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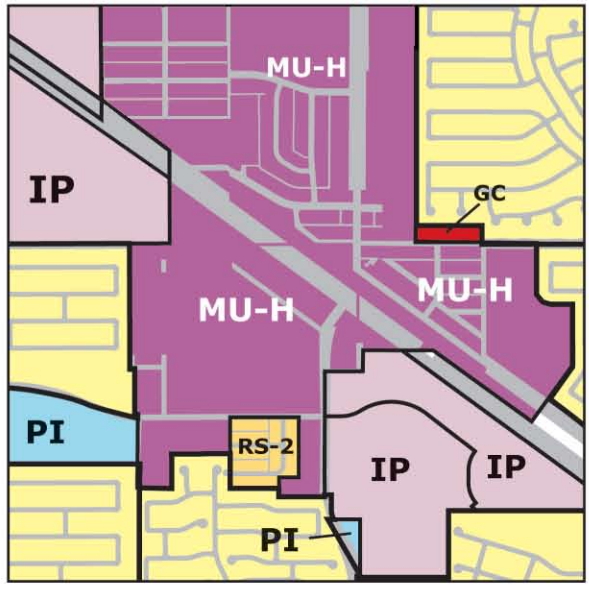
ZONING CODE REWRITE

Public Review Draft



FEBRUARY 2014

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PREPARED FOR
CITY OF MARICOPA BY:

DYETT & BHATIA
Urban and Regional Planners

FEBRUARY 2014

User's Guide

Background

Following incorporation, the City of Maricopa adopted a new General Plan, establishing policy direction for the city's evolution and growth. The Maricopa General Plan includes a number of policies which have implications for land use planning and zoning. Most importantly, the Land Use Element establishes a set of land use designations and describes the intended land uses and development intensities for each designation. In some instances, the General Plan also offers specific development standards, such as floor area limits, or residential density, for the land use designations.

The Zoning Ordinance and the Zoning Map are the key documents that implement the General Plan. To make these documents consistent with the General Plan, the City's Community Development Department embarked on an effort to rewrite the City's zoning regulations. Consultant assistance was provided from Dyett & Bhatia, Urban and Regional Planners, and the Zoning Code Rewrite Task Force provided policy direction and oversight during the update.

Organization of the Zoning Ordinance

The new Zoning Ordinance is organized into six parts or series, as follows:

- **100 Series: General Provisions** establishes the overall organization and applicability of the regulations. This Series also establishes the purpose of the Ordinance, the authority for its establishment, and rules for construction of language and for measurements such as height, lot width, and floor area, that are applicable throughout the Ordinance.
- **200 Series: Base Zoning Districts** specifies the use and development regulations each set of base districts: Rural, Residential; Commercial; Mixed-Use; Industrial; Public and Institutional, and Planned Development. This Series specifies the land uses permitted or conditionally permitted in each District and includes special requirements or limitations, if any, that are applicable to specific uses. Base Zoning District regulations also include physical development standards to control the size, height, bulk, location, and appearance of structures, as well as lot dimensions.
- **300 Series: Overlay Zoning Districts** modify the Zoning District regulations to accomplish specific purposes. There overlay districts are included: MP Master Plan Required; TC Transportation Corridor; and TOD Transit-Oriented Development.
- **400 Series: Regulations Applying to Some or All Districts** contains general standards that apply to multiple Zoning Districts, such as regulations for site development, parking and loading, signs, lighting, landscaping, screening, and

wireless telecommunications facilities. This series also includes an Article devoted to standards for specific land uses, such as automotive repair, personal storage facilities and temporary uses.

- **500 Series: Administration and Permits** establishes the decision-making authority for different types of permits, as well as application processes, required findings, rules for hearings, public notification, and appeals, and procedures for enforcement of the ordinance.
- **600 Series: General Terms** contains two Articles. The first defines all land use classifications; the second defines terms that appear throughout the ordinance.

Major Provisions

The Zoning Ordinance Rewrite is based upon the City's land use policies in the General Plan, but also provides a new organizing framework. Major provisions are described below.

- **Districts.** Zoning districts have been updated to be consistent with the General Plan. The ordinance has 22 base districts, as shown below. These districts are indicated on the Zoning Map by the Short Name/Map Symbol.

COMPARISON OF PROPOSED ZONING DISTRICTS, GENERAL PLAN DESIGNATIONS, AND EXISTING ZONING DISTRICTS				
Map Symbol	*Full Name*	*Corresponding General Plan Land Use Designation*	*Corresponding Existing Zoning District*	
			Map Symbol	*Full Name*
Rural Districts				
RA	Rural Agricultural	Agriculture	SR, SH, CAR	Suburban Ranch, Suburban Homestead, Commercial Agriculture Ranch
GR	General Rural	Rural	SR, GR	Suburban Ranch, General Rural
Residential Districts				
RS	Single Unit	Low Density Residential	CR-1A	Single Family Residence
RS-1	Single Unit, Low Density	Low Density Residential	CR-1, CR-2	Single Family Residence
RS-2	Single Unit, Medium/Low Density	Medium/Low Density Residential	CR-2, CR-3	Single Family Residence
RS-3	Single Unit, Medium Density	Medium Density Residential	CR-2, CR-3	Single Family Residence
RS-4	Single Unit, Medium Density	Medium Density Residential	CR-3	Single Family Residence
RS-5	Single Unit, Medium Density	Medium Density Residential	CR-3	Single Family Residence
RM	Multiple Unit	High Density Residential	CR-4	Multiple Residence
RH	High Density	High Density Residential	CR-5, MH, RV	Multiple Residence, Manufactured/Mobile Home Park, Recreational Vehicle Homesite
RHMP	Manufactured Home Park	High Density Residential	MHP, PM/RV	Manufactured/Mobile Home Park, Park Model/Recreational Vehicle Park
Commercial Districts				
NC	Neighborhood Commercial	Commercial	CB-1	Local Business

COMPARISON OF PROPOSED ZONING DISTRICTS, GENERAL PLAN DESIGNATIONS, AND EXISTING ZONING DISTRICTS				
Map Symbol	*Full Name*	*Corresponding General Plan Land Use Designation*	*Corresponding Existing Zoning District*	
			Map Symbol	*Full Name*
GC	General Commercial	Commercial	CB-1, CB-2	Local Business, General Business
SC	Shopping Center	Commercial	CB-2	General Business
GO	Office	Commercial	CB-1	Local Business
Mixed Use Districts				
MU-N	Neighborhood Mixed Use	Mixed Use	CB-1, TR	Local Business, Transitional
MU-G	General Mixed Use	Mixed Use	CB-1, CB-2, TR	Local Business, General Business, Transitional
MU-H	Heritage Mixed Use	Old Town Redevelopment Area	Design Guidelines	N/A
Industrial Districts				
LI	Light Industrial	Light Industrial	CB-2, CI-B, C1-1	General Business, Industrial Buffer, Light Industry & Warehouse
GI	General Industrial	Employment/Industrial	C1-1, C1-2	Light Industry & Warehouse, Industrial
IP	Industrial Park	Research/Development	CB-1, CI-B, CI-1	Local Business, Industrial Buffer, Light Industry & Warehouse
Public and Institutional Districts				
PI	Public-Institutional	Public/Institutional	N/A	
Other Districts				
OS (with subdistricts)[1]	Open Space	Parks/Open Space	N/A	Open Space
PD	Planned Development	Master Planned Community	PAD	Planned Area Development
1. PR Parks and Recreation; POS Privately-owned Open Space; C Conservation Open Space				

- **Purpose Statements.** Purpose statements are included for each Zoning District. Purpose statements help clarify the distinctions between districts by explaining the intent of the districts and provide an essential link between General Plan policies and use regulations and standards.
- **Development Standards.** Form-based coding techniques are used for development standards. The standards of each Zoning District list dimensional requirements for lots, build-to lines, setbacks, frontage types, location of parking, minimum open space ("outdoor living area") and building heights, as well as limits on floor area and density where appropriate. Supplemental regulations include elements such as performance criteria that implement General Plan policy and ensure compatibility among uses in a given district. A number of standards respond to issues raised during the course of the rewrite, including, but not limited to, types of housing that may be built in different zoning districts, the character of

new residential development, transitions between different districts and uses, and over the longer-term transit-oriented development.

- **Pedestrian-Oriented Development.** The Mixed-Use Districts are a new concept for Maricopa - they will help create walkable neighborhoods and shopping areas and village "centers" in new neighborhoods. Standards include requirements for buildings to be built to the front and street side property lines, with exceptions for widened sidewalks and active outdoor uses. These 'build-to' lines work in conjunction with supplemental standards such as transparency provisions and other design elements intended to make the area more attractive to pedestrians by creating more interesting street frontages. Public improvement requirements for commercial development include sidewalks and street furniture, lights, and trees. Standards are also intended to maintain the character of the Heritage District as well as to strengthen its identity as the heart of the City.
- **Graphics.** Graphics are use throughout the Ordinance to strengthen written provisions and to provide visual examples of both lawful and unlawful development, helping to clarify regulations that are often subject to competing or incorrect interpretations.

Using the Zoning Ordinance

Determining the Regulations for a Specific Site

To determine the regulations of the Ordinance applicable to a specific site, you must first find the site on the Zoning Map. The map will show the Base Zoning District that is applicable to the site. It will also show if the site is subject to an Overlay District.

Next, look up the corresponding regulations. Start with the regulations for the Base Zoning Districts in the 200 Series. The tables in the Base Zoning District regulations state whether a use is permitted by right, permitted with limitations, permitted with a use permit, or not permitted. Included in the tables is a column with references to additional regulations that apply to a specific use. Also, the regulations in the 200 Series contain applicable form-based development standards and references to development regulations elsewhere in the Ordinance, such as parking and loading. In these cases, refer to the indicated sections.

If the Zoning Map shows the site also is subject to an Overlay District, look up the regulations in the 300 Series. These may require, for example, that a master plan be prepared for the whole site to avoid piecemeal development that is not coordinated and consistent with the General Plan.

Certain uses also have specific regulations in the 400 Series, Regulations Applying in Multiple Districts. Although these regulations are likely to be referred to in regulations for the Base Zoning Districts, it is a good idea to check over the 400 Series to confirm if any of the regulations apply to the type of development you are proposing. If any terms are unclear, or if you want to know what the intended use of a property is classified as, then look at the 600 Series, General Terms.

The regulations in the 200 Series will indicate whether a use is subject to a permit or development plan review. These procedures are described in the 500 Series, Administration

and Permits. Appeal provisions in this series show what steps to follow if you want to appeal a decision of the Zoning Administrator or the Planning & Zoning Commission.

Numbering and Referencing

The Zoning Ordinance is Chapter 16 of the Maricopa Municipal Code. Each Section in the Zoning Ordinance follows the numbering format for the articles that is linked to the number of the series (e.g., Article 101 is the first article in the 100 Series). For individual sections, the first three digits refer to the article and the next two digits after the decimal refer to the sections within the article. For example, 202.03 refers to the third section of Article 202. Within sections; subsections, paragraphs and subparagraphs are denoted by letters and numbers. The overall organization is as follows:

100 Series

Article 101 Article Name

101.01 Title of First Section

A. Subsection

1. Paragraph

a. Subparagraph

(1) Sub-subparagraph

101.02 Title of Second Section

A. Subsection

1. Paragraph

a. Subparagraph

(1) Sub-subparagraph

Next Steps

After review by the Zoning Ordinance Rewrite Advisory Committee, the proposed Zoning Ordinance and Zoning Map will be the subject of advertised public hearings by the Planning & Zoning Commission and City Council. The City Council will act on the proposed Ordinance after receiving public input. For additional information, contact Dana Burhardt at (520) 316-6983, or dana.burkhardt@maricopa-az.gov.

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100 SERIES
INTRODUCTORY PROVISIONS

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Article 101 Introductory Provisions

Sections:

101.01 Title and Authority
101.02 Purpose
101.03 Structure of Zoning Regulations
101.04 General Rules for Applicability of Zoning Regulations
101.05 Consistency with the General Plan & Resolution 12-63 Cultural Resources
101.06 Rules of Transition: Effect of this Code on Approved Projects and Projects in Process
101.07 Severability

101.01 Title and Authority

Chapter 16 of the Maricopa City Code shall be known and cited as the "City of Maricopa Zoning Code," "Zoning Code of the City of Maricopa," "Zoning Code," or "this Code". Whenever reference is made to any portion of the Code set out in this Chapter 16, or of any other law or Code, the reference applies to all amendments and additions hereafter made to this Chapter.

101.02 Purpose

The purpose of this Code is to implement the City's General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, this Code is intended to:

A. Provide a precise guide for the physical development of the City in a manner as to progressively achieve the arrangement of land uses depicted in the General Plan, consistent with the goals and policies of the General Plan.

B. Foster a harmonious, convenient, and workable relationship among land uses and ensure compatible infill development, consistent with the General Plan.

C. Support economic development and job creation.

D. Provide for the housing needs of all economic segments of the community.

E. Promote high quality architecture and design, consistent with the General Plan.

F. Promote the stability of existing land uses that conform with the General Plan, protecting them from inharmonious influences and harmful intrusions.

G. Promote a safe and efficient traffic circulation system, foster the provision of adequate off-street parking and off-street loading facilities, bicycle facilities and pedestrian amenities, and support a multi-modal transportation system.

H. Facilitate the appropriate location of community facilities, institutions, parks, and recreational areas.

I. Protect and enhance real property values.

J. Promote environmental quality and sustainable development patterns.

K. Safeguard and enhance the appearance of the City.

L. Define duties and powers of administrative bodies and officers responsible for implementation of this Code.

101.03 Structure of Zoning Regulations

A. **Organization of Regulations.** This Code consists of six Series of Articles, organized as follows:

1. 100 Series: Introductory Provisions

2. 200 Series: Base Zones

3. 300 Series: Overlay Zones

4. 400 Series: Regulations Applying to Multiple Districts

5. 500 Series: Administration and Permits

6. 600 Series: General Terms

B. **Types of Regulations.** Four types of zoning regulations control the use and development of property in the City:

1. ***Land Use Regulations.*** These regulations specify land uses permitted, conditionally permitted, or specifically prohibited in each Zoning District, and include special requirements, if any, applicable to specific uses. Land use regulations for Base Zones are in the 200 Series of this Code and in the 300 Series for Overlay Zone regulations. Certain regulations, applicable in some or all of the Districts, and performance standards which govern special uses, are in the 400 Series.

2. ***Development Regulations.*** These regulations control the height, bulk, density, intensity, location and appearance of structures on development sites. Development

regulations for Base Zones are in the 200 Series of this Code. The regulations for Overlay Zones are in the 300 Series. Certain development regulations, applicable to multiple zones, are in the 400 Series. These include, but are not limited to, regulations for specific uses, development and site regulations, landscaping requirements, performance standards, parking, signs, telecommunications facilities, and nonconforming uses.

3. ***Administrative Regulations.*** These regulations contain detailed procedures for the administration of this Code, and include responsibilities of the planning agency, common procedures, processes and standards for discretionary entitlement applications, and other permits. Administrative regulations are in the 500 Series.

4. ***General Terms and Use Classifications.*** The 600 Series provides a list of use classifications and a list of terms and definitions used in this Code.

101.04 General Rules for Applicability of Zoning Regulations

A. **Applicability to Property.** This Code shall apply, to the extent permitted by law, to all property within the City of Maricopa, including all uses, structures and land owned by any private person, firm, corporation or organization, or local, State or federal agencies. Any governmental agency shall be exempt from the provisions of this Code only to the extent that such property may not be lawfully regulated by the City of Maricopa.

B. **Applicability to Streets and Rights-of-Way.** Streets, easements, and rights-of-way shall be in the same Zoning District as contiguous property. Where contiguous properties are in different Zoning Districts, the centerline of the street shall be the district boundary unless otherwise depicted on the Official Zoning Map.

C. **Compliance with Guidelines.** All projects subject to the provisions of this Code shall also comply with any guidelines and policies adopted by the City Council and Planning Commission, including but not limited to the Heritage Advisory District Design Guidelines and Single-Family Residential Design Guidelines, and any amendments and updates thereto.

D. **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any Zoning District, except in accordance with the provisions of this Code.

E. **Provisions Interpreted as Minimum Requirements.** In interpreting and applying the provisions of Chapter 16, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

F. **Substandard Lot.** An existing, legally created lot as of the effective date of the Zoning Code having a width or area less than that required for the Base District in which it is located may be occupied by a permitted use or use requiring approval of a Use Permit. However, no substandard lot may be further reduced in area or width and no substandard lot will be exempt from the setback requirements of the District. A substandard lot shall be

considered a nonconforming lot in accordance with Article 406: Nonconforming Uses and Structures.

G. **Lots or Parcels Divided by District Boundaries.** The regulations applicable to each District shall be applied to the entire area within that District, and no use other than parking, landscaping, open space, and drainage serving a principal use on the lot or parcel may be located in a District in which it is not a permitted use or use approved by a Use Permit.

H. **Public Nuisance.** Neither the provisions of the Zoning Code nor the approval of any permit authorized by the Zoning Code shall authorize the maintenance of any public nuisance.

I. **Relation to Other Regulations.** The regulations of this Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the State of Arizona, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Code and any other City Code, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.

J. **Relation to Private Agreements.** This Code shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Code imposes greater restriction than imposed by an easement, covenant, or agreement, this Code shall control.

K. **Application During Local Emergency.** The Mayor may authorize a deviation from a provision of this Code during a local emergency declared and ratified under the Maricopa City Code. The Council may authorize a deviation by resolution without notice or public hearing.

101.05 Consistency with the General Plan & Resolution 12-63 Cultural Resources

Any permit, license, or approval issued pursuant to this Code must be consistent with the City of Maricopa General Plan. In any case where there is a conflict between this Code and the General Plan, the General Plan shall prevail. Additionally, Resolution 12-63 was adopted by City Council to create additional provisions for protecting the cultural resources of the Ak-Chin Tribal Community. The City requires all applicants for a subdivision to conduct a Phase I Archeological Survey on land within 2.5 miles of the Ak-Chin border or within the undeveloped flood plain within the City. The City also requires applicants for a subdivision to provide documentation that a site records check for potential cultural resources has been conducted in conjunction with the State Historic Preservation Office. The City stipulates all applicants for a subdivision shall provide cultural resource reports to the City as part of the permit process as to their compliance with the Arizona State Burial Discovery Laws – ARS 41-865 and/or 41-844. The City also requires any applicants proposing projects

crossing Ak-Chin lands on easements administered by the City, to notify the Ak-Chin Cultural Resources Department and the Ak-Chin Planning Department and comply with applicable Community ordinances and resolutions for the portion of the project that cross Ak-Chin Community land.

101.06 Rules of Transition: Effect of this Code on Approved Projects and Projects in Process

The following rules shall apply to all properties in the City on the effective date of the Zoning Code:

A. **Violations Continue.** Any violation of the Zoning Code previously in effect will continue to be a violation under the Zoning Code and shall be subject to penalties and enforcement under Article 512, Enforcement, unless the use, development, construction, or other activity complies with the provisions of this Zoning Code.

B. **Projects with Approvals or Permits.**

1. ***Building Permit Issued Prior to Effect Date of the Zoning Code.*** Any building, structure, or sign for which a lawful building permit is issued prior to the effective date of the Zoning Code may be completed in conformance with the permit and other applicable permits and conditions, even if such building, structure, or sign does not fully comply with the Zoning Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the Building Code adopted by the City. If the building, structure, or sign is not completed in conformance with the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed, or occupied only in compliance with this Zoning Code.

2. ***Building Permit Application Filed Prior to Effective Date of the Zoning Code.*** Any building, structure, or sign for which a completed building permit application is filed prior to the effective date of the Zoning Code may be issued a building permit and may be constructed in compliance with the building permit and other applicable approvals, permits, and conditions, even if such building, structure, or sign does not fully comply with the Zoning Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the City's Building Code. If the building, structure, or sign is not completed pursuant to the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the Zoning Code.

3. ***Final Development Review Approved Prior to Effective Date of the Zoning Code.*** A project that received Final Development Review (now a development review permit), approval prior to the effective date of this Zoning Code may file an application for a building permit in compliance with the Final Development Review Permit plan and conditions of approval, even if the project does not comply with the provisions of this Zoning Code. Upon approval of the construction plans, a building

permit may be issued. The Final Development Review Permit approval for projects approved prior to the effective date of the Zoning Code shall be valid for one year from the date of approval. No time extensions shall be permitted.

4. ***Preliminary Subdivision Plat Approved Prior to Effective Date of the Zoning Code.*** A project that has a preliminary plat approved prior to the effective date of this Zoning Code may file an application for a final subdivision plat and improvement plan approval, even if the subdivision does not fully comply with the provision of this Zoning Code. If a final plat application is not filed prior to the date of preliminary plat expiration, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with the Zoning Code.

5. ***Use Permit Approved Prior to Effective Date of the Zoning Code, No Development Review Required.*** A project that received a Use Permit prior to the effective date of this Zoning Code may file an application for a building permit, even if the project does not fully comply with the provision of this Zoning Code. If a building permit application is not filed within one year of the date of Use Permit approval, the Use Permit shall expire. No time extensions shall be permitted.

6. ***Use Permit Approved Prior to Effective Date of the Zoning Code, Development Review Required.*** A project that has an approved Use Permit may file an application for Development Review Permit even if the use does not fully comply with the provision of this Zoning Code. If a Development Review Permit is not filed within one year of the date of Use Permit approval, the Use Permit shall expire. No time extensions shall be permitted.

C. **Planning Applications Filed Prior to the Effective Date of the Zoning Code.**

1. ***Applications for Development Review Permits, Use Permits, and Preliminary Plats Submitted Prior to the Effective Date of the Zoning Code.*** Complete applications filed prior to the effective date of this Zoning Code may be approved under the provisions of this Code. Applicants may elect to develop under the provisions of the prior Zoning Code, but in that case shall comply with all provisions of the prior Zoning Code. If a building permit application is not filed within one year of the date of approval of the Development Review Permit, Use Permit, or preliminary plat, the approval shall expire. No time extensions shall be permitted.

2. ***Applications for Rezoning Filed Prior to the Effective Date of the Zoning Code.*** Rezoning applications filed prior to the effective date of the Zoning Code shall be governed by the provisions of this Code unless the applicant elects to comply with the prior Zoning Code.

D. **Development of Projects with an Existing Planned Area Development Overlay Zoning District.** A lot or parcel zoned with a Planned Area Development (PAD) Overlay Zoning District subject to a preliminary development plan, standards, and conditions of

approval prior to the effective date of this Zoning Code shall be developed in accordance with the approved preliminary development plan, standards, and conditions of approval. The development standards and requirements of this Zoning Code shall apply only if not specifically modified by the PAD Code. City Council may rescind or amend prior approved Zoning or PADs if no meaningful progress is made to develop in accordance with the approval in a timely manner.

E. **Planning Applications Filed After the Effective Date of the Zoning Code**. All applications for Rezoning, Development Review Permits, Use Permits, Planned Area Development (PAD) zoning or PAD Plan approval, and preliminary subdivision plats filed after the effective date of this Zoning Code, including modifications and amendments, shall conform to the provisions of this Zoning Code.

101.07 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The City of Maricopa hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Article 102 Designation of Zoning Districts, Zoning Map Boundaries

Sections:

102.01 Districts Established
102.02 Official Zoning Map and District Boundaries

102.01 Districts Established

The City shall be classified into Zoning Districts or Zones, the designation and regulation of which are set forth in this Code and as follows.

A. **Base Zoning Districts.** Base Districts into which the City is divided are established as follows:

TABLE 102.01: BASE ZONING DISTRICTS		
Map Symbol	*Full Name*	*Corresponding General Plan Land Use Designation*
Rural Districts		
RA	Rural Agricultural	Agriculture
GR	General Rural	Rural
Residential Districts		
RS	Single Unit	Low Density Residential
RS-1	Single Unit, Low Density	Low Density Residential
RS-2	Single Unit, Medium/Low Density	Medium/Low Density Residential
RS-3	Single Unit, Medium Density	Medium Density Residential
RS-4	Single Unit, Medium Density	Medium Density Residential
RS-5	Single Unit, Medium Density	Medium Density Residential
RM	Multiple Unit	High Density Residential
RH	High Density	High Density Residential
RHMP	Manufactured Home Park	High Density Residential
Commercial Districts		
NC	Neighborhood Commercial	Commercial
GC	General Commercial	Commercial

TABLE 102.01: BASE ZONING DISTRICTS		
Map Symbol	*Full Name*	*Corresponding General Plan Land Use Designation*
SC	Shopping Center	Commercial
GO	Office	Commercial
Mixed Use Districts		
MU-N	Neighborhood Mixed Use	Mixed Use
MU-G	General Mixed Use	Mixed Use
MU-H	Heritage Mixed Use	Old Town Redevelopment Area
Industrial Districts		
LI	Light Industrial	Light Industrial
GI	General Industrial	Employment/Industrial
IP	Industrial Park	Research/Development
Public and Institutional Districts		
PI	Public-Institutional	Public/Institutional
Other Districts		
OS (with subdistricts)[1]	Open Space	Parks/Open Space
PD	Planned Development	Master Planned Community
1. PR Parks and Recreation; POS Privately-owned Open Space; C Conservation Open Space		

B. **Overlay Districts.** Overlay Districts, one or more of which may be combined with a Base District, are established as follows:

Short Name/ Map Symbol	*Full Name*
MP	Master Plan
TC	Transportation Corridor
TOD	Transit-Oriented Development

C. **References to Classes of Base Zoning Districts.** Throughout the Code, the following references apply:

1. "Rural" or "Rural Zone" means one or more of the following Zoning Districts: RA, Rural-Agricultural; or GR, Rural-General.

2. "R Zone," "Residential Zoning," "R District," or "Residential District" means one or more of the following Zoning Districts: RS, Single Unit, Low Density; RS, Single Unit, Medium Density; RM, Residential, Multi-Unit, Medium Density; RH, High Density; and RHMP, Manufactured Home Park.

3. "C Zone," "Commercial Zone," "C District," or "Commercial District" means one or more of the following Zoning Districts: NC, Neighborhood Commercial; GC, General Commercial; SC, Shopping Center; and GO, Office.

4. "MU Zone," "Mixed Use Zone," or "Mixed Use District" means one or more of the following Zoning Districts: MU-N, Neighborhood Mixed Use; MU-G, General Mixed Use; and MU-H, Heritage Mixed Use.

5. "I Zone," "Industrial Zone," "I District," or "Industrial District," means one or more of the following Zoning Districts: LI, Light Industrial; GI, General Industrial; or IP, Industrial Park.

