrance inside the primary retail establishment.

BIKEWAY Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

BLOCK That property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided acreage, waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.

BLOCK FRONTAGE All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, water way (wider than thirty feet, 30'), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.



BLOOD BANK OR PLASMA CENTER A facility at which an individual may donate or sell blood, but which offers no other medical treatment or services.

BOA The Board of Adjustment of the Town of Queen Creek.

BOARD Unless otherwise indicated in the text, Board shall refer to the Board of Adjustment.

BOARDING HOUSE OR ROOMING HOUSE A building containing a single dwelling unit and three (3) or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services, or other things of value.

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BUFFER For purposes of §4.12, "buffer" means an area extending from the boundary of a desert wash to a development zone which is created to preserve the desert wash system and minimize prohibited intrusions and adverse impacts from activities within a development zone. A buffer includes the riparian ecosystem associated with a desert wash.

BUFFERYARD A strip of land established to protect one type of land use from another land use or to provide screening. Normally, a bufferyard is landscaped and developed in open space areas.

BUILDABLE AREA The portion of a lot which is within the envelope formed by the required yards. See "Yard, Required."

BUILDING Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING AREA The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

BUILDING, COMMUNITY A public building designed or used for community activities of an educational, recreational or public service nature.

BUILDING DESIGN CAPACITY The maximum occupancy load of a building as provided by the most recent version of the Uniform Building Code adopted by the Town.

BUILDING ENVELOPE The three dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

BUILDING FACADE That exterior side of a building which faces, and is most nearly parallel to, a public or private street.

BUILDING HEIGHT See "height."

BUILDING LINE A line between which line and street line no building or structure or portion thereof may be erected, constructed or established.

BUILDING, MAIN See "principal building."

BUILDING MARKER Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING OFFICIAL An employee of the Town authorized to issue building permits and Certificates of Occupancy and to generally assist in the administration of this Ordinance.

BUILDING PERMIT An authorization to construct a structure as issued by the Building Department.

BUILDING SIGN Any sign attached to any part of a building, as contrasted to a freestanding sign.

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BUILDING TEMPORARY A structure designed, built, created or occupied short and/or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheel or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, ”roof” shall include an awning or other similar covering whether or not it is permanent in nature.

BULK The size and shape of buildings, structures, and non-building uses; and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row

BUS Any commercially licensed motor vehicle designed for carrying more than fifteen (15) passengers and used for transportation of persons as well as any motor vehicle, other than a taxicab, designed for the transportation of persons for compensation.

BUSINESS OR TRADE SCHOOL See “School, Business, Technical or Trade.”

BUSINESS RESIDENCE A single residential dwelling unit, accessory to, and located within, a structure primarily devoted to business or commercial uses.

BUSINESSES, SEXUALLY-ORIENTED Adult bookstores, Adult shows and Adult theaters.

CAMPGROUND, OVERNIGHT See “Overnight Campground.”

CAMPGROUND, RECREATIONAL See “Recreational Campground.”

CANOPY SIGN Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service are. A marquee is not a canopy.

CAPACITY The maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service.

CAPITAL IMPROVEMENT A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the Town, a special district, or a private service provider.

CAPITAL IMPROVEMENTS PROGRAM A plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of specified years. "Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

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CARNIVAL See "Outdoor Event, Temporary."

CARPORT A roofed structure which may be attached or unattached to the principal structure providing space for the storage of one or more motor vehicles and enclosed on not more than three (3) sides by walls.

CAR WASH An establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one (1) or more attendants, or by self-service facilities.

CARRY-OUT FOOD SERVICE A business whose principal purpose is the preparation and sale of food or beverages for consumption off-site, such as delicatessens, ice cream stores and hot dog stands, but shall not include liquor stores, restaurants, and drive-through commercial establishments.

CELLAR That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

CEMETERY A parcel of land or structure dedicated to and at least a portion of which is being used for the interment of human or animal remains. A cemetery may include crematories, mausoleums, and columbaria.

CENTERLINE The true centerline of a street right-of-way that has been fully dedicated to the required width. (See Section 5.2.3.)

CENTRAL WATER SYSTEM A public or private water company formed to serve development that includes water treatment and distribution facilities.

CERTIFICATE OF OCCUPANCY As defined in the current Uniform Building Code adopted by the Town.

CERTIFY Whenever this Ordinance requires that an agency or official certify the existence of some fact or circumstance, such certification may be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

CHANGE IN USE A change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

CHANGEABLE COPY SIGN A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

CHANNEL A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

CHILD CARE FACILITY Any facility in which child care is regularly provided for compensation for children not related to the proprietor. This definition includes any "child care facility", as defined in §36-881, A.R.S. or "child care group home", as defined in §36-897,

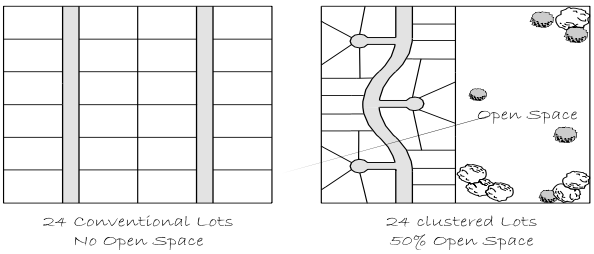
A.R.S., as well as child care facilities which do not meet the numeric thresholds of said definitions.

CHURCH See “Places of Worship”.

CLEANING OR PROCESSING ESTABLISHMENT A business that primarily involves the on-site cleaning, treatment, or chemical processing of good or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing. This includes, but is not limited to carpet cleaners, dry-cleaning plants, self-service or full-service laundries, exterminating services, and taxidermists.

CLINIC OR HEALTH CARE FACILITY A building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, tissue labs, and/or X-ray facilities, but shall not include inpatient care or operating rooms for major surgery. A clinic includes any “health care institution”, “adult day health care facility”, “adult day health services”, “nursing care institution”, “nursing services”, “outpatient surgical center”, “residential care institution”, “respite care services”, or “supervisory care services” as defined in § 36-401, A.R.S., any “nursing care institution” as defined in § 36-446, A.R.S., any “recovery care center” as defined in §36-448.51, A.R.S., but does include “adult foster care” or an “assisted living facility”, as defined in §36-401, A.R.S.

CLUSTER DEVELOPMENT A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of sensitive and open space areas.



COLLECTOR STREET Streets accessing neighborhoods and routes serving intra-city rather than intra-state travel. A minor amount of through traffic may be carried by a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than for arterial routes. A collector street includes any street classified as a Major Collector; Estate, rural or Suburban Type A Collector; or an Urban Collector pursuant to Exhibits 11 through 13 of the Subdivision Ordinance.

COLLEGE OR UNIVERSITY An institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.

COMMERCIAL AMUSEMENT, INDOOR An establishment offering sports, game playing or similar amusements to the public, including, but not limited to: skating rinks, bowling alleys, billiards, ping pong, mechanical or electronic games, but not gambling or card playing, within a fully enclosed structure. Indoor commercial amusement does not include non-commercial or charitable events.

COMMERCIAL AMUSEMENT, OUTDOOR An establishment that offers games, rides, or other similar activities on a commercial basis in a fixed location, including but not limited to: miniature golf,

	amusement parks, water slides, amphitheaters, stadiums, tracks, and drive-in theaters.
COMMERCIAL MESSAGE	Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
COMMERCIAL PARKING LOT	See “Parking Lot”.
COMMERCIAL PARKING STRUCTURE	See “Parking Structure”.
COMMERCIAL RANCH	A ranch where animal or crop production take place, which may or may not be owner-occupied but which utilizes two (2) or more full-time employees who are not owners or family of the owners, and may including residential facilities for employees.
COMMERCIAL STABLE	See “Stable, Commercial”.
COMMERCIAL USES	Retail business and service establishment, professional and governmental offices, and developed recreational uses.
COMMERCIAL VEHICLE	See “Vehicle, Commercial”.
COMMISSION	The Town of Queen Creek Planning Commission.
COMMITTED DEVELOPMENT	For purposes of the Concurrency Management Resolution, Committed Development includes: development with an approved determination of concurrency; or developments which are approved, but which are unbuilt, and unexpired sketch plans, preliminary subdivision plans, or minor development final plats; or final plats or building permits approved without a determination of concurrency.
COMMON OWNERSHIP	Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockowner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
COMMUNICATION TOWER	Accessory antennae or dishes, which may be free-standing or building mounted structures, intended for airway communication purposes.
CONCENTRATED ANIMAL FEEDING OPERATION	AS defined in §49-201, A.R.S.
CONCEPT PLAN	A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.
CONDITIONAL USE	A “conditional use” means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A use is considered a conditional use if designated as such by 4.6, **Tables 4.6-1** and **4.6-2** of this Ordinance.

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CONDOMINIUM Any structure which has been submitted to condominium ownership under the provisions of the Arizona Condominium Ownership Act. This includes residential, non-residential and any other space.

CONFERENCE AND BANQUET FACILITIES See “Places of Public Assembly, Indoors”.

CONGREGATION SEATING AREA The congregation seating area is the main assembly room/building designed for maximum occupancy by a majority of the members of the religious institution.

CONSENT AGREEMENT Means and refers to a regulatory document containing specific conditions of development approval designed to implement the policies and criteria contained in the Land Development Regulations and, where the denial or deferral of development approval is disputed by the applicant, to effectuate the public policy favoring the settlement of disputes, which document contains an integrated development scheme for a particular phase or phases of development approval, and contains maps, diagrams and other appropriate materials showing future conditions consistent with the provisions of §6.3 herein.

CONSERVATION EASEMENT A non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological, or cultural aspects of real property.

CONSISTENT An amendment to this Ordinance, or a development order or development permit, shall be deemed "consistent" with the General Plan only if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities set forth in the General Plan, and if it meets all other criteria enumerated in the General Plan. The term "compatible with" means that the Code amendment, development order or development permit is not in conflict with the General Plan. The term "furthers" means to take action in the direction of realizing the goals, objectives and policies of the General Plan.

CONSTRUCTION PLAN The maps or drawings accompanying a subdivision plat or site plan and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Town Council as a condition of the approval of the plat.

CONTIGUOUS Bordering or adjoining, meeting or joining at the border or surface.

CONVALESCENT HOME A building where persons reside and are provided with medical care designed to restore them to health.

CONVENIENCE STORE A neighborhood oriented shopping center or freestanding enterprise designed to serve patrons on a short term drop-in-basis, typically containing, but not limited to, a small food and sundries store, drug store, carry-out food service, hairdresser, or barber, or dry cleaning pick-up store. Liquor sales and gasoline sales are expressly prohibited.

CONVENIENCE STORAGE FACILITY See “mini-warehouse”.

CONVEY To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

CORRAL A pen or enclosure for confining animals.

COUNSELING CENTER A facility where individuals or small groups are provided professional counseling assistance with personal, emotional, marital, medical, or similar problems on an out-patient basis.

COURT Any space other than a yard on the same lot with a building or group of buildings, and which is unobstructed and open to the sky above the floor level of any room having a window or door opening on such court. The width of a court shall be its least horizontal dimension.

COURTYARD An open area, unobstructed from the ground to the sky, that is bounded on at least three sides by the exterior walls of one or more buildings. For residential development, courtyards shall be defined as an outdoor space located in the front yard which is bordered by a low wall or decorative fencing.

CREST OF HILL The highest point on a hill or slope as measured contiguously throughout the property. Any given property may have more than one hill crest.

CRITICAL AREAS As described in Article 4, Section 4.12 herein.

CRITICAL ZONE (AIRPORT) A rectangular-shaped zone located directly off the end of a runway's primary surface, beginning two hundred feet (200') from the end of the pavement, which is critical to aircraft operations in that it is more apt to have accidents within it because of the take-off and landing mode of aircraft in that particular area.

CROSSWALK A public right-of-way used primarily for pedestrians' travel through or across any portion of a block.

CUL-DE-SAC A short dead-end street terminating in a vehicular turn-around area.

CURB FACE The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

CURRENTLY AVAILABLE REVENUE SOURCES An existing source or amount of revenue presently available to the Town or the entity providing a Public Facility that may be allocated towards capital expenses and which has been budgeted for the capital disbursements or debt service account applicable to a planned capital improvement; provided, however, that this term shall not refer to a mere intent to increase the future level or amount of a revenue source, nor to a revenue source which is contingent on ratification by a public referendum.

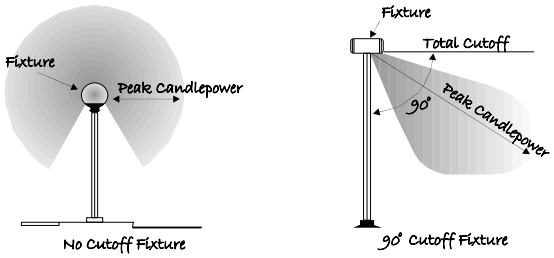
CUSTOM MANUFACTURING An establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical custom manufacturing uses include ceramic studios and custom jewelry manufacturing.

CUT Land surface which is shaped through the removal of soil, rock or other materials.

CUTOFF The point at which all light emitted from a source or fixture is eliminated at a specific angle above ground level.

CUTOFF ANGLE The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

CUTOFF FIXTURE A fixture with elements such as shields, reflectors, or reflector panels which direct and cutoff the light at an angle that is less than 90 degrees. Typically this type of fixture conceals the light source, thus reducing glare and spill over of light.



DAY CARE See "child care facility".

DAY CARE, ADULT See "adult day health care facility", as defined in § 36-401, A.R.S.

DAY CARE CENTER Any facility or building in which day care is provided for more than eight (8) hours per week for compensation for five (5) or more children not related to the proprietor or caretaker. Even though some instruction may be offered in connection with such care, the use shall not be considered with such care, the use shall not be considered a "school" within the meaning of this Code. Any day care center existing in the Town of Queen Creek must at all times be licensed by the state of Arizona, Department of Health Services.

DAYS When used to establish time limits on various processes in this Ordinance, days shall mean working days.

DENSITY The total number of dwelling units per acre on the total parcel, lot, or development, computed in accordance with §4.7.B.1. of this Ordinance.

DENSITY BONUS Dwelling units permitted in addition to the number that would result from the application of the density and minimum lot size requirements of §4.7 of this Ordinance, and computed in accordance with Article 4, §4.10.

DENSITY, NET The density or intensity based upon the clustered area of an tract subject to an application for development approval, which is determined by dividing total permissible dwelling units or square footage of floor area, including additional density or intensity permitted pursuant to an open space bonus, transfer of development rights, or other density bonus; by the number of net acres.

DEPARTMENT The Town of Queen Creek Department of Planning.

DESERT LANDSCAPING The use of landscaping materials, both vegetative and non-vegetative, which are native to an arid or semi-arid climate.

DESERT WASH Desert washes are ephemeral, intermittent, sandy, and often highly permeable watercourses which are dry most of the time, and generally run only short distances, frequently anastomosing as they traverse the desert bajadas and basin floors. Desert washes are characterized by the presence of alluvium (loose or eroded earthen materials, including rock, sand, debris and silt). Following the course of least resistance, many of the washes dissipate their

occasional water flows through sandy channel beds to groundwater or discharge into local basins within the desert.

Desert Wash Functions: the functions provided by desert washes include the following:

1. Flood control;
2. Groundwater recharge;
3. Native vegetation and wildlife, including riparian ecosystems and native habitats;
4. Aesthetic and cultural values associated with natural open space areas.

DESERT WASH SYSTEM The physical, hydrological, and biological components of a desert wash and its associated riparian ecosystem.

DESIGN CAPACITY The maximum occupancy load of a building as defined by the Uniform Building Code (1994).

DETENTION FACILITY As defined in §31-331, A.R.S.

DEVELOPER A person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a development.