102.02 Official Zoning Map and District Boundaries

The boundaries of the Zoning Districts established by this Code are not included in this Code but are shown on the Official Zoning Map maintained by the City. The Official Zoning Map, together with all legends, symbols, notations, references, Zoning District boundaries, map symbols, and other information on the maps, have been adopted by the City Council and are hereby incorporated into this Code by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

A. **Uncertainty of Boundaries.** In the event uncertainty exists as to the boundaries of any District shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following lot lines, or City limits shall be construed as following such lines, limits, or boundaries.

3. In the case where a Zoning District boundary divides a lot and no dimensions are indicated, the following shall apply:

   a. *Lots Greater than One Acre.* The location of such boundary shall be determined by the use of the scale appearing on the Official Zoning Map.

   b. *Lots Less than One Acre.* The lot shall be deemed to be included within the Zone which is the more restrictive.

4. In the case of any remaining uncertainty, the Zoning Administrator shall determine the location of boundaries.

5. Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

6. Where any private right-of-way or easement of any railroad, railway, transportation, or public or private utility company is vacated or abandoned and said property is unclassified, said property shall be automatically classified as being in the same District of the land abutting it. Where the right-of-way abuts a different District on each side, each District shall be extended to the centerline of the right-of-way.

Article 103 Rules for Construction of Language and Interpretation

Sections:

103.01 Purpose
103.02 Rules for Construction of Language
103.03 Rules for Measurement
103.04 Rules of Interpretation

103.01 Purpose

The purpose of this Article is to provide precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this Article apply throughout the Code, except where the context indicates a different meaning. Rules for measurement of height, floor area, sign area, setbacks, and other development standards also are established. Finally, this Article prescribes rules and procedures for interpretation of regulations, where there may be uncertainty in deciding on a particular application of a provision of the Code.

103.02 Rules for Construction of Language

In interpreting the various provisions of the Code, the following rules of construction shall apply:

A. The particular controls the general.

B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected words or provisions shall apply.

2. "And/or" indicates that the connected words or provisions may apply singly or in any combination.

3. "Or" indicates that the connected words or provisions may apply singly or in any combination.

4. "Either . . . or" indicates that the connected words or provisions shall apply singly, but not in combination.

C. In case of conflict between the text and a diagram or graphic, the text controls.

D. All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Maricopa, unless otherwise indicated.

E. All references to public officials are to those of the City of Maricopa, and include designated deputies of such officials, unless otherwise indicated.

F. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.

G. The words "shall," "will," "must" and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive.

H. The present tense includes the past and future tenses, and the future tense includes the past.

I. The singular number includes the plural, and the plural, the singular.

J. Sections and section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section or subsection.

103.03 Rules for Measurement

The purpose of this Section is to explain how various measurements referred to in this Code are to be calculated.

A. **Applicant's Responsibility.** For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Zoning Administrator.

B. **Fractions.** Whenever this Code requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, fractions of one-half or greater shall be rounded up to the nearest whole number and fractions of less than one-half shall be rounded down to the nearest whole number, unless an alternate rule for rounding is specified by the same section of this Code that describes the requirement.

C. **Measuring Distances.**

1. ***Measurements are Shortest Distance.*** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

2. ***Distances are Measured Horizontally.*** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

3. ***Measurements Involving a Structure.*** Measurements involving a structure are made to the closest exterior support wall of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances, unless otherwise specified in this Code (gas tanks, swimming pools, etc.).

4. ***Measurement of Vehicle Stacking or Travel Areas.*** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

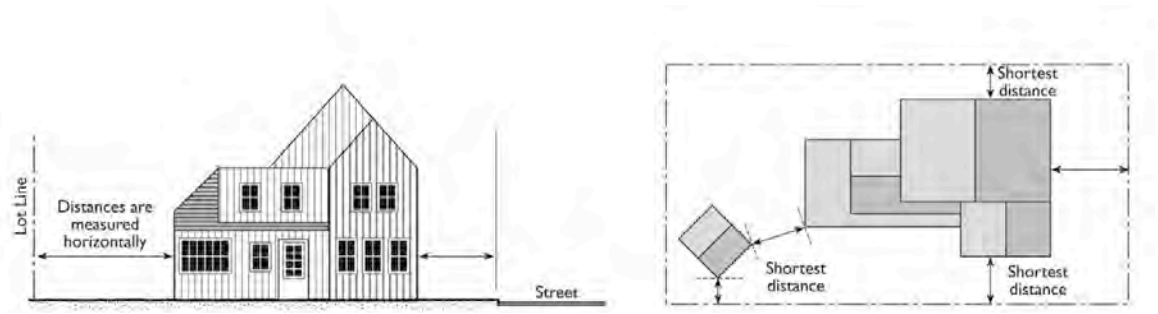

FIGURE 103.03.C: MEASURING DISTANCES

D. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project.

E. **Measuring Height.**

1. ***Measuring Building Height.*** Building height is measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof ridge, or to the top of a parapet wall or flat roof.

2. ***Measuring Height of Other Structures.*** The height of other structures, such as fences, is the vertical distance from the finished grade immediately under the structure to the top of the structure. Special measurement provisions are also provided below.

   a. *Measuring the Height of Fences on Retaining Walls.* The height of a solid freestanding fence that is on top of a retaining wall is measured from the ground level on the lowest side of the combined fence and wall. If the freestanding portion of the wall is setback from the retaining wall a distance equal to the height of the freestanding portion of the wall, the retaining and freestanding wall heights shall be calculated separately as individual walls The setback area shall be landscaped in a manner to soften the combined wall mass. View fence is exempt from this requirement.

   b. *Measuring the Height of Decks.* Deck height is determined by measuring from the ground to the top of the floor of the deck.

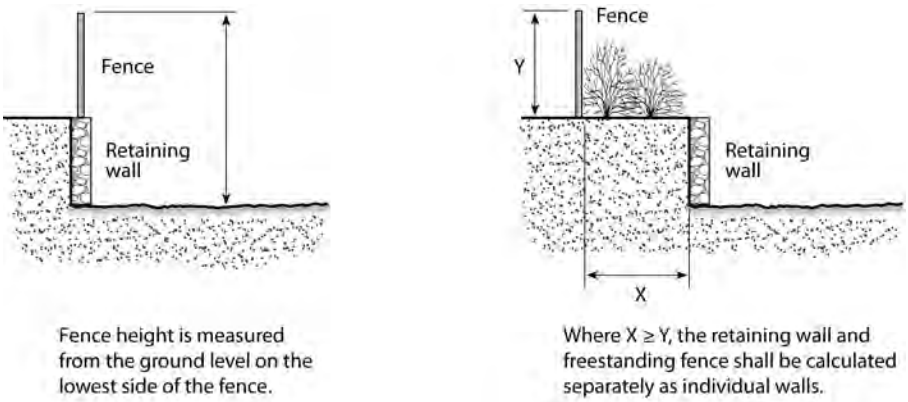

FIGURE 103.03.E: MEASURING HEIGHT

3. ***Measuring Height of Antennas.*** The height of building-mounted antennas shall include the height of that portion of the building on which the antenna is mounted. In determining the height of portable "crank-up" or similar towers whose height is adjustable, the height of the tower shall be the maximum height to which it is capable of being raised.

F. **Measuring Lot Width and Depth.**

1. ***Lot Width.***

   a. For rectangular lots, lots having side lot lines not parallel, and lots on the outside of a curve of a street, the distance between the side lot lines measured at the required minimum front yard setback line on a line parallel to the street or street chord.

b. 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 setback line on a line parallel to the street or street chord.

2. ***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 10 feet.

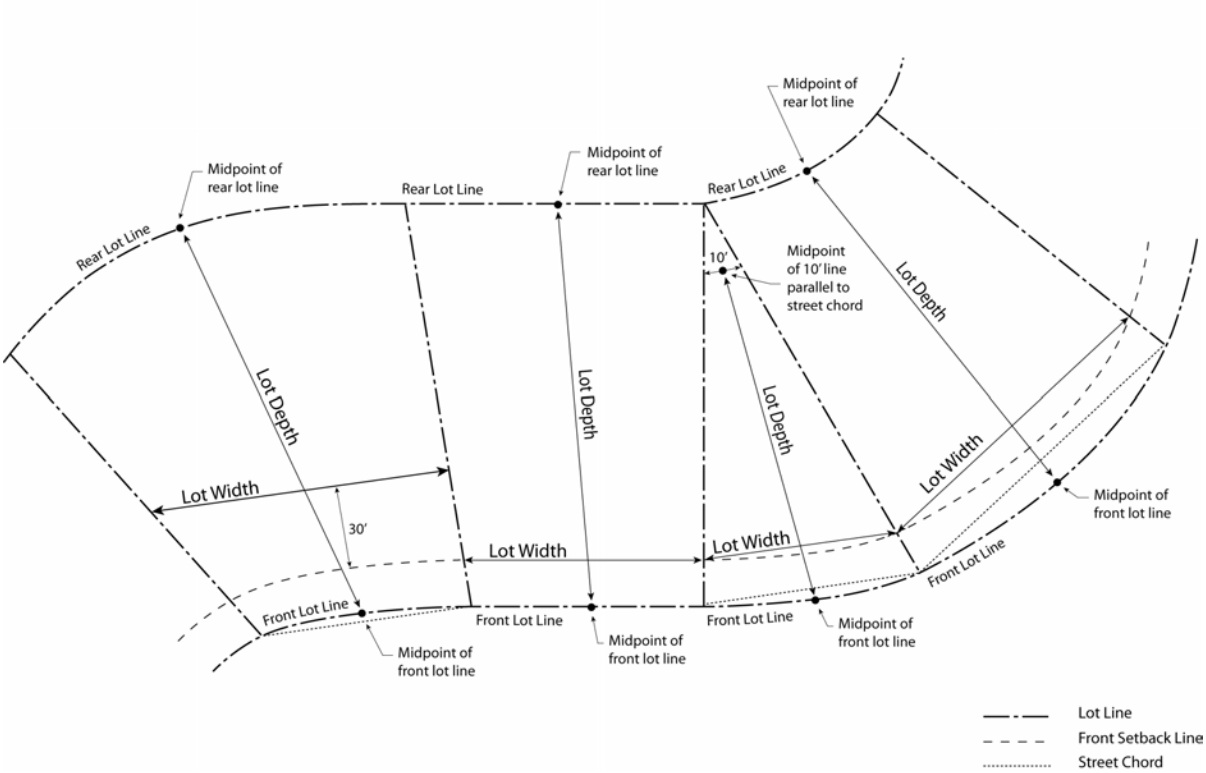

FIGURE 103.03.F: MEASURING WIDTH AND DEPTH

G. **Determining Average Slope**. The average slope of a lot is calculated using the following formula: S = 100(I)(L)/A, where:

1. S = Average slope (in percent)

2. I = Contour interval (in feet)

3. L = Total length of all contour lines on the lot (in feet)

4. A = Area of the lot (in square feet)

H. **Determining Floor Area.** Floor area is the horizontal area (expressed in square feet) of all floors included within a building or buildings, according to the following rules:

1. ***Included in Floor Area.*** Floor area includes:

   a. The floor of atrium and lobby areas;

   b. Storage and equipment spaces that are roofed and enclosed on all sides;

   c. Enclosed and roofed halls, stairways, and elevator shafts;

   d. Enclosed and roofed porches and balconies;

   e. Portions of basements and attics that meet the City's Building Code height requirements for habitable space; and

   f. The actual floor space of mezzanines, interior balconies, lofts, closets, and all habitable rooms.

2. ***Excluded from Floor Area.*** Floor area does not include:

   a. Garages, parking shade structures or other areas used for parking and loading, or vehicular access to parking and loading spaces;

   b. Unenclosed exterior balconies, decks, porches, and stairs; and

   c. Substandard height portions of attics and basements not used as habitable space as defined by the Building Code.

I. **Determining Floor Area Ratio.** The floor area ratio (FAR) is the ratio of the floor area of all principal and accessory buildings on a lot to the lot area. To calculate FAR, floor area is divided by lot area, and typically expressed as a decimal. For example, if the floor area of all buildings on a lot totals 20,000 square feet, and the lot area is 10,000 square feet, the FAR is expressed as 2.0.

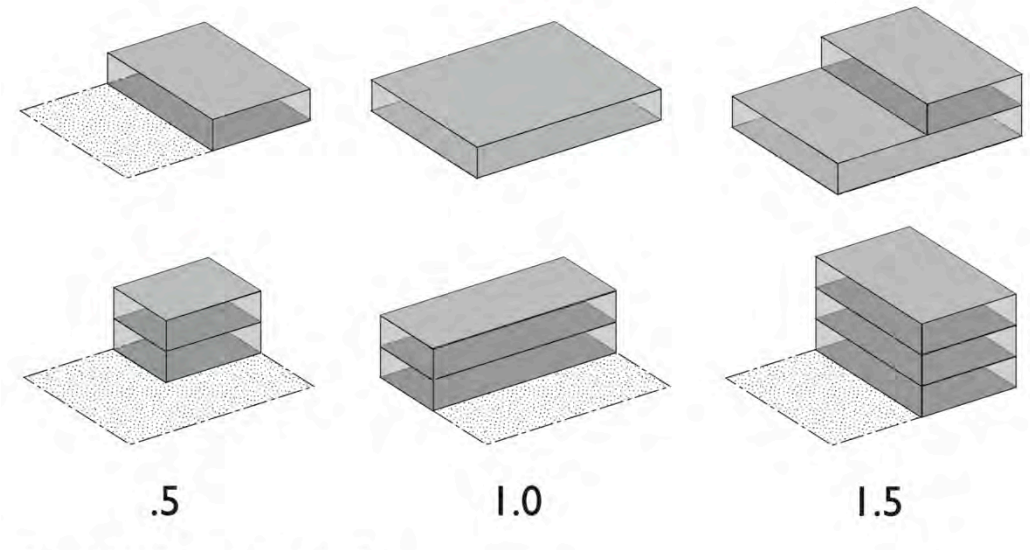

FIGURE 103.03.I: DETERMINING FLOOR AREA RATIO

J. **Determining Lot Coverage.** Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed in order to calculate lot coverage. The following structures are excluded from the calculation:

1. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, and stairways less than 30 inches above grade;

2. Eaves and roof overhangs projecting up to two-and-a-half feet from a wall;

3. Trellises and similar vertical structures that do not have any type of roof or coverable feature;

4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and

5. One non-habitable accessory structure under 120 square feet and under seven feet high. Structures above quantity of one shall be included in lot coverage.

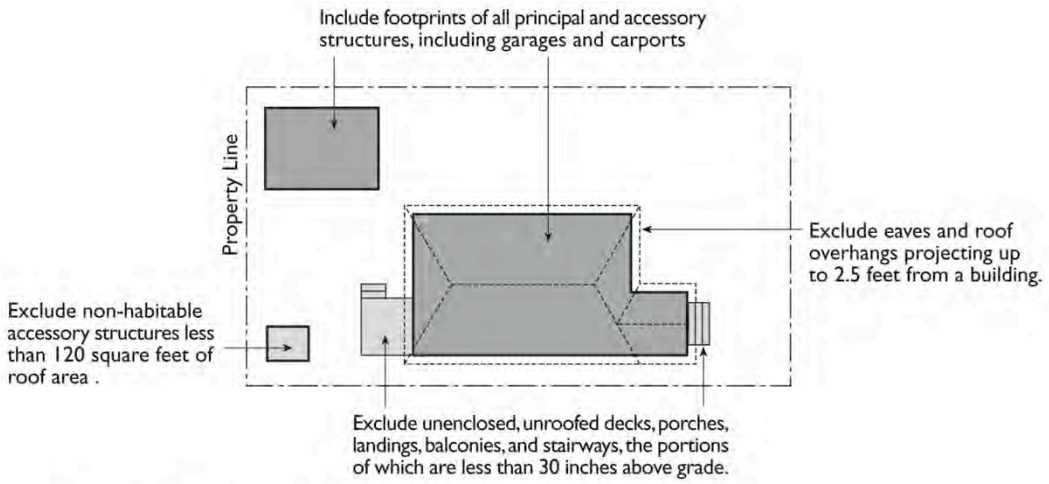

FIGURE 103.03.J: DETERMINING LOT COVERAGE

K. **Determining Lot Frontage.**

1. *Corner Lot.* The front of a lot is the narrower dimension of the lot lines adjoining a street right-of-way.

2. *Through Lot (Double Frontage Lot).* When a non-access easement does not exist, the front yard borders the street primarily used as frontage by neighboring lots.

L. **Determining Setbacks for Yards.** A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear lot line. The following special regulations for determining yards apply when a lot abuts a proposed street or alley.

1. *Yards Abutting Planned Street Expansions.* If a lot abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the lot line.

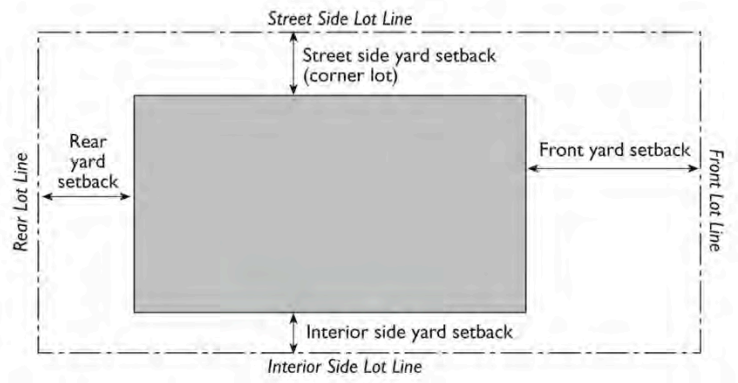

FIGURE 103.03.L: DETEMINING SETBACKS

2. *Yards on Alleys.*

   a. If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.

   b. In computing the minimum yard for any lot where such yard abuts an alley, no part of the width of the alley may be considered as part of the required yard.

M. **Measuring Signs.** The height of signs is measured in the same method as the height of other structures. Calculation of sign area is described in Article 409, Signs.

103.04 Rules of Interpretation

The Zoning Administrator shall make the interpretation for any provision or measurement not expressly identified in this Article and provide clarification and determination of these rules and their application to a specific site. A record of the Zoning Administrator's interpretations shall be maintained and made publicly accessible on the City's website, keyed and cross-referenced to the provisions of the Code.

200 SERIES
BASE ZONING DISTRICTS

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Article 201 Rural Districts

Sections:

201.01 Purpose
201.02 Land Use Regulations
201.03 Development Standards
201.04 Review of Plans

201.01 Purpose

The purposes of the Rural Districts are to:

A. Preserve agricultural and resource conservation areas while providing opportunities for rural living;

B. Protect and preserve agricultural lands and related activities;

C. Protect agricultural lands from incompatible land uses and encroachment; and

D. Discourage premature development and limit development in rural areas until suitable infrastructure and subarea plans are in place to facilitate development in a manner consistent with the General Plan.

Additional purposes of each Rural District:

RA Rural-Agricultural. This District is intended to preserve agricultural and resource conservation areas. The main use of this District is for animal and food production, in terms of growing, processing, and selling. Incidental residential uses with septic systems may be allowed and are subject to Pinal County review and approval.

GR Rural-General. This District is intended to prevent urban residential and related uses from developing near agricultural operations, thereby infringing on the full operation of farmland. Allowable uses include environmental, habitat, water conveyance, as well as limited agriculture and livestock, and necessary supportive uses such as minor agricultural processing, but not uses that have the potential to create obnoxious noise, odor, etc.

201.02 Land Use Regulations

Table 201.02 below prescribes the land use regulations for "Rural" Districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"A" designates use classifications that are permitted after review and approval of an Administrative Use Permit.

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning commission.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"X" designates uses that are not permitted.

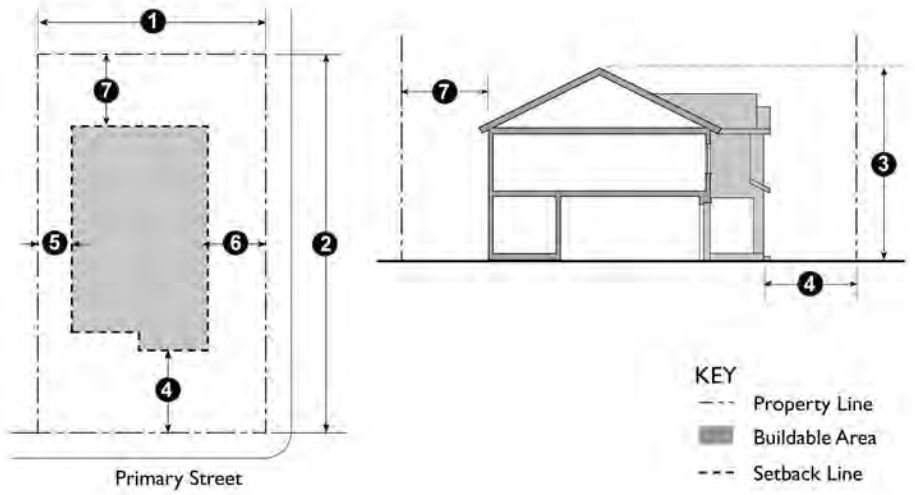
TABLE 201.02: LAND USE REGULATIONS - RURAL DISTRICTS			
	Type		
Uses	*RA*	*GR*	*Additional Regulations*
Agricultural			
Animal and Crop Production			
Large Scale	P	X	Section 401.03, Animal-Keeping
Small Scale	P	P	
Urban Agriculture	P	P	
Animal and Crop Sales	P	P	
General Agricultural	P	P	
Farmers and Animal Produce Stand	P	P	
Residential			
Single Unit			
Single Unit Detached	P	P	
Guest Quarters & Residences	P(2)	C(2)	
Family Day Care	P	P	Section 410.11, Family Day Care
Public and Semi-Public			
Cemetery	X	C	
Community Assembly	C	C	Section 410.08, Community Assembly
Parks and Recreation Facilities, Public	P	P	
Religious Facility	C	C	
Commercial			
Animal Sales, Care and Services			
Animal Sales and Grooming	P	P	Section 401.03, Animal Keeping
Kennels	C	C	
Riding Schools and Stables	P	P	
Small Animal Day Care Services	P	P	
Veterinary Services	P	P	

TABLE 201.02: LAND USE REGULATIONS - RURAL DISTRICTS			
	Type		
Uses	*RA*	*GR*	*Additional Regulations*
Commercial Entertainment and Recreation			
Club or Lodge	X	A	
Food and Beverage Sales			
Convenience Market	X	P	Section 410.03, Alcoholic Beverage Sales
Lodging			
Bed and Breakfast Inns	P	P	
Guest Ranch	P	X	
Medical Marijuana Uses			
Cultivation Facility	X	C	Section 410.16, Medical Marijuana Uses
Nurseries and Garden Centers	P	P	
Outdoor, Temporary Seasonal Sales	P	P	Section 410.26, Temporary Uses
Industrial			
Storage and Warehouse			
Indoor Warehousing and Storage	A(1)	A(1)	
Outdoor Storage	P(1)	P(1)	
Transportation, Communication, Utility			
Communication Facilities			
Antennas and Transmission Towers	Subject to existing regulations, including a Conditional Use Permit if certain standards are not met or thresholds exceeded.		Article 412, Telecommunication Facilities
Utilities			
Minor	P	P	
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in Section 410.01, Accessory Uses		
Temporary Uses	Require a Temporary Use Permit, unless otherwise exempt; see Section 410.26, Temporary Uses		
Nonconforming Uses	Article 406, Nonconforming Uses & Structures		
1. Agriculture-related storage only. 2. Incidental to Farm/Agricultural operations only.			

201.03 Development Standards

Table 201.03, below, prescribes development regulations for the Rural Districts. The first three columns establish minimum requirements for permitted and conditional uses. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple Districts are in the 400 Series.

TABLE 201.03: DEVELOPMENT STANDARDS - RURAL DISTRICTS



	Type		Additional Regulations	#
	RA	*GR*		
Lot and Density Standards				
Minimum Lot Area (sq. ft.)	3 acres	54,450		
Minimum Lot Width (ft.)	165	145		❶
Minimum Lot Depth (ft.)	200	150		❷
Maximum Lot Coverage	25%	25%		
Building Form and Location				
Maximum Building Height (ft.)	35	30		❸
Setbacks (ft.)				
Front	50	40		❹
Interior Side	30	20	50 feet if building is used for poultry or animals	❺
Street Side	40	30		❻
Rear	50	40		❼
Additional Standards				
Accessory Structures	Section 401.02, Accessory Structures			
Exceptions to Height Limits	Section 401.08, Exceptions to Height Limits			
Fences and Walls	Section 401.09, Fences and Freestanding Walls			
Landscaping	Section 404, Landscaping			
Lighting	Article 405, Lighting			
Off-Street Parking and Loading	Article 407, On-Site Parking and Loading			
Outdoor Storage	Section 401.10, Outdoor Storage			
Projections into Required Setbacks	Section 401.04, Building Projections into Yards			
Screening	Section 401.11, Screening			
Signs	Article 409, Signs			
Swimming Pools	Section 401.12, Swimming Pools and Spas			
Visibility at Driveways	Section 401.15, Visibility at Intersections and Driveways			

A. **Transitional Standards**. Where a Rural District adjoins an interior lot line in an RS District, the following standards apply:

1. The maximum height within 40 feet of an RS District is 25 feet.

2. The minimum building setback from a Residential District boundary shall be 20 feet.

B. **Truck Docks, Loading, and Service Areas.** Truck docks, loading, and service areas are not permitted within 50 feet of the boundary of any Residential District.

201.04 Review of Plans

Permit and review procedures shall follow the standards and approval criteria in the 500 Series, Administration and Permits.

Article 202 Residential Districts

Sections:

202.01 Purpose
202.02 Land Use Regulations
202.03 Development Standards: RS Districts
202.04 Development Regulations: RM, RH, and RMHP Districts
202.05 Review of Plans

202.01 Purpose

The general purposes of the Residential Districts are to:

A. Provide for a variety of residential development to suit the spectrum of individual lifestyles and space needs and ensure the continued availability of the range of housing opportunities necessary to meet the needs of all segments of the community consistent with the General Plan;

B. Provide for the orderly, well-planned, and balanced growth of residential neighborhoods;

C. Promote the development of residential neighborhoods that encourage walking and the use of public transit;

D. Establish design standards to help create distinct and attractive residential neighborhoods, upgrade the quality of multi-unit housing, and ensure that new residential development is well-integrated into surrounding neighborhoods; and

E. Provide for appropriate public and quasi-public uses such as parks, playgrounds, religious facilities, and day care centers where they are compatible with and contribute to the quality of life in residential neighborhoods.

Additional purposes of each Residential District:

RS-1 Low Density Residential. This District is intended to provide a transitional use between Rural Zoning Districts and Medium Density Residential Districts. This District includes areas for single residence development on lots of at least 18,000 square feet, subject to design and

development standards to ensure land use compatibility. This District also allows for limited residential care facilities, family day care, park and recreation facilities, and educational facilities.