DEVELOPMENT OR DEVELOPMENT ACTIVITY Any of the following activities:

- Change in use.
- Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
- Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or central water system and including the long-term storage of materials.
- Erection of a permanent sign.
- Any activity increasing the need for parking.
- Construction, elimination or alteration of a driveway onto a public street.

DEVELOPMENTALLY DISABLED A person who has autism, cerebral palsy, epilepsy or mental retardation, as provided for By A.R.S. § 36-581.

DEVELOPMENT APPLICATION Any request for approval, permission, or other action made pursuant to the provisions of this Ordinance.

DEVELOPMENT ORDER Any action granting, denying or granting with conditions, an application for a development permit.

DEVELOPMENT PARCEL Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

DEVELOPMENT PERMIT Any zoning clearance; building permit; fence permit; home occupation permit; sign permit; temporary use permit; telecommunications permit; sexually oriented business (SOB) permit; certificate of occupancy; conditional use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning (change of zone); *General Plan*

amendment; specific plan; or any other official action of the Town or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this Ordinance.

DEVELOPMENT RIGHT The potential for the improvement of a parcel of real property, measured in dwelling units for residential uses or equivalent dwelling units for non-residential uses, which exists because of the zoning classification of the parcel.

DIRECTOR The Planning Director of the Town or his or her designee.

DISCRETE IMPULSES A ground transmitted vibration stemming from a source where specific impulses do not exceed sixty (60) per minute or one (1) per second.

DISPOSITION A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

DRIVE-IN Facilities customarily providing parking spaces for the ordering, delivery, and consumption of a product or service in a parked vehicle.

DRIVE-THROUGH See “drive-through commercial establishment”.

DRIVE-THROUGH COMMERCIAL ESTABLISHMENT A commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to financial institutions, restaurants, and dry cleaning stores.

DRIVEWAY A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street.

DRIVEWAY, PRIMARY The driveway, which by virtue of its width and location, carries the majority of ingress and egress vehicular trips between a parking lot or structure, and the frontage street which is not a local residential street.

DRY WELL As defined in §49-331, A.R.S.

DUST-FREE Property that is paved in one of the following methods: (1) asphaltic concrete, (2) cement concrete, (3) penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate, or (4) the equivalent of the above.

DUPLEX A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

DWELLING A building or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, duplexes, townhouses, triplexes, manufactured homes, mobile homes, modular homes, and multiple-family dwellings, but not including hotels, boarding and lodging houses.

DWELLING, ATTACHED	A building containing two (2) or more residential units, attached along and sharing one (1) or more common walls between any two (2) units or stacked one (1) above the other or attached to a non-residential use.
DWELLING, MULTIPLE	A building or portion thereof designed for occupancy by three (3) or more families.
DWELLING, SINGLE-FAMILY	A building designed for occupancy by one (1) family.
DWELLING, SINGLE-FAMILY DETACHED	A single-family dwelling that is not attached to any other dwelling by any means and is surrounded by open space or yards.
DWELLING, SINGLE-FAMILY ATTACHED	A single-family dwelling that attached to one other dwelling by a common vertical wall, with each dwelling located on a separate lot.
DWELLING UNIT	Any structure or part thereof designed to be occupied as the living quarters of a single housekeeping unit. Examples of dwelling units include, but are not limited to single family homes, apartments, dormitory rooms, or boarding house rooms.
EARTHTONE	Earthtone color means as any of a group of colors which are dull and achromatic, between red and yellow in hue (light brown or tan) or between white and black in hue (gray), of low lightness, of moderate to low saturation, and with a reflectance level not exceeding 0.3.
EASEMENT	An interest in land that is less than fee title which entitles the holder to a specific limited use or enjoyment.
EASEMENT, NON-ACCESS	An easement prohibiting vehicular access from a public street.
ENGINEER	An Engineer licensed by the Arizona Board of Registration.
ENHANCEMENT	Improvement of the functions or an existing desert wash system. Enhancement may include improved flood control capacity, increased groundwater recharge capability, increased density and diversity of native wildlife and vegetation, and improved aesthetic values (e.g., by removing non-native impediments, structures, impervious surfaces).
EQUESTRIAN TRAIL	A natural surfaced path for equestrian use designed in accordance with standards on file with the Planning Department.
EQUIPMENT	Rolling stock or movable personal property except that, for the purpose of this Ordinance, shall not include those items defined as Heavy Equipment.
EQUIVALENT DWELLING UNIT OR "ERU"	For purposes of §5.1 of this Ordinance, the demand for public facilities generated by a proposed development which is equivalent to the demand for public facilities generated by one (1) residential dwelling unit. For purposes of §5.2 of this Ordinance, an "equivalent dwelling unit" means and refers to twenty-thousand (20,000) square feet of enclosed space including the primary structure, garages, structured parking, and enclosed storage or loading areas.
EVIDENCE	Any map, table, chart, contract, or other document or testimony prepared or certified which is offered by a person to establish a claim, condition, or assertion.
EXCAVATION	The removal of soil, rock, or other matter from a land area .

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EXISTING CAPACITY The capacity of the existing built and operational Public Facilities, as determined by the service provider.

EXISTING DEMAND The demand for Public Facilities from existing (built) development

EXISTING STRUCTURE For purposes of Chapter 6, §6.20, an "existing structure" means a light pole, power pole, chimney, billboard, or other similar structure which is placed within the Town at the time of adoption of this Ordinance, except existing buildings.

EXOTIC ANIMALS Those animals not defined as household pets or agricultural animals.

EXTERNAL BUFFER A vegetated area along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

EXTRACTIVE USES Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

FAMILY Any number of related persons living together within a single dwelling unit; provided, however, that the term "family" shall not include a group of more than six (6) persons who are unrelated by blood, marriage, or adoption.

FAMILY FOSTER HOME A home which receives one to four children for regular full-time care.

FARM AND RANCH STRUCTURES AND USES Those structures and uses devoted to the shelter and raising of livestock, poultry, feed, flowers, crops, field equipment, or other agricultural items, with or without a dwelling unit, but not including a feedlot or concentrated animal feeding operation.

FARMER'S MARKET A structure or place where agricultural produce is brought for the purposes of retail sales. (*Note: A farmer's market differs from a produce stand in that there may be more than one (1) seller allowed per parcel of land and the structure from which produce is sold at a farmer's market need not be portable or capable of being dismantled or removed from the site.*

FEED LOT An area which is used for custom feeding of livestock where the owners of said livestock pay for yardage, feed, and feed processing.

FENCE A barrier of man-made construction, regardless of the material used, including walls but not retaining walls. ("Material" does not include vegetation.)

FENCE, LIVING A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the normal line of sight.

FENCE, VIEW A fence constructed in such a manner as to achieve at least 50% openness overall (3' solid – 3' view).

FENCE, PARTIAL VIEW A fence constructed in such a manner as to achieve at least 33% openness overall (4' solid – 2' view).

FENCE, SOLID A fence constructed in such a manner as to achieve total opacity (6' solid – 0' view).

FILL Deposit of soil, rock, or other material placed in an area which created an obstruction or increases surface elevation.

FINAL PLAT A survey map of record which indicates the boundaries for streets, blocks, lots, and other property divisions which is prepared pursuant to Section 4.5 of the Subdivision Ordinance for the Town of Queen Creek.

FINAL SUBDIVISION PLAT The map of a subdivision to be recorded after approval by the Town Council and any accompanying material as described in this Ordinance.

FINANCIAL INSTITUTION As defined in §28-4301, A.R.S.

FIRE FLOW SURVEY A testing of fire hydrants to determine capacity by volume and pressure for fire fighting purposes.

FIRE PROTECTION FACILITIES Fire stations and major pieces of fire fighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by public fire districts.

FITNESS CLUB See "Golf, Tennis, Swim/Fitness Club".

FLAG Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLASHING SIGN A sign which contains an intermittent or flashing light source or a sign which includes the illusion of intermittent or flashing light by means of animation or an externally-mounted light source.

FLEA MARKETS A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, or fund raising activities done by a non-profit organization.

FLOOD or FLOODING A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters and/or,
2. The unusual and rapid accumulation or runoff of surface waters from any source.

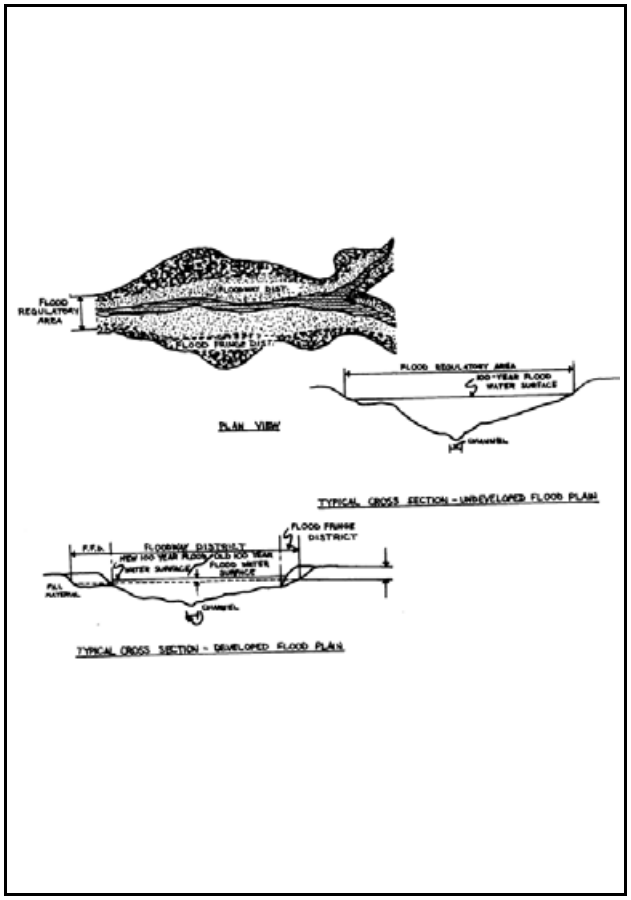
FLOOD FRINGE DISTRICT That area within a 100-year floodplain where the flood waters are relatively shallow and move at velocities from one to four feet per second.

FLOOD INSURANCE RATE MAP (FIRM) The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

FLOOD INSURANCE STUDY The official report provided by the Federal Emergency Management Agency that includes profiles, the Flood Boundary-Floodway Map, and the base flood water surface elevation.

FLOOD PLAIN An area adjacent to a watercourse which may be subject to flooding as a result of an increase in water flow beyond a normal high water mark.

FLOOD PLAIN DEVELOPMENT Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.



FLOOD PROFILE Hydrological conclusions based upon historical facts and engineering principles represented graphically showing the relationship of the base flood water surface elevation to the channel and adjacent topography.

FLOOD PRONE AREA An area near a watercourse which is subject to flooding during a 100-year flood based on historical information, topography, vegetation and other indicators, but where the precise dimensions of a 100-year floodplain have not been delineated by Federal Emergency Management Agency studies.

FLOOD PROOFING Any combination of structural or non-structural additions, changes or adjustments to structures and movable objects, or to surrounding areas, including utility and sanitary facilities, which would preclude the entry of water.

FLOOD REGULATORY AREA That portion of the floodplain which is subject to inundation by a 100-year flood. This area may be divided into the Floodway District and the Flood Fringe District.

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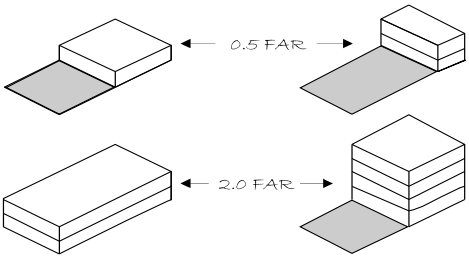
FLOODWAY The channel of a wash or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

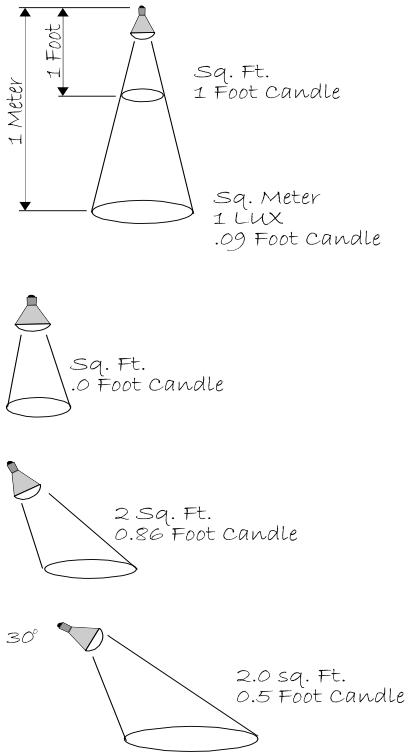
FLOOR AREA The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. Included shall be any basement floor, interior balconies and mezzanines, elevator shafts, and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

FLOOR AREA RATIO (FAR) The ratio of the gross floor area of all structures on a parcel to the gross area of the parcel on which such structures are located.



FLUSH WALL SIGNS A sign attached to, or erected against, the wall of a structure which has the sign face in a plane parallel to the plane of the wall and which does not extend more than twelve inches (12") from the building face.

FOOTCANDLE A unit of illumination lighting a surface, all points of which are one foot from a uniform light source equivalent to one candle in brightness or illumination. (See also “Lumen”)



FREE-STANDING SIGN Any sign supported by structures of supports that are placed on, or anchored in, the ground and that are

independent from any building or other structure.

FREQUENCY The number of times that a displacement completely repeats itself in one (1) second of time. Frequency shall be expressed in cycles per second (cps) or hertz (Hz).

FRONT Any public street frontage, not including alleys.

FRONT PORCH A covered and floored non-livable area of a residence that is open at the front and usually closed at the sides. Typically partially enclosed with columns and railings, a porch should be designed to have a noticeable street presence and architecturally consistent with the design of the main architecture of the house. For the R1-6 through R1-12 Single Family Residential zones, please see Article 5, §5.12, “Residential Architectural Design Standards” of the Queen Creek Zoning Ordinance for specific design requirements.

FRONTAGE The frontage of a parcel of land is that distance where a property line is common with a road right-of-way line.

FRONTAGE, DOUBLE A lot which extends from one street to another or to a proposed street.

FRONT LOT LINE The property line dividing a lot from a road right-of-way.

FRONT YARD A yard extending across the full width and depth of the lot between a road right-of-way or access easement line and the nearest line or point of the building. (For flag lots, see “Side Yard”.) Where a lot has sufficient land area, the front yard may exceed the minimum front setback as specified in §4.7.E.3. of this Ordinance (See **Figure A** in this Appendix).

FRONT SETBACK The minimum horizontal distance between any building and the property line.

FULLY SHIELDED "Fully shielded" means that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted, as certified by photometric test report. (See §49-1101, A.R.S.)

FUNERAL HOME An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

FUTURE LAND USE MAP The section of the *Queen Creek General Plan* entitled Land Use Plan and referred to therein as Exhibit 4, as such may be amended from time to time.

GARAGE, FRONT ENTRY An enclosed structure for the storage of vehicles oriented such that the enrance is at a maximum angle of 45 degrees from the front setback line.

GARAGE, PRIVATE An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of one (1) ton.

GARAGE, PUBLIC A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor vehicles.

GASOLINE SERVICE STATION Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

GARAGE, SIDE ENTRY An enclosed structure for the storage of vehicles oriented such that the entrance is a minimum angle of more than 45 degrees from the front setback line.

GENERAL PLAN A comprehensive plan for development of the Town pursuant to §9-461.05, A.R.S., and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. For purposes of this Ordinance, the title *General Plan* or *Queen Creek General Plan* shall mean and refer to the *Town of Queen Creek General Plan* adopted by Resolution No. 121-96 and dated October 2, 1996, which document is hereby incorporated by reference as if set forth in its entirety herein.

GEOLOGIC HAZARD AREA An area identified by a qualified state or federal government agency as containing or being directly affected by geologic hazard.