RS-2 Medium/Low Density Residential. This District is intended to provide areas for medium/low-density residential neighborhoods. Housing types include single unit detached and attached housing on lots of at least 12,000 square feet. In addition to single unit homes, this District provides for uses such as parks and child care in homes that are appropriate in a residential environment.

RS-3 Medium Density Residential. This District is intended to provide areas for medium-density residential neighborhoods. Housing types include single unit detached and attached housing on lots of at least 9,000 square feet. In addition to single unit homes, this District provides for uses such as parks and child care in homes that are appropriate in a residential environment. Clustered development, to allow somewhat smaller lot development, is also allowed, provided the overall average gross density is maintained.

RS-4 Medium Density Residential. This District is intended to provide areas for medium-density residential neighborhoods. Housing types include single unit detached and attached housing on lots of at least 7,000 square feet. In addition to single unit homes, this district provides for uses such as parks and child care in homes that are appropriate in a residential environment. Clustered development, to allow somewhat smaller lot development, is also allowed, provided the overall average gross density is maintained.

RS-5 Medium Density Residential. This District is intended to provide areas for medium-density residential neighborhoods. Housing types include single unit detached and attached housing generally on lots of at least 5,000 square feet. Up to 25 percent of the lots in a subdivision may be below the minimum lot size, but no lot shall be less than 4,500 square feet. In addition to single unit homes, this District provides for uses such as parks and child care in homes that are appropriate in a residential environment.

RM Multiple Unit Residential. This District is intended for a variety of housing types on lots of varying sizes, subject to overall General Plan density standards (six to 12 units per net acre), with provisions for small-lot development subject to standards for clustering and open space. Types of dwelling units that are appropriate include small-lot single residences, townhouses, condominiums, cluster housing, and multiple residence housing. This District also provides for residential care facilities, home-based day care, group residential homes, park and recreation facilities, limited and small-scale residential support activities, educational facilities, and community and religious facilities that can be appropriate in a residential environment.

RH High Density Residential. This District is intended for a variety of housing types on lots of varying sizes, subject to overall General Plan density standards (12 to 20 units per net acre). The density range and development standards accommodate attached single residences, townhomes,

condominiums, garden apartments and multi-unit buildings developed at a scale and form that is appropriate to its neighborhood context and adjacent single unit residential uses and forms. In addition to residential uses, this District allows for a limited number of public and semi-public uses such as day care centers, public safety facilities, and residential care facilities that are appropriate in a high density multi-unit environment.

RMHP Residential Manufactured Home Park. This District is intended to provide seasonal or permanent housing where residence is exclusively in manufactured home use, taking into consideration existing conditions including present use of land, future land use needs, and the availability of infrastructure. It is intended that mobile home parks meet design standards and be provided with necessary community services in a setting that provides a high quality of life for residents. This District should be located in areas where they will be compatible with adjacent land uses.

202.02 Land Use Regulations

Table 202.02 below prescribes the land use regulations for "Residential" Districts. The regulations for each District are established by letter designations as follows:

"P" designates permitted uses.

"A" designates use classifications that are permitted after review and approval of an Administrative Use Permit.

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning commission.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"X" designates uses that are not permitted.

TABLE 202.02: LAND USE REGULATIONS - RESIDENTIAL DISTRICTS

Uses	*Type*				*Additional Regulations*
	RS	*RM*	*RH*	*RMHP*	
Agricultural					
Animal and Crop Production					
Urban Agriculture	P	P	P	P	
Residential					
Single Unit					
Single Unit Detached	P	P	X	X	(A)
Single Unit Attached	P(1)	P	P	P	(A)
Guest Quarters & Granny Flats	P(2)	X	X	X	(A)
Multiple Unit Dwelling	X	P	P	X	(A)

TABLE 202.02: LAND USE REGULATIONS - RESIDENTIAL DISTRICTS					
	Type				
Uses	*RS*	*RM*	*RH*	*RMHP*	*Additional Regulations*
Group Residential	X	C	C	C	
Family Day Care	P	P	P	X	Section 410.11, Family Day Care
Senior and Long-term Care	X	C	C	X	
Mobile Home Parks	X	X	X	P	(A), Section 410.15, Manufactured Home Parks/Recreational Vehicle Uses
Supportive Housing	X	C	C	X	
Transitional Housing	C(3)	C(3)	C(3)	C(3)	
Public and Semi-Public					
Community Assembly	C	C	C	C	Section 410.07, Community Assembly
Day Care Facility	C	P	P	X	Section 410.08, Day Care Facilities
Educational Facility, Public/Private	P/C	P/C	P/C	X	
Hospital	X	X	C	X	Section 410.13, Hospitals and Clinics
Clinic	X	C	C	X	
Parks and Recreation Facilities, Public/Private	P/C	P/C	P/C	X	
Public Safety Facility	P	P	P	P	
Religious Facility	C	C	C	C	
Commercial					
Commercial Entertainment and Recreation					
Golf Courses and Resorts	C	C	C	C	
Convenience Market	A	A	A	A	Section 410.03, Alcoholic Beverage Sales
Transportation, Communication, Utility					
Communication Facilities					
Antennas and Transmission Towers	Subject to existing regulations, including a Conditional Use Permit if certain standards are not met or thresholds exceeded.				Article 412, Telecommunication Facilities
Utilities					
Minor	P	P	P	P	
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in Section 410.01, Accessory Uses				
Temporary Uses	Require a Temporary Use Permit, unless exempt; see Section 410.26, Temporary Uses				
Nonconforming Uses	Article 406, Nonconforming Uses & Structures				

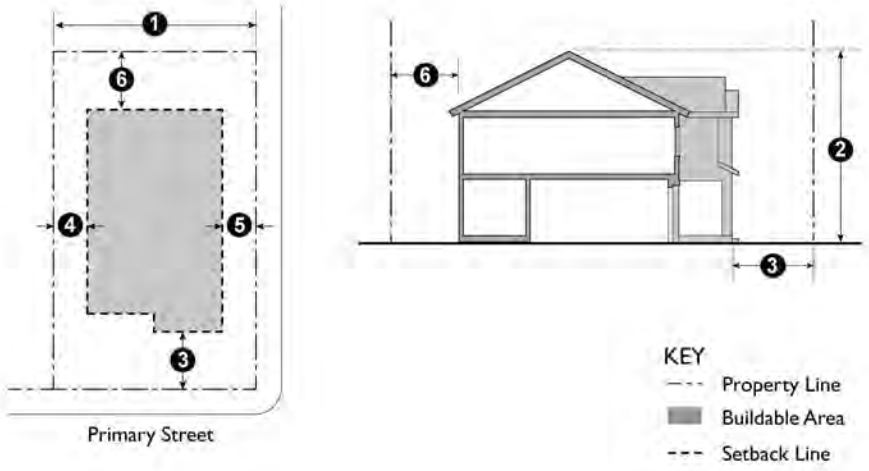
1. Small-scale, less than 2,500 square feet. Liquor sales are prohibited.
2. Permitted in detached garages only.
3. Cannot be closer than 1,000 feet from another Transitional Housing Use.

A. **Recreational Vehicle Storage on Residential Lots.** Only recreational vehicles parked on an approved driveway with paved access or additional parking space as permitted in Article 407, On-Site Parking and Loading, may be stored within the required front or street side setback. No recreational vehicle shall be used for living purposes.

202.03 Development Standards: RS Districts

Table 202.03 below prescribes development regulations for the RS Districts. The first six columns establish minimum requirements for permitted and conditional uses. Letters in parenthesis in the "Additional Regulations" column refer to regulations following the schedule. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in the 400 Series.

TABLE 202.03: DEVELOPMENT STANDARDS - RS DISTRICTS



	Type					*Additional Regulations*	#
	RS-1	*RS-2*	*RS-3*	*RS-4*	*RS-5*		
Lot Density Standards							
Minimum Lot Area (s/f)	18,000	12,000	9,000	7,000	5,000	(A), (B)	
Minimum Lot Width (ft.)	115	100	80	60	50	(B)	❶
Maximum Lot Coverage	35%	35%	40%	45%	50%		
Building Standards							
Maximum Building Height (ft.)	30	30	30	30	30	(C)	❷
Setbacks (ft.)							
Front	25	25	20	20	15 (2)	(1)(D)	❸
Interior Side	10	10	7.5	5	5		❹
Street Side	20	20	7.5	6	5	(E)	❺
Rear	30	25	20	20	10		❻
Garages and Driveways	(G)						
Other Standards							
Street Side Setbacks	For all lots larger than 10,000 square feet, a minimum of 10 feet of landscape tract or easement must be provided on the street side of the lot, in addition to the other minimum setbacks required.						

TABLE 202.03: DEVELOPMENT STANDARDS - RS DISTRICTS	
Covered Patios	(F)
Residential Diversity	(H)
Clustered Development	(I)
Additional Standards	
Accessory Structures	Section 401.02, Accessory Structures
Exceptions to Height Limits	Section 401.08, Exceptions to Height Limits
Fences and Walls	Section 401.09, Fences and Freestanding Walls
Landscaping	Section 404, Landscaping
Lighting	Article 405, Lighting
Off-Street Parking and Loading	Article 407, On-Site Parking and Loading
Outdoor Storage	Section 401.10, Outdoor Storage
Projections into Required Setbacks	Section 401.04, Building Projections into Yards
Screening	Section 401.11, Screening
Signs	Article 409, Signs
Swimming Pools	Section 401.12, Swimming Pools and Spas
Visibility at Driveways	Section 401.15, Visibility at Intersections and Driveways
1. For RS-4 and RS-5 Districts, livable areas and side entry garages may have an optional build-to line of up to 10 feet from the property line. 2. For RS-5 Districts, garage entrance shall be no less than a distance of 18 feet to the nearest sidewalk.	

A. **Diversity in Lot Size.** Subdivision Code §14-5 sets minimum requirements for a diversity of lot sizes within a residential subdivision.

B. **RS-5 Districts: Open Space, Lot Size Variation Allowed.** Open Space for projects with lots less than 7,000 square foot lot average shall be a minimum of 22 percent of the total net acres. Up to 25 percent of the lots in a subdivision may be smaller than the minimum lot size, with a minimum width of 45 feet. No lot shall be less than 4,500 square feet.

C. **Two-Story Dwellings**.

1. Two-story houses shall have a single-story element closest to the front of the house and/or next to the street. If through architectural diversity a housing series creates neighborhood variety, the requirement for the first story element may be waived by the Zoning Administrator. Such architectural diversity may include varying front setbacks due to locating the garage to the rear of the lot, adding useable courtyard area, and/or using building placement to create private outdoor spaces.

2. Corner lots may have a mix of single-story and one- and two-story homes provided the two-story portions of the home do not encompass more than 75 percent of the building footprint, and the two-story portion of the dwelling generally is oriented away from the street.

3. Two-story dwellings located on corner lots shall include windows on the facade facing the side street. No second-story street-facing wall should run in a continuous

plane of more than 20 feet without a window or a projection, offset, or recess of the building wall at least one foot in depth.

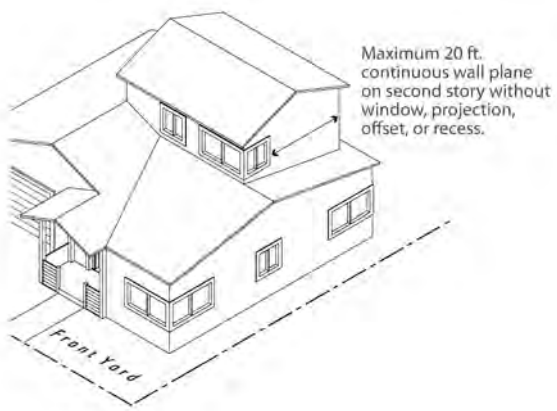


FIGURE 202.03.C: TWO-STORY DWELLING ON CORNER

D. **Front Yard Staggered Setbacks.** On lots with widths less than or equal to 69 feet, the subdivision plan shall vary the relationship of dwellings to the street by staggering front setbacks a minimum of five feet for 25 percent of block face or by providing curvilinear or angled street. Lots greater than 69 feet in width are exempt from this requirement.

E. **Reduced Street Side Setback**. Along local streets only, the street side setback may be reduced to five feet from the lot line if a landscaped tract or easement of 10 feet is provided.

F. **Garages and Driveways.**

1. Garages shall be designed and located to reduce the visual impact of garage doors along street frontages. A mix of garage orientations (i.e. significantly recessed front facing, side-entry, tandem) shall be provided.

2. On lots with forward-facing garage plans, the garage portion of the dwelling shall not extend forward of the livable portion(s) of the dwelling by more than six feet. If a front-facing garage projects out from the porch or livable areas of the dwelling, the applicant shall provide portals, low courtyard walls with pilasters, or other de-emphasizing techniques for approval by the City, that extend forward of the garage face. All plans should incorporate coachlights on the streetside elevation.

3. Dwellings with three-car garages shall be designed so that the third car garage is architecturally separated and offset a minimum of two feet farther from the other garage door. The intent of this standard is to soften the garage dominance and provide for horizontal articulation.

4. Driveways for three or more cars serving forward-facing garages shall incorporate alternative paving design elements including but not limited to stamped concrete, concrete engraving, concrete stains, concrete pavers, and colored concrete to soften the appearance of large impervious surfaces.

5. A minimum distance of 18 feet between the garage door and the sidewalk shall be provided to accommodate adequate off-street parking. "Carriage-style" and other non-conventional sectional garage door styles will be approved to provide additional diversity and to better enhance the architectural themes.

6. Side-loaded garages shall provide windows or other architectural details that mimic the features of the living portion of the dwelling on the side of the garage facing the street.

7. No more than 60 percent of dwellings on a block face shall have a garage forward of livable or covered porch.

8. Detached garages shall be located in the rear half of the lot. The Zoning Administrator may approve a detached garage in the front half of the lot subject to the front setback requirements of the District where the size, shape, location, surroundings, or existing structures make it infeasible to locate the garage in the rear half of the lot.

G. **Covered Patios**. Covered patios shall be incorporated into home architecture. Patio columns and roofs must be constructed of same materials as the rest of the home, including the type of tile and roof slope. Rear outdoor shaded living areas are encouraged. In the event a rear patio cover is not provided, the homebuilder should position the home on the lot in a manner that could allow a minimum eight-foot deep patio cover for a future addition.

H. **Residential Diversity**.

1. ***Variation in Building Elevations, Roof Plans and Floor Plans.*** New residential development shall provide a variety of building and roof forms and ridgelines. Elevations shall be structurally different, with different roof types facing the street. The specific design submittal requirements vary by subdivision size as follows:

   a. *10-49 lots*. The minimum requirements are two different roof types, with different materials and colors, two standard floor plans, and three different elevations per floor plan.

   b. *50-99 lots*. The minimum requirements are two different roof types with different materials and colors, three floor plans, and three elevations per floor plan.

   c. *100-199 lots*. The minimum requirements are two different roof types, with different materials and colors, four floor plans, and a minimum of three elevations per floor plan.

   d. *200 or more lots*. The minimum requirements are two different roof styles, with different roof materials and colors, five floor plans, and a minimum of three elevations per floor plan.

e. *Adjacent Lots Varying Elevations.* The same front elevation cannot be used on adjoining dwellings or dwellings that face each other or across the street; no more than three single-story plans shall be built in a row, and no more than three two-story plans shall be built in a row. No more than 25 percent of lots backing onto an arterial road should be built with two-story homes. If proposed, the two-story dwellings should provide additional articulation and staggered setbacks to create visual interest from the roadway. Two-story homes backing on State Routes should be avoided.

2. ***Variation in Building Materials.*** As a standard feature, stone, brick, or accent facade material shall be provided on at least one elevation for each floor plan.

3. ***Visibility of Front Doors.*** On all lots 55 feet or less in width, the front doors shall be visible from the front or street side lot line.

4. ***Architectural Features.*** All home model designs shall provide a similar level of architectural detailing on all sides.

a. Minimum 35 percent of the dwellings on a block face shall have a useable front porch, courtyard or a combination of front/streetside/interior side yard outdoor living space, which may include lot lines abutting open space tracts of land.

b. The design of front porches and building additions must match the scale and architectural detail of the dwelling.

c. Courtyard walls shall not exceed three and a half feet in height in the front or street side yard adjacent to the driveways to create useable gathering areas.

d. Deep-set, pop-out, or distinct windows and doors along with other architectural projections and recesses shall be used to provide individuality of units.

e. Front porch covers may encroach up to 25 percent of the front yard or street-side setback line.

I. **Clustered Development.** Clustered development may be approved in RS-3, RS-4, RS-5, and RM Districts through Development Review Permit, subject to the standards in Table 202.03.I and the regulations that follow the table.

TABLE 202.03.I: CLUSTERED DEVELOPMENT STANDARDS	
	Standard
Site Development	
Maximum Lot Coverage (% of site)	60 or as approved by PAD
Maximum Number of Units in an Individual Cluster	8 for a cluster with a single access point
Setbacks	

TABLE 202.03.I: CLUSTERED DEVELOPMENT STANDARDS	
	Standard
Project Site	The perimeter of the project site is subject to the setback requirements of the base zone.
Individual Lot (ft.)	
Front	10 ft.; 7 ft. for porch
Side	1-story portion: 4 ft.; 2-story portion: 6 ft.
Rear	15; 0 for detached garage on alley or private autocourt, but a 3-ft. setback for maneuvering and pedestrian safety may be required. See Subdivision Code for minimum alley dimensions.
Minimum Building Setback	5 ft., or as mandated by the International Residential Code.
Parking and Access	
Maximum Driveway Width (ft.)	32 ft.
Number of Parking Spaces for Each Unit	3 with one space being non-exclusive.
Building Orientation	
Entrance Location	The main entrance to each ground floor dwelling shall be visible to and located directly off a common courtyard, autocourt, open space paseo, or directly from the street.
Other Standards	
Open Space	See Subdivision Code.

1. *Access.* Cluster subdivisions may use public streets or private accessways to provide vehicular access to each cluster. Private accessways shall meet the minimum City standards for public streets in terms of engineering and design standards and construction materials. Private accessways shall be maintained by a homeowners association.

2. *Shared Driveways.* Cluster subdivisions may use shared driveways to provide access to each unit in the cluster. Shared driveways shall have a minimum width of 24 feet at the intersection with public streets or private accessways and may transition to a minimum width of 20 feet within each cluster, and shall be maintained by a homeowners association.

    a. Shared driveways within individual clusters shall be differentiated from adjacent public streets or private accessways by a strip of decorative pavers, stamped or colored concrete, or materials other than those used to pave adjoining streets.

    b. Shared driveways within individual clusters shall not exceed 150 feet in length, measured from the curb line at the intersection with the public street or private accessway to termination of the shared drive.

3. *Required Parking.* Cluster subdivisions shall provide a minimum of three parking spaces for each unit in the cluster, with at least one space per unit being non-

exclusive and located within 150 feet of the dwelling unit the space is intended to serve.

4. ***Additional Parking.*** If additional parking is provided internal to the cluster, driveways to accommodate such parking should be a minimum of 18 feet long and a minimum eight feet wide per garage bay. If the garage door of any unit faces a private accessway or public street serving other clusters in the subdivision, then a minimum of 18 feet must be provided between the back of sidewalk (or curb, if no sidewalk) to the face of the garage door.

5. ***Minimum Maneuvering Space***. Each dwelling unit driveway in the cluster shall be designed such that each driver backing a mid-size passenger vehicle out of the driveway can maneuver with one turning movement in order to exit the cluster and vehicles entering a garage can drive into the garage without having to back up. Driveways for 60 percent of the units in each cluster shall be designed such that a large-size vehicle may back out with one turning movement in order to exit the cluster without backing into the public street or private accessway.

6. ***Drainage***. Surface water drainage shall not be allowed to pass from one cluster to another over the shared driveway of another cluster. Surface water drainage from individual clusters, however, may pass over the driveway for that respective cluster, but not from lot to lot unless located within a drainage easement.

7. ***Building and Entrance Design.***

   a. *Integrated Theme.* Buildings and structures shall exhibit an integrated architectural theme that includes similar or complementary materials, colors, and design details.

   b. *Site Entrance.* Clustered development shall have at least one major driveway entrance feature that provides an organizing element to the site design. Major driveway entrances shall include such features as a landscaped entry corridor or a divided median drive separated by a landscaped center dividing island.

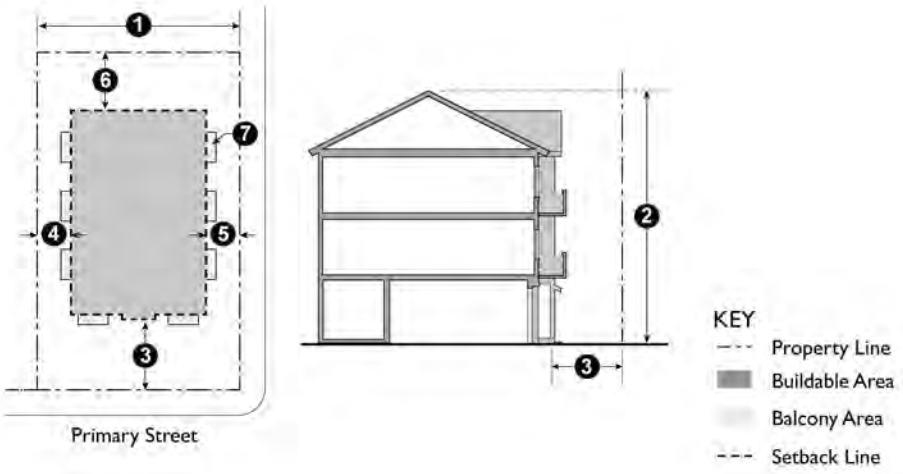
   c. *Entries and Porches.* At least 35 percent of homes must include entries and porches extending along a minimum of 50 percent of the width of the homes' front facades, excluding the width of garages. Porches meeting this requirement shall have a minimum width of eight feet and a minimum depth of four feet.

8. ***Additional Landscaping Required.*** A clustered development shall provide 25 percent more landscaping than required by the Subdivision Code for standard size lots, which may be in common areas, landscaped right of way, trails, or other open space.

202.04 Development Standards: RM, RH, and RMHP Districts

Table 202.04, below, prescribes development regulations for the RM, RH, and RMHP Districts. The first three columns establish minimum requirements for permitted and conditional uses. Letters in parenthesis in the "Additional Regulations" column refer to regulations following the schedule. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple Districts are in the 400 Series.

TABLE 202.04: DEVELOPMENT STANDARDS – RM, RH, RMHP DISTRICTS



	Type				
	RM	*RH*	*RMHP*	*Additional Regulations*	#
Lot Density Standards					
Minimum Lot Area (s/f)	6,000	6,000	2,500	Section 410.15, Manufactured Home/Recreational Vehicle Uses	
Minimum Lot Width (ft.)	65	65	45	Section 410.15, Manufactured Home/Recreational Vehicle Uses	❶
Maximum Density (Units/net acre)	12	20	12		
Maximum Lot Coverage	50%	50%	50%		
Building Standards					
Maximum Building Height (ft.)	36	42	15	Section 410.15, Manufactured Home/Recreational Vehicle Uses	❷
Setbacks (ft.)					
Front	20	20	20	Section 410.15, Manufactured Home/Recreational Vehicle Uses	❸
Interior Side	5	5	5	(A); Section 410.15, Manufactured Home/Recreational Vehicle Uses	❹
Street Side	20	20	20	Section 410.15, Manufactured Home/Recreational Vehicle Uses	❺
Rear	20	20	10	(A); Section 410.15, Manufactured Home/Recreational Vehicle Uses	❻

TABLE 202.04: DEVELOPMENT STANDARDS – RM, RH, RMHP DISTRICTS					
Building Separation	A minimum of 10 feet between buildings				
Architectural Articulation	(B)				
Building Entrances	(C)				
Location of Parking	(D)				
Other Standards					
Open Space in Subdivisions	20% of site; (E)(H)				
Private Outdoor Living Area (s/f per unit)	200	150	100	(E); Section 410.15, Manufactured Home/Recreational Vehicle Uses	❼
Pedestrian Access	(F)				
Private Storage Areas	(G)				
Additional Standards					
Accessory Structures	Section 401.02, Accessory Structures				
Exceptions to Height Limits	Section 401.08, Exceptions to Height Limits				
Fences and Walls	Section 401.09, Fences and Freestanding Walls				
Landscaping	Section 404, Landscaping				
Lighting	Article 405, Lighting				
Off-Street Parking and Loading	Article 407, On-Site Parking and Loading				
Projections into Required Setbacks	Section 401.04, Building Projections into Yards				
Screening	Section 401.11, Screening				
Signs	Article 409, Signs				
Swimming Pools	Section 401.12, Swimming Pools and Spas				
Visibility at Driveways	Section 401.15, Visibility at Intersections and Driveways				
1. For development projects in RM, RH, and RMHD Districts, 60% of the open space must be useable, as defined in the Subdivision Code.					

A. **Transitional Standards.** Where an RM, RH, or RMHP District adjoins an interior lot line in an RS District, the following standards apply:

1. The maximum height within 40 feet of an RS District is 25 feet. From this point, the building height may be increased one foot for each additional foot of upper story building setback to the maximum building height.

2. The building setback from an RS District boundary shall be 10 feet for interior side yards and 20 feet for rear yards.

B. **Architectural Articulation.**

1. ***Projections or Recesses.*** All street-facing facades have at least one horizontal or vertical projection or recess at least four feet in depth, or two projections or recesses at least two and a half feet in depth, for every 25 horizontal feet of wall. If located on a building with two or more stories, the articulated elements should be greater than one story in height, and may be grouped rather than evenly spaced in 25-foot modules. Building entrances, front porches, and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises count towards this requirement. Alternative designs that create a welcoming entry feature facing the street, such as trellis or landscaped courtyard entry, may be approved by the Zoning Administrator.

2. ***Variable Roof Form.*** Variable roof forms shall be incorporated into the building design, and no more than two side-by-side units may be covered by one unarticulated roof. Articulations may be accomplished by changing roof height, offsets, and direction of slope, and by introducing elements such as dormers, towers, or parapets.

C. **Building Entrances.**

1. ***Orientation.*** All units located along public rights-of-way must have the primary entrance facing this right-of-way. Exceptions to this requirement may be approved by the Zoning Administrator for projects where multiple unit housing is located on streets carrying high traffic volumes and/or streets that do not allow on-street parking. In such cases, the project shall be oriented around courtyards.