GEORGIAN/GEORGIAN REVIVAL ARCHITECTURAL A hybrid of the Georgian classical architectural style built by British settlers along the U.S. Atlantic Coast (1700-1776). Typical elements include symmetrical elevations and plans, with axial entrances, heavily influenced by the palladian style. Additional elements include projecting center pavilion, two main stories, hipped roof, paneled front door (often enframed with pedimented architrave and pilasters), wood single-hung multipaned windows with thick muntins; dentiled cornice; roofs are often shingle with metal or tin covering them. Buildings are typically frame and brick, particularly in the south.

GEOTECHNICAL ENGINEER A person with a four year degree in civil engineering or engineering geology from an accredited university who, through training and experience, is able to assure that geologic factors affecting engineering works are recognized, adequately interpreted and presented for use in engineering practice and for the protection of the public.

GOLF, TENNIS, SWIM/FITNESS CLUB A private club, including country clubs, that provides one (1) or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; and which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

GRADE The average level of the finished surface of the ground adjacent to the exterior walls of those buildings or structures more than five (5) feet from a street line. For buildings having walls nearer than five (5) feet to a street or streets, the elevation of the sidewalk at the center of the wall adjoining the street(s), or if there be no sidewalk, then the elevation of the roadway at the center of the wall adjoining the street(s).

GRADE, NATURAL The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types, and locations, etc.)

GRADE, FINISHED The grade after completion of site development.

GRANNY FLAT, ELDER A temporary, separate, self-contained, removable living unit placed on the same parcel as

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COTTAGE OR ECHO UNIT and adjacent to the existing primary residence as a dwelling unit for a relative who is either over the age of 60 years or has a disability requiring an assisted, but independent, living arrangement. This definition also shall include an accessory apartment that is built onto or into an existing single-family dwelling unit for the same purpose. Such units are small, complete living units which have a living area, kitchen, bathroom, and separate entrance.

GREENHOUSE See "Nursery-Greenhouse".

GROSS ACRE A full acre of land prior to subdivision and prior to dedication of any required right-of-way or easement.

GROSS AREA The area of a lot or parcel, including all proposed or dedicated streets, alleys, private access ways, roadway and/or alley easements. Such boundaries shall extend to the center line of an existing abutting street or alley right-of-way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication.

GROSS FLOOR AREA OR "GFA" The sum of the areas of all floor levels of a building or structure measured within the exterior face of exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches (6'6").

GROSS LEASABLE AREA "GLA" The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches (6'6").

GROUND SUBSIDENCE A process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

GROUND WATER Subsurface water within and below the zone of continuous saturation.

GROUP CARE HOME FOR THE DEVELOPMENTALLY DISABLED Any "residential facility", as defined in §36-581, A.R.S., which serves not more than the number of persons and which has not more than the number of persons living together as prescribed in §36-582.A, A.R.S. This definition shall include group homes, as defined in §36-551, A.R.S., but shall not include boarding houses, lodging houses, day care centers, fraternity/sorority houses, nursing homes, or substance abuse treatment facilities.

GROUP CARE HOMES A residential facility for no more than six (6) unrelated persons providing living facilities, sleeping rooms, and meals and which shall have a permit issued by the Arizona Department of Health Services or Maricopa County Health Department. This definition shall include assisted living homes for the elderly and the handicapped, adult foster care homes, and group care homes for the developmentally disabled.

GROUP RESIDENCE Dormitory, sorority, fraternity, and/or lodging where three or more individual rooms are occupied by residents who stay for periods of at least thirty (30) days .

GUEST Any transient person who rents or occupies a room for sleeping purposes.

GUEST HOUSE Living, eating, and sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants, or persons employed on the premises. Such quarters shall not be rented, and/or otherwise used for income producing purposes.

GUEST RANCH A working ranch with an accessory use for the lodging and/or boarding of guests which provides recreational activities on, or adjacent to, the ranch.

GUEST RANCH/RESORT A building or group of buildings containing two (2) or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational activities such as, but not limited to, horseback riding, golf course, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the primary use of its guests, but not including bars and restaurants which cater primarily to other than guests of the guest ranch/resort.

HALFWAY HOUSE A group home for supervised, residential living by person not requiring institutional treatment, which may include but is not limited to individuals with common needs for treatment or rehabilitation with respect to mental or physical challenges, substances abuse rehabilitation or alternatives to judicial system incarceration.

HANDICAPPED A person who: (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment. However, a handicap shall not include current illegal use of or addiction to a controlled substance (as defined section 102 of the controlled substance act [21 united states code §802]).

HARDSCAPE Stone, brick, rock, sand, textured or shaped concrete, decorative walls and/or pedestrian facilities (i.e. benches, tables, play equipment, walking, or bike paths).

HAZARD PRONE AREA An area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally-occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the Town .

HAZARDOUS WASTE DISPOSAL FACILITY As defined in §49-901, A.R.S.

HEALTH CARE FACILITY See "Clinic".

HEALTH CLUB An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas, and related accessory uses.

HEAVY EQUIPMENT Large equipment, including but not limited to trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks, and other equipment of equal or greater size and weight.

HEIGHT Building height is measured as the vertical distance from the grade to the highest point of any portion of a structure, as set forth in this Ordinance.

For purposes of §6.18 of this Ordinance ("Wireless Telecommunications Towers and Antennas"), "height" shall mean, when referring to a tower or other structure, the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plans (whichever is lower), to the highest point of the structure directly above the finished grade. In the event that terrain problems prevent an accurate determination of height, the Planning Director shall rule as to height, and appeal from that decision shall be to the Board of Adjustment.

HELIPAD A facility without the logistical support provided by a heliport (see Heliport definition) where helicopters take-off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

HELIPORT An area providing an area for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.

HIGHEST ADJACENT GRADE The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

HIGHWAY A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.

HILLSIDE DISTURBANCE Any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

HOME-BASED OCCUPATION A business activity conducted as an accessory use to a dwelling unit.

HOME OWNERS ASSOCIATION An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

HORSE Any quadruped of the genus equus.

HOSPITAL Any building used for overnight accommodation and medical care of human patients including sanitariums, but excluding clinics, long-term care facilities, and convalescent homes. A "hospital" includes any "health care facility" as defined in §36-481, A.R.S., excluding clinics, rehabilitation centers, therapy facilities, outpatient clinics, nursing homes, blood banks, or ambulance facilities.

HOTEL A building in which lodging or boarding and lodging are provided for more than twenty (20) persons and offered to the public for compensation and in which ingress an egress to and from all guest rooms are made through an inside lobby or office.

HOTEL, RESORT A building or group of buildings, other than a motel, boarding house or lodging house, containing twenty (20) or more individual guest rooms, suites of guest rooms, and dwelling units, which furnishes services customarily provided by hotels, and which provides outdoor recreation, dining and other facilities for the primary use of its guests.

HOUSEHOLD PETS Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards or similar animals).

HUD CODE The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 *et seq.*, as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 C.F.R. part 3282), commonly known as the "HUD Code".

HYDROLOGY The science of dealing with the properties, distribution, and circulation of water.

HYDROPERIOD The period during which a soil area is saturated.

IDENTIFICATION SIGN A sign which shall refer only to the principal use of the parcel upon which the sign is located.

ILLEGAL SIGN A sign which is in violation of the requirements of this Ordinance, except for those signs qualifying as non-conforming.

IMPACT For purposes of §5.9 of this Ordinance, "impact" refers to an earthborne vibration generally produced by two or more objects striking each other so as to cause separate and distinct pulses.

IMPACT AREA The area within which a proposed residential development is presumed to create a demand for Public Facilities and which area, therefore, will be evaluated to determine whether the Capacity of Public Facilities is adequate to accommodate the demand created by existing residential development, Committed Development and the proposed residential development pursuant to §5.1 of this Ordinance.

IMPACT FEE The impact fee, connection fee, user fee, or other fee or charge imposed by the Town or other service provision entity, to defray the pro rata share of capital costs for public facilities needed to serve a proposed development.

IMPERVIOUS SURFACES Includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, decks and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as roads, curbs and gutters, walks, parking lots and loading areas, and asphalt or concrete aprons for solid waste containers, signs or outdoor mechanical equipment.

IMPROVED OPEN SPACE Landscaped areas, turf areas, parks, golf course, and recreation areas constructed on the parcel, but shall not include associated buildings.

IMPROVEMENTS Right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, revegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any

other similar items required for compliance with the regulations of this Ordinance or the conditions of approval.

IN KIND For mitigation purposes, "in kind" means the restoration, replacement, or creation of a desert wash system which provides functions, attributes, and characteristics closely approximating those of a specific desert wash system that would be adversely affected by the proposed activities.

INCIDENTAL SIGN A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

INDUSTRIAL PARK A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

INDUSTRIAL USE, HIGH RISK OR HAZARDOUS A business or government agency operation whose primary purpose is the assembly, fabrication, or processing of goods and materials into other finished products whose operation may include the production, storage, or use of radioactive materials, highly toxic chemicals or substances, highly combustible or explosive materials, or other materials or substances of a noxious nature. Such uses include, but are not limited to: foundries, grain milling or processing, smelting, or alloying; petroleum product refining; slaughtering of animals; wood or lumber processing; concrete batch plant.

INDUSTRIAL USE, NON-HIGH RISK OR HAZARDOUS A business or government agency operation whose primary purpose is the assembly, fabrication, or processing of goods and materials predominantly from previously prepared materials into other finished products, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products.

INDUSTRIAL USES Storage, processing, and shipping of agricultural or timber products; minerals extraction and production, storage, processing, shipping or conversion to energy; fabrication, assembly, servicing, manufacture, storage or warehousing of other products.

INSTALLED The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

INSTITUTIONAL SIGN A sign setting forth the name of a public, charitable, educational, or religious institution.

INSTITUTIONAL USES Churches, schools, hospitals, residential care facilities, other public or quasi-public uses.

INTEGRAL SIGN Names of buildings, dates of erection, monumental citations, commemorative tablets and the like which are carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

INTEGRAL UNITS Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, etc.

INTENSITY The number of square feet of development per acre by land use type with respect to non-residential land uses.

JUNK As defined in §28-7941, A.R.S.

JUNKYARD Any "automobile graveyard" or "junkyard" as defined in §28-7941, A.R.S.

KENNEL As defined in §11-1001, A.R.S.

KITCHEN Any room principally used, intended, or designed to be used for cooking or the preparation of food. The presence of a range or oven or utility connections suitable for servicing a range or oven shall normally be considered as establishing a kitchen.

LABORATORY, MEDICAL OR SCIENTIFIC A building or group of buildings in which facilities for medical or scientific research, investigation, testing or experimentation are located, and in which no more than fifteen (15%) percent of a building so occupied may be used for ancillary manufacturing, fabricating, processing, assembly, storage, repair, or service facilities.

LAND DEVELOPMENT REGULATIONS Means and refers to the *General Plan of the Town of Queen Creek*, the Queen Creek Zoning Ordinance, the Queen Creek Subdivision Ordinance, and any other ordinances or regulations governing land development and/or land use within the Town of Queen Creek, Arizona.

LANDFILL See "Sanitary Landfill".

LANDLOCKED PARCEL A parcel of land without access of record with the County Clerk and Recorder.

LANDSCAPE An area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

LAND SPLIT The division of improved or unimproved land whose area is two and one-half (2-) acres or less into two (2) or more tracts or parcels of land for the purpose of sale or lease.

LATERAL SEWER A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

LAUNDRY, SELF-SERVICE A building within which clothes washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals for doing their own laundry and dry cleaning.

LEGISLATIVE ACTION A general plan, zoning ordinance, or any other ordinance establishing or amending the General Plan or this Ordinance.

LEVEL OF SERVICE An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based upon and related to the operational characteristics of the facility. Level of Service indicates the capacity per unit of demand for each public facility.

LEVEL OF SERVICE, and in **ADOPTED** The Level of Service (LOS) standards adopted in the *Queen Creek General Plan* §5.1 herein.

LIBRARY OR MUSEUM A room or building for exhibiting, or an institution in charge of a collection of books; artistic, historical or scientific objects.

LIQUOR STORE A retail establishment at which the sale of packaged alcoholic beverages comprises not less than sixty (60%) percent of the gross revenue for the establishment, but which does not include consumption of alcoholic beverages on the premises.

LIVESTOCK, LARGE Cattle, oxen, horses, mules, donkeys, alpaca, llama or similar animals. One large livestock animal is equivalent to one animal unit.

LIVESTOCK, MEDIUM Sheep, goats or other similar animals (swine are only permitted as an educational activity as described in §6.2F). Five medium livestock animals are equivalent to one animal unit.

LIVESTOCK/FOWL, SMALL Rabbits, ducks, chickens, geese or similar animals or fowl (exluding pea fowl). Ten small livestock or fowl is equivalent to one animal unit.

LOADING AND UNLOADING SPACES A permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height.

LOADING SPACE An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

LOCAL ROAD OR STREET Provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

LODGE A structure providing lodging or boarding for guests, located in close proximity to natural recreational areas and/or opportunities.

LODGING HOUSE A building where lodging **only** is provided for compensation to three (3) or more persons, but not exceeding twenty (20) persons.

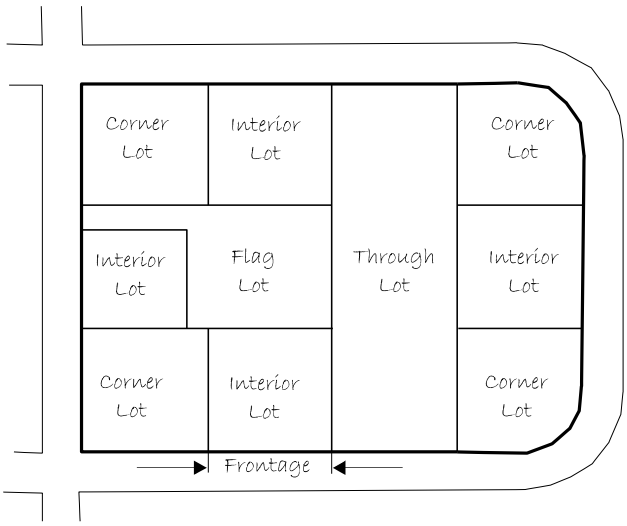
LONG-TERM CARE FACILITY A facility or part of a facility that is intended to provide medical supervision for eight (8) or more residents for periods of time exceeding 72 hours.

LOT A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of

lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.

LOT AREA The area of a horizontal plane within the lot lines of a lot.

LOT, CORNER The intersection of two or more lot lines, or angle point or change in direction of a lot line.



LOT COVERAGE The area of land which is covered by a building on a particular site. Lot coverage shall be the percentage of net lot area which is covered by the gross floor area of the first floor.

For all residential purposes, this shall include covered porches and patios, detached garages, accessory dwelling units, and all other accessory buildings or structures that require a building permit and/or are larger than 120 square feet.

LOT DEPTH The horizontal length of a straight line connecting the midpoints of the front and rear lot lines; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

LOT, DOUBLE FRONTAGE (THROUGH LOT). An interior lot having frontage on two (2) non-intersecting streets.

LOT, FLAG A lot having no frontage or access to a street or place except by a narrow strip of land.

LOT FRONTAGE The distance for which a lot abuts on a street.

LOT, INTERIOR A lot other than a corner lot.

LOT, KEY A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

LOT LINE Any line bounding a lot.