2. ***Dwelling Unit Access.*** Exterior entrances to units shall be in a form of individual or shared entrances at the ground floor of the building. Unit entrances above the ground floor are also permitted; however, on any single floor no exterior access corridor located above the ground floor may provide access to five or more units.

D. **Location of Parking.** Parking may be located within 40 feet of the street facing property line in accordance with the following standards.

1. ***Underground and Partially Submerged Parking.*** Parking completely or partially underground shall match the setbacks of the main structure. The maximum height of a parking podium visible from a street is five feet from finished grade.

2. ***Surface and Structure Parking.*** Surface and above ground structure parking may be located within 40 feet of a street facing lot line with the approval of a Conditional Use Permit when all of following findings can be made:

a. For structure parking the building design incorporates habitable space built close to the public sidewalk to the maximum extent feasible;

b. The parking area is well screened with a wall, hedge, trellis, and/or landscaping, consistent with the landscaping standards of this Code; and

c. The site is small and constrained such that underground, partially submerged, structured, or surface parking located more than 40 feet from the street frontage is not feasible.

E. **Outdoor Living Areas.** As part of the open space required by the Subdivision Code, private and common areas for outdoor living shall be provided in accordance with this Section. Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence. Common areas typically consist of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development. Landscaped courtyard entries that are oriented towards a public or private street or parking area to create a welcoming entry feature are also considered common areas.

1. ***Minimum Dimensions.***

   a. *Private Open Space.* Private open space located on the ground level (e.g., yards, decks, patios) shall have no horizontal dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.

   b. *Common Open Space.* Common open spaces with a minimum horizontal dimension of 20 feet shall count towards the open space calculation. Isolated open space areas with a horizontal dimension less than 20 feet are not considered usable open space and shall not count in determining compliance with this standard.

2. ***Minimum Area Required - Private Open Space.***

   a. RM Districts: 200 square feet per unit.

   b. RH Districts: 150 square feet per unit.

   c. RMHD Districts: 100 square feet per unit.

   d. The amount of outdoor living area provided for individual units may vary based on unit size and location within a project, as long as the average area per unit meets the applicable standard.

3. ***Credit Toward Open Space Requirement for High Density Residential Subdivision.*** Each square foot of private and common outdoor living area provided in a High Density Residential Subdivision shall count as 10 feet of open space for purposes of determining compliance with the "open space equivalent" requirement for these subdivisions. This credit also apples to High Density projects not subject to the Subdivision process.

F. **Pedestrian Access.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to sidewalks, and to any on-site open space areas or pedestrian amenities. Whenever feasible, direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

1. Walkways shall be a minimum of six feet wide, hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.

2. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

3. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb, bollards, or other physical barrier.

G. **Private Storage Space.** Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

H. **Shared Amenities.** In RM, RH, and RMHD Districts, a minimum of two shared amenities shall be provided for the first 100 dwelling units; one additional shared amenity shall be provided for 50 dwellings or portion thereof. Combinations of amenity features shall be provided in a manner acceptable to the Zoning Administrator and dependent on the type of multi-family development proposed, the private open spaces in the development, proximity to public trails, and other public amenities nearby. An amenity shall consist of one of the following: pool, recreation center, tot lot, indoor fitness center, outdoor fitness circuit, ramada, shared barbeque or picnic facilities, gathering area, volleyball court, sport court or field, internal multi-use path, community gardens, or playground.

202.05 Review of Plans

Permit and review procedures shall follow the standards and approval criteria in the 500 Series, Administration and Permits.

Article 203 Commercial Districts

Sections:

203.01 Purpose
203.02 Land Use Regulations
203.03 Development Standards
203.04 Review of Plans

203.01 Purpose

The purposes of the Commercial Districts are to:

A. Designate adequate land for a full range of commercial uses and regional-serving retail services consistent with the General Plan to maintain and strengthen the City's economic resources;

B. Provide for the orderly, well-planned, and balanced growth of commercial areas;

C. Plan for commercial development to expand the variety of goods and services to meet the needs of City residents and those living within Maricopa's market area;

D. Establish design standards that improve the visual quality of development and create a unified, distinctive, and attractive character along commercial streets;

E. Contribute to the pedestrian environment with standards that promote ground-floor visibility, orientation of buildings to the street, and pedestrian access across parking lots and between commercial centers and adjacent land uses;

F. Ensure that new development is designed to minimize traffic and parking impacts and is appropriate to the physical characteristics of the area; and

G. Address transitions and provide appropriate buffers between commercial and residential uses.

Additional purposes of each Commercial District:

NC Neighborhood Commercial. This District is intended to provide areas for locally-oriented retail and service uses that serve the surrounding residential trade area within a half-mile to one-mile radius. Typical uses include, but are not limited to retail stores, small grocery and drug stores, specialty food sales and services, restaurants and cafes, neighborhood dry cleaners, personal services (e.g. laundries, barbers, hair and nail salons, fitness studios), small gas stations, and convenience stores. Other compatible uses include small-scale medical and professional offices as well as public and semipublic uses. Large format retail stores and shopping centers are not appropriate in this District.

GC General Commercial. This District is intended to provide retail and service-oriented businesses that serve a large surrounding residential trade area within a one- to two-mile radius. Examples of allowable uses include but are not limited to animal sales, care, and services; automobile servicing; building materials; storage facilities with active storefronts; equipment rental; wholesale businesses; and specialized retail and service uses not normally found in shopping centers.

GO General Office. This District is intended to enhance employment opportunities and the overall economic vitality of Maricopa as well as to promote attractive development and ensure minimal impacts on surrounding development. It is intended for low- to medium-intensity office and medical center development located along thoroughfares, arterials, or collectors, or near existing/planned public transit stops. This District also allows supporting services such as banks, clinics, lodging, small-scale retail, service, or restaurant uses developed in conjunction with office use.

SC Shopping Center. This District is intended to meet local and regional retail demand, such as large scale retail, office, civic and entertainment uses, shopping malls with large footprints, "big-box" retail use, and other uses that are not appropriate in other areas because of higher volumes of vehicle traffic and potential impacts on other uses. Typical uses include but are not limited to grocery store and anchored tenant shopping centers with additional drug stores, fast food chains, smaller hardware and building supply stores, gas stations with convenience stores, and restaurants and cafes. Other compatible uses include medical and professional offices as well as public and semipublic uses. The focus of District development standards is to ensure structures complement the surrounding development pattern.

203.02 Land Use Regulations

Table 203.02 below prescribes the land use regulations for "Commercial" Districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"A" designates use classifications that are permitted after review and approval of an Administrative Use Permit.

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning Commission.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"X" designates uses that are not permitted.

TABLE 203.02: LAND USE REGULATIONS - COMMERCIAL DISTRICTS					
	District				
Uses	*NC*	*GC*	*SC*	*GO*	*Additional Regulations*
Residential					
Multiple Unit Dwelling	A	X	X	X	
Public and Semi-Public					
Colleges and Trade Schools, Public and Private	X	P	X	P	
Community Assembly	X	P	X	X	Section 410.07, Community Assembly
Cultural Facilities	A	P	P	X	
Day Care Facility	P	X(5)	X(5)	A	Section 410.08, Day Care Facilities
Educational Facility, Public and Private	A	X	X	X	
Emergency Shelters and Facilities	X	C	X	X	
Government Buildings	P(6)	P(6)	P(6)	P(6)	
Hospitals and Clinics					
Hospital	X	X	X	C	Section 410.13, Hospitals and Clinics
Clinic	A	A	A	A	
Public Safety Facility	P	P	X	X	
Social Service Facility	A	A	A	X	
Commercial					
Adult Oriented Business	X	C	C(1)	X	Section 410.02, Adult Oriented Businesses
Animal Sales, Care and Services					
Animal Sales and Grooming	P	P	P	X	Section 401.03, Animal Keeping
Kennels	X	A	X	X	
Small Animal Day Care	P	P	P	X	
Veterinary Services	X	P	P	P	
Automobile/Vehicles Sales and Services					
Automobile Rentals	X	P	P	P	
Automobile/Vehicle Repair, Minor	C	P	P	X	
Automobile/Vehicle Repair, Major	X	P	C	X	Section 410.05, Automobile/Vehicle Service and Repair, Major
Automobile/Vehicle Sales and Leasing	X	P	P	X	Section 410.04, Automobile/Vehicle Sales and Leasing
Automobile/Vehicle Washing and Services	X	A	A	X	Section 410.06, Automobile/Vehicle Service Stations and Washing
Large Vehicle and Equipment Sales, Service, and Rental	X	A	X	X	
Service Station	C	A	A	X	Section 410.06, Automobile/Vehicle Service Stations and Washing

TABLE 203.02: LAND USE REGULATIONS - COMMERCIAL DISTRICTS					
	District				
Uses	*NC*	*GC*	*SC*	*GO*	*Additional Regulations*
Banks and Financial Institutions					
Banks and Credit Unions	P	P	P	P	
Non-Institutional Banking	X	C	C	X	Section 410.20, Non-Institutional Banking
Building Materials Sales and Service	X	P	P	X	
Business Services	P	P	P	P	
Commercial Entertainment and Recreation					
Banquet and Conference Centers	X	C	C	C	
Small Scale Facility	A	P	P	X	
Large Scale Facility	X	C	C	C	
Theaters	X	P	P	X	Section 410.03, Alcoholic Beverage Sales
Club or Lodge	P	P	P	P	
Commercial Kitchen	X	P	P	X	
Eating and Drinking Establishments					
Bars and Lounges	A(2)	A	A	P	Section 410.03, Alcoholic Beverage Sales Section 410.10, Eating and Drinking Uses Section 410.17, Outdoor Dining and Seating
Restaurants, Full Service	P	P	P	P	Section 410.03, Alcoholic Beverage Sales Section 410.10 Eating and Drinking Uses Section 410.19, Outdoor Dining and Seating
Restaurants, Limited Service (including Fast Food)	P	P	P	P	Section 410.09, Drive In and Drive Through Facilities, Including Fast-Food Facilities Section 410.10, Eating and Drinking Uses Section 410.19, Outdoor Dining and Seating
Restaurant, Take Out Only	P	P	P	P	Section 410.10, Eating and Drinking Uses Section 410.19, Outdoor Dining and Seating
Food and Beverage Sales					
Convenience Market	P	P	P	P	Section 410.03, Alcoholic Beverages
General Market	P(4)	P	P	X	
Liquor Store	C	C	C	X	
Specialty Food Sales and Facilities	P	P	P	P	
Funeral Parlors and Mortuaries	P	P	P	X	
Instructional Services	P	P	P	X	
Live-Work	P(1)	P	X	X	Section 410.14, Live/Work Units

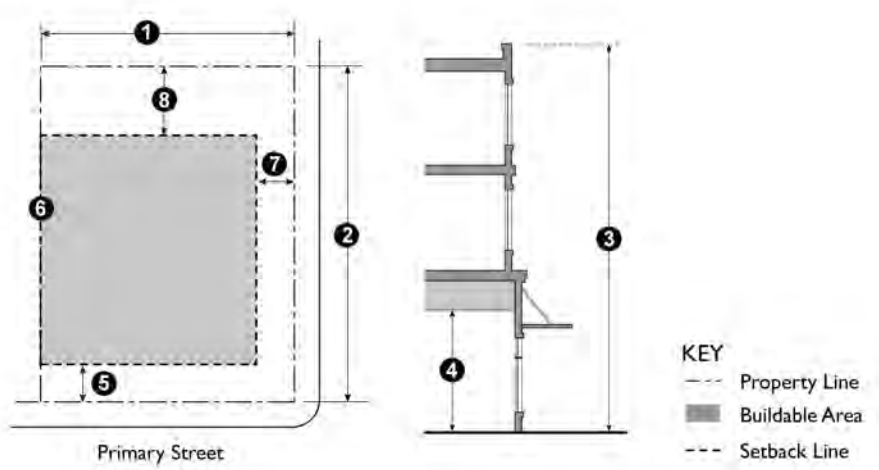
TABLE 203.02: LAND USE REGULATIONS - COMMERCIAL DISTRICTS					
	District				
Uses	*NC*	*GC*	*SC*	*GO*	*Additional Regulations*
Lodging					
Hotel and Motels	X	P	P	A	
Maintenance and Repair Services	P(3)	P	P	X	
Medical Marijuana Uses					
Dispensary Facilities	X	C	X	X	Section 410.16, Medical Marijuana Facilities
Mobile Food Vendor	P	P	P	P	Section 410.17, Mobile Food Vendor
Nurseries and Garden Centers	X	P	P	X	
Offices					
Business and Professional	P(1)	P(1)	P(1)	P	
Medical and Dental	P	P	P	P	
Walk-In Clientele	P	P	P	P	
Parking Facility, Public and Private	A	A	A	A	
Personal Services					
General Personal Services	P	P	P	P	Section 410.21, Personal Services and Restricted Personal Services
Restricted Personal Services	X	C	C	X	Section 410.21, Personal Services and Restricted Personal Services
Outdoor, Temporary, and Seasonal Sales	P	P	P	X	Section 410.26, Temporary Uses
Off-Track Betting	X	C	C	X	
Retail Sales					
General Retail, Small Scale	P	P	P	X	Section 410.25, Restricted Retail
General Retail, Large Scale	X	P	P	X	
Tobacco Paraphernalia Establishments	X	C	X	X	
Off-Track Betting	X	C	C	X	
Industrial					
Artists Studio and Production	P (3)	C	X	X	
Research and Development	X	X	X	C	
Storage and Warehouse					
Indoor Warehousing and Storage	X	A	X	A	
Personal Storage	X	A	A	X	
Transportation, Communication, Utility					
Bus/Rail Passenger Facilities	C	C	C	C	
Communication Facilities					
Antennas and Transmission Towers	Subject to existing regulations, including a Conditional Use Permit if certain standards are not met or thresholds exceeded.				
Facilities within Buildings	P	P	P	P	
Recycling Facility					
Recycling Collection Facility	C	P	P	P	Section 410.23, Recycling Facilities
Utilities					
Minor	P	P	P	P	

TABLE 203.02: LAND USE REGULATIONS - COMMERCIAL DISTRICTS					
	District				
Uses	*NC*	*GC*	*SC*	*GO*	*Additional Regulations*
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in Section 410.01, Accessory Uses				
Temporary Uses	Require a Temporary Use Permit, unless exempt; see Section 410.26, Temporary Uses				
Nonconforming Uses	Article 406, Nonconforming Uses & Structures				
1. Upper floors only if available. 2. Wine and beer sales only. 3. Small-scale, less than 1,500 square feet. 4. Less than 40,000 square feet. 5. Permitted as an accessory use. See Section 410.01, Accessory Uses. 6. Outdoor storage yards are not permitted.					

203.03 Development Standards

Table 203.03, below, prescribes development regulations for Commercial Districts. The first five columns establish minimum requirements for permitted and conditional uses. Letters in parenthesis in the "Additional Regulations" column refer to regulations following the schedule. The letter "Y" in the district column means that the Additional Regulation applies. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple Districts are in the 400 Series.

TABLE 203.03: DEVELOPMENT STANDARDS - COMMERCIAL DISTRICTS



	District					
Uses	*NC*	*GC*	*SC*	*GO*	*Additional Regulations*	*#*
Lot and Density Standards						
Minimum Lot Area (s/f)	5,000	10,000	20,000	10,000		

TABLE 203.03: DEVELOPMENT STANDARDS - COMMERCIAL DISTRICTS						
Minimum Lot Width (ft.)	25	50	100	75		❶
Minimum Lot Depth (ft.)	75	100	100	100		❷
Maximum Density (Units/net acre)	20	n/a	n/a	n/a		
Building Form and Location						
Maximum Building Height (ft.)	40	40	40	40		❸
1st Floor Ceiling Height (ft. clear)	12	n/a	12	12		❹
Setbacks (ft.)						
Front	10	20	20	20	(A)	❺
Interior Side	0	0	0	0		❻
Street Side	10	20	20	20	(A)	❼
Rear	20	30	40	30		❽
Screening of Parking	Y	Y	Y	Y	(B)	
Other Standards						
Building Design	Y	Y	Y	Y	(C)	
Ground Floor Transparency	Y	n/a	Y	Y	(D)	
Outdoor Living Area (sq.ft. per unit)	100	n/a	n/a	n/a	(E)	
Pedestrian Access	Y	Y	Y	Y	(F)	
Private Storagae Space	Y	n/a	n/a	n/a	(G)	
Transitions Adjacent to R Districts	Y	Y	Y	Y	(H)	
Transparency	Y	Y	Y	Y	(D)	
Additional Standards						
Accessory Structures	Section 401.02, Accessory Structures					
Exceptions to Height Limits	Section 401.08, Exceptions to Height Limits					
Fences and Walls	Section 401.09, Fences and Freestanding Walls					
Landscaping	Section 404, Landscaping					
Lighting	Article 405, Lighting					
Off-Street Parking and Loading	Article 407, On-Site Parking and Loading					
Outdoor Storage	Section 401.10, Outdoor Storage					
Projections into Required Setbacks	Section 401.04, Building Projections into Yards					
Screening	Section 401.11, Screening					
Signs	Article 409, Signs					
Swimming Pools	Section 401.12, Swimming Pools and Spas					
Visibility at Driveways	Section 401.15, Visibility at Intersections and Driveways					

A. **Improvement of Street-Facing Setbacks.** Where a front or street-facing side setback is provided, it should be landscaped and/or hard surfaced for use by pedestrians. If hard surfaced, the setback area on each lot must be a plaza or gathering area and contain at least two pedestrian amenities such as benches, drinking fountains, and/or other design elements (public art, planters, and kiosks).

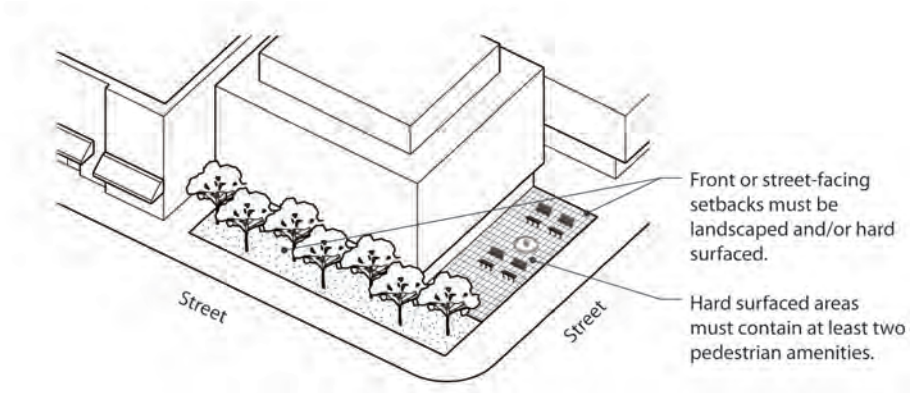


FIGURE 203.03.A: STREET-FACING SETBACKS

B. **Screening of Parking.** Any parking area located between a building and the street shall be screened with a wall or berm at least 3.5 feet high. A screening wall shall be composed of brick, stone, stucco, or other quality durable material and shall include a decorative cap or top finish as well as edge detail at wall ends. A combination of these materials may be used, or may be combined with densely planted landscaping such that no more than 40 percent of the screening shall be accomplished with densely planted landscaping.

C. **Building Design.** The exterior design of all buildings, including all facades, shall be coordinated with regard to color, materials, architectural form, and detailing to achieve design harmony, continuity and horizontal and vertical relief and interest. The design of all buildings shall be compatible with the character of the neighboring area.

D. **Ground-Floor Transparency.** Exterior walls facing any front- or street-facing lot line should include windows, doors, or other openings for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. No wall may run in a continuous plane for more than 20 feet without an opening. Openings fulfilling this requirement should have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

1. *Exception for Structured Parking Facilities*. Multi-level parking garages, where permitted, are not required to meet the ground-floor transparency requirement.

2. *Sites with Multiple Buildings*. On sites that contain multiple buildings, the building ground-floor transparency requirement does not need to be met along street-facing facades of buildings that are located behind other buildings and not visible from the adjacent public street.

3. *Reduction through Site Plan Review*. The building opacity requirement may be reduced or waived by the Zoning Administrator, if it is found that:

   a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and

b. Street-facing building walls will exhibit architectural relief and detail, or will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

E. **Outdoor Living Areas.** In NC Districts, decks and balconies or common areas for outdoor living shall be provided for all residential dwelling units.

1. ***Minimum Dimensions.*** The minimum horizontal dimension for a deck or balcony is six feet and the minimum dimension for a common area for outdoor living, such as a roof deck, is 10 feet.

2. ***Common Areas – shared open space.*** Common areas shall be accessible to residents, open to the sky, and not include any ground-level area required for front or corner side setbacks.

3. ***Averaging Allowed.*** The amount of outdoor living area provided for individual units may vary, based on unit size and location within a project, as long as the average area per unit meets the applicable standard.

F. **Pedestrian Access.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to sidewalks, and to any on-site open space areas or pedestrian amenities. Whenever feasible, direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible, while still providing for safety and security.

1. Walkways shall be a minimum of six feet wide, hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.

2. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

3. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb, bollards, or other physical barrier.

G. **Private Storage Space for Residential Units in NC Districts.** Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

H. **Transitional Standards.** Where a Commercial district adjoins an interior lot line in a Residential District, the following standards apply:

1. The maximum height is 30 feet within 40 feet of a Residential District. From these points, the building height may be increased one foot for each additional foot of upper story building setback to the maximum building height.

2. The minimum building setback shall be 25 feet from a Residential District boundary.

3. Adjoining an RS District, a minimum 25-foot landscaped setback shall be provided, free from parking and other encroachments.

I. **Truck Docks, Loading, and Service Areas.** Truck docks, loading, and service areas are not permitted within 25 feet of the boundary of any R District. In the NC, SC, and GO Districts, such loading and service areas must be located on the side or rear of buildings, and may not face a public street or a private street functioning as a public road.

203.04 Review of Plans

Permit and review procedures shall follow the standards and approval criteria in the 500 Series, Administration and Permits.

Article 204 Mixed Use Districts

Sections:

204.01 Purpose
204.02 Land Use Regulations
204.03 Development Standards
204.04 Review of Plans

204.01 Purpose

The purposes of the Mixed Use Districts are to:

A. Promote pedestrian-oriented infill development, intensification, and reuse of land consistent with the General Plan and the Heritage District Redevelopment Area Plan;

B. Encourage the development of mixed-use centers and corridors with a vibrant concentration of goods and services, multi-unit housing, and community gathering and public spaces at strategic locations;

C. Transform auto-oriented roadways and corridors into diverse, and attractive corridors that support a mix of residential, pedestrian, and neighborhood serving uses in order to achieve an active social environment within a revitalized streetscape while also respecting existing character;

D. Reduce the need for private automobile use to access shopping, services, and employment;

E. Offer additional housing opportunities for residents seeking to live and work in an urban environment; and

F. Ensure that new development and redevelopment are designed to minimize traffic, parking and impacts on surrounding residential neighborhoods, and create walkable environments.

Additional purposes of each Mixed Use District:

MU-N Neighborhood Mixed Use. This District is intended to facilitate the transformation of sections of boulevards into vibrant, highly walkable areas with broad, pedestrian-friendly sidewalks, trees, landscaping, and local-serving uses with new buildings that step down in relationship to the

scale and character of adjacent low density neighborhoods. Development is expected to include ground-floor neighborhood-serving businesses and upper level housing or offices. Allowable ground floor uses include active, neighborhood-serving retail, services, and open spaces, such as plazas.

MU-G General Mixed Use. This District is intended to allow for either horizontal or vertical mixed use development along key circulation corridors in the City where height and density can be easily accommodated. Ground-floor retail and upper-floor residential or offices are the primary uses, with retail, personal and business services, and public and institutional space as supportive uses. These Districts are intended to become vibrant, highly walkable areas with broad, pedestrian friendly sidewalks, trees, landscaping, and local-serving uses with new buildings that step down in relationship to the scale and character of adjacent neighborhoods. Automotive-oriented uses are not permitted.

MU-H Heritage District Mixed Use. This District is intended to allow for the transformation of the Heritage District into a vibrant, pedestrian-oriented, mixed use neighborhood, consistent with the Redevelopment Area Plan, the Heritage District Design Guidelines, and mixed use development standards. The adaptive reuse of existing buildings for residential and commercial uses is supported with a focus on active home based businesses, storefronts, and where viable, upper-floor residences and pedestrian- and transit-oriented development that encourages pedestrian activity and connectivity to adjacent areas. New construction will be designed to be compatible with the Heritage District Design Guidelines in terms of size, scale, materials, and details, and a broad range of residential and commercial uses is allowed. Standards will create high quality building design, ensure compatibility in land use and building form, and support mixed commercial and residential uses.

204.02 Land Use Regulations

Table 204.02 below prescribes the land use regulations for Mixed Use Districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"A" designates use classifications that are permitted after review and approval of an Administrative Use Permit.

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning commission.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"X" designates uses that are not permitted.