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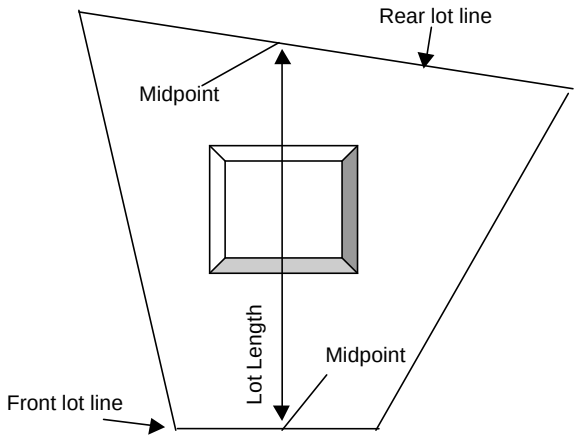
LOT LINE, FRONT In the case of a corner lot, the narrowest of the two lot lines adjoining a street right-of-way. Where the two lot lines of a corner lot are within 15 feet in length of each, either one of the lot lines may be designated the front lot line. All appropriate setbacks shall be adjusted accordingly.

LOT LINE, REAR A lot line which is opposite and most distant from, the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

LOT LINE, SIDE The boundary of a lot which is not a front lot line or a rear lot line.

LOT LENGTH

The length (or depth) of a lot shall be:



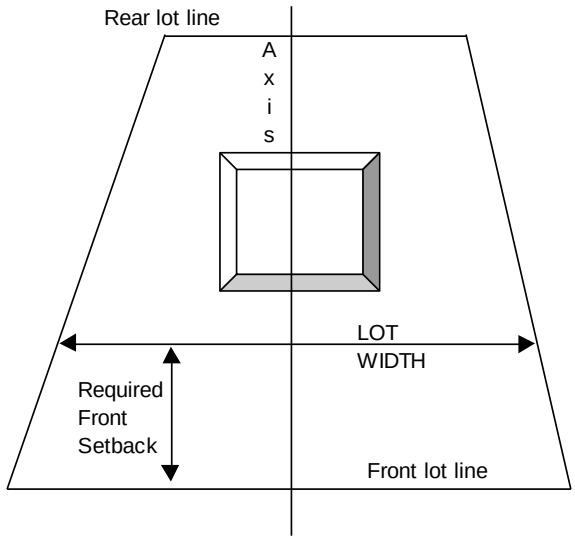
1. If the front and rear lines are parallel, the shortest distance between such lines.
2. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
3. If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten (10) feet long lying wholly within the lot.

LOT THROUGH

A lot having a part of opposite lot lines abutting two (2) streets, and which is not a corner lot, (Also known as a “double frontage lot”). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant front the lot line containing the non-access easement.

LOT WIDTH

For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured 30 feet behind the required minimum front yard line on a line parallel to the street or street chord.



LOT, ZONING

A single tract of land, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Zoning lot lines shall not cross zoning district boundary lines unless otherwise permitted in these regulations. Therefore, a “zoning lot or lots” may or may not coincide with a “lot of record”.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not

	considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
LOW INCOME HOUSING	Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed eighty percent (80%) of the area median household gross income for households of the same size in the Phoenix metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.
LUMEN	A unit of luminous flux. One Footcandle is one lumen per square foot. For the purposes of this Ordinance, the lumen output values shall be the initial lumen output ratings of a lamp.
MACHINE SHOP	A structure containing machinery for the manufacture, modification or repair of metal goods and motor vehicle equipment. This use does not include the dismantling of motor vehicle parts and equipment.
MACHINERY AND EQUIPMENT SALES, STORAGE, AND REPAIR	An indoor or outdoor establishment primarily engaged in the cleaning, repair, painting, reconstruction, storage or other uses of heavy machinery, equipment, and vehicles, including vehicle body work.
MAINTENANCE	The replacing or repairing of a minor part or minor parts, parts of a building or structure which have degraded by ordinary wear or tear or by the weather.
MAJOR ARTERIAL ROADWAY	See “Major Arterial Street”.
MAJOR ARTERIAL STREET	As defined in the circulation element of the *General Plan*.
MAJOR COLLECTOR ROADWAY	See “Major Collector Street”.
MAJOR COLLECTOR STREET	As defined in the circulation element of the *General Plan*.
MAJOR ROADWAY NETWORK	The system of arterial roads and collector roads identified in Exhibit 5 and the Chapter entitled “Circulation” of the *Queen Creek General Plan*, which is hereby incorporated by this reference as if set forth in its entirety herein.
MAJOR SHOPPING CENTER	A group of retail and service establishments which are planned and managed as a total entity, and which includes more than 250,000 square feet of gross leasable floor area.
MAJOR SUBDIVISION	A subdivision consisting of six (6) or more proposed lots.
MANUFACTURED HOME	See “Manufactured Housing”.
MANUFACTURED HOME LAND LEASE COMMUNITY	Any area, lot, parcel or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of manufactured homes as a primary residence. A manufactured home land lease community does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.
MANUFACTURED HOME configured **SUBDIVISION**	A parcel or contiguous parcels of land subdivided into two (2) or more lots for development of manufactured housing.

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MANUFACTURED HOUSING A manufactured structure designed for residential occupancy that conforms to the HUD Code. Construction and safety certification shall be affixed in the original and permanent condition and shall not be removed. This definition includes any "Manufactured Home" as defined in §41-2142, A.R.S.

MANUFACTURING Designing, assembling, fabricating, producing, constructing or preparing a product or part of a product before sale or use.

MARQUEE Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN Any sign attached to, in any manner or made a part of, a marquee.

MASSAGE ESTABLISHMENT Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages. For purposes of this Section, a "massage establishment" shall not include the following:

- Establishments which routinely provide massage services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed practical nurse, or a registered professional nurse.
- Electrolysis treatment by a licensed operator of electrolysis equipment.
- Continuing instruction in martial or performing arts or in organized athletic activities.
- Hospitals, nursing homes, medical clinics, or medical offices.
- Barbershops or beauty parlors which offer massage to the scalp, the face, the neck, or shoulders only.

MASSAGE Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or appliance, with our without such supplementary aids as rubbing alcohol.

MASSEUR OR MASSEUSE A "masseur" means a male person, and a "masseuse" means a female person, who practices massage.

MASSING The shape and form of a building provided by all , or a combination of, architectural elements such as roof configuration, spacing between buildings, setbacks from the street right-of-way, proportion of fenestration and entryways, building form, exterior building materials, building scale, architectural styles, and landscaping. See Richard Hedman, *Fundamentals of Urban Design* (Chicago: American Planning Association, APA Planner's Press, 985), at 11-19, which document is hereby incorporated by reference. A building or site plan shall be considered to have a "variety of massing" if not less than (six) of the above-referenced elements are provided in a manner consistent with any applicable requirements of Article 5 of this Ordinance.

- Building silhouette. Buildings maintain a similar pitch and scale with different roof line configurations.

- Spacing between building facades. A narrow setback (not exceeding 20 feet) is provided between building facades facing the public right-of-way in order to frame the structure.
- Setback from property line. The building contains bays or courtyards projecting outward from the building facade.

- Proportion of windows, bays, and doorways. Windows, doorways, bays, and pediments meet the following criteria: (1) windows, doorways, bays, and pediments do not vary more than ten percent (10%) in size from windows, doorways, bays, and pediments in the facade of adjacent buildings on the site, and (2) vertical or horizontal elements tied together in bands across facade lengths.
- Proportion of primary facade. The size of facades facing the public right-of-way are similar in area and height to width ratios. The size of the facade shall be considered "similar" if the largest facade does not vary more than thirty percent (30%) in size from the smallest facade.
- Location and treatment of entryway. In order to create visual commonality between structures, the following criteria shall apply: (1) the size of entryways in building facades facing the public right-of-way shall not vary by more than thirty percent (30%) in size, and (2) entryways for adjacent buildings shall not vary more than thirty percent (30%) from grade, as measured from the ground floor elevation.
- Exterior materials used. Similar materials and treatment shall be provided on the exterior walls of each building, which add detail and monumentality of a building.
- Building scale. Building height and configuration shall not vary by more than ten percent (10%), unless needed to maintain continuity between the ground floor elevation of adjoining buildings on the site.
- Landscaping. Similar types and densities (varying by not more than thirty percent (30%)) of plantings adjoin the front facade in order to tie together buildings and to define space.
- Shadow patterns. The light and dark surfaces from materials used and projections form windows bays and setbacks create a vertical, linear edge on adjoining buildings.

MASTER PRELIMINARY PLAN That portion of a preliminary plat or preliminary site plan submitted in connection with a multi-phase or phased subdivision application which provides the information and graphics meeting the requirements of this ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.

MATERIAL Relative to adult businesses, "material" shall mean and include, but not be limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

MEDICAL CLINIC See "Clinic".

MEMBERSHIP CLUB An organization with established formal membership requirements, bylaws and objectives, but not including groups organized primarily to provide a profit of the club or any of its members.

MINI-WAREHOUSE A storage service, located within an enclosed structure, primarily for personal effects and household goods having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activities. Typical convenience storage uses include mini-warehousing.

MINOR ARTERIAL A roadway designated as a "minor arterial" in the Major Roadway Network.

MINOR PERMIT An application for development approval proposing the development of any of the following:

- All new single lot or single unit residential uses on parcels of not less than forty (40) acres and not within a platted or recorded subdivision;
- New home occupations;
- The conversion of an existing building or structure from its current or previous use to a new or substantially different type of activity or use, or a revision or amendment to an approved development permit, which:

  (1) Does not significantly intensify vehicular traffic;
  (2) Does not significantly increase the demand for parking;
  (3) Does not intensify the likelihood of pedestrian and vehicular conflicts;
  (4) Does not create unsightly conditions including, but not limited to, unscreened storage;
  (5) Does not intensify noise levels or odors;
  (6) Does not create dust and dirt conditions;
  (7) Does not intensify lighting and glare conditions; and
  (8) Does not create a sudden change in privacy for adjacent property owners;

- All temporary sales uses and temporary structures.
- All auxiliary uses to utilities requiring a building permit.

MISSION STYLE ARCHITECTURE An architectural style imitating some features of the Spanish colonial missions; originated in California in the late 19th Century. Symmetrical facades with a hip roof, or asymmetrical facades with hip or gable roofs; typical elements include fractable parapets and dormers; mission tile roofing, overhanging eaves; smooth stucco walls and porches with large square piers.

MITIGATION The concept of mitigation requires the minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated. If a vegetated area is altered, the site must be revegetated to the same or greater density, diversity, and volume of vegetation as existed prior to the lateration. Furthermore, the hydrology of the affected area shall be returned to a level consistent with its pre-development condition. At a minimum, mitigation shall provide for:

1. Construction methods that identify and protect riparian habitat that is to be left unaltered;
2. Selective clearing or other habitat manipulation;
3. Replacement of affected vegetation with appropriate plant species in ratios which will result in simulation of the pre-alteration vegetation within five years;
4. Periodic monitoring of mitigation features;
5. Maintenance and replacement of damaged plantings or other defective mitigation measures.

MIXED USE DEVELOPMENT
MIXED USE PROJECT A proposed development that includes primary non-residential and primary residential uses on the same development site.

MOBILE HOME A single-family dwelling, factory built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act (42 U.S.C. sec. 5401, 1978 as amended) or the building code of

the Town. This definition includes any "mobile home" as defined in § 41-2142, A.R.S.

MODERATE INCOME HOUSING Housing reserved for occupancy or ownership by persons or households whose annual gross income does not exceed one hundred percent (100%) of the area median household gross income for households of the same size in the Phoenix metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

MODULAR HOME A building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, and which complies with the building code adopted by the Town.

MOTEL A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

MOTOR HOME As defined in §28-4301, A.R.S.

MOTOR VEHICLE See "Vehicle, Motor".

MOTOR VEHICLE DEALER As defined in §28-4301, A.R.S.

MOTOR VEHICLE REPAIR SHOP A shop or place of business used for the repair and maintenance of motor vehicles and other motor vehicle equipment as defined in Title 42, C.R.S.

MUDFLOW A flowing mass of predominantly fine-grained earth material possessing a high degree of fluidity during movement.

MULTI-FAMILY DWELLING A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

MUNICIPALITY An incorporated city or town.

MUSEUM See "Library or Museum".

NATIONAL GEODETIC VERTICAL DATUM (NGVD) A fixed reference adopted as a standard geodetic datum for elevations determined by leveling. Established in 1929. Also referred to as National Geodetic Vertical Datum of 1929 and Sea Level Datum of 1929. The NGVD is usually preferred as the primary datum for engineering design. NGVD is derived from a general adjustment of the first order level nets of both the United States and Canada. It was formerly called "Sea Level Datum of 1929" or "mean sea level". Although the datum was derived from the average sea level over a period of many years at 26 tide stations along the Atlantic, Gulf of Mexico, and Pacific Coasts, it does not necessarily represent local mean sea level at any particular place.

NATURAL HAZARD A geologic, floodplain, or wildfire hazard as identified by a state or federal agency.

NATURAL RESOURCE Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

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NEIGHBORHOOD PARK An open area of five (5) to ten (10) acres in size and including lawn area, trees, shrubbery, walks, benches, a focal point (such as a fountain or statue), sandbox, and play apparatus.

NEON SIGN A piece of electrical equipment or an electrical apparatus inside of which are wiring and transformers that transform the electricity from low voltage into as high as 12,000 volts or greater, and the necessary high tension wires to the neon tubing which illuminates the sign.

NET ACRES The total number of acres subject to an application for development approval excluding the following:

- Any areas reserved for arterial or collector street right-of-way; and
- Any areas reserved for schools and public sites.

NET AREA OR NET LOT AREA The area of a lot or parcel, excluding all dedicated streets or alleys and roadway or alley easements.

NET DENSITY OR NET INTENSITY See “Density, Net”.

NET FLOOR AREA The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, stairways, elevator shafts, elevator lobbies, rest rooms, mechanical areas, security areas or services areas.

NEW CONSTRUCTION For purposes of §7.4, “Vested Rights Determination”, structures for which the "start of construction" commenced on or after the effective date of the ordinance enacting Section 7A, and includes any subsequent improvements to such structures.

NIGHT CLUB A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which music, dancing or live entertainment is conducted .

NODE An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.

NONCONFORMING SIGN Any sign that does not conform to the requirements of this Ordinance.

NON-CONFORMING USE A use of land that:

1. Legally existed before its current zoning or land use category designation; and
2. Has been maintained continuously since the time the applicable regulations governing the land changed; and
3. Because of subsequent changes, does not conform to this Ordinance or General Plan provisions that now govern the land.

NON-POINT SOURCE Generalized discharge of waste which cannot be located as to a specific source into a water body.

NON-PROFIT Organizations which qualify for exemption from federal income taxes, pursuant to Section 501(c)(3) of the Internal Revenue Code, and for which an application for exemption thereto has been approved by the federal Internal Revenue Service.

NURSERY As defined in §3-201, A.R.S.

NURSERY/GREENHOUSE/ LANDSCAPING MATERIALS A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Director to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

NURSERY SCHOOL/ PRESCHOOL/DAYCARE A school and/or care facility which is licensed by the State and is maintained for the whole or part of the day for more than six children.

NURSING HOME An establishment licensed by the State which maintains and operates continuous day and night facilities providing room and board, personal services, and medical care for compensation for two or more persons not related to the operator of the home.

OBSTRUCTION Any physical alteration in, to , along, across, or projecting into any watercourse which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where a flow of water might carry the same downstream.

OFFICE A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OFF-PREMISES DISPLAY AND SALES As defined in §28-4301, A.R.S.

OFF-PREMISES EXHIBITION As defined in §28-4301, A.R.S.

OFF-SITE Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the applicant for subdivision or development approval.

ON-SITE With regard to mitigation, “on-site” means restoration or replacement of a desert wash at or very near the site where a desert wash has been or will be degraded by regulated activity.

OFF-STREET PARKING SPACE The space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

ONE-HUNDRED-YEAR (100-YEAR) FLOODPLAIN The low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers. It shall also mean that a flood of this magnitude may have a one percent chance of occurring in any given year.

OPEN MINING The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

OPEN SPACE Means and refers to the following:

- **Active open space** or any park and recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided

anywhere for the convenience of the user. Activity-based recreation areas include, but are not limited to, playgrounds, golf courses, bicycle trails, baseball or softball fields, football or soccer fields, basketball courts, tennis courts, picnic areas, playgrounds, and trails; and

- **Passive open space** or areas in and located due to the presence of a particular natural or environmental setting and which may include conservation lands providing for both active and passive types of resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition that cannot easily be duplicated by man and includes, but is not limited to boating, fishing, camping, enhancement areas, nature trails and nature study.
- **Critical areas, roadway areas** including rights of way, **parking lots** and **lawns**, **setback areas,** or other undisturbed portions of building lots shall not constitute open space. **Urban design features,** such as landscaped or hardscaped plazas, paseos and promenades connecting commercial parking areas to adjacent commercial uses, and parking area landscaping that exceeds that required by this Ordinance, fountains and sitting areas which provide an open park-like atmosphere shall be considered open space. Boulevard strip areas and landscape median areas shall be considered open space consistent with §6.2.B.3 and §6.2.B.4 of the Subdivision Ordinance, which is hereby incorporated by this reference as if set forth in its entirety herein.

OPEN SPACE, ACTIVE See “Open space”.

OPEN SPACE, PASSIVE See “Open space.”

ORDINANCE Unless otherwise specified refers to the Zoning Ordinance of the Town, which was adopted as RZ13-97 on January 6, 1999.

OTHER ANIMALS Those animals not defined elsewhere in this Appendix as household pets or agricultural animals.

OUTDOOR ADVERTISING FIXTURE(S), APPROVED BOTTOM-MOUNTED An approved fixture design shall mean a system of lighting which is installed at the lower portion of an outdoor advertising sign board and consists of no more than four (4) individual fixtures (or lamps) per sign face; produces a maximum of forty thousand (40,000) lumens per fixture; and spills or casts beyond the sign face no more than one thousand seventeen (1,017) lumens per fixture.

OUTDOOR CULTURAL EVENTS Entertainment, educational and cultural events generally involving the outdoor assembly of 50 or more people.

OUTDOOR EVENT, TEMPORARY A temporary commercial amusement activity such as a carnival, circus, rodeo or auction.

OUTDOOR LIGHT FIXTURES "Outdoor light fixture" means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting. (See §49-1101, A.R.S.)

OUTDOOR RENTAL YARD An establishment, located fully or partially outside of an enclosed structure that offers goods for rent primarily for outdoor use.

OUTDOOR RETAIL SALES An establishment, located fully or partially outside of an enclosed structure that offers goods for sale primarily for outdoor use, including but not limited to home improvement and building materials, statuary, garden equipment and plants, but not including vehicle and boat sales or machinery and equipment sales.

OUTDOOR STORAGE, NON-VEHICULAR An establishment that provides for outdoor storage of machinery and equipment, not including vehicles.

OVERBURDEN All the earth and other materials which lie above natural mineral deposits or materials disturbed from their natural state in the process of mining and/or other development.

OVERNIGHT CAMPGROUND Campground located in urban areas or in close proximity to a major highway intending to serve the traveling public in need of overnight accommodation.

PARCEL An area of land defined by a legal description and recorded with the County Assessor or Recorder.

PARK Any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING GARAGE An attached or detached building which is intended for the storage of motor vehicles and is available for use by the general public for free or for a fee.

PARKING LOT An area other than a street or alley devoted to unenclosed parking spaces.

PARKING SPACE A permanently surfaced area, enclosed or unenclosed, of not less than nine (9) feet in width and twenty (20) feet in length and having an area of not less than on hundred eighty (180) square feet, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

PARKING SPACE, OFF-STREET A paved and properly drained area, enclosed or unenclosed, required by this Code to be permanently reserved for parking one motor vehicle. The size of such space shall be in accordance with Article 4, PARKING, of this Code.

PARKING STRUCTURE A facility, partially or fully above ground, accessory to another facility or a primary use at which a fee may be charged for the temporary storage of passenger vehicles.

PARTIALLY SHIELDED "Partially shielded" means that fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal, as certified by photometric test report. (See §49-1101, A.R.S.)

PATH, BICYCLE (BIKE PATH) A hard surfaced path for bicycles designed in accordance with standards established in Section 10.4, Bikeway Design Guidelines. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right-of-way or within an independent right-of-way.

PATH, MULTI-USE A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract or easement. Multi-use path activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

PAWN SHOP An establishment at which money is lent on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

PEDESTRIAN PATH An improvement located within a public or private right-of-way which is designed primarily for the use of pedestrians and/or bicyclists.

PEDESTRIAN RIGHT-OF-WAY A right-of-way or easement dedicated for public pedestrian access.

PENNANT Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERFORMER Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

PERMANENT SIGN A sign which is securely attached to the ground or a structure so that it can not readily be moved.

PERMIT For the purpose of this Code, the term "Permit" shall mean Use Permit, except in those areas referring to building, construction, or offsite improvement permits.

PERSON Any individual or group of individuals; or association, company, corporation, firm, organization, or partnership, singular or plural, of any kind; or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

PERSONAL SERVICE ESTABLISHMENT A business that provides personal services directly to customers at the site of the business, or which received goods from or returns goods to the customer which have been treated or processed at another location. "Personal service establishment" includes, but is not limited to travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools.

PETITIONER An applicant.

PHARMACY A building, or part of a building, used for the dispensing of medicines or medical supplies only.

PHASED SUBDIVISION APPLICATION OR PHASED SITE PLAN APPLICATION An application for subdivision or site plan approval in which the applicant proposes to immediately subdivide or develop the property but will develop in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for, approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.

PILINGS Foundational structures placed into the earth to secure buildings and other structures.

PLACES OF PUBLIC Buildings or indoor facilities for the purpose of, but not necessarily limited to banquet

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ASSEMBLY, INDOORS	halls, auditoria, private clubs and lodges, conference centers, and theaters, including kitchen for the preparation of food to be consumed at the premises.
PLACES OF PUBLIC ASSEMBLY, OUTDOOR	See "Commercial Amusement, Outdoor".
PLANNED AREA DEVELOPMENT (PAD)	An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process.
PLANNED CAPACITY	The capacity to be added by Planned Capital Improvements.
PLANNED CAPITAL IMPROVEMENT	Planned Capital Improvement means a capital improvement which does not presently exist, but which is included and designated for commencement and completion of construction in a Capital Improvement Program.
PLANNED (OR MASTER PLANNED) DEVELOPMENT	A tract of land planned and developed as an integrated unit under single ownership or control, the development of which is unique and of substantial impact upon the surrounding area.
PLANNING COMMISSION	The Town of Queen Creek Planning Commission. Also referred to as the "Commission".
PLANT NURSERY	The use of land, buildings, or structures for the growth and production of plant materials for sale.
PLANT NURSERY, RETAIL SALES	The use of land, buildings, or structures for the sales of plant materials, landscape materials, and fertilizer, excluding production of plant materials.
PLAT	As defined in the Subdivision Ordinance.
POINT SOURCE	Any discernible confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete, fissure, contained, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.
PORTABLE SIGN	Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
PRACTICABLE ALTERNATIVE	Alternative to proposed project which is available and capable of being executed after taking into consideration cost, existing technology, and logistics in light of overall project purposed and having less impacts to desert washes. It may involve using an alternative site in the general region that is available to the developer and may feasibly be used to accomplish the project.
PREEXISTING TOWERS AND PREEXISTING ANTENNAS	Any tower or antenna for which a building permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
PRELIMINARY PLAT	The preliminary drawing or drawings described in the Code indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for a recommendation and the Town Council for approval.

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PRINCIPAL ARTERIAL Streets which provide a network of continuous routes serving intra- and inter-state travel as well as inter- and intra-urban travel.

PRINCIPAL BUILDING A building or buildings in which the dominant use of the lot on which it is situated is conducted. In any residential district, any dwelling (excluding an accessory dwelling or accessory apartment) shall be deemed to be the main building of the lot on which it is situated.

PRINCIPAL STRUCTURE The structure in which the principal use of a property is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.

PRINCIPAL USE The main or primary use of a parcel of land.

PRINTING SERVICES An establishment that provides blueprinting, lithography, or other commercial printing service, but not including photocopy centers.

PRIVATE Anything not owned or operated by the federal government, state government, or any political subdivision.

PRIVATE CLUBS, LODGES See “Places of Public Assembly, Indoors”.

PRIVATE USE One which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

PRIVATE UTILITIES Includes power, telephone, natural gas, cable television and private water supply service.

PRODUCE STAND A temporary open air stand or place for the seasonal selling of agricultural produce. A produce stand must be portable and capable of being dismantled or removed from the sales site. (See also Farmer’s Market.)

PROFESSIONAL OFFICE An office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.

PROJECTING SIGN A sign attached to a structure wall and extending outward from the wall more than twelve inches (12").

PROJECTION The distance by which a sign extends over public property.

PUBLIC Anything owned or operated by the federal government, state government, or any political subdivision.

PUBLIC FACILITIES Capital Improvements including Water Facilities, Wastewater Facilities, Fire Protection Facilities, Public Schools, Regional Parks, and Streets.

PUBLIC HEARING A public meeting for which public notice has been given and an opportunity for public testimony is provided.

PUBLIC LAND FOR DEDICATION AND OWNERSHIP Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the Town Council and dedicated for the public's use or benefit.

PUBLIC MEETING	A meeting of a Board, Planning Commission, Town Council or their representatives where the public may attend.
PUBLIC NOTICE	Notice to the public of a public hearing or meeting as required by state or local law.
PUBLIC RIGHT-OF-WAY	Any street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.
PUBLIC SCHOOLS	Elementary schools, middle schools, high schools, accommodation schools and charter schools, capital equipment provided therein and the land needed for Public Schools which are owned and operated by the applicable school district, as defined in §15-101, A.R.S.
PUBLIC USE	A use which is owned by, and operated for, the public by a public entity.
PUBLIC-USE HELIPORT	A heliport or helipad that has been designed for use by the public and is available for such, whether owned or operated by a governmental agency or a private entity, provided that such entity has agreed in writing to that use of its property.
PUEBLO ARCHITECTURAL STYLE	An architectural style loosely based on adobe pueblos of the Southwestern United States. Used mostly for detached buildings; typical elements include irregular massing with one or two stories, flat roofs, stucco walls with projecting vigas (real or imitation), and rounded parapets and corners; may be made of adobe or another masonry material.
QUALIFIED LANDSCAPE ARCHITECT	A person with at least a four year degree in the field of landscape architecture from an accredited university offering such a degree.
RAILROAD SWITCHING YARD	A facility that provides terminal facilities for rail traffic of railroad cars between terminal yards and similar facilities.
REAR YARD	A yard extending across the full width and depth of the lot between the rear lot line and the nearest line or point of the building. Where a lot has sufficient land area, the rear yard may exceed the minimum rear setback as specified in §5.2.C. of this Ordinance (See **Figure 12**, below).
REAR SETBACK (REQUIRED REAR YARD)	The minimum horizontal distance between any building and the rear property line.
RECEIVING AREA	An area designated by this Ordinance as appropriate for development beyond the target density through the transfer of development rights.
RECLAMATION	Rehabilitation of plant cover, soil stability, water resources, and other measures which will allow or cause flora to permanently grow on land.
RECORDED/RECORD	Document(s) being placed in the indexed or coded files and book(s) of the County Clerk and Recorder.
RECREATIONAL CAMPGROUND	Campground located in close proximity to natural recreational areas and/or opportunities providing an outdoor living environment.
RECREATIONAL VEHICLE	As defined in §41-2142, A.R.S.

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RECREATION VEHICLE, OVERNIGHT	A recreation vehicle which is not designed for or to be used for permanent residential use in a travel trailer/recreation vehicle park or at other approved locations.
RECREATION VEHICLE PARK	Any parcel of land upon which two (2) or more recreation vehicles for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
RECREATIONAL VEHICLE, DESTINATION	A recreation vehicle which is designed for and is to be used for permanent residential use in a travel trailer/recreation vehicle park or at other approved locations. The term "destination recreation" vehicle includes park model travel trailers.
RECREATIONAL VEHICLE RESORT	An integrated development where recreational vehicles are used for temporary residential purposes in conjunction with recreational and social centers designed to provide a significant portion of the recreational and social needs of the occupants of the resort.
RECREATIONAL VEHICLE SPACE	A parcel of land which is designed and intended for the accommodation of one (1) recreational vehicle.
RECYCLING CENTER	See "Scrap and Salvage Services".
RECYCLING COLLECTION POINT	An incidental use that serves as a neighborhood drop off point for temporary storage of recoverable resources. No processing of such items would be allowed.
REGIONAL PARKS	Park land and related facilities thereon containing at least fifty (50) acres, which offers natural and scenic quality, which supports both passive and active recreational activities for all residents of the Town of Queen Creek, which is owned by Queen Creek and operated by the Town Parks and Recreation Department.
REGULATION	As used in this Ordinance, means an applicable provision of this Ordinance or any other requirement promulgated under this Ordinance or the Code of Ordinances of the Town.
REGULATORY FLOOD ELEVATIONS	The elevation which is one foot above the calculated water-surface elevation of the base flood.
RELIGIOUS INSTITUTIONS	Buildings or facilities used for public worship and related educational, cultural, and social activities.
RENTAL, HOME-ORIENTED	A business providing items for rent which are generally found or used in and around the home, including but not limited to furniture, appliances and small equipment, but not including heavy equipment.
REPAIR SERVICES, SMALL APPLIANCE AND EQUIPMENT	An establishment located within a fully enclosed facility that offers repair services for small appliances and equipment, including, but not necessarily limited to electronics, computers, stereos, and home appliances, but not including vehicles and vehicle parts.
REQUIRED SETBACK	The area in the rear yard within the rear setback, the area in the front yard within the front setback, and the area in the side yard within the side setback. (See Figure A)

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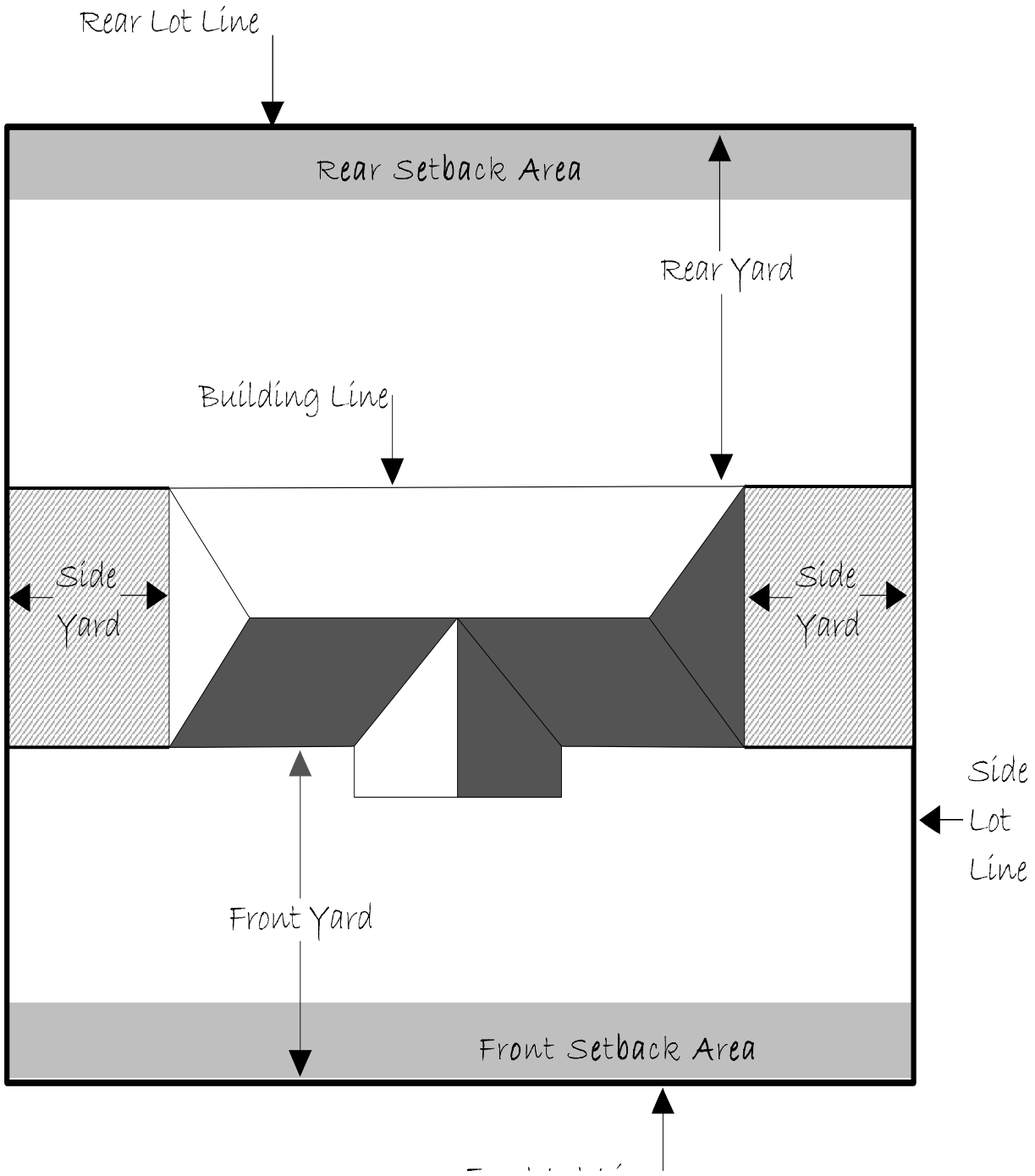

RESIDENTIAL HOTEL A private establishment that provides sleeping rooms for rent by the night, week, or month, which may include limited cooking facilities, but not including stoves and accessory uses within individual rooms or for groups of rooms and which contains not more than one hundred (100) sleeping rooms.