TABLE 204.02: LAND USE REGULATIONS- MIXED USE DISTRICTS				
	Type			
Use	*MU-N*	*MU-G*	*MU-H*	*Additional Standards*
Agricultural				
Animal and Crop Production				
Urban Agriculture	P	P	P	
Residential				
Single Unit Dwelling	P(1)	P(1)	P(1)	
Multiple Unit Dwelling	P(2)	P(2)	P(2)	
Group Residential	C	C	C	
Senior and Long-term Care	C	C	C	
Family Day Care	P	P	P	Section 410.08, Day Care Facilities
Residential Care Facility	X	C	C	
Supportive Housing	X	C	C	
Transitional Housing	X	C	C	
Public and Semi-Public				
Community Assembly	A	P	A	Section 410.07, Community Assembly
Cultural Facilities	P	P	A	
Child Care Centers	P	P	P	Section 410.08, Day Care Facilities
Government Buildings	P	P	P	
Hospitals and Clinics				
Clinic	A	A	A	Section 410.13, Hospitals and Clinics
Parks and Recreation Facilities, Public	P	P	P	
Public Safety Facility	P	P	P	
Social Service Facility	P	P	P	
Commercial				
Animal Sales, Care and Services				
Animal Sales and Grooming	P	P	P	Section 401.03, Animal Keeping
Small Animal Day Care	P(3)	P	P	
Banks and Financial Institutions				
Banks and Credit Unions	P	P	P	
Non-Institutional Banking				
Business Services	P	P	P	
Commercial Entertainment and Recreation				
Small Scale Facility	A	P	A	
Theaters	X	C	C	
Club or Lodge	X	A	A	
Eating and Drinking Establishments				
Bars and Lounges	C	A	A	Section 410.03, Alcoholic Beverage Sales Section 410.10, Eating and Drinking Uses Section 410.19, Outdoor Dining and Seating
Restaurants, Full Service	P	P	P	Section 410.03, Alcoholic Beverage Sales Section 410.10, Eating and Drinking Uses Section 410.19, Outdoor Dining and Seating
Restaurants, Limited Service (including Fast Food)	P	P	P	Section 410.03, Alcoholic Beverage Sales Section 410.10, Eating and Drinking Uses Section 410.19, Outdoor Dining and Seating

TABLE 204.02: LAND USE REGULATIONS- MIXED USE DISTRICTS				
	Type			
Use	*MU-N*	*MU-G*	*MU-H*	*Additional Standards*
Restaurant, Take Out Only	P	P	P	Section 410.03, Alcoholic Beverage Sales Section 410.10, Eating and Drinking Uses Section 410.19, Outdoor Dining and Seating
Food and Beverage Sales				
Convenience Market	P	P	P	Section 410.03, Alcoholic Beverage Sales
General Market	P(4)	P(4)	P	
Liquor Store	C(3)	C	C(3)	
Specialty Food Sales and Facilities	P	P	P	
Instructional Services	P(2)	P(2)	P(2)	
Live-Work Quarters	P(2)	P(2)	P(2)	Section 410.14, Live/Work Units
Lodging				
Hotel and Motels	X	A	P	
Maintenance and Repair Services	P(3)	P(3)	P(3)	
Mobile Food Vendor	P	P	P	Section 410.17, Mobile Food Vendor
Office				
Business and Professional	P	P	P	
Medical and Dental	P	P	P	
Walk-In Clientele	P	P	P	
Personal Services				
General Personal Services	P	P	P	Section 410.21, Personal Services and Restricted Personal Services
Restricted Personal Services	X	A	X	
Retail Sales				
General Retail, Small Scale	P	P	P	(A); Section 410.25, Restricted Retail Uses
General Retail, Large Scale	X	C	X	
Industrial				
Artists Studio and Production	P	P	P	
Bus/Rail Passenger Facility	X	P	P	
Transportation, Communication, Utility				
Communication Facilities				
Antennas and Transmission Towers	Subject to existing regulations, including a Conditional Use Permit if certain standards are not met or thresholds exceed			Article 412, Telecommunication Facilities
Facilities within Buildings	X	P	P	
Recycling Facility				
Recycling Collection Facility	P	P	P	Section 410.23, Recycling Facilities
Utilities				
Minor	P	P	P	

TABLE 204.02: LAND USE REGULATIONS- MIXED USE DISTRICTS				
	Type			
Use	*MU-N*	*MU-G*	*MU-H*	*Additional Standards*
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in Section 410.01, Accessory Uses. Home-based businesses also are subject to the additional requirements of Section 410.12, Home Occupation and (C) below.			
Temporary Uses	Requires a Temporary Use Permit, unless exempt; see Section 410.24, Temporary Uses			
Nonconforming Uses	Article 406, Nonconforming Uses & Structures			
1. Pre-existing lots only. 2. Residential on upper floors only. 3. Small-scale, less than 1,000 square feet. 4. Less than 40,000 square feet. 5. Restricted to ground floor.				

A. **Outdoor Retail Sales and Merchandise Display.**

1. ***Location.*** Outdoor retail sales and merchandise displays shall not obstruct ingress and egress to a building, obstruct fire lanes, interfere with vehicular circulation or sight distance, or be located in landscaped areas. Outdoor retail sales and merchandise display areas shall be adjacent to the structure containing the business selling the merchandise.

2. ***Maximum Area.*** Outdoor retail sales and merchandise displays shall not exceed five percent of the GFA as defined in Section 103.03, of the use, or 200 square feet, whichever is less.

3. ***Height.*** Display merchandise shall not exceed a height of six feet above finished grade. Construction equipment including forklifts, boom trucks, cranes, bucket trucks, and similar equipment shall be displayed in an unextended position.

B. **Temporary Use of Parking Area.** The temporary use of a parking area for sales and display is permitted, but cannot obscure the vehicular entrance or building entrance, and must be removed daily unless authorized under a Temporary Use Permit.

C. **Home based Business.** Home based businesses within the MU-H District are subject to Zoning Administrator review and may be approved or conditionally approved, subject to providing minimum necessary site improvements. These improvements may consist of screen walls for approved outdoor storage areas, frontage and screen buffer landscaping and irrigation, dust-proof surfacing for driveways walkways and other exterior areas, and on-site parking and maneuvering improvements necessary to accommodate and serve the proposed home based business.

1. All home-based business uses are subject to the land use regulations in Table 204.02.

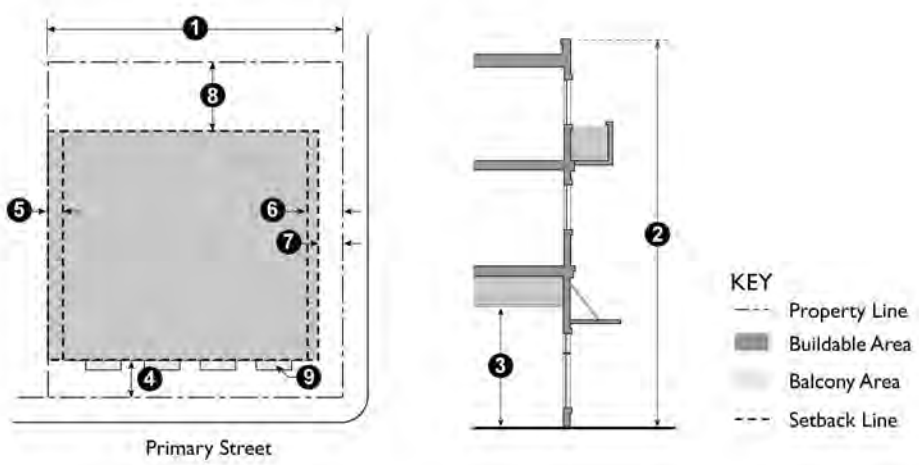
2. The owner or operator of the home-based business does not have to be a full-time resident of the home.

3. The Zoning Administrator shall consider the nature of the proposed use, the number of proposed on-site employees, and the proposed hours of operation to determine necessary conditions of approval.

204.03 Development Standards

Table 204.03, below, prescribes development regulations for the Mixed Use Districts. The first four columns establish minimum requirements for permitted and conditional uses. Letters in parenthesis in the "Additional Regulations" column refer to regulations following the schedule. The letter "Y" in the district column means that the Additional Regulation applies. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in the 400 Series.

TABLE 204.03: DEVELOPMENT STANDARDS - MIXED USE DISTRICTS



Use	Type			Additional Standards	#
	MU-N	MU-G	MU-H		
Lot and Density Standards					
Minimum Lot Area (s/f)	7,000	7,000	7,000		
Minimum Lot Width (ft.)	60	60	50		❶
Maximum Density (Units/net acre)	16	24	24		
Maximum Floor Area Ratio (FAR)	0.8	1.2	1.2	(A)	
Building Form and Location					
Maximum Building Height (ft.)	30	40	40		❷
Minimum Building Height (stories)	2	2	2		
1st Floor Ceiling Height, Non-residential Uses (ft. clear)	12	12	12		❸
Minimum Setbacks (ft.)					

TABLE 204.03: DEVELOPMENT STANDARDS - MIXED USE DISTRICTS					
Front	10	10	10		❹
Interior Side, Residential	5	5	5	(B)	❺
Street Side, Non-Residential	10	10	0		❻
Street Side, Residential	7.5	7.5	7.5	(C)	❼
Rear	20	20	20	(B)	❽
Maximum Front Setback (ft.)	15	20	20	(D)	
Location of Parking	Y	Y	Y	(E)	
Other Standards					
Building Design	Y	Y	Y	(F)	
Outdoor Living Area (s/f per unit)	120	120	100	(G)	❾
Outdoor Retail Sales and Merchandise Display				(H)	
Outdooor Storage	N	N	N	(I)	
Sewer Service and Adequate Public Facility Participation Agreements	N	N	Y	(J)	
Transitions	Y	Y	Y	(K)	
Transparency for Ground-floor Frontages, Non-Residential Uses	Y	Y	Y	(L)	
Additional Standards					
Accessory Structures	Section 401.02, Accessory Structures				
Exceptions to Height Limits	Section 401.08, Exceptions to Height Limits				
Fences and Walls	Section 401.09, Fences and Freestanding Walls				
Landscaping	Section 404, Landscaping				
Lighting	Article 405, Lighting				
Off-Street Parking and Loading	Article 407, On-Site Parking and Loading				
Outdoor Storage	Section 401.10, Outdoor Storage				
Projections into Required Setbacks	Section 401.04, Building Projections into Yards				
Screening	Section 401.11, Screening				
Signs	Article 409, Signs				
Swimming Pools	Section 401.12, Swimming Pools and Spas				
Visibility at Driveways	Section 401.15, Visibility at Intersections and Driveways				

A. **Increased FAR for Mixed Use Buildings.** The maximum allowable FAR may be increased by up to 25 percent for buildings that contain a mix of residential and non-residential uses through the provision of one or more of the following elements beyond what is otherwise required, subject to Conditional Use Permit approval:

1. Car-share or electric car facilities;

2. Additional public gathering space or contribution to a city parks fund supporting new or improved public parks within walking distance;

3. Provision of off-site improvements. This may include off-site amenities and/or infrastructure (other than standard requirements and improvements) such as

pedestrian or right-of-way improvements, public safety facilities, libraries, senior centers, community meeting rooms, or child care; and

4. Provision of green roofs, solar panels, and other green building measures.

B. **Required Side and Rear Yards for Residential Uses.** In order to provide light and air for residential units and additional separation for rooms that contain areas that require additional privacy considerations, the following minimum setbacks apply to any building wall containing windows and facing an interior side or rear yard. When the site is adjacent to a Residential District, the project must comply with whichever standard results in the greater setback. The required setbacks apply to that portion of the building wall containing and extending three feet on either side of any window.

1. For any wall containing living room or other primary room windows, a setback of at least 15 feet shall be provided.

2. For any wall containing sleeping room windows, a setback of at least 10 feet shall be provided.

3. For all other walls containing windows, a setback of at least five feet shall be provided.

C. **Reduced Street Side Setback.** Along local streets only, the street side setback may be reduced to five feet from the lot line if the setback area is completely landscaped.

D. **Maximum Building Setbacks.** The street-facing facades of buildings must be located no farther from street-facing property lines than the maximum setback distance specified in Table 204.03. The following additional provisions apply:

1. ***Corner Properties.*** Where a property fronts on two or more streets, the maximum setback shall be met according to the following provisions.

   a. *Frontage on Two Primary Streets.* New buildings on sites with frontage on two streets may be constructed to the maximum setback line on both frontages.

   b. *Frontage on Three or More Streets.* Properties with frontage on three or more streets must build to the maximum setback lines of at least two of the streets.

2. ***Sites with More than One Building.*** Where there is more than one building on a site, the maximum setback standard must be met for at least 50 percent of the combined ground-level, street-facing facades of all buildings.

3. ***Building Additions.*** For any addition to a building that increases the width of a street-facing facade, 100 percent of the addition must be located on or within the maximum setback until the maximum setback standard for the entire building is met, or as otherwise recommended by the Zoning Administrator to meet the intent of this Code.

4. ***Exceptions to Building Placement Requirements.*** The following exceptions to the build-to requirement are permitted.

   a. *Articulated Building Street Face.* Where a portion of the building is set back from the maximum setback to provide an entry or other feature creating variation in the facade, the total area of the space created by the setback must be less than the area of one square foot per linear foot of building frontage.

   b. *Outdoor Eating Areas.* Where an outdoor eating area will be installed on the street frontage, a portion of the building may be set back up to 12 feet farther than the maximum setback line, if at least 40 percent of the building facade is at the setback line.

   c. *Residential Uses.* For buildings or portions of buildings that are in residential use, open porches located at or within the maximum setback shall count toward meeting the requirement if such porches are at least 10 feet wide and six feet deep.

E. **Location of Parking.** On-site parking areas shall be set back a minimum of 25 feet from streets within a Mixed Use District. Exceptions may be granted for short-term customer parking and drop-off spaces and for pre-existing uses.

F. **Building Design and Signage.** The exterior design of all buildings, including all facades and all signage, shall be coordinated with regard to color, materials, architectural form, and detailing to achieve design harmony, continuity, and horizontal and vertical relief and interest. The design of all buildings and signage shall be compatible with the character of the neighboring area.

   1. ***MU-H District.*** In the MU-H District, the Heritage District Design Guidelines apply and all additions, new development, and rehabilitation of existing structures and commercial business are subject to review and recommendation of compliance by the Heritage District Advisory Committee to determine whether the Guidelines have been met.

G. **Outdoor Living Areas.** As part of the open space required by the Subdivision Code, private or common areas for outdoor living shall be provided for upper-level residential units. Outdoor living areas include balconies, decks, common open space, and rooftop open space.

   1. ***Minimum Dimensions.***

      a. *Private Open Space.* Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.

      b. *Common Open Space and Rooftop Open Space.* Common open spaces and rooftop open spaces with a minimum horizontal dimension of 20 feet shall count towards the open space calculation.

2. ***Minimum Area Required - Private Open Space.***

a. *MU-N and MU-G Districts.* 120 square feet per unit.

b. *MU-H District.* 100 square feet per unit.

c. The amount of outdoor living area provided for individual units may vary based on unit size and location within a project, as long as the average area per unit meets the applicable standard, or as acceptable by the Zoning Administrator to meet the intent of this ordinance.

H. **Outdoor Storage.** Outdoor storage areas for non-residential uses shall be only for retail and live/work uses and shall comply with the following requirements.

1. ***Area.*** Five percent of the gross floor area of the use or 200 square feet, whichever is less.

2. ***Hours.*** Outdoor storage during business hours only.

I. **Sewer Service and Adequate Pubic Facility Participation Agreements – MU-H Zoning District.** Sites within the MU-H Zoning District shall be permitted to develop or redevelop only after the landowner agrees in writing to participate in paying for a fair share of adequate public facility improvement costs, including sanitary sewer services, in a manner acceptable to the City Engineer.

1. The City Engineer may require financial guarantees in the form of bonds or letters of credit or allow payment of fees in lieu to participate in paying the proportional cost of adequate public facilities to serve the site proposed for development.

2. The City Engineer may approve interim solutions for providing sanitary sewer service, should Pinal County permit such interim solution.

3. All requests for improvements to properties within the MU-H District that do not include a commitment or assurance to participate in adequate public facility improvements shall conform to the GR District development standards for setbacks, lot coverage and other requirements.

a. The Hearing Officer may approve a waiver to encroach into the required setback area or exceed the lot coverage established for the GR District for additions and improvements which: 1) conform to the Heritage District Design Guidelines; 2) will not add additional water fixtures or require an increase in water meter size; 3) will not result in additional bedrooms on the lot; 4) meet outdoor screening and storage requirements of this Code; and 5) are consistent with the minimum development standards of the RS-3 Zoning District.

J. **Transitional Standards.** Where a Mixed Use District adjoins an interior lot line in an RS District, the following standards apply:

1. The maximum height within 30 feet of an RS District is 30 feet. From this point, the building height may be increased one foot for each additional foot of upper story building setback to the maximum building height.

2. The building setback from an RS District boundary shall be 25 feet for interior side and rear yards.

K. **Transparency on Ground Floor Frontages for Non-Residential Uses.** Windows, doors, or other openings shall be provided for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. No wall may run in a continuous plane for more than 20 feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

1. ***Exception for Structured Parking Facilities.*** Multi-level parking garages, where permitted, are not required to meet the ground-floor transparency requirement.

2. ***Sites with Multiple Buildings.*** On sites that contain multiple buildings, the building ground-floor transparency requirement does not need to be met along street-facing facades of buildings that are located behind other buildings and not visible from the adjacent public street.

3. ***Reduction through Development Plan Review.*** The transparency requirement may be reduced or waived by the Zoning Administrator upon finding that:

   a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater or communications facility; and

   b. Street-facing building walls will exhibit architectural relief and detail, or will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

L. **Truck Docks, Loading, and Service Areas.** Truck docks, loading, and service areas are not permitted within 25 feet of the boundary of any Residential District. In addition, such loading and service areas must be located on the side or rear of buildings, and may not face a public street or a private street functioning as a public road.

204.04 Review of Plans

Permit and review procedures shall follow the standards and approval criteria in the 500 Series, Administration and Permits.

Article 205 Industrial Districts

Sections:

205.01 Purpose
205.02 Land Use Regulations
205.03 Development Standards
205.04 Review of Plans

205.01 Purpose

The purposes of the Industrial Districts are to:

A. Provide appropriately located areas for continued employment activities to ensure a robust economy that is essential in order for the City to continue to provide the high level of public services that the community expects;

B. Provide for the appropriate location of businesses that may have the potential to generate off-site impacts, while providing compatibility in use and form;

C. Assure high-quality design and site planning of office and employment areas and support the adaptive reuse of industrial buildings that contribute to the character of the City as a whole; and

D. Ensure that new industrial and office development is designed to minimize traffic, parking and impacts on surrounding neighborhoods, and is appropriate to the physical characteristics of the site and the area where the project is proposed.

Additional purposes of each Industrial District:

LI Light Industrial. This District is intended to accommodate a diverse range of existing industrial uses that provide a job base and affordable space for small-scale industrial and manufacturing businesses. Allowable land uses within this district include light industrial uses, including but not limited to businesses engaged in design, development, manufacturing, fabricating, testing, or assembly of various products, which provide important community services and employment for workers with various skills. This District also allows general service, research and development, biotechnology, warehousing, and service commercial uses. It includes industrial complexes, flex

space, and industrial buildings for single and multiple uses, warehouses, mini-storage, wholesale, commercial recreation, and other related uses. Small-scale retail and ancillary office uses are also permitted.

GI General Industrial. This District is intended to accommodate the broadest range of industrial uses on sites identified as "Employment" in the General Plan. These intensive uses include but are not limited to manufacturing, processing, assembly, research, wholesale, storage, and distribution activities that are essential to a balanced economic base. Small-scale commercial services and ancillary office uses are also permitted.

IP Industrial Park. This District is intended to provide for office and advanced technology uses, scientific research, and limited manufacturing of related products which require large expanses of floor area on large parcels. Development intensity is intended to provide for office uses and other uses within a campus-like environment that will be compatible with abutting residential neighborhoods, especially in terms of scale and building mass.

205.02 Land Use Regulations

Table 205.02 below prescribes the land use regulations for "Industrial" Districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"A" designates use classifications that are permitted after review and approval of an Administrative Use Permit.

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning Commission.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"X" designates uses that are not permitted.

TABLE 205.02: LAND USE REGULATIONS - INDUSTRIAL DISTRICTS				
	Type			
Uses	*LI*	*GI*	*IP*	*Additional Standards*
Agricultural				
Animal and Crop Production				
Urban Agriculture	A	P	X	
Public and Semi-Public				
Colleges and Trade Schools, Public and Private	A	A	A	
Day Care Facility	X	X	C	Section 410.08, Day Care Facilities
Government Buildings	P	P	P	

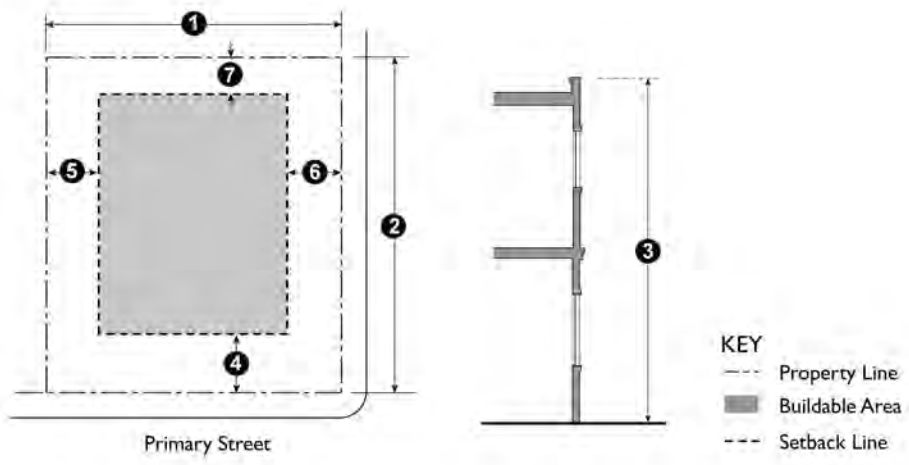
TABLE 205.02: LAND USE REGULATIONS - INDUSTRIAL DISTRICTS				
	Type			
Uses	*LI*	*GI*	*IP*	*Additional Standards*
Hospitals and Clinics				
Clinic	A	X	A	Section 410.13, Hospitals and Clinics
Public Safety Facility	P	P	P	
Commercial				
Adult Oriented Businesses	C(1)	X	X	Section 410.02, Adult Oriented Business
Animal Sales, Care and Services				
Animal Sales and Grooming	P	X	X	Section 401.03, Animal-Keeping
Small Animal Day Care	P	X	X	
Automobile/Vehicles Sales and Services				
Automobile/Vehicle Repair, Minor	P	X	X	
Automobile/Vehicle Repair, Major	P	P	X	Section 410.05 Automobile/Vehicle Service and Repair, Major
Automobile/Vehicle Sales and Leasing	P	P	P	Section 410.04, Automobile/Vehicle Sales and Leasing
Automobile/Vehicle Washing and Services	P(3)	P(3)	X	Section 410.06, Automobile/Vehicle Service Stations and Washing
Large Vehicle and Equipment Sales, Service, and Rental	P	X	X	
Service Station	P(3)	P(3)	X	
Towing and Impound	X	P	X	
Building Materials Sales and Service	X	P	X	
Business Services	P	X	P	
Commercial Kitchen	P	P	A	
Eating and Drinking Establishments				
Restaurants, Full-service	A	A	A	Section 410.10, Eating and Drinking Establishments
Restaurant, Take Out Only	A	X	A	Section 410.09 Drive In and Drive Through Facilities, Including Fast-Food Facilities
Food and Beverage Sales				
Convenience Market	P	M	X	Section 410.03 Alcoholic Beverage Sales
Light Fleet-Based Services	P	P	X	
Maintenance and Repair Services	P	P	P	
Medical Marijuana Uses				
Mobile Food Vendor	P	P	P	Section 410.17, Mobile Food Vendor
Cultivation	X	C	X	Section 410.16, Medical Marijuana Uses
Nurseries and Garden Centers	P	P	X	
Retail Sales				
General Retail, Small Scale	A(2)	X	X	Section 410.25, Restricted Retail Uses
Industrial				
Artists Studio and Production	P	P	X	
General Industrial	X	P	X	
Light Industrial	P	P	P	
Research and Development	P	P	P	
Salvage and Wrecking	X	P	X	

TABLE 205.02: LAND USE REGULATIONS - INDUSTRIAL DISTRICTS				
	Type			
Uses	*LI*	*GI*	*IP*	*Additional Standards*
Storage and Warehouse				
Chemical and Mineral Storage	X	A	X	
Indoor Warehousing and Storage	P	X	X	
Outdoor Storage	C	P	X	
Personal Storage	P	X	X	
Wholesaling and Distribution	P	P	A	
Transportation, Communication, Utility				
Airports and Heliports	C	C	C	
Bus/Rail Passenger Facilities	P	P	P	
Communication Facilities				
Antennas and Transmission Towers	Subject to existing regulations, including a Conditional Use Permit if certain standards are not met or thresholds exceeded.			Article 412, Telecommunication Facilities
Facilities within Buildings	P	P	P	
Freight/Truck Terminals and Warehouses	X	P	X	
Recycling Facility				
Recycling Collection Facility	P	P	X	
Recycling Processing Facility	X	P	X	
Utilities				
Major	X	A	X	
Minor	P	P	P	
Waste Transfer Facility	X	C	X	
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in Section 410.01, Accessory Uses			
Temporary Uses	Require a Temporary Use Permit, unless exempt; see Section 410.24, Temporary Uses			
Nonconforming Uses	Article 406, Nonconforming Uses & Structures			
1. Upper floors only. 2. Small-scale, less than 1,000 square feet, goods produced on-site.				

205.03 Development Standards

Table 205.03, below, prescribes development regulations for the Industrial Districts. The first four columns establish minimum requirements for permitted and conditional uses. Letters in parenthesis in the "Additional Regulations" column refer to regulations following the schedule. The letter "Y" in the district column means that the Additional Regulation applies. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table. Regulations applicable to multiple districts are in the 400 Series.

TABLE 205.03: DEVELOPMENT STANDARDS - INDUSTRIAL DISTRICTS



	Type			Additional Standards	#
	LI	*GI*	*IP*		
Lot and Density Standards					
Minimum Lot Area (s/f)	10,000	10,000	20,000		
Minimum Lot Width (ft.)	100	100	100		❶
Minimum Lot Depth (ft.)	100	100	100		❷
Building Form and Location					
Maximum Building Height (ft.)	40	40	40		❸
1st Floor Ceiling Height (ft. clear)	15	15	15		
Setbacks (ft.)					
Front	25	35	25		❹
Interior Side	20	25	20		❺
Street Side	20	25	20		❻
Rear	15	20	15		❼
Additional Standards					
Outdoor Storage and Screening	N	Y	N	(A), (B)	
Transitions	Y	Y	Y	(C)	
Truck Docks, Loading and Service Areas	Y	Y	Y	(D)	

Additional Standards	
Accessory Structures	Section 401.02, Accessory Structures
Exceptions to Height Limits	Section 401.08, Exceptions to Height Limits
Fences and Walls	Section 401.09, Fences and Freestanding Walls
Landscaping	Section 404, Landscaping
Lighting	Article 405, Lighting
Off-Street Parking and Loading	Article 407, On-Site Parking and Loading
Outdoor Storage	Section 401.10, Outdoor Storage

TABLE 205.03: DEVELOPMENT STANDARDS - INDUSTRIAL DISTRICTS	
Projections into Required Setbacks	Section 401.04, Building Projections into Yards
Screening	Section 401.11, Screening
Signs	Article 409, Signs
Swimming Pools	Section 401.12, Swimming Pools and Spas
Visibility at Driveways	Section 401.15, Visibility at Intersections and Driveways

A. **Outdoor Storage.** In addition to the requirements of Section 401.10, Outdoor Storage, in the LI District, outdoor storage shall be screened so as not to be visible from public areas.

B. **Screening and Separation of Parking Areas.** In the Industrial Districts, parking areas located between a building and street shall be screened with a screening wall or berm at least 3.5 feet high. In addition, parking areas shall be separated from on-site buildings by a distance of at least 10 feet, which shall be landscaped and may also include a pedestrian walkway. Exceptions to this requirement may be granted in the GI District for a use located in the interior of the district, not on the perimeter.