RESIDENTIAL RANCH A residence that may include animal or crop production but does not include residential facilities for employees.

RESIDENTIAL SIGN Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

RESIDENTIAL SUB-UNIT A dwelling unit which is secondary and subordinate to a principal dwelling unit, and which is located within the same Building as the principal dwelling unit.

RESIDENTIAL USE Includes single and multiple dwellings, hotels, motels, dormitories, and mobile homes.

RESIDENTIAL ZONING DISTRICT Any of the following zoning districts: R1-190; R1-145; R1-108; R1- 54; R1-43; R1-35; R1-18; R1-15; R1-12; R1-9; R1-8; R1-7; R1-6; R-2; R-3; and R-4.

RESOURCE EXTRACTION The on-site extraction of surface or sub-surface mineral products or other natural resources, including but not necessarily limited to quarries, burrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

RESTAURANT An establishment serving food and beverages where all service takes place within an enclosed building or an accessory outdoor eating area.

RESUBDIVISION The changing of an existing parcel created by a plat and recorded with the County Clerk and Recorder.

RETAIL ACTIVITIES OR RETAIL USES Includes sales of merchandise at retail prices, personal and business services, restaurants, galleries, and similar uses, but not including financial institutions.

RETAIL ESTABLISHMENT A building, property, or activity the principal purpose of which is the sales of goods, products, or materials directly to the consumer. This includes, but is not limited to buying clubs, clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, florists, furniture stores, hardware stores, pet stores, toy stores, indoor tool and equipment rental, and variety stores. It does not include restaurants, personal service establishments, commercial amusements, or cleaning or processing establishments.

RETAINING WALL A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

REVISION "Revision" means the changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approval(s) may be that which applied previously to the property or may be a new and/or different zoning or other land use status.

RIDGELINE An area including the crest of a hill or slope and a vertical, perpendicular distance of one-hundred and fifty (150) feet on either side of the crest.

RIGHT-OF-WAY

1. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes;
2. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian.

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RIPARIAN ECOSYSTEM Living organisms (plants and animals) and habitat that occur in association with any spring, cienega, lake, watercourse, river, stream, creek, wash, arroyo, or other body of water, either surface or subsurface.

ROAD LINK A section of the Major Roadway Network defined by a node at each end.

ROADSIDE STAND An accessory structure for the seasonal retail sale of grown or produced food products on the lot.

ROADWAY The improved portion of a street within a right-of-way and/or easement.

ROADWAY, SHARED Any roadway upon which a bicycle land is not designated and which may be legally used by bicycles regardless of whether such facility is specifically designated as a bikeway.

ROOF LINE The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

ROOF SIGN Any sign erected on the roof and projecting above the highest point of the roof line, parapet or fascia of a building.

ROOF SIGN, INTEGRAL Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

RUNWAY PROTECTION ZONE A trapezoidal-shaped zone located directly off the end of a runway's primary surface, beginning two hundred feet (200') from the end of the pavement, and which is clear of all above ground obstruction or construction. The width is the same as for the primary surface. The length is determined by the use of the runway.

SAFETY SERVICES Offices, stations or related facilities for police protection, fire protection, and related activities designed to promote the public order and safety .

SANITARY LANDFILL A “municipal solid waste landfill”, “solid waste landfill”, or “waste tire facility” as defined in §49-201, A.R.S.

SATELLITE DISH ANTENNAE A parabolic antennae designed to receive electromagnetic transmissions from a satellite.

SCHOOL An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or trade or vocational schools.

SCHOOL, BOARDING An elementary school, middle-school, junior high school, or high school which provides lodging or dwelling for students or faculty on the same property.

SCHOOL, BUSINESS, TECHNICAL OR TRADE A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty.

SCRAP AND SALVAGE SERVICES An establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

SCREENING Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or bufferyard. (See Landscape.)

SEISMIC EFFECTS Direct and indirect effects caused by an earthquake or man-made phenomena.

SEMI-TRUCK STOP See "Travel Plaza".

SENDING AREA An area designated by this Ordinance as a sending area appropriate for the conveyance of transferable development rights from the area.

SENSITIVE AREAS Critical Areas, slopes exceeding fifteen percent (15%), critical wildlife habitat, stream corridors, wetlands, ridge lines, and areas defined as visually vulnerable, pursuant to the Environmental and Open Space Element of the General Plan.

SERVICE COMMERCIAL Uses such as office and research parks and uses normally associated with residential areas (e.g. recreation center, beauty shop) that will broaden the Town's economic base and provide year-around employment.

SERVICE LINES Electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

SERVICE STATION A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

SERVICE YARD AND/OR ENTRANCE An area and/or entrance to a structure which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets

SETBACK The minimum distance between a structure and a property lines of a parcel of land or other established reference point.

SEXUALLY-ORIENTED BUSINESS Any business establishment or concern which as a regular and substantial course of conduct operates as an adult bookstore, adult theater, adult arcade, adult cabaret, adult figure modeling studio, adult motel or hotel; or

Any business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes adult oriented merchandise or sexually oriented merchandise, or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical parts", but not including those uses or activities which are preempted by State law.

SHOPPING CENTER A group of stores planned and designed for the site on which it is built, functioning as a unit with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

SIDEWALK The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

SIDE YARD A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. Where a lot has sufficient land area, the side yard may exceed the

minimum side setback as specified in 4.8 of this Ordinance (See **Figure A** in the definition of "Required Setback").

SIDE SETBACK The minimum horizontal distance between any building and the side property line.

SIGN Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN AREA Includes the entire face of the sign, frame and art work and shall include any spacing between letters, figures and designs but shall not include the bracing or structure of the sign. When the sign only consists of letters, designs or figures engraved, painted, projected or fixed on a wall or frame of a freestanding sign, the total area of the sign shall be the area of the smallest rectangle within which the fixed lettering and/or artwork is inscribed. All sides of a sign are visible from any one (1) vantage point shall be measured in determining the area of the sign, except that only one (1) side of a sign shall be measured if the two (2) sides are back to back or separated by an angle of forty-five (45) degrees or less. If the two (2) sides are not of equal size, the larger side shall be measured. A back-to-back sign shall have parallel faces, separated by not more than four (4) feet.

SIGN HEIGHT The vertical distance measured from the adjacent street grade or upper surface of the curb, whichever permits the greatest height to the highest point of said sign, including ornamental features.

SIGN MAINTENANCE Replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear, or damage beyond the control of the owner.

SIGN PLAN A plan required to be submitted with an application for a sign permit. The plan may show a single sign or multiple signs for a planned area development.

SIGN PLAZA A permanent freestanding sign containing multiple sign panels which provide directional information to locate facilities, subdivisions, developers, services and attractions.

SIGN, POLITICAL A temporary sign erected in support or opposition to a candidate seeking public office in a special, primary or general election, or in support or opposition to a ballot measure on a special, primary or general election.

SIGN, WIND-DRIVEN See "Wind-Driven Sign".

SIGN WITHOUT BACKING Any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of any larger display.

SIGNIFICANT ADVERSE IMPACT Impacts from activities that result in or contribute to any of the following consequences:

1. Alteration of the desert wash environment, including alteration which results from activities such as grading of slopes and banks, creation of impervious surfaces, removal of native vegetation, placement of fill within a desert wash or associated riparian ecosystem;
2. Disturbance or taking of wildlife, aquatic life, or other natural resources or habitats;
3. Alteration of base flood elevations;
4. Alteration of existing hydrologic or aquatic systems;
5. Degradation of aesthetic, scenic or cultural values associated with the desert southwest and/or the Town of Queen Creek;

6. Degradation of environmental quality, including water quality, plant and wildlife communities, and ecosystem functions and stability.

SINGLE-FAMILY DWELLING A structure containing cooking and bathing facilities that is arranged, designed, and intended to be the residence of one family. (See "Family".)

SINGLE-FAMILY RESIDENTIAL COMPLEX A group single-family dwellings designed for individual separate ownership with unified management that provides common services and outdoor recreational facilities, but not including public bars, public restaurants or any commercial activity in connection therewith.

SITE PLAN, CERTIFIED The map of a proposed development to be filed after approval by the Town Council and any accompanying material as described in this Ordinance, as signed and dated by the Zoning Administrator.

SKETCH PLAN A sketch preparatory to the preliminary plat or site plan (or final plat or site plan in the case of minor subdivisions or conditional use permits) to enable the subdivider to save time and expense in reaching general agreement with the Town as to the form of the plat and the objectives of this Ordinance.

SLOPE A vertical rise in feet measured over a horizontal distance expressed as a percentage, measured generally at right angles to contour lines.

SPANISH COLONIAL The Spanish-influenced architecture built in Southwestern United States and Mexico 16th Century to mid-18th Century; typically adapted Spanish baroque styles to local materials such as adobe, and coquina; most often used to refer to the mission complexes of the Southwest U.S. and mudejar-gothic buildings of Mexico, also includes diverse examples such as the 1565 fortifications at St. Augustine, Florida; buildings of the period often include massive plain stuccoed masonry walls, a central patio, pitched mission tile or thatched roof, or a flat roof with exposed wood rafters with bricks spanning between them and cymashaped ends, and features such as cancela, concha, cortina, galeria, mascaron, portal, postigo, reja, zaguan and zapata.

SPECIFIC PLAN A document encompassing a specific geographic area of the Town which is prepared for the purpose of specifically implementing the *General Plan* by (1) refining the policies of the General Plan to a specific geographic area; and (2) containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.

SPECIFIED ANATOMICAL AREAS "Specified Anatomical Areas" shall mean:

- Less than completely and opaquely covered:
  human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or
- Any device or covering, when exposed to view, which simulates the female breast below a point immediately above the top of the areola, human genitals, pubic region or buttock; or
- Human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL "Specified Sexual Activities" shall mean:

ACTIVITIES

- Human genitals in a state of sexual stimulation or arousal; and/or
- Acts of human masturbation, sexual stimulation or arousal; and/or
- Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or
- Masochism, erotic or sexually-oriented torture, beating, or the infliction of pain; and/or
- Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
- Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

STABLE, COMMERCIAL A stable of horses, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands.

STABLE, PRIVATE A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

STAFF The staff of the Town of Queen Creek Planning Department.

START OF CONSTRUCTION Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within one hundred eighty (180) days of the permit date. The actual start means the first placement of a permanently-constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STORY That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

STREAM A watercourse or body of running water flowing continually or intermittently in a channel on the surface of the ground or in a cavern below the surface.

STREET A collector street, local street or arterial street.

STREET, ARTERIAL An arterial street which is identified as a Major Arterial Street or Minor Arterial Street on the Major Roadway Network.

STREET, COLLECTOR A street which is designed to collect and distribute traffic between local roads and arterial roads and to serve as a linkage between land access and mobility needs, and which is identified as a collector street on Major Roadway Network.

STREET FRONTAGE The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

STREET LINE The boundary which separates the right-of-way of a street from the abutting property.

STRIP DEVELOPMENT A form of development characterized by the following:

(1) The primary uses are commercial or retail in nature and are not located within a transportation corridor node or center designated in the General Plan; and
(2) The development site takes direct access from an arterial or collector road; and
(3) The site contains parking located above ground level and lying between the accessed roadway and the primary buildings; and
(4) The site is characterized by substantial frontage along the road or roads from which it takes primary or secondary access, or by numerous access points along a roadway serving primarily retail and/or commercial uses.

STRUCTURAL ALTERATION Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or exterior walls.

STRUCTURE Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground . Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences.

STRUCTURE, MAIN OR PRINCIPAL See “Building, Main or Principal”.

STRUCTURE, PERMANENT Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

STRUCTURE, TEMPORARY A moveable structure not designed for human occupancy or for the protection of goods or chattel, and not forming an enclosure.

SUBDIVIDE The act or process of creating a subdivision.

SUBDIVIDER As defined in the Subdivision Ordinance.

SUBDIVISION As defined in the Subdivision Ordinance.

SUBDIVISION ORDINANCE The Subdivision Ordinance for the Town of Queen Creek which is incorporated by reference as if set forth in its entirety herein.

SUBSTANTIAL DAMAGE Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged-condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which

have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SURFACE, IMPERVIOUS That land area covered by building roofs (including patios, balconies and entryways) and asphalt or other surface devoted to parking spaces and driveways.

SURVEYOR A land surveyor registered by the State of Arizona.

SUSPENDED SIGN A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SWALE An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

SWIMMING POOL, PRIVATE A pool established or maintained on any premises by an individual for his/her or his/her family's use or for guests of his/her household.

TEEN CLUB An enclosed or unenclosed structure which is open to persons from fifteen (15) through twenty (20) years of age unaccompanied by adults at which music is furnished for the purpose of social dancing, and at which a person fifteen (15) through twenty (20) years of age pays an admission, membership dues, or a minimum fee or cover charge, whether or not admission is limited to members only. "Teen dance center" shall include the enclosed or unenclosed structure and the surrounding premises used for parking and any activity related to the dancing operation.

TELEVISION, RADIO, AND FILM STUDIO A facility for the production of films and/or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

TEMPORARY Not to exceed a period of one (1) year unless otherwise specified in this Ordinance.

TEMPORARY SIGN Any sign that is used only temporarily and is not permanently mounted.

TEMPORARY USE OR STRUCTURE A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and that does not involve the construction of alteration of any permanent structure.

TOTAL PERMISSIBLE DWELLING UNITS OR TOTAL PERMISSIBLE SQUARE FOOTAGE The total density or intensity of a project computed, pursuant to §4.7.B.1 of this Ordinance.

TOWER Means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto.

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TOWN The Town of Queen Creek, Arizona.

TOWN COUNCIL The Town Council of the Town of Queen Creek.

TOWNHOUSE A single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.

TRANSFER OF DEVELOPMENT RIGHTS The conveyance of development rights by deed, easement, or other legal instrument authorized by this Ordinance to another parcel of land and the recordation of that conveyance among the County land records.

TRANSFER FACILITY As defined in §49-201, A.R.S.

TRANSIENT Housing or accommodations which are typically occupied by residents for periods of two (2) weeks or less, including but not limited to hotels, motels and travel lodges.

TRANSIT TERMINAL A commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

TRANSMISSION LINES Electric lines (115 KV and over) and appurtenant facilities; or pipelines/conveyors (ten (10) inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

TRANSMITTING FACILITIES Buildings, structures, or land used for the above-ground transmission or reception of airborne radio or television signals including all transmitting or receiving towers, dishes, and antennae, but not including accessory antennae or dishes.

TRAVEL PLAZA Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A travel plaza may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

TRAVEL TRAILER A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet (8') in width and/or forty feet (40') in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

TREATMENT FACILITY Any “adult developmental home”, “child developmental foster home”, “intermediate care facility for the mentally retarded”, or “secure facility” as defined in §36-551, A.R.S., and any “supportive residential living center” as defined in § 36-1301, A.R.S.

TRIPLEX A building containing three dwelling units, each of which has direct access to the outside or to a common hall.

TRUCK CAMPER A portable unit consisting of a roof, floor, and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

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TRUCK AND MULTI-MODAL TERMINAL	A facility for truck loading and unloading and cargo storage.
TRUCK PARKING AREA	An area for the parking of trucks which are often left with either their motors running and/or their refrigerator unit motors operating.
UNDERGROUND PRESSURIZED IRRIGATION SYSTEM	A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that one hundred percent (100%) irrigation water coverage is provided.
UNDERLYING DISTRICT	A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.
UNSUITABLE OR UNSTABLE SLOPE	An area susceptible to a landslide, a mudflow, a rockfall or accelerated creep of slope-forming materials.
USE	The purpose or purposes for which land or a building is occupied, maintained, arranged, designed or intended.
USE, APPROVED	Any use that is or may be lawfully established in a particular district or districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.
USE PERMITS	Approval, with appropriate stipulations, by the Town Council after public hearing of a use, structure, condition or manner of operation in conjunction with an otherwise permitted use which, by ordinance, requires the property owner or applicant to obtain such a permit.
USE, QUASI-PUBLIC	Uses which are considered to be dedicated to public service or to culture. Their uses include, for the purposes of this Code, public schools, hospitals, universities and churches.
USE VARIANCE	A variance as to the permissible use of land, including a variance that in effect grants a development permit.
UTILITIES	Services and facilities provided by public agencies and public monopolies such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, and solid waste disposal.
UTILITY FACILITIES	Buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials.
UTILITY SERVICE YARDS	Buildings, structures, or land used by a utility, railroad, or governmental agency solely for the purpose of storing and maintaining equipment and materials.
VARIANCE	A grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.
VARIETY OF MASSING	See “Massing”.
VEGETATIVE GROUND COVER	Wood bark, shredded or chipped wood (installed over an adequate matte of fabric weed barrier), sod, or live plants.

VEHICLE Any self-propelled device in, upon, or by which any person or property may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, ABANDONED OR JUNK A vehicle or any major portion thereof which is incapable of movement under its own power and will remain without major repair or reconstruction.

VEHICLE, COMMERCIAL Any motor vehicle with a manufacturer's chassis rating greater than one ton.

VEHICLE, LARGE A semi-trailer or semi-tractor or other commercial vehicle or an RV having a gross vehicle weight (GVW) exceeding 15,000 pounds as established by the manufacturer.

VEHICLE, MOTOR A device, in, upon, or by which any person or property is or may be transported or drawn upon a road of highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles. For the purpose of these regulations "motor vehicles" are divided into two (2) divisions:

- First Division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons.
- Second Division: Those motor vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters, and those vehicles which are designed for pulling or carrying property, freight or cargo; those motor vehicles of the first division remodeled for use and used as motor vehicles of the second; and those motor vehicles of the first division used and registered as school buses. All trucks shall be classified as motor vehicles of the second division.

VEHICLE, RECREATIONAL (RV) Any type of vehicle used primarily for recreational purposes. Examples include, but are not limited to, travel trailers, motor homes, boats, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

VERY LOW INCOME HOUSING Dwelling units reserved for occupancy or ownership by persons or households whose annual gross income does not exceed fifty percent (50%) of the area median household gross income for households of the same size in the Phoenix metropolitan statistical area, as defined by the U.S. Department of Housing and Urban Development in 24 C.F.R., Part 813.

VETERINARY HOSPITAL As defined in §11-1001, A.R.S.

WALL SIGN Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WAREHOUSING AND DISTRIBUTION, GENERAL An establishment offering indoor or open-air storage and distribution and handling of materials and equipment, such as vehicle storage, monument or stone yards, grain elevators, or open storage yards.

WAREHOUSING Loading, unloading, storing or otherwise moving any item or items to and from trucks, railroad cars, conveyors and buildings.

WAREHOUSING AND STORAGE Buildings used for the rental of space to the public for the storage of merchandise, commodities or personal property and where access is under the control of the building management, but excluding the warehousing and storage of explosive, corrosive, noxious materials, such as dust, fumes or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man or other organisms or properties.

WAREHOUSING, WHOLESALE, AND DISTRIBUTION, LIMITED An establishment offering wholesaling, storage, and warehousing services within a completely enclosed building, such as wholesale distributors, storage warehouses, and moving and storage companies.

WAREHOUSES-MINI Buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials, such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man or other organisms or properties; and further excluding any other use otherwise permitted in the Zoning District in which the Mini Warehouse is located.

WASTE TIRE COLLECTION SITE As defined in §44-1301, A.R.S.

WASTEWATER FACILITIES Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal systems, and on-site septic systems.

WASTEWATER TREATMENT FACILITY As defined in §49-1201, A.R.S.

WATERCOURSE Any lake, river, stream, creek, wash, arroyo, or other body of water or channel having banks and bed through which waters flow at least periodically.

WATER FACILITIES Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, storage facilities, and transmission and distribution mains.

WATERSHED A region or area bounded peripherally by a water parting and draining ultimately to a particular watercourse or body of water; the catchment area or drainage basin from which the waters of a stream or stream system are drawn.

WELL As defined in §49-201, A.R.S.

WESTERN TERRITORIAL ARCHITECTURE The architectural style of adobe buildings constructed by the military and settlers in the Southwestern United States during the late 19th Century, especially in New Mexico; typical components include brick copings on the parapets surrounding flat roofs, large windows with Greek revival style trim, relatively thin walls, and lime plaster stucco.

WETLAND Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be designated in accordance with the *Corps of Engineers Wetlands Delineation Manual* (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service. Wetlands shall be classified as "high value," "moderate value" or "low value" as designated in the document prepared for the

Environmental Protection Agency, Region VIII and the United States Army Corps of Engineers entitled *Wetlands of the Snyderville Basin: Snyderville Basin Advance Identification Study and Wetland Functional Assessment Interpretative Report* (May 1991), which is incorporated by reference as if set forth in its entirety herein.

WIND-DRIVEN SIGN Consists of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subjected to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of SIGN).

WINDOW SIGN Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

XERISCAPE Landscape methods which conserve water through the use of drought-tolerant plants, planting and irrigation techniques.

YARD The open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance.

YARD, FRONT A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

YARD, REAR A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

YARD, REQUIRED The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required. See "Buildable Area."

YARD, SIDE A yard between the building and the side lot line of a lot and extending from the front yard to the rear lot line as defined or along the full depth in absence of front and rear yards and being the minimum horizontal distance between a side lot line and the side of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line.

YARD SETBACK The minimum horizontal distance between any building and the property line.

ZERO LOT LINE The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONE LOT A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

ZONING CLEARANCE The issuance of a permit or authorization by the Zoning Inspector indicating that a proposed building, structure, or use of land meets all of the standards, criteria, procedures, and requirements contained in this Ordinance.

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ZONING DISTRICT Any portion of the area of the Town of Queen Creek in which the same Zoning regulations apply.

ZONING INSPECTOR The Director of the Town of Queen Creek Planning and Development Department or his duly authorized representative.

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LIST OF ABBREVIATIONS

A.R.S. or ARS: Arizona Revised Statutes.
AASHTO American Association of State Highway and Transportation Officials.
F.A.A.: Federal Aviation Administration.
F.C.C.: Federal Communications Commission.
FEMA: Federal Emergency Management Agency.
F.I.A.: Flood Insurance Administration.
GFA: Gross floor area.
GLA: Gross leasable area.
N/A: Not applicable.
SF: Square feet or square footage.

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APPENDIX C

I. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

A. Forms.

The Administrator shall promulgate submittal requirements, instructions for completing forms, and internal procedures for acceptance and filing of applications. Additional information may be required for particular applications. Necessary forms shall be prepared for the administration, interpretation and enforcement of this Ordinance and shall be maintained at the offices of the Planning Department, including:

1. Application for General Plan Amendment - General Plan Land Use Map

2. Application for Rezoning

3. Application for Sketch Plan Approval

4. Pre-application for Review
   a. Pre-Application for Subdivision
   b. Pre-Application for Rezoning
   c. Pre-Application for Site Plan and Conditional Use Permit

5. Application for Site Plan Approval

6. Application for Preliminary Subdivision Plat Approval

7. Application for Final Subdivision Plat Approval

8. Application for Conditional Use Permit Approval

9. Application for Master preliminary plan Approval

10. Application for Specific Plan Approval

11. Application for Development Agreement Approval

12. Application for Variance

13. Notice of Appeal to the Board of Adjustment

14. Application for Design Review

15. Application and Checklist for Non-Residential Design Review

16. Application and Checklist for Residential Design Review

17. Application for Group Care Home

18. Application for Guesthouse

19. Application for Lot Split

20. Application for PAD and Cluster Rezoning

21. Application for Sign Permit

22. Application for Temporary Use Permit

23. Application for Text Amendment

GENERAL PLAN AMENDMENT.

A. **APPLICATION.**

1. Before any application is made, the applicant shall schedule a pre-application conference with the Administrator to discuss, in general, the procedures and requirements for a General Plan amendment request pursuant to these regulations.

2. A property owner or his/her designated representative shall initiate a General Plan amendment request by filing an application with the Administrator and paying the application filing fee as established by the Council.

B. **GENERAL PLAN TEXT AMENDMENT.** An application for a General Plan Text Amendment shall include a written report that addresses each criteria as listed in §3.3.I, below.

C. **FUTURE LAND USE MAP AMENDMENT.** An application for a Future Land Use Map Amendment shall include the following:

1. A reduction of the Assessor's Map and the Future Land Use Map with a location map. Boundaries of the proposed map amendment shall be shown.

2. Evidence of title.

3 Legal description.

4. Deed.

5. All existing and proposed easements.

6. Rights-of-way.

7. A written report which addresses the following issues:

a. Reasons why the amendment is being requested and an indication of compliance with Section 3.3.1 Approval Criteria;

b. Proposed amendment description including the existing land uses of the area proposed for amendment and surrounding land uses; number of acres; existing Future Land Use; proposed zoning amendment, if any; and public benefit;

c. Site soils and geology;

d. Availability of utilities;

e. Site access and traffic patterns;

f. Effects of proposed Future Land Use Amendment on public facilities and rights-of-way;

II. NO APPLICATION FOR DEVELOPMENT APPROVAL SHALL BE ACCEPTED UNLESS THE INFORMATION AND DATA REQUIRED BELOW IS INCLUDED.

A. Sketch plans submitted to the Administrator, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

1. Name.

a. Name of subdivision if property is within an existing subdivision.

b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Maricopa County or Pinal County.

c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

2. Ownership.

a. Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.

b. Citation of any existing legal rights-of-way or easements affecting the property.

c. Existing covenants on the property, if any.

d. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

3. Description. Location of property by government lot, section, township, range and county, graphic scale, north arrow, and date.

a. Location of property lines, existing easements, burial grounds, railroad rights-of-way, watercourses, existing wooded areas, and all other vegetation areas; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessment rolls within five hundred (500) feet of any perimeter boundary of the subdivision.

b. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.

c. Approximate topography.

d. A slope analysis of the proposed development site, showing slopes for the following percent of existing grades: 0-10%, 10-20%, 21-30%, 31-40%, and slopes exceeding forty percent (40%), including a tabulation of the number of acres in each slope percentage.

e. A delineation of environmentally sensitive areas including, but not limited to, desert washes, slopes exceeding thirty percent (30%), and threatened or endangered species habitats.

f. The approximate location and widths of proposed streets.

g. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

h. The approximate location, dimensions, and areas of all proposed or existing lots.

i. The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

j. The location of temporary stakes to enable the Planning Commission and Town Council to find and appraise features of the sketch plan in the field.

k. Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision or development area, together with its proposed street system, and an indication of the probable future street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

l. A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.

4. A description of the proposed development including proposed uses and coverage.

5. Layout shall show where individual buildings are to be situated on the site. It shall also show distances from these buildings to property lines, locations for signs, and location of lighting. However, it shall portray sufficient detail to clearly indicate the intent of the proposed development.

6. Developments intended to be constructed in phases shall graphically show the proposed phasing.

7. Cultural Resources Review. No application for development approval shall be accepted unless the applicant submits documentation that a site records check for potential cultural resources has been conducted in conjunction with the State Historic Preservation Office (SHPO).

III. NON-RESIDENTIAL AND RESIDENTIAL DEVELOPMENT PLANS - The following information is required for all preliminary subdivision plats and site plans:

A. General. The preliminary plan shall be prepared by a licensed land surveyor at a convenient scale not more than one (1) inch equals one hundred (100) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall be a minimum of twenty-four by thirty-six (24 X 36) inches and a maximum of thirty-six by forty-eight (36 X 48) inches. The map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

B. A title block shall be placed on the plan showing:

1. Proposed name of the development

2. Type of development

3. Name and address of owner of record, developer, and designer.

4. Graphic and written scale and date of preparation.

C. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.

D. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.

E. Location of north, township and range, section lines, and other monuments, as well as a vicinity map of the site at a minimum scale of 1" = 2000'.

F. Surveyed boundary of the development giving location of and dimension to the nearest benchmark or monument, and total approximate acreage encompassed thereby. The names of all adjacent property owners shall be shown.

G. Topographic contour intervals of no greater than five (5) feet unless otherwise stipulated by the Department.

H. The location and dimensions of all buildings, whether existing or proposed. Building setback lines shall be included.

I. The location of existing public utility easements, railroads, power lines, culverts, drain pipes, drainage channels, flood channels, water bodies, streams, swamps, parks, cemeteries, bridges, irrigation ditches, areas where ground water rises periodically to within five feet of the surface of the ground, and areas which would be covered in the event of 100 year floods.

J. The location of all entrances onto adjacent roadways, whether existing or proposed.

K. All roadway locations and dimensions, their names, numbers, and rights-of-way with profiles and cross sections of all proposed streets showing proposed cuts and fills.

L. Location and size of existing water and sewer mains together with intended water sources and sewage disposal sites.

M. Location of existing springs or public water supply.

N. Existing significant vegetative cover, including all healthy, desirable trees, shrubs or vegetation.

O. Proposed layout of development including power lines, bridges, utilities, utility easements, equestrian, pedestrian and bicycle trails, lots, and common space.

P. Location of proposed water and sewer lines.

Q. Location of proposed fire hydrants.

R. Proposed irrigation system, if separate from the domestic water system.

S. Proposed drainage system for both surface and flood water in conformance with the requirements of the Flood Control District.

T. The location, dimensions and surface type of all parking facilities, including handicapped and loading area, whether existing or proposed.