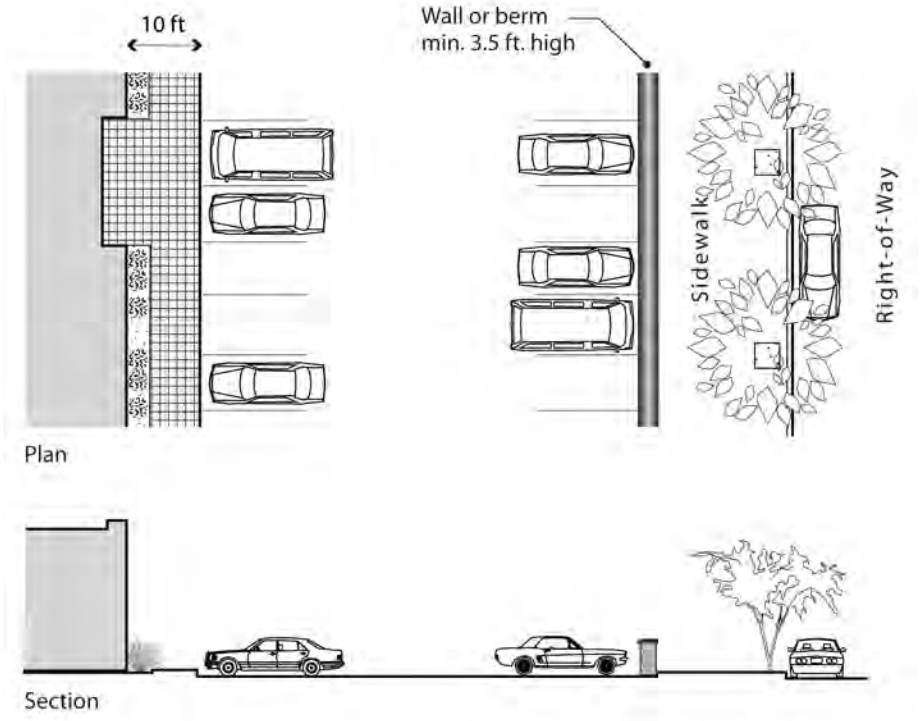


FIGURE 205.03.B: SCREENING AND SEPARATION OF PARKING AREA

C. **Transitional Standards**. Where an Industrial District adjoins an interior lot line in a Residential District, the following standards apply:

1. The maximum height within 40 feet of an Residential District is 30 feet. From this point, the building height may be increased one foot for each additional foot of upper story building setback to the maximum building height.

2. The minimum building setback from a Residential District boundary shall be 40 feet.

3. There shall be a minimum 40 foot landscape buffer from any Residential District lot line.

D. **Truck Docks, Loading, and Service Areas.** Truck docks, loading, and service areas are not permitted within 40 feet of the boundary of any Residential District. In the IP District, such loading and service areas must be located from the side or rear of buildings, and may not face a public street or a private street functioning as a public road.

205.04 Review of Plans

Permit and review procedures shall follow the standards and approval criteria in the 500 Series, Administration and Permits.

Article 206 Public and Institutional Districts

Sections:

206.01 Purpose
206.02 Land Use Regulations
206.03 Development Standards
206.04 Review of Plans

206.01 Purpose

The purposes of the Public and Institutional Districts are to:

A. Provide areas for a wide range of public facilities, including parks and open space, educational facilities, cultural and institutional uses, health services, municipal offices, general government operations, utility and public service needs, and other public or quasi-public facilities;

B. Ensure that the development and operation of public and semi-public uses protects and enhances the character and quality of life of surrounding residential areas;

C. Ensure the provision of services and facilities needed to serve residents, businesses, and visitors and maintain a high quality of life; and

D. Provide opportunities for outdoor recreation and meet the recreational needs of Maricopa's residents.

Additional purposes of each Public and Institutional District:

OP Open Space (Subdistrict designators: -PR Parks and Recreation -POS Privately-owned Open Space -C Conservation Open Space). This District and its Subdistricts are intended for undeveloped park lands and permanent open spaces in the community, including environmentally sensitive lands and wildlife corridors, waterways, and deserts. It is also intended to safeguard the health, safety, and welfare of the people by limiting development in areas where police and fire services, protection against flooding by storm water, and mitigation of excessive erosion are not possible without excessive costs to the community. This District may include trails and other low

impact public recreational uses to implement the City's Open Space and Trails Master Plan. Access may be restricted to areas of sensitive habitat or which pose a danger to the public.

PI Public-Institutional. This District is for public or quasi-public facilities, including but not limited to, City facilities, utilities, schools, health services, corporation yards, utility stations, telecommunications facilities, and similar uses. Accessory retail uses and services, including food facilities and childcare, are permitted.

206.02 Land Use Regulations

Table 206.02 below prescribes the land use regulations for "Public and Institutional" Districts. The regulations for each District are established by letter designations as follows:

"P" designates permitted uses.

"A" designates use classifications that are permitted after review and approval of an Administrative Use Permit.

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit by the Planning commission.

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table.

"X" designates uses that are not permitted.

TABLE 206.02: LAND USE REGULATIONS- PUBLIC AND INSTITUTIONAL DISTRICTS

Uses	*Types*				*Additional Regulations*
	OS-PR	*OS-POS*	*OS-C*	*PI*	
Agricultural					
Animal and Crop Production					
Large Scale	X	P	X	X	Section 401.03, Animal Keeping
Urban Agriculture	A(1)	P	X	X	
Animal and Crop Sales	X	P	X	X	
General Agricultural	X	P	X	X	
Public and Semi-Public					
Cemetery	X	A	X	A	
Colleges and Trade Schools, Public and Private	X	X	X	P	
Community Assembly	X	X	X	P	Section 410.07, Community Assembly
Cultural Facilities	X	X	X	P	
Day Care Facility	X	X	X	P	Section 410.08, Day Care Facilities
Educational Facility, Public and Private	X	X	X	P	

TABLE 206.02: LAND USE REGULATIONS- PUBLIC AND INSTITUTIONAL DISTRICTS					
	Types				
Uses	*OS-PR*	*OS-POS*	*OS-C*	*PI*	*Additional Regulations*
Government Buildings	P	X	X	P	
Hospitals and Clinics					
Hospital	X	X	X	C	Section 410.13, Hospitals and Clinics
Clinic	X	X	X	P	
Parks and Recreation Facilities, Public	P	P	A(2)	P	
Public Safety Facility	P	X	X	P	
Commercial					
Commercial Entertainment and Recreation					
Small Scale Facility	C	C	X	C	
Large Scale Facility	C	C	X	C	
Golf Courses and Resorts	C	C	X	X	
Club or Lodge	C	C	X	X	
Transportation, Communication, Utility					
Airports and Heliports	X	X	X	C	
Bus/Rail Passenger Facilities	X	X	X	A	
Communication Facilities					
Antennas and Transmission Towers	Subject to existing regulations including a Conditional Use Permit if certain standards are not met or thresholds exceeded				Article 412, Telecommunication Facilities
Facilities within Buildings	X	X	X	P	
Utilities					
Major	C	C	X	C	
Minor	P	P	X	P	
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in Section 410.01, Accessory Uses				
Temporary Uses	Require a Temporary Use Permit, unless exempt; see Section 410.26, Temporary Uses				
Nonconforming Uses	Article 406, Nonconforming Uses & Structures				
1. Community gardens only. 2. Applicable to trails and trailhead related improvements.					

206.03 Development Standards

Table 206.03, below, prescribes development regulations for the Public and Institutional Districts. The first five columns establish minimum requirements for permitted and conditional uses. Letters in parenthesis in the "Additional Regulations" column refer to regulations following the schedule. The letter "Y" in the district column means that the Additional Regulation applies. Regulations applicable to multiple Districts are in the 400 Series.

TABLE 206.03: DEVELOPMENT STANDARDS - OTHER DISTRICTS					
	Types				*Additional Regulations*
	OS-PR	*OS-POS*	*OS-C*	*PI*	
Lot and Density Standards					
Minimum Site Area	None				
Building Form and Location					
Maximum Building Height (ft.)	45	35	n/a	45	
Setbacks (ft)					
Front	20	25	n/a	20	
Interior Side	20	25	n/a	15	
Street Side	20	25	n/a	15	
Rear	20	25	n/a	20	
Additional Standards					
Transitions	Y	Y	n/a	Y	(A)
Additional Standards					
Accessory Structures	Section 401.02, Accessory Structures				
Exceptions to Height Limits	Section 401.08, Exceptions to Height Limits				
Fences and Walls	Section 401.09, Fences and Freestanding Walls				
Landscaping	Section 404, Landscaping				
Lighting	Article 405, Lighting				
Off-Street Parking and Loading	Article 407, On-Site Parking and Loading				
Outdoor Storage	Section 401.10, Outdoor Storage				
Projections into Required Setbacks	Section 401.04, Building Projections into Yards				
Screening	Section 401.11, Screening				
Signs	Article 409, Signs				
Swimming Pools	Section 401.12, Swimming Pools and Spas				
Visibility at Driveways	Section 401.15, Visibility at Intersections and Driveways				

A. **Transitional Standards**. Where a Public and Institutional District adjoins an interior lot line in an Residential District, the following standards apply:

1. The maximum height within 40 feet of a Residential District is 30 feet. From this point, the building height may be increased one for each additional foot of upper story building setback to the maximum building height.

2. The minimum building setback from a Residential District boundary shall be 25 feet.

206.04 Review of Plans

Permit and review procedures shall follow the standards and approval criteria in the 500 Series, Administration and Permits.

Article 207 Planned Area Development District

Sections:

207.01 Purpose
207.02 Minimum Area
207.03 Zoning Map Designation
207.04 Land Use and Development Standards
207.05 Procedures
207.06 Development Review Permit

207.01 Purpose

The specific purpose of the Planned Area Development District (PAD) is to provide opportunities for creative development approaches that will achieve superior community design, environmental preservation, and public benefit, in comparison to subdivision and development under Base District regulations. The PAD District is intended to support the Subdivision Code and accommodate both Planned Area Development and Master Planned Development subdivisions, which conform to the guiding principles, general provisions, and specific requirements for such development established in the Subdivision Code.

207.02 Minimum Area

The minimum area of a PAD District shall be 30 contiguous acres. The City Council may approve a PAD District that contains less than 30 acres, but at least five acres, upon a finding that special site characteristics exist and that the proposed development will result in specific community benefits.

207.03 Zoning Map Designation

A PAD District shall be noted on the Zoning Map by the designation "PAD," followed by the number of the Planned Area Development Plan based on order of adoption or, for pre-existing PADs, alphabetical order.

207.04 Land Use and Development Standards

A. **Permitted Uses.** No use other than an existing use shall be permitted in a PAD District, except in accord with a valid PAD Plan. Land uses shall be established by the approved PAD Plan. Land uses within a PAD District must be consistent with the Land Use Plan, Land Use Category definitions, and policies of the Maricopa General Plan.

B. **Residential Unit Density.** Except where a density bonus is granted in compliance with the City's voluntary density bonus regulations, the total number of dwelling units in a PAD Plan shall not exceed the maximum number permitted by the General Plan density for the total area of the planned development designated for residential use, excluding areas devoted to public and private streets, public facilities and permanent open space which is restricted from development by recorded covenants.

C. **Other Development Regulations.** Other development regulations shall be as prescribed by the PAD Plan or, if the PAD Plan does not address a specific topic, by the regulations in the 400 Series of this Code.

207.05 Procedures

A PAD District must be adopted by the City Council as a rezoning, according to the procedures and criteria of Article 509, and the provisions of this Article. An application for a rezoning to the PAD District shall be accompanied by a Planned Area Development Plan, which will be processed according to the procedures and criteria for a Conditional Use Permit in Article 504, and the provisions of this Article. Procedures for Planned Area Development and Master Plan Development subdivisions are in the Subdivision Code.

207.06 Development Review Permit

Plans for a project in a PAD District shall be accepted for Development Review Permit and building permits or subdivision approval only if they are consistent with an approved PAD Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration, or use is consistent with an approved PAD Plan. Permit and review procedures shall follow the standards and approval criteria in the 500 Series, Administration and Permits.

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300 SERIES
OVERLAY DISTRICTS

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Article 301 MP Master Plan Required Overlay District

Sections:

301.01 Specific Purposes
301.02 Applicability and Zoning Map Designator
301.03 Land Use Regulations
301.04 Development Standards
301.05 Initiation
301.06 Required Plan and Materials
301.07 Minimum Lot Size; Maximum Number of Dwelling Units
301.08 Approval of a Master Plan
301.09 Amendments to Adopted Master Plan
301.10 Expiration and Renewal; Changed Plans
301.11 Development Plan Review

301.01 Specific Purposes

In addition to the general purposes listed in Article 101, the specific purposes of the MP Master Plan Required Overlay District are to:

A. Ensure orderly planning for the development of large, non-subdivided areas of the City with unique characteristics, consistent with the General Plan;

B. Maintain an environmental equilibrium consistent with existing vegetation, soils, geology, topography, and drainage patterns;

C. Avoid premature or inappropriate development that would result in incompatible uses or create public service demands exceeding the capacity of existing or planned facilities; and

D. Promote sensitive site planning and design.

The MP Overlay District is a proactive designation by the City. By contrast, the Subdivision Code establishes procedures for applicants to initiate proposals for approval of Master Planned Developments for projects on 320 acres or more. Zoning for the development of a Master Plan

Development under the Subdivision Code will be processed and approved by the City, prior to the discussion of an application for a preliminary plan.

301.02 Applicability and Zoning Map Designator

The MP Master Plan Required Overlay District may be combined with any Zoning District and applied to an area at least five acres in size. Each MP Master Plan Required Overlay District shall be shown on the Zoning Map by adding an "-MP" designator to the Zoning District designation and a Master Plan shall be required for all development, consistent with the provisions of Sections 301.03 through 301.08.

301.03 Land Use Regulations

Land use regulations shall be those of the Zoning District with which the MP District is combined, provided that no new or expanded use requiring a use permit may be approved unless the Master Plan has been approved.

301.04 Development Standards

Development standards shall be those of the Zoning District with which an MP District is combined, unless modified by an approved Master Plan. No subdivision of land is permitted, except in accord with an approved Master Plan.

301.05 Initiation

A Master Plan may be initiated by the City Council or the Planning & Zoning Commission or by a petition of property owners under the procedures established by Article 509. If the property is not under a single ownership, all owners shall join the application, and a map showing the extent of ownership shall be submitted with the application.

301.06 Required Plan and Materials

Each Master Plan shall set forth the area within the Master Plan boundaries a specific land use and circulation system concept that is consistent with the General Plan and the Subdivision Code, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. The following plans and materials shall be submitted, provided that the Zoning Administrator may waive submission of items deemed unnecessary:

A. A map showing proposed Master Plan boundaries and the relationship of the area to uses and structures within a 300-foot radius of the plan area boundaries.

B. A map of the Master Plan area showing sufficient topographical data to indicate clearly the character of the terrain, and the type, location, and condition of mature trees and other natural vegetation.

C. A site plan indicating the existing and proposed uses, building locations, gross floor area, lot coverage, height, parking and density, and a circulation plan.

D. A preliminary development schedule indicating sequence and timing of development.

E. Guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, and landscape concepts.

F. A preliminary soils engineering report including but not limited to data regarding the nature, distribution, and strengths of existing soils; conclusions and recommendations for grading procedures; design criteria for any identified corrective measures; and opinions and recommendations covering the adequacy of sites to be developed. The investigation shall be compiled by an Arizona-registered soils or geotechnical engineer and shall be subject to approval of the City Engineer. The applicant may be required to provide a second opinion from a City-approved soils or geotechnical engineer, at the discretion of the City Engineer.

G. A geology report including but not limited to the surface and sub-surface geology of the site; degree of seismic hazard; conclusions and recommendations regarding the effect of geologic conditions on the proposed development; opinions and recommendations covering the adequacy of sites to be developed; and design criteria to mitigate any identified geologic hazards. The investigation and report shall be compiled by an Arizona-registered geologist or engineering geologist and shall be subject to approval of the City Engineer. The applicant may be required to provide a second opinion from a City-approved geologist or engineering geologist, at the discretion of the City Engineer.

H. A drainage report including but not limited to the hydrologic conditions on the site and hydraulic characteristics of the floodway or wash; possible flood inundation with existing development and with future development under the General Plan; downstream flood hazards, including cumulative impacts of development in the drainage basin; natural drainage courses; the capacity and location of existing and proposed drainage facilities; conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development and the proposed drainage system; opinions and recommendations covering the adequacy of the site to be developed; and design criteria to mitigate any identified drainage related hazards, including cumulative impacts consistent with these regulations. Furthermore, this report shall account for drainage course morphology, all runoff and debris from tributary areas, and shall provide consideration for each lot or dwelling unit site. The investigation and report shall be compiled by an Arizona-registered civil engineer experienced in hydrology and hydraulic investigation and shall be subject to approval of the City Engineer. The applicant may be required to provide a second opinion from a City-approved civil engineer, at the discretion of the City Engineer.

301.07 Minimum Lot Size; Maximum Number of Dwelling Units

The Planning & Zoning Commission may approve a Master Plan including lots smaller than those required by the Zoning District, but shall not approve a total number of dwelling units in a subdivision greater than permitted by the General Plan density limitations. Restrictions on the number of dwelling units permitted shall be recorded with a subdivision map prior to acceptance of applications for Development Plan Review.

301.08 Approval of a Master Plan

A. **General Procedures.** An application for approval of a Master Plan shall be processed as a Zoning Map Amendment in accord with the provisions of Article 509.

B. **Required Findings.** In addition to the findings required by Article 509, the Planning & Zoning Commission and City Council shall find that the proposed Master Plan:

1. Conforms to the General Plan;

2. Offers the potential for superior community design and environmental preservation in comparison with subdivision and development under Base Zoning District regulations and the Subdivision Code;

3. Substantially complies with the land use and development regulations of the Base Zoning District and does not significantly alter the regulations; and

4. Can be adequately, reasonably, and conveniently served by public services, utilities, and public facilities.

C. **Amended Zoning Map Designator.** Adopted Master Plans shall be indicated on the Zoning Map by adding a number to the "-MP" designator based on order of adoption and reference to the ordinance approving the Master Plan.

301.09 Amendments to Adopted Master Plan

Procedures for an amendment to an adopted Master Plan shall be initiated in the same manner as an application for a Zoning Map amendment prescribed by Article 509.

301.10 Expiration and Renewal; Changed Plans

A. **Expiration.** A Master Plan shall become void two years following the date of approval, unless actions specified in the conditions of approval have been taken or unless the original approval was for a stated period longer than two years.

B. **Renewal.** An approved Master Plan may be renewed for a period approved by the Planning & Zoning Commission after a duly-noticed public hearing. Application for

renewal shall be made in writing between 30 and 60 days prior to lapse of the original approval.

C. **Modified Plans.** A request for change boundaries of a Master Plan or modifications that are determined not to be minor in scope by the Zoning Administrator, shall be treated as a new application for a Zoning Map amendment.

D. **Minor Modifications of Approvals**. The Zoning Administrator may approve minor modifications to approved plans that are consistent with the original findings and conditions approved that would not intensify any potentially detrimental effects of the project.

301.11 Development Plan Review

Plans for a project requiring a Master Plan shall be accepted for Development Plan Review only if they are consistent with an approved Master Plan and with all other applicable requirements of this Code.

Article 302 TC Transportation Corridor District

Sections:

302.01 Purpose
302.02 Boundaries
302.03 Applicability
302.04 Prohibited Uses
302.05 Development Standards
302.06 Review of Plans

302.01 Purpose

The purpose of this Article is to promote an appropriate mixture and density of activity that enhances the character of the major gateways and transportation corridors in the City. This Overlay District regulates land uses and establishes development standards in order to prevent developments which would conflict with the vision in the General Plan for these corridors or interrupt the transit, bicycle, and pedestrian experience. The specific objectives of this District are to:

A. Promote and develop livable and sustainable neighborhoods;

B. Allow for a mix of uses to create an environment that engages people at the pedestrian scale;

C. Achieve a pattern of development that is conducive to walking and bicycling; and

D. Create fine-grained detail in architectural and urban form that provides interest and complexity at the level of the pedestrian and bicyclist.

302.02 Boundaries

The location and boundaries of the Transportation Corridor Overlay District are established as shown on Zoning Map.

302.03 Applicability

This Article applies to all land use and development activity within the boundaries of the Transportation Corridor (TC) Overlay District except existing properties within the Residential Manufactured Home Park Districts, Open Space-Parks and Recreation Districts, and Planned Area Development Areas approved prior to the date of the adoption of this Overlay. Regulations contained in this Article supplement and modify the provisions in the underlying Zoning Districts.

302.04 Prohibited Uses

A. The following uses are prohibited within the TC Overlay District:

1. Adult Entertainment;
2. General Industrial Uses;
3. Light Fleet-Based Services;
4. Light Industrial Uses;
5. Manufactured Home Parks, except in RHMP Districts;
6. Medical Marijuana Uses;
7. Off-Track Betting Establishments;
8. Salvage and Wrecking;
9. Storage and Warehouse Uses; and
10. Tobacco Paraphernalia Establishments.

302.05 Development Standards

In the TC Overlay District, the following additional development standards apply:

A. **Setbacks and Build-To Lines.**

1. At least 50 percent of the length of the ground floor street-facing façade of the building must be at or within 10 feet of the required setback of the Base Zoning District. When a building fronts onto more than one public street, these standards shall be met for each street.

2. Where the minimum front yard setback is zero feet for the Base Zoning District and the street front right-of-way line is eight feet or less from the back-of curb, buildings must be setback on the ground floor to allow a dedicated 14 foot back-

of-curb right-of-way or pedestrian easement to accommodate pedestrian activity on the street front of the building.

3. Features, such as overhangs, porticos, balconies, arcades, and similar architectural features placed on the front (street facing) side of the building are allowed within the setback, provided they do not exceed the limits on projections into setbacks established in Article 401.

B. **Building Entrances.**

1. New commercial, government, and mixed-use buildings shall provide a primary building entrance that either faces an adjacent street or is placed at an angle of up to 45 degrees from an adjacent street, measured from the street property line.

2. When located at the intersection of two public streets, the building shall provide one of the following:

   a. Provide two primary entrances, one facing each street;

   b. Orient one primary entrance to both streets by placing the entrance on the street corner; or

   c. Place one entrance so that it is no more than 20 feet from either street.

3. When a building or development consists of more than 600 linear feet of street frontage, pedestrian access into the site shall be provided by means of an opening in the building frontage, such as a courtyard, breezeway, or other means of access.

C. **Ground Floor Windows.**

1. Ground floor windows shall be provided in at least 50 percent of the buildings length and 25 percent of the ground level wall area of all building facades that face a street or plaza. Ground floor requirements shall apply to the area of the façade between three and eight feet above the adjacent finish grade or public sidewalk, whichever is greater.

2. Required window areas must be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows set into the wall. Display cases attached to the outside of the wall do not qualify. The bottom of the windows must be more than three feet above the adjacent finish grade or public sidewalk. Transparent areas shall allow views into the structure or into display windows from the outside. Only clear or lightly tinted glass with up to 50 percent transparence for windows, doors, and display windows shall be considered transparent. Opaque, etched, frosted, or mirrored glass is not transparent.

D. **Automobile Use Garage Openings.** Openings for Automobile Uses, such as garage door bays used to access vehicles into and out of a building for repair, must be located on facades that do not face the street.

E. **Parking Location.** Parking shall be provided on the side or behind buildings, except for drop-off and pick-up areas, which may be located at a building entry.

F. **Loading and Service Area Location.** Loading, service, and refuse areas shall be located in the rear half of the lot and screened from view from the front of the lot with walls, trellises, planning, berms, or by integration into the design of the building.

G. **Landscape and Public Monument Standards.** Applicable landscaping requirements set forth in Article 404, Landscaping, shall be increased by one and a half times, and include at least 25 percent of the number of ornamental and overstory trees exceeding minimum size requirements in the front yard.

1. Plant materials within five feet of sidewalks shall not include any plants with thorns, spines, or sharp materials.

2. At gateways, City monument signs, shall be installed as approved by the Zoning Administrator.

H. **Dedication of Necessary Easements.** The Zoning Administrator may require dedication of necessary easements to accommodate enhanced landscaping and utilities

302.06 Review of Plans

Permit and review procedures shall follow the standards and approval criteria in the 500 Series, Administration and Permits.

Article 303 TOD Transit-Oriented Development Overlay District

Sections:

303.01 Purpose
303.02 Land Use Regulations
303.03 Development Standards
303.04 Review of Plans

303.01 Purpose

A. **Specific Purposes.** The Transit-Oriented Development (TOD) Districts are intended to:

1. Promote an appropriate mixture and density of activity around future light rail and heavy rail transit stations that may be built in the City in order to maximize the potential for transit ridership and promote alternative modes of transportation to the automobile;

2. Support transit by ensuring convenient access for nearby residents, and by limiting conflicts between vehicles, pedestrians, and transit operations;

3. Require ground-floor uses that support pedestrian activity;

4. Establish standards for buildings and sites that provide a quality of urban design that attracts and encourages pedestrian activity; and

5. Provide a high level of amenities that creates a comfortable environment for pedestrians, bicyclists, and other uses.

B. **Specific Purposes of Each District.** There are two Transit-Oriented Development Districts:

1. *TOD-1.* The TOD-1 District is generally applied to areas within one-eighth of a mile (660 feet) of high-capacity transit station areas and associated intermodal facilities. These primary station areas are expected to have a high-density mixed use character.

2. *TOD-2.* The TOD-2 District is generally applied to areas between one-eighth and one-quarter of a mile (1,320 feet) of high-capacity transit station areas and associated intermodal facilities. These secondary station areas are expected to have a medium-density residential character along with a mix of commercial and office use.

303.02 Land Use Regulations

A. **Allowed Uses.** Table 303.02.A states the land use regulations for the TOD-1 and TOD-2 Districts. The regulations for each District are established by letter designations listed below. These designations apply strictly to the permissibility of land uses; applications for buildings or structures may require site plan or design review. Use classifications not listed in the table are prohibited.

"P" designates uses permitted as-of-right that require no discretionary review if all applicable standards are met.

"A" designates uses permitted as-of-right subject to limitations on location, size or other characteristics to ensure compatibility with surrounding uses. Limitations are referenced by letter designations and listed at the bottom of the table.

"C" designates uses that may be permitted following review and approval of a Use Permit.

"–" designates uses that are not permitted.

The "Additional Regulations" column notes additional regulations that apply to particular land uses, including sections of Article 410, Standards for Specific Uses.

TABLE 303.02.A: USE REGULATIONS—TOD DISTRICTS

Use Classifications	*TOD-1*	*TOD-2*	*Additional Regulations*	*Qualifies for Ground-floor Requirement of Subsection (B)*
Residential Use Classifications				
Single-Unit Dwelling, Attached	P	P	Minimum density required for residential-only developments. See Table 303.03-A.	No
Multiple-Unit Residential	P	P	Minimum density required for residential-only developments. See Table 303.03-A.	No
Public and Semi-Public Use Classifications				
College and Trade Schools, Public or Private	P	P		No
Community Assembly	P	P	Section 410.07, Community Assembly	No
Cultural Facilities	C	C		No
Day Care Centers	P	P	Section 410.08, Day Care Facilities	No

TABLE 303.02.A: USE REGULATIONS—TOD DISTRICTS				
Use Classifications	*TOD-1*	*TOD-2*	*Additional Regulations*	*Qualifies for Ground-floor Requirement of Subsection (B)*
Government Buildings	C	C	Limited to customer-serving government offices such as post office branches.	Yes
Parks and Recreation Facilities, Public	P	P		Exempt
Schools, Public or Private	C	C		No
Commercial Use Classifications				
Animal Care, Sales and Services				
Animal Sales and Grooming	C	C		Yes
Automobile/Vehicle Sales and Service				
Service Station	X	C	Section 410.06, Automobile/Vehicle Service Stations and Washing	No
Banks and Credit Unions	P	P		No
With Drive-Through Facilities	X	X		No
Eating and Drinking Establishments				
Bars/Lounges	A(1)	A(1)	Section 410.03, Alcoholic Beverage Sales Section 410.10 Eating and Drinking Uses Section 410.17, Outdoor Dining and Seating	Yes
Restaurants, Full-Service	P	P		Yes
Restaurants, Limited Service	P	P		Yes
With Drive-Through Facilities	X	X		No
With Outdoor Seating Areas	C	C		Yes
Food and Beverage Sales				
Convenience Market	C	C	Section 410.02, Adult Oriented Businesses	Yes
General Market	P	P		Yes
Live-Work Units	P	P	Section 410.14, Live/Work Units	No
Lodging	P	P		If active uses such as restaurants and lobbies included.
Offices				
Business and Professional	A(2)	A(2)		No
Medical and Dental	A(2)	A(2)		No
Walk-in Clientele	P	P		Yes
Parking Facility	C	C		No
Personal Services	P	P	Section 410.21, Personal Services and Restricted Personal Services	Yes
Retail Sales				
General, Small-Scale	P	P		Yes
General, Large-Scale	X	X		No

TABLE 303.02.A: USE REGULATIONS—TOD DISTRICTS				
Use Classifications	*TOD-1*	*TOD-2*	*Additional Regulations*	*Qualifies for Ground-floor Requirement of Subsection (B)*
Tobacco Paraphernalia Establishments	X	X		No
Transportation, Communication, and Utilities Use Classifications				
Bus/Rail Passenger Terminals	P	P		Exempt
Utilities, Minor	P	P		No
1. Permitted if located at least 300 feet from any Residential District. Requires a Conditional Use Permit if located closer than 300 feet from a Residential District. 2. Permitted on upper floors above the ground level.				

B. **Required Ground Floor Uses.** Within the TOD Districts, buildings and parking structures shall be designed and constructed for occupancy of at least 50 percent of the ground-floor building frontage facing any street or transit station with one or more of the uses listed below. Such uses shall occupy a minimum depth of 50 feet. On corner lots, this requirement must be met on each street-facing façade. The following uses shall be on the ground floor:

1. Retail Sales, General;

2. Eating and Drinking Establishments;

3. Personal Services;

4. Food and Beverage Sales, General Market or Convenience Store;

5. Hotels with active ground-floor uses such as restaurants, lounges, and gift shops occupying at least 25 percent of the facade; and

6. Offices, Walk-in Clientele.

303.03 Development Standards

This Section establishes development standards for the TOD-1 and TOD-2 Districts. The development standards are stated in Table 303.03 and the paragraphs that follow it, which are referenced in the table with the letters in parentheses. Additional applicable standards, including citywide standards located in other chapters of the Zoning Code, are referenced in the "Additional Regulations" column.

TABLE 303.03: DEVELOPMENT STANDARDS—TOD DISTRICTS			
Standard	*TOD-1*	*TOD-2*	*Additional Regulations*
Building Form and Location Standards			
Minimum Floor Area Ratio (FAR)	0.6	0.4	Exceptions may be granted with a Conditional Use Permit.
Minimum Number of Stories	3	2	Exceptions may be granted with a Conditional Use Permit.
Maximum Number of Stories	6	5	Greater heights allowed with a Conditional Use Permit.
Building Height Stepback Adjacent to RS District	Building height shall not exceed a 45-degree plane inclined inward from a point located 12 feet above the District boundary line.		
Minimum Building Setbacks (ft.)			
Front	0	0	
Street Side of Corner Lot	0	0	
Interior Side	No setback required. However, if a setback is provided, it shall be at least 5 feet in depth.		15 ft. setback required if adjacent to a Residential District.
Rear	15	15	
Maximum Building Setbacks (ft.), front and street side of corner lot			
With outdoor seating area between building and street	16	16	
Without outdoor seating area between building and street	8	8	
Parking Structures	8	8	
Minimum building frontage (percent of lot width)	75;(A)	65;(A)	Exceptions may be granted with a Conditional Use Permit.
Building main entrance orientation	(B)		
Building transparency requirements. (Applies to facades that face streets and transit stations)	(C) and below.		
Minimum area of windows, percent of ground-floor façade area between 2 and 8 ft. in height.	50	50	
Minimum area of windows, percent of façade area, upper floors	15	15	
Minimum transparency for window surface	60	60	
Maximum width of blank walls (ft.)	20	20	
Architectural articulation requirement	(D)		
Additional Standards for Residential Uses			
Minimum residential density (dwelling units/net acre)—applies to residential-only projects; no minimum for mixed- use projects that meet minimum FAR	20	15	
Required Setbacks for Residential uses	(E)		
Minimum Outdoor Living Area Per Unit (s/f)	75	150	

TABLE 303.03: DEVELOPMENT STANDARDS—TOD DISTRICTS			
Standard	*TOD-1*	*TOD-2*	*Additional Regulations*
Site Development Standards			
Driveway and Curb Cut Limitations	(F)		
Improvement of street-facing setbacks with landscaping or pedestrian amenities	(G)		
Landscaping	(H)		Article 404, Landscaping
Lighting	(I)		Article 405, Lighting
On-site plazas/open space	(J)		
Outdoor storage and display	(K)		
Parking, including: • Required parking spaces—minimum and maximum • Limitations on location of parking • Parking lot screening • Parking lot landscaping • Standards for structured parking garages	(L)		Article 407, On-Site Parking and Loading.
Parking for Bicycles	(M)		
Pedestrian Access and Circulation Requirements	(N)		
Shading of sidewalks and walkways	(O)		
Signs			Article 409, Signs
Truck docks, loading, and service areas	(P)		
Right-of-way improvements	(Q)		

A. **Minimum Building Frontage.** Street-facing facades of new buildings and building additions must be located at or within the maximum allowed setback for the minimum proportion of the street frontage stated in Table 303.03. The minimum building frontage requirement does not apply to parks and plazas.

B. **Orientation of Main Building Entrance.** At least one primary entry of each building shall face or be oriented to within 45 degrees of parallel to the street frontage, to any adjacent transit station, or to a public plaza. Such entrance(s) must allow pedestrians to both enter and exit the building and must remain unlocked during business hours.

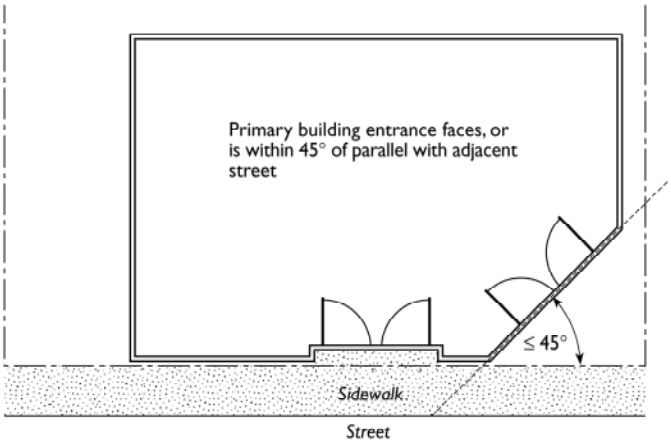

FIGURE 303.03.B: ORIENTATION OF PRIMARY BUILDING ENTRANCE

C. **Building Transparency/Required Openings.** Exterior walls facing a front or street side property line shall include windows, doors, or other openings for at least 50 percent of the building wall area located between three and eight feet above the level of the sidewalk. On upper floors, windows shall occupy at least 15 percent of building wall area. No wall may run in a continuous plane for more than 20 feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep. They shall not provide views into parking or vehicle circulation areas.

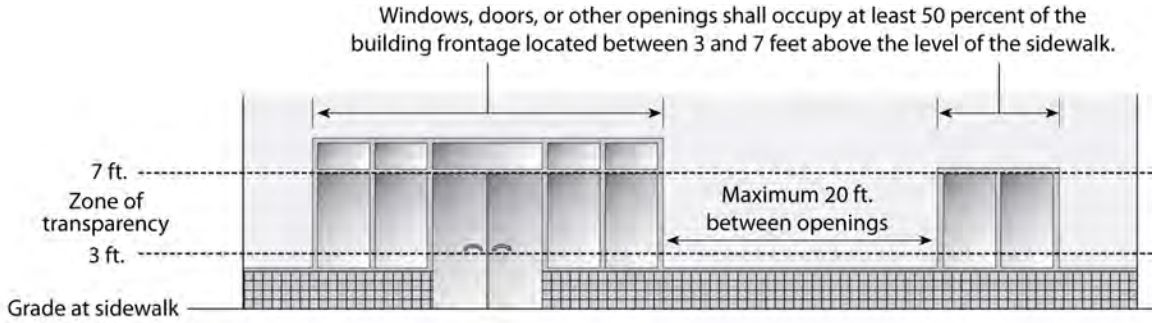

FIGURE 303.03.C: BUILDING TRANSPARENCY

D. **Architectural Articulation.** The decision-making authority may approve or conditionally approve a Site Plan or Design Review application only if it finds that buildings include adequate design features to create architectural interest and avoid a large-scale, bulky or "box-like" appearance. Large buildings should appear to be divided into smaller modules. Different ways that this finding may be met include, but are not limited to, those listed below.

1. ***Variety in Wall Plane.*** Exterior building walls vary in depth and/or direction. Building walls exhibit offsets, recesses, or projections with significant depth, or a repeated pattern of offsets, recesses, or projections of smaller depth.

2. ***Variety in Height or Roof Forms.*** Building height is varied so that a significant portion of the building has a noticeable change in height; or roof forms are varied over different portions of the building through changes in pitch, plane, and orientation.

3. ***Façade Design Incorporates Architectural Detail.*** The building façades incorporate details, such as window trim, window recesses, cornices, belt courses, changes in material, or other design elements, in an integrated composition. Architectural features of the front façade shall be incorporated into the rear and side elevations.

4. ***Balconies, Bay Windows, and other such Projections or Recesses.*** The building incorporates balconies, bay windows, entry porches or other projections and recesses in a pattern that creates architectural interest across the length of the façade.

E. **Setbacks for Residential Uses.** In order to provide light and air for residential units, the following minimum setbacks apply to any building wall containing windows to living space and facing an interior side or rear yard, on second or higher stories.

1. For any wall containing windows, a setback of at least five feet shall be provided.

2. For any wall containing bedroom or kitchen windows, a setback of at least 7.5 feet shall be provided.

3. For any wall containing living room or other primary room windows, a setback of at least 10 feet shall be provided.

4. The required setbacks apply to that portion of the building wall containing and extending three feet on both sides of any window.

F. **Driveways and Curb Cuts.** On lots less than 100 feet in width, driveways and curb cuts shall be limited to one per frontage, shared drives and cross access between private properties are encouraged. On wider lots, driveways shall be limited to one per 100 feet of frontage. The maximum width of any single driveway shall be 25 feet. On corner lots, curb cuts shall be located on the street frontage with the least pedestrian activity. Exceptions may be granted with a use permit for uses that have greater circulation requirements.

G. **Improvement of Street-Facing Setbacks.** Where a front or street-facing side setback is provided, it must be landscaped and/or hard surfaced for use by pedestrians. If hard surfaced, the setback area on each lot must contain at least two pedestrian amenities, such as benches, drinking fountains, and/or other design elements (public art, planters, and kiosks). Residential buildings are exempt from this requirement.

H. **Landscaping.** In addition to the landscaping standards in Article 404, Landscaping, the following standards shall apply:

1. Landscaping within five feet of sidewalks or bike lanes shall not include any plants with thorns, spines, or sharp points; and

2. Mature trees must be trimmed for an eight feet clear vertical height from the top of walkway surfaces to the bottom of the tree canopy.

I. **Lighting.** Freestanding light fixtures shall not exceed a height of 16 feet. Exterior lighting shall provide for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination that avoids off-site glare.

J. **On-Site Public Plazas.** Outdoor plazas for the use of customers and visitors shall be provided within any site with a total of 50,000 square feet or more of floor area devoted to General Retail Sales, Food and Beverage Sales, Personal Services, or Eating and Drinking Establishments.

1. ***Minimum Area.*** Public space shall be provided at a rate of five square feet per 1,000 square feet of floor area.

2. ***Location.*** Such public space shall be visible from a public street, or from on-site areas normally frequented by customers, and shall be accessible during business hours. Areas within required setbacks may count toward the public space requirement. Areas designated for customers to wait for cabs may be combined with required public space areas if they meet all other requirements of this Subsection.

3. ***Amenities.*** On-site public plaza space shall include benches or other seating, and the ground surface shall be landscaped or surfaced with high-quality paving materials. Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including but not limited to trees and other landscaping, shade structures, drinking fountains, water features, public art, or performance areas. The placement of shade-bearing elements and seating shall maximize shading for summer mid-day and afternoon hours.

K. **Outdoor Storage and Display.** Outdoor storage and display shall be prohibited within 660 feet of a designated transportation center. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, and retail sales from a cart, are exempt from this requirement.

L. **Parking.** Parking shall be provided according to the requirements of Article 407, On-Site Parking and Loading, except as modified by this Section.

1. ***Reductions to Required Parking.*** For any land use except Single-Unit Dwelling, the number of parking spaces is automatically reduced by 25 percent of the normally required number of spaces for any site located in the TOD-1 or TOD-2 Districts. Additional reductions to up to 35 percent of the number of required

parking spaces may be approved with a Conditional Use Permit if the Planning & Zoning Commission finds that:

a. The use will be adequately served by the proposed parking due to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working or visiting the site; or because the applicant has undertaken a transportation demand management program that will reduce parking demand at the site; and

b. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.

2. ***Exemption for General Commercial Uses.*** For the following commercial uses, parking need only be provided for floor area exceeding 1,500 feet per establishment: Retail Sales; Personal Services; Eating and Drinking Establishments; and Offices, Walk-In Clientele. However, when four or more establishments are located on a single lot, their floor area shall be aggregated with all other establishments located on the lot in order to determine required parking.

3. ***Substitution of On-Street Spaces.*** On-street parking spaces adjacent to the frontage of properties in the TOD Districts may be counted toward required off-street parking for non-residential uses. One on-street parking space may be substituted for each required off-street space.

4. ***Parking, Maximum Limit.*** The number of parking spaces for non-residential uses shall not exceed 125 percent of the required parking spaces as prescribed by Article 407, On-Site Parking and Loading.

5. ***Location of Parking.*** Off-street parking shall be located underground, within a parking structure, or in surface lots at the side or rear of buildings, or between two or more buildings on a lot. No parking space shall be located between a building and an adjacent street. On corner lots, the requirements of this paragraph apply to the frontage on the street with the highest functional classification. On all other frontages, parking spaces shall be set back a minimum of 25 feet from the adjacent right-of-way and screened according to the standard of Subsection (6) below.

6. ***Screening.*** All surface parking spaces visible from a public right-of-way shall be screened with a wall at least 3.5 feet in height.

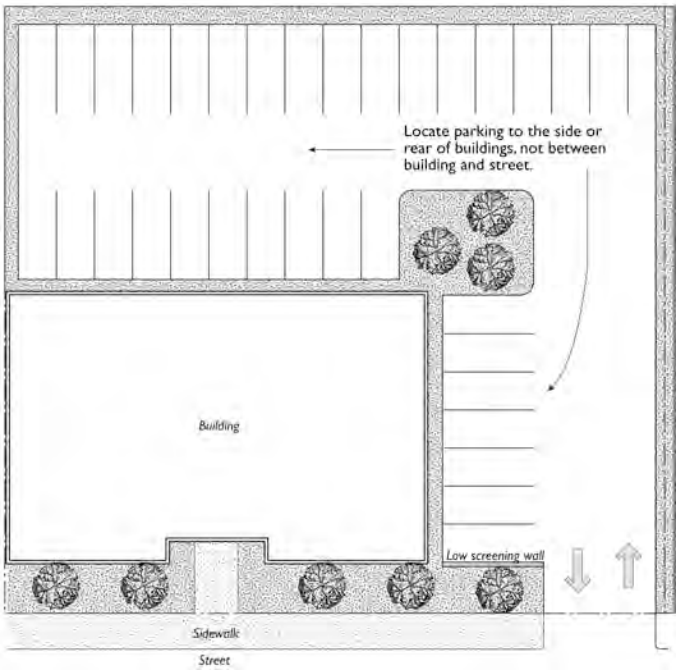

FIGURE 303.03.L: LIMITATIONS ON LOCATION OF PARKING

7. ***Standards for Structured Parking***. The exterior elevations of any multi-level parking structure must be designed so as to screen or conceal parked cars from view from public streets and open space on the first and second floors of the structure. The parking areas of structured parking garages must be screened or concealed by one or more of the following methods:

   a. *Ground-Floor Commercial*. The ground-level street frontage of a parking garage shall be improved to provide leasable space for General Retail Sales, Food and Beverage Sales, Eating and Drinking Establishments, Personal Services, or other permitted uses.

   b. *Landscaping*. Landscaping shall be provided in the form of perimeter planters within openings, and/or the incorporation of hanging baskets, flower boxes or planting trellises.

   c. *Setback*. A parking structure that does not incorporate ground-floor retail or other commercial use or is not otherwise screened or concealed at street frontages on the first and second levels, must provide a densely planted landscaped yard that is a minimum of 10 feet in depth, or the required setback for the District in which it is located, whichever is greater.

M. **Parking for Bicycles.**

1. ***Short-Term Bicycle Parking.*** Short-term bicycle parking facilities shall be provided in order to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a short time.

   a. *Number of Spaces Required.* Short-term bicycle parking spaces shall be provided at a rate of 10 percent of the number of normally required automobile parking spaces (as stated in Article 407, On-Site Parking and Loading) for all commercial and public and semi-public use classifications, with a minimum of two parking spaces provided per establishment.

   b. *Location.* Short-term bicycle parking must be located within 50 feet of a main entrance to the building it serves. Bicycle parking shall be visible from the street or from the main building entrance, or a sign must be posted at the main building entrance indicating the location of the parking.

   c. *Anchoring and Lockability.* For each bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.

   d. *Size and Accessibility.* Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle.

2. ***Long-Term Bicycle Parking.*** Long-term bicycle parking shall be provided, according to the provisions of this Section, in order to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer:

   a. *Number of Spaces Required.* A minimum of one bicycle parking space shall be provided for every four units for Multi-Unit Residential and Live-Work Uses. For commercial and public and semi-public uses, any establishment with 25 or more employees shall provide long-term bicycle parking at a ratio of one space per 25 employees.

   b. *Location.* Long-term bicycle parking must be located on the same lot as the use it serves.

   c. *Covered Spaces.* At least 50 percent of required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

d. *Security.* Long-term bicycle parking must be in at least one of the following facilities:

(1) An enclosed bicycle locker;

(2) A fenced, covered, locked or guarded bicycle storage area; or

(3) A rack inside a building that is within view of an attendant or security guard or visible from employee work areas.

e. *Size and Accessibility.* Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle.

N. **Pedestrian Access and Circulation**. On-site pedestrian circulation and access must be provided according to the following standards:

1. ***Connection to Public Sidewalks.*** An on-site walkway shall connect a primary entry of each building to any adjacent transit station, public sidewalk, or public plaza. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance. Such walkways shall be at least four feet wide and hard-surfaced.

2. ***Internal Connections.*** A system of hard-surfaced pedestrian walkways at least four feet wide shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas.

3. ***Materials.*** Where a required walkway crosses driveways, parking aisles, or loading areas, it must be clearly identifiable through the use of elevation changes at least four inches high, a different paving material, or similar method.

4. ***Separation.*** Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least six inches high, bollards, or other physical barrier.

O. **Shading of Sidewalks**. Development directly abutting a sidewalk or pedestrian way shall provide structured shading. Shading shall be provided for the entire length of the building. A minimum of 50 percent of the length of the building should be shaded with methods such as awnings and arcades. (Canopies, awnings, porticoes, pedestrian arcades and similar shade-bearing features that are used to meet this standard may be allowed to encroach in the public right-of-way, subject to an encroachment permit.) The remaining sidewalk shall be shaded with structures or other methods including landscaping. Shading shall be positioned to shade the sidewalk from April 15th through September 30th. Where landscaping is used, trees shall be a minimum two-inch caliper at time of planting.

P. **Truck Docks, Loading, and Service Areas**. Truck docks, loading, and service areas shall be located at the side of buildings or in the rear of the site and screened so as not to

be visible from public streets. Where a building abuts an Residential District, the preferred location of these facilities shall be the side away from the Residential District boundary.

Q. **Right-of-Way Improvements.**

1. ***Sidewalks.*** Sidewalks within the TOD Districts shall have a minimum eight-foot width clear from any obstructions, including light poles, parking meters, street furniture, landscaping, and fences.

2. ***Other Pedestrian Amenities.*** The approval authority may require other pedestrian-oriented design elements, such as street furniture or drinking fountains, mini-plazas, bus shelters, noncommercial community bulletin boards, public or private art, and alternative paving materials in areas of pedestrian access.

303.04 Review of Plans

Permit and review procedures shall follow the standards and approval criteria in the 500 Series, Administration and Permits.

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400 SERIES
REGULATIONS APPLYING IN MULTIPLE DISTRICTS

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Article 401 General Site Regulations

Sections:

401.01 Purpose and Applicability
401.02 Accessory Structures
401.03 Animal Keeping
401.04 Building Projections into Yards
401.05 Construction Material and Waste Management Plan
401.06 Development on Lots Divided by District Boundaries
401.07 Development on Substandard Lots
401.08 Exceptions to Height Limits
401.09 Fences and Freestanding Walls
401.10 Outdoor Storage
401.11 Screening
401.12 Swimming Pools and Spas
401.13 Truck Docks, Loading, and Service Areas
401.14 Underground Utilities
401.15 Visibility at Intersections and Driveways

401.01 Purpose and Applicability

The purpose of this Article is to prescribe development and site regulations that apply, except where specifically stated, to development in all Zoning Districts. These standards shall be used in conjunction with the standards for each Zoning District located in the 200 Series, Base Zoning District Regulations and the 300 Series, Overlay District Regulations. In any case of conflict, the standards specific to a Zoning District shall override these regulations.

401.02 Accessory Structures

A. **Applicability.**

1. The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, arbors, gazebos, pergolas, and covered patios, that are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures, such as decks and trellises, that

are over six feet in height and that are detached from and accessory to the main building on the site.

2. When an accessory building or structure is attached to the main building, it shall be made structurally a part of and have a common wall or roof with the main building and shall comply in all respects with the requirements of this Code applicable to the main building and all other applicable codes. Allowed building projections into setbacks are stated in Section 401.04, Building Projections into Yards.

3. Where a Guest Quarter or Granny Flat is located over a detached garage, the entire structure shall be considered a main building, subject to the Zoning District standards for main buildings. No portion of this building shall be closer to any lot line than is permitted for any other main building, except on an alley where the detached garage may be within the setback.

B. **Relation to Existing Structures.** A detached accessory building may only be constructed on a lot on which there is a permitted main building to which the accessory building is related. An accessory building on an adjacent lot under the same ownership is not allowed; the two lots must be merged. However, an accessory building may be constructed prior to a permitted main building and used for not more than one year in connection with the construction of the main building, provided that a permit is obtained for the entire project, including the accessory building, prior to the start of any construction.

C. **Location.** Accessory structures shall be located behind the front line of the primary structure, unless otherwise specified in this Code.

1. ***Corner Lot.*** On a corner lot, no detached accessory building shall be located so as to project beyond the required front yard or the existing front line of the primary structure on any street frontage for lots less than one acre.

2. ***Through Lot.*** On a through lot having frontage on two more or less parallel streets, no detached accessory building shall be located within one-fourth of the lot area of either street-facing property line.

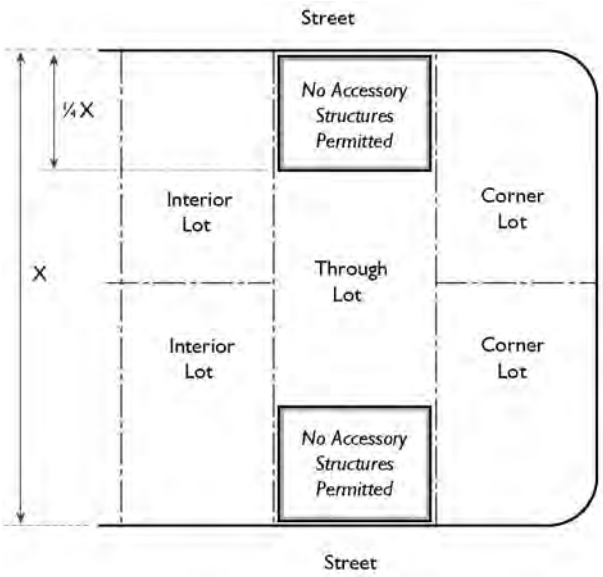


FIGURE 401.02.C.2: THROUGH LOT

D. **Detached Garage Exception.** In Rural Districts, and on large lots in Residential Districts (12,000 square feet or more), garages may be allowed on the front half of a lot if permitted by the development standards for the applicable Zoning District.

E. **Height.** Accessory structures with slab-type foundation shall be no greater than 15 feet high measured from adjacent grade. Additional height is allowed for Guest Quarters and Granny Flats above garages, up to 25 feet with a pitched roof.

F. **Setbacks.** Accessory structures may be located within an interior side or rear setback, except as provided below:

1. Accessory structures shall be setback a minimum of three feet from any alley or lot line.

2. Accessory structures adjacent to the front one-half of any adjacent lot shall be setback a minimum of five feet from the lot line.