U. Slope analysis of the proposed development site, showing slopes for the following percent of existing grades: 0-10%, 10-20%, 21-30%, 31-40%, and slopes exceeding 40%, including a tabulation of the number of acres in each slope percentage.

V. The location of all outdoor lighting fixtures, including the manufacturer's specifications of the area to be lighted with such fixtures.

W. The location, dimensions, materials, and colors of signs, including the type of height of those signs.

X. Height of all buildings.

Y. Location of solid waste containers, including proposed design provisions for screening.

Z. Tabulation of the number of acres in the proposed development, showing the total number of lots, area of open space, and proposed impervious coverages for the site including the following;

1. Square footage of all buildings and structures, measured at their greatest extent so as to include areas overhung by eaves, balconies, decks, and other projecting features of the structure.

2. Square footage of all paved or otherwise hard surfaced streets, parking facilities, including curb and gutters, walks, loading areas, and asphalt or concrete aprons for solid waste containers, signs or outdoor mechanical equipment.

AA. The proposed treatment of the perimeter of the development, including materials and techniques used, such as screens, fences, walls, and other landscaping.

BB. A development phasing schedule, including the sequence for each phrase; approximate size in area of each phase; and, proposed phasing of construction of public improvements, recreation, and common open space areas.

CC. Location and size in acres of any public use proposed such as parks, school sites, and similar public agency uses.

DD. A list of the names and addresses of all owners of record of real property within 900/1200 feet, as required by table 3.1-1 Notification Requirements, of the parcel of land proposed for development, including the names and addresses of the holders of any valid mineral leases on the property proposed for development.

EE. Grading and Conservation Plan - The following information and data is required:

1. Grading plan (scaled 1' = 50' min. with 2' contour intervals) showing proposed cuts and fills required by the location of all building structures and streets and roads. Phased site grading and stabilization or revegetation shall be included in the Grading and Conservation Plan. Proposed erosion control and conservation techniques shall also be shown.

2. The Conservation plan shall show the degree to which the proposed development will preserve existing features on the site. This shall include features such as healthy desirable trees, shrubs and other vegetation, waterways, vistas, and historic sites.

3. The Conservation plan shall indicate the length of time that will pass from the date ground cover on the site is first disturbed until new ground cover is established.

4. The Conservation plan shall show the possible area of land exposed at any one time during construction.

5. The Conservation plan shall show temporary vegetation or mulching used to protect critical areas exposed during development.

6. The Conservation plan shall show location, dimensions, and maintenance of sediment basins, as necessary.

7. Calculations for soil loss during and after construction based on the Universal Soil Loss Equation.

FF. Landscaping and Maintenance Plan - The following information and data is required:

1. A general landscaping plan indicating the treatment of materials used for open space, landscaped buffers or common ownership consisting of:

   a. Minimum scale of 1" - 5'.

   b. Planting areas drawn to scale with a list of the name, number, and size of all plants designated for each area.

   c. Location, name, and size of all existing trees and shrubs that are to be incorporated as part of the landscape plan.

   d. Location and width of landscaped buffer strips, including height of berms.

   e. Location and sizes of irrigation facilities adequate to maintain the planting areas. (Use of automatic watering systems is encouraged).

IV. SITE PLANS.

A. Site plans shall contain the following information:

1. A vicinity map at a scale of not less than one (1) inch equals one thousand (1,000) feet (1" = 1,000 ft.);

2. A legal description and accompanying map exhibit of the property at a scale of one inch equals one hundred feet (1' = 100 ft.) showing the location and type of boundary evidenced. Some description may be related to the U.S.C.G.S, state grid north, if in accordance with the two adjacent corners are shown. Such information should be provided from the recorded plats. The legal description shall include the following data:

    a. Metes and bounds of all property lines;

    b. Total area of property;

    c. North scale and north arrow; and

    d. Name and route numbers of boundary streets and the width of existing right(s)-of-way.

3. Existing topography with maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two percent (2%) then either one foot contours or spot elevation shall be provided where necessary.

4. A final detailed land use plan at a scale of one inch equals one hundred feet (1" = 100 ft.) showing:

    a. The location and arrangement of all proposed uses;

    b. The location, arrangement and dimensions of all lots;

    c. The location, dimensions, and type of all walls, fences, and landscaping;

    d. The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade;

    e. A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development;

    f. The yard dimensions from the development boundaries and adjacent streets and alleys;

    g. The traffic and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways, and bicycle paths;

    h. Off-street parking and loading areas and structures, including the number of spaces; dimensions of spaces and aisles; and landscaping for parking areas;

i. Greenbelt and active recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreational facilities;

j. Architectural features of typical proposed structures, including lighting fixtures, signs, and landscaping;

k. A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening;

l. The location, size, and scale of all signs and outdoor lighting;

m. Information relating to compliance with the Adequate Public Facilities Standards, consistent with §6 of this Appendix C;

n. The location, horizontal and vertical dimensions, and capacity of all waste disposal facilities;

o. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit.

p. A copy of all covenants, restrictions, and conditions pertaining to the use, maintenance, and operation of private open space areas;

q. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:

(1) Total number of dwelling units, by development phase;

(2) Residential density and units per acre;

(3) Total floor area and floor area ratio for each type of use;

(4) Total area in open space;

(5) Total area in developed recreational open space; and

(6) Total number of off-street parking and loading spaces.

B. Site Plan Certification:

1. General. The applicant shall prepare and submit a site plan which conforms to the site plan as approved by the Town Council for written approval by the Zoning Administrator, who shall determine whether the site plan is complete and in conformance with any conditions of approval. The site plan shall be certified as

approved and may then become part of the application for building permits. A final subdivision plat may be combined with the certified site plan if both a subdivision plat and a site plan are required. All revision dates must be shown as well as the following:

a. Notation of any self-imposed restrictions and locations of any building lines proposed to be established in this manner, if required by the Town Council in accordance with this Ordinance.

b. Endorsement on the site plan and a certificate of consent by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property.

c. Lots numbered, as approved by the Town Council and the County Assessor.

d. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

e. A title block giving the development's name and the quarter-quarter section, section, township, range, principal median, and County of its location.

f. The exterior boundaries of the development area giving lengths and bearings of the boundary lines. If the proposed development is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the site plan. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given; including the curve's radius, central angle, and arc length.

g. A notation of any adjoining plats or certificates of survey and titles thereto.

h. The basis of bearings used and a north point.

i. All existing monuments found during the course of the survey (including a physical description such as "brass cap").

j. All existing easements or right-of-way, including those contiguous to the development area, their nature, width, and the book and page number of their recording in the County's records.

k. All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of..."), including appropriate witness monuments.

l. A vicinity map locating the proposed development within the section identifying adjoining or nearby plats or certificates of survey and showing prominent landmarks.

m. The owner's certificate of consent, including a legal description of the boundaries of the proposed development and the dedication of public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.

n. A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed, and dated.

o. Signature blocks prepared for the dated signatures of the Chairpersons of the Planning Commission and Town Council.

2. Multiple sheets. Multiple sheet plans may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet (along with the index and vicinity maps).

3. Plan accuracy. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.

4. As-built plans. A plan showing all required improvements shall be submitted upon their completion. The "as-built" plan shall show typical road sections, typical culvert installations, and similar information to facilitate long run maintenance of the improvements.

V. PHASED APPLICATIONS.

A. Preliminary Plat or Site Plan. The site plan for a Phased Application shall include: (1) for the first phase of the proposed site plan, a series of mapped information sheets and any additional supporting documentation meeting the requirements of Section 3 herein; and (2) for the first phase and the remainder of the proposed subdivision, a Master preliminary plan. An applicant for phased subdivision approval may request that the Town enter into a Development Agreement and, if executed, the Development Agreement shall additionally bind the applicant and the County.

B. Master preliminary plan. The Master preliminary plan shall consist of mapped information sheets and supporting documentation which includes the following information

1. For the initial phase of the proposed development, a site plan or subdivision plat consistent with the requirements of Sections 3, 4A and 5 herein; and

2. For all phases of the proposed subdivision:

   a. Name of additional subdivision phases, if determined;

   b. A vicinity plan showing the location of the entire development in relation to adjacent parcels and uses;

   c. Zoning classification and proposed densities/intensities of development for each phase of development;

   d. External Buffers separating the exterior boundaries of all phases of the proposed subdivision from adjacent land uses;

   e. Provisions for street linkages from the first phase of the proposed subdivision to subsequent phases to ensure that proper access is available to such subsequently subdivided parcels; and

   f. The impacts of the development, at the densities/intensities of development established, pursuant to §6.B.2.d above, on off-site public facilities and services, including potable water, wastewater, transportation, drainage, solid waste and parks and recreation. Such information shall include a traffic impact analysis.

C. Specific Plans. A proposed Specific Plan shall include, at a minimum, the following:

1. A description of the planning area to be included within the Specific Plan, including any appropriate maps or diagrams;

2. A description of the density and intensity of development by land use, including the amount of density or intensity for each geographic sub-area of the development which will require development phasing. Such description shall include the range of development densities or intensities by each land use category and for each development phase;

3. Proposed buffers, landscaping, and screening between the area covered by the Specific Plan and adjacent land uses, which shall be included in appropriate maps and/or diagrams;

4. A Capital Improvements Program (CIP)for transportation and other public facilities required, pursuant to the Queen Creek General Plan to ensure development staging contingent on the availability of facilities and services, including:

   a. Infrastructure to be provided within the boundaries of the Specific Plan area, including proposed financial mechanisms for ensuring the installation of such improvements; and

b. The need for additional public facilities within the Town outside of the Specific Plan boundaries, including financial mechanisms for ensuring the installation of such improvements including, without limitation, impact fees, developer exactions, or special districts;

5. The identification of environmentally sensitive lands within the Specific Plan area and the effect of the density or intensity of project development on such areas, including, without limitation, aquifer recharge areas, desert washes, habitat areas for endangered or threatened plant or animal species, or archeological sites;

6. The identification of resources and facilities or regional and state significance, including land development regulation, covenants, and other restrictions adequate to protect such resources and facilities; and

7. Proposed land development regulations or amendments to the Queen Creek Zoning Ordinance necessary to implement the Specific Plan including, but not limited to, an indication of the maximum range of density or intensity of development; proposed uses; development phasing; external buffers; the provision of on-site infrastructure; and the impact of the development proposed within such area on public facilities and services, environmentally sensitive areas, and regional resources or facilities outside of the Specific Plan area boundaries, including proposed methods for mitigating the impact of the development proposed within such area based upon the density or intensity of development.

VI. ADEQUATE PUBLIC FACILITIES STANDARDS.

A. In accordance with the adopted level of service standards, the applicant shall submit the following, prior to submitting an application for a rezoning or subdivision, site plan or conditional use approval:

1. Water Level of Service:

a. A feasibility letter for the proposed water supply issued by the service provider.

b. Evidence of coordination with the public or private water service provider, including an agreement for service, commitment service letter or other binding arrangement for the provision of water services.

c. Evidence that water rights have been obtained. The Town shall not accept an application or certificate that has lapsed, expired, or been revoked.

d. A certificate of convenience and necessity or an exemption there from, issued by the state Public Service Commission, for the proposed water supplier, including an indication of the service area of the proposed water supplier.

2. Sewer Level of Service:

a. Certification of compliance with septic tank capacity and absorption area standards by the Arizona Department of Environmental Quality.

3. Drainage data, including a description of existing or proposed drainage facilities or stormwater management systems on the proposed development site, including system capacity and the ultimate point of discharge; building elevations; and drainage calculations using the Rational Method, including at a minimum:

a. Storm events used, including depth, duration, and distribution;

b. The dimensions, measurements, and percentage of impervious surface coverage, including the runoff coefficient;

c. The predevelopment condition for stormwater runoff; and

d. The anticipated rate, volume, direction, and pollutant load of surface water or groundwater flow anticipated following the completion of construction.

4. **TRAFFIC STUDIES.** All Traffic Study information shall be prepared by a professional engineer registered in the State of Arizona and having adequate experience in the regular practice of Transportation Engineering. All letters and reports submitted with regard to traffic analysis shall be sealed by the engineer responsible for their preparation.

a. The required copies of a traffic impact analysis shall be provided with the Preliminary Plat submittal. Each copy shall be a complete, bound Reproduction of the original report prepared by the engineer, with all figures and appendices presented in the same manner and scale as the scaled original.

b. All trip generation analyses shall be calculated based on the latest edition of the trip generation report published by the Institute of Transportation Engineers, unless an alternative method has been approved in advance by the Town Traffic Engineer.

c. If the number of peak hour trips generated by the development is 100 or greater, a complete traffic study shall be required. If the number of peak hour trips generated is less than 100, a letter, sealed by the engineer, documenting the trip generation calculations may be required in lieu of a complete traffic study. The Town Traffic Engineer may require a partial or complete traffic study to be provided for projects with a peak hour generation of less than 100 trips, if deemed necessary because of unique site conditions, existing traffic conditions, or safe access concerns.

d. The complete traffic study shall be prepared in accordance with the most recent published version on the MCDOT Traffic Impact Procedures, with the following additional requirements:

1. Background traffic volumes used in the analyses shall include other developments in the area that have been approved by the Town, or which are deemed likely to occur based on their status in the approval process.

2. "Existing Conditions" traffic volume data shall have been collected in the field no more than one year prior to the date of the submittal of the traffic study for the first review, unless otherwise approved by the Town Traffic Engineer. If a project is returned to the pre-application stage of the approval process for any reason, or is dormant for more than six months, then an updated traffic study may be required and will be considered to be a first submittal. Updated "Existing Conditions" traffic volume data may be required at any time during the review process if deemed necessary by the Town Traffic Engineer due to a significant change in traffic patterns.

3. The proposed project and/or mitigation measure shall be adjusted as necessary in order to maintain acceptable levels of service for all movements. The minimum acceptable levels of service, unless otherwise approved by the Town Traffic Engineer, shall be as follows:
   (a) Level of Service 'C' for all movements on an existing or proposed public road.

   (b) Level of Service 'C' for all movements on a site driveway or public roadway at the intersection with any public local or collector roadway.

   (c) Level of Service 'E' for all movements on a site driveway or private roadway at the intersection with any public arterial roadway.

4. Additional information may also be required based upon the nature of the project, as determined by the Town Engineering Manager and/or the Town Traffic Engineer.

5. Fire Protection. Certification of compliance with adopted levels of service by the applicable Fire Service District.

6. School District. Certification of compliance with the adopted level of service by the applicable School District.

B. All plans and specifications required, pursuant to the Level of Service Goals and Policies shall be stamped and signed by a licensed professional engineer.

C. Where the applicant is required to submit plans and specifications approved by another regulatory agency or service provider, such plans and specifications shall not be accepted for purposes of concurrency review unless and until the applicant has complied with the following procedures:

1. Prior to presenting the plans and specifications to the service provider or regulatory agency, the applicant shall present such plans to the Administrator for certification. The Administrator shall stamp the plans and specifications for purposes of certification for review by the applicable service providers or regulatory agencies. The certification described herein shall be for purposes of permit tracking only, and shall not constitute approval of the proposed development for purposes of the adopted level of service standard.

2. Any substantial revision to or deviation from such plans and specifications shall be presented to the Administrator for certification prior to its re-submittal to the service provider or regulatory agency.

3. No plans or specifications reviewed by the service provider or regulatory agency shall be accepted by the Administrator unless such plans have been certified by the Administrator and the plan or specification has been approved in its entirety by the applicable service provider or regulatory agency.

VII. LIGHTING

A. Submission Contents. No application for development approval in connection with proposed work involving outdoor light fixtures shall be accepted unless the applicant submits (as part of the application for permit) evidence that the proposed work will comply with this Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:

1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

2. Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices, and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);

3. Photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut off of light emissions.

B. Additional Submission. The above-required plans, descriptions, and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Ordinance will be secured. If such plans, descriptions, and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.