3. Detached garages with a linear length or depth which exceeds 25 feet on a side shall be setback a minimum of five feet from the lot line.

4. Accessory structures other than detached garages with a linear length or depth which exceeds one-third of the unobstructed distance along a property line, and/or exceeds 120 square feet shall be setback a minimum of five feet from the lot line. Structures less than 120 square feet shall respect a three foot setback.

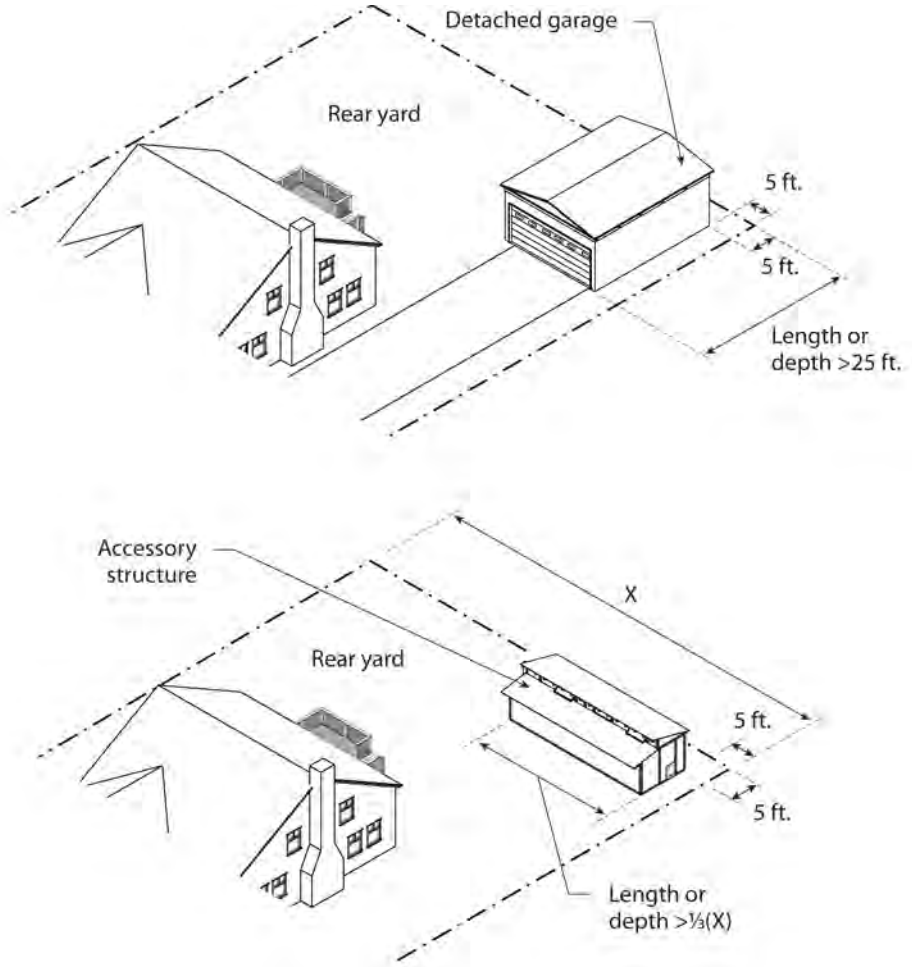


FIGURE 401.02.F: ACCESSORY STRUCTURE SETBACKS

G. **Rear Yard Area**. Detached accessory structures shall not occupy more than 30 percent of the required rear yard setback.

H. **Separation from Main Buildings.** No detached accessory structure shall be located closer than six feet from the main building, inclusive of roof overhangs.

I. **Facilities.**

1. A detached accessory structure that has not been approved as a guest quarter may contain bathroom facilities upon review and approval by the Zoning Administrator and the Building Official. The applicant shall obtain all necessary building permits for work to be performed. The applicant shall sign a statement, at the time of submittal for a Building Permit, which will prohibit the use of the accessory

structure as a Second Dwelling Unit. The signed statement shall be in the form of a restrictive covenant and shall be recorded.

2. A detached accessory structure shall not have plumbing for separate housekeeping facilities, such as a kitchen or laundry facilities, unless it has been approved as a Guest Quarter or Granny Flat, meeting the standards in Article 410.

J. **Permits.** Accessory structures greater than 120 square feet for residential structures and 200 square feet for commercial structures shall require Zoning Administrator approval.

K. **Factory-Built Modular Buildings.** Factory-built modular buildings designed, manufactured, and attached to permanent foundations are permitted in all districts, provided that such buildings are installed in conformance with all applicable provisions of the Code. Modular storage containers, such as corrugated metal shipping containers, shall not be used as accessory structures.

401.03 Animal Keeping

Animal keeping is subject to the following standards:

A. **Aviaries and Apiaries.**

1. Buildings or hives for apiaries may not be closer than 75 feet to any neighboring residence.

2. Pens and structures for aviaries may not be closer than 40 feet to any neighboring residence.

B. **Poultry, Bird, and Egg Farms.** Poultry, bird, and egg farms are subject to the following standards:

1. Pens, buildings, and enclosures other than open pasture may not be located closer than 200 feet to any Residential, Commercial, or Industrial District.

C. **Livestock.** Commercial breeding, raising, training, and grazing of horses, cattle, sheep, goats, ostriches, swine and other livestock is subject to the following standards:

1. Sites must be at least 10 acres in area.

2. Pens, buildings, corrals, and similar structures may not be closer than 200 feet to any Residential, Commercial, or Industrial District.

D. **Urban Chickens.**

1. The raising of chickens shall be subject to the following requirements, except in Rural Districts in which they do not apply:

a. No more than five hens may be kept on an individual lot.

b. Roosters shall be prohibited.

c. Chicken coops shall not be closer than 10 feet from any property line abutting, adjoining or otherwise meeting the property line of another residential lot or parcel. No separation shall be required from a property line or portion of a property line abutting, adjoining or otherwise meeting the property line of an alley, right-of-way, or common open space. Said coops shall be subject to all applicable requirements for accessory buildings, including rear and side yard setbacks, or a minimum setback of 10 feet, whichever is greater.

E. **Horses.** The keeping of horses is allowed on lots that are at least one acre in size. Up to three horses are allowed on one acre; an additional horse is permitted for each 3,000 square feet of lot area above one acre.

F. **Household Pets.** In all Zoning Districts except Rural Districts, a maximum of four dogs are allowed. These limitations do not apply to small animals kept within a residence, including cats, fish, small birds, rodents, and reptiles. Dogs confined in kennels shall not be kept closer than 20 feet from the nearest residential structure on an adjacent lot.

401.04 Building Projections into Yards

Building projections may extend into required yards, subject to the following standards:

A. No projection may extend closer than two feet to an interior lot line or into a public utility easement and may not encroach over a public utility easement, drainage easement, or other restrictive easement.

B. No air-conditioning unit, pool pump or similar mechanical equipment, or any building encroachment, other than roof overhangs or eaves, shall be permitted in any side yard required for vehicular access.

C. Awnings, eaves, overhangs, or basement window wells may encroach up to three feet into any required yard.

D. For single family houses in Residential Districts, covered porches may project up to six feet into a required front or rear yard

E. Vestibules, bay windows, nooks, chimneys, or similar wall projections with or without footings may encroach not more than three feet into any required front or rear yard and not more than two feet into any required side yard.

F. Staircases may be allowed up to 3.5 feet in height within any required front yard, and encroach up to 10 feet horizontally into any required rear yard.

G. Attached open porches, open patios, open carports, or open balconies may encroach into a required rear yard, but shall not be closer than 15 feet to a rear property line. Such open

structures may include window screens, knee walls, and other partial enclosures as specified in the Building Code for patio covers.

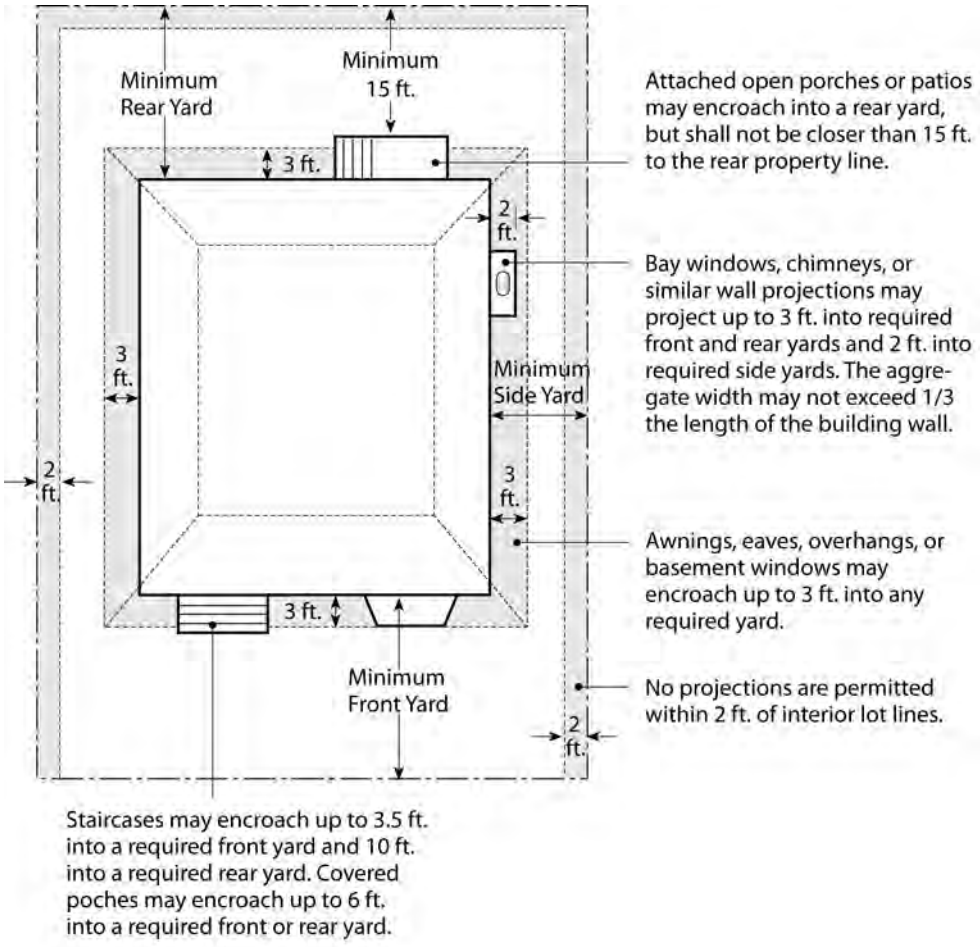


FIGURE 401.04: BUILDING PROJECTIONS

401.05 Construction Material and Waste Management Plan

To further the City's commitment to sustainable development, for all projects over 10 acres, a construction material and waste management plan shall be developed and implemented to recycle or salvage construction materials and waste. The Construction Material and Waste Management Plan shall include all of the following:

A. The location for collection, separation and storage of recyclable construction waste shall be indicated.

B. Materials to be diverted from disposal by efficient usage, recycling, reuse, manufacturer's reclamation, or salvage for future use, donation or sale shall be specified.

C. The percentage of materials to be diverted shall be specified and shall be calculated by weight or volume, but not both.

D. Documentation procedures related to diversion shall be described.

For the purposes of this Section, construction materials and waste shall include all materials delivered to the site and intended for installation prior to the issuance of the Certificate of Occupancy, including related packaging. Construction and waste materials shall not include land-clearing debris, excavated soils and fill and base materials. Documentation, including receipts, shall be maintained through the course of construction. Where requested by the Building Inspector, evidence of diversion shall be provided.

401.06 Development on Lots Divided by District Boundaries

A. **Generally.** The regulations applicable to each Zoning District shall be applied to the area within that District, and no use shall be located in a Zoning District in which it is not a permitted or conditionally permitted use, except in situations listed in Subsection (B) below. When deemed appropriate, the applicant or City shall initiate a zone change to make the Zoning District lines consistent with lot lines.

B. **Exception.** If more than 60 percent of the lot is in one Zoning District; the Hearing Officer may grant exceptions to Subsection (A), above, based on consideration of the proposed use of the lot, and the existing uses on surrounding lots. Such an exception shall be considered through the Administrative Use Permit process.

401.07 Development on Substandard Lots

Any lot or parcel of land under one ownership and of record on the day of incorporation of the City may be used as a building site, even when of less area or width than that required by the regulations for the Zoning District in which it is located. Such lot or parcel shall be subject to the setbacks and all other regulations applying to standard-size lots in Zoning District where the lot or parcel is located, unless a Variance or Waiver has been approved.

401.08 Exceptions to Height Limits

A. **Allowed Projections above Height Limits.** The structures listed in Table 401.08 may exceed the maximum permitted building height for the Zoning District in which they are located, subject to the limitations stated in the table, and further provided that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising.

TABLE 401.08: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
Structures Allowed Above the Height Limit	*Maximum Coverage, Locational Restrictions*	*Maximum Vertical Projection Above the Height Limit*
Skylights	No limitation	1 foot
Solar panels	No limitation	3 feet
Other energy production facilities located on rooftop such as wind turbines	No limitation	5 feet
- Chimneys - Decorative features such as domes, cupolas, pediments, obelisks, and monuments - Rooftop open space features such as sun decks, sunshade and windscreen devices, open trellises, and landscaping, excluding detached residential structures	20% of roof area for all structures	20% of base height limit or 10 feet
Elevator and stair towers (for multi-unit and non-residential buildings only)	N/A	12 feet
Mechanical penthouses	60% of roof area	10 feet
Flagpoles	Shall be setback at least to the height of the pole from all lot lines; only one per residential lot	10 feet
Fire escapes, catwalks, and open railings required by law	No restriction	No restriction
Religious facility architectural elements such as spires, bell towers, and domes	20% of roof area	No restriction
Parapets excluding detached residential structures	N/A	4 feet
- Distribution and transmission towers, lines, and poles - Water tanks - Windmills - Airway beacons	20% of the area of the lot, or 20% of the roof area of all on-site structures, whichever is less; no limit if a primary use permitted in the District	10 feet as an accessory structure; none as a primary use
- Building-mounted telecommunications facilities, antennas, and microwave equipment - Radio towers	Subject to provisions of Article 412, Telecommunications Facilities. A Conditional Use Permit is required for commercial communication towers that exceed the maximum permitted height of the District in which they are located.	
Athletic field lighting	80 feet	

401.09 Fences and Freestanding Walls

Fences, freestanding walls, dense hedges, and similar structures shall comply with the standards of this Section.

A. **Maximum Height.**

1. ***Front Yards and Streetside Yards.*** No fence or freestanding wall within or along the exterior boundary of the required front or streetside yard shall exceed a height of three feet six inches. Visually transparent and non-opaque fences over 3.5 feet high may be allowed in front and streetside yards, through modification by the Hearing Officer.

2. ***Interior Side and Rear Yards.***

   a. *Residential Districts.* No fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of six feet.

   b. *Commercial, Mixed-Use, and Industrial Districts.* No fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of eight feet.

   c. *Rural Districts.* A fence or free standing wall up to eight feet in height may be allowed on interior lot lines for screening purposes and livestock fencing

3. ***Decorative Features.*** One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot, provided that the maximum height or width of the structure does not exceed 10 feet. Such decorative feature shall not have any solid obstruction that exceeds two feet in diameter between the height of three and 10 feet.

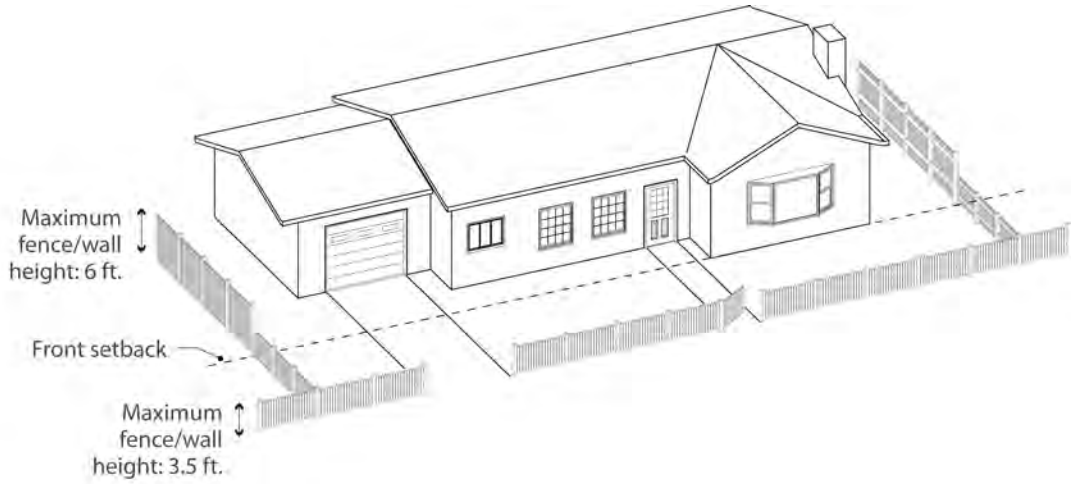


FIGURE 401.09.A: FENCES

B. **Materials.** The following fencing materials are prohibited and/or restricted:

1. ***All Districts:*** barbed wire, razor wire, embedded glass shards, ultra barrier, electrified and other hazardous fencing are prohibited;

2. ***Chain Link Fencing:*** Chain link fencing may only be used:

   a. *Residential Districts:* when not visible from off-site;

   b. *All Other Districts:* when not visible from off-site, as temporary fencing for a construction project, or as approved by the Zoning Administrator.

C. **Visibility at Intersections.** Notwithstanding any other provisions of this Section, fences and walls shall comply with the standards of Section 401.15, Visibility at Intersections and Driveways.

D. **Corner Lots.** Fences shall be a maximum of three feet in height within the sight distance triangle, unless a Waiver is obtained from the Hearing Officer. Trees or any portion thereof that are located within the street triangle shall have clearance from two to seven feet as measured from the top of the curb or sidewalk. In the event that the rear property line of a corner lot abuts a side property line of an adjoining key lot, a 10 foot deep by 20 foot wide visibility triangle shall be maintained over the corner lot, starting at the intersection of the rear and street side property lines of the corner lot.

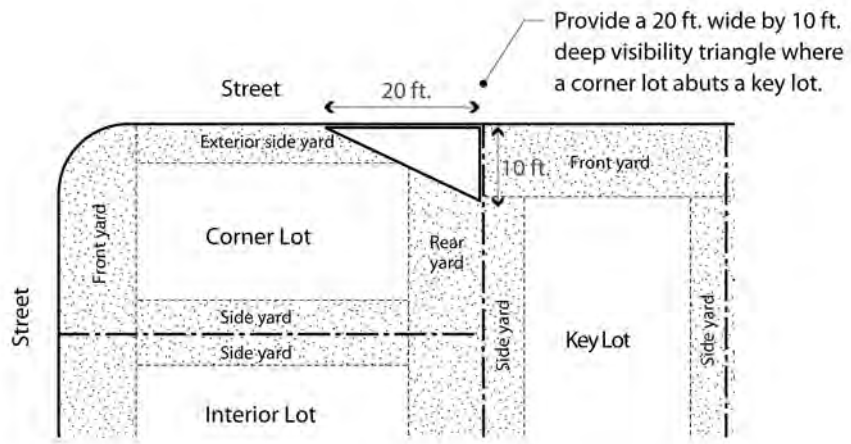


FIGURE 401.09.D: CORNER LOT ABUTTING A KEY LOT

E. **Access for Public Utilities.** Where fencing blocks public utility easements, it shall be constructed so those portions required for access to the utilities can be removed or access otherwise ensured.

F. **Rural Districts.** Corral fences for the keeping of livestock may be placed within the required front yard in Rural Districts. Corral fences shall be constructed of masonry, wrought iron, pipe-rail, splitrail, or similar material, and shall maintain a minimum openness of 67 percent of the exterior surface of the fence. Corral fences shall not be constructed of metal wire, such as chain-link or barbed wire. Corral fences shall not exceed six feet in height.

G. **Commercial, Mixed Use, and Industrial Districts:**

1. ***Exceptions to Height Limits.*** A Waiver of fence height may be granted by the Hearing Officer. The maximum height that is allowed with a fence height waiver is six feet in front or street side yards, and 10 feet in interior side or rear yards.

2. ***Prohibited Materials.*** Chain link fencing is not permitted in any street-facing yard in any Commercial or Mixed Use District or in a location visible from off-site. In all

Commercial and Mixed Use Districts and on the perimeter of Industrial Districts or street-facing frontages, the use of barbed wire, razor wire, embedded glass shards, ultra barrier, electrified, and other hazardous fencing is prohibited.

H. **Retaining Walls.** The height of a retaining wall shall not exceed that of freestanding wall height limits in Section (A). Refer to Section 103.03E for measuring wall heights for retaining and freestanding wall combinations.

401.10 Outdoor Storage

Open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than 72 hours must conform to the standards of this Section. The regulations of this Section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit and to agricultural/farming equipment used for agriculture or farming on the property.

A. **Permitted Locations.** Table 401.10 states where outdoor storage is permitted.

TABLE 401.10: OPEN STORAGE REGULATIONS BY DISTRICT AND LOCATION

Base Districts	*Permissibility of Open Storage*
Rural	Permitted if associated with a permitted agricultural use, located outside of all required setbacks, and screened subject to the standards of this Section from adjacent residential properties and public rights-of-way.
Residential, Neighborhood Commercial, and Mixed Use	All storage must be within an enclosed building except as specified for accessory outdoor display (garden centers, plant nurseries, lumber supply areas for home centers), subject to screening standards and to review and approval of a Use Permit.
Industrial	Not permitted in front or street-facing side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this Section.
Public Facilities and Fleet Maintenance Yards	Not permitted in front or street-facing side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this Section.

B. **Screening and Setbacks.** Storage areas visible from public streets that are not separated from the street by intervening building(s) shall be screened.

1. ***Screening Walls.*** Screening walls and fences shall be at least eight feet in height. If located on a lot line or in a required yard, they shall not exceed the maximum allowable fence heights in required yards.

2. ***Setback.*** A setback shall be provided for outdoor stored material at the ratio of 1:1 from all lot lines equal to total height of stored material above required screen wall. Minimum required yards visible from off-site and not enclosed by an eight foot screen wall are required to be landscaped.

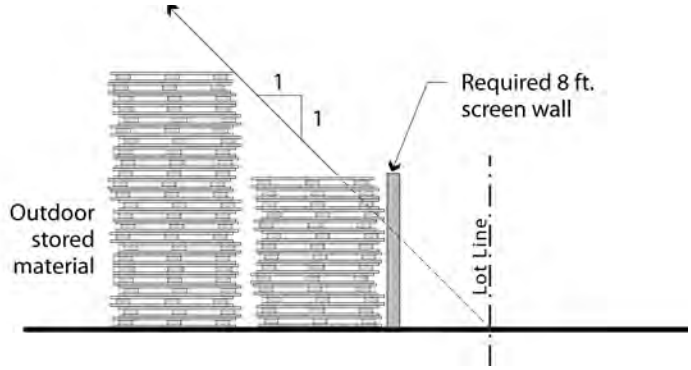


FIGURE 401.10.B: OUTDOOR STORED MATERIAL

401.11 Screening

A. **Screening of Mechanical Equipment.** All exterior mechanical equipment, whether on a roof, on the side of a structure, or located on the ground, shall be screened from public view. Exterior mechanical equipment to be screened includes, but is not limited to heating, ventilation, air conditioning, refrigeration equipment, plumbing lines, ductwork, transformers, smoke exhaust fans, water meters, backflow preventers, service entry section and similar utility devices. Screening shall be architecturally integrated into the main structure with regard to materials, color, shape, and size to appear as an integral part of the building or structure. Equipment shall be screened on all sides, and screening materials shall be opaque. When screening with plants, evergreen types of vegetation shall be planted and maintained. Plant material sizes and types shall be selected and installed so that at the time of building occupancy such plants effectively screen their respective equipment. The use of wood, expanded metal lath, and chain link for the purpose of screening is prohibited. The following additional screening standards apply:

1. *Roof-Mounted Equipment.* Whenever feasible, roof-mounted equipment screening shall be constructed as an encompassing monolithic unit or a series of architecturally similar screening units on large roofs, rather than as several individual screens (i.e., multiple equipment screens, or "hats," surrounding individual elements shall not be permitted). The height of the screening element shall equal or exceed the height of the structure's tallest piece of installed equipment.

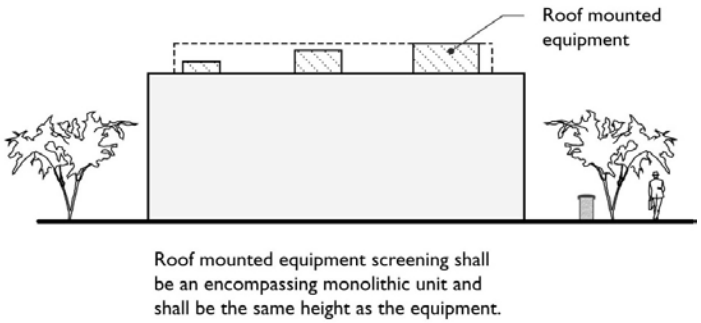


FIGURE 401.11.A.1: SCREENING OF ROOF-MOUNTED EQUIPMENT

2. ***Ground-Mounted Equipment.*** Ground-mounted equipment including but not limited to water meters, backflow preventers, and transformers that faces a street or is not separated from the street by intervening building(s) shall be screened to a height of 12 inches above the equipment unless such screening conflicts with utility access, in which case reasonable accommodation shall be allowed. Screening devices shall consist of decorative walls and/or berms (3:1 maximum slope) with supplemental plant materials including trees, shrubs and groundcovers. For screen walls that are three feet high or lower, vegetative materials may be substituted for 50 percent of the screening device. This requirement does not apply to equipment in the interior of a lot that is not visible from the street. Electrical sub-stations, water tanks, sewer pump stations and similar utilities are required to be screened and secured with an eight foot high wall.

FIGURE 401.11.A.2: SCREENING OF GROUND-MOUNTED EQUIPMENT

3. ***Exterior Wall Equipment.*** Wall-mounted equipment, including but not limited to electrical meters, electrical distribution cabinets, service entry sections, and valves and cabinets that face a street, public parking and are not recessed and/or separated from the street by intervening building(s) or walls or gates shall be screened. Screening devices shall incorporate elements of the building design, e.g. shape, color, texture and material. For screen walls that are three feet in height or lower,

vegetative materials may be substituted for 50 percent of the screening device. This requirement does not apply to fire related elements.

4. *Upgrades to Existing Mechanical Equipment.* The Hearing Officer may waive or modify screening requirements for upgrades to existing mechanical equipment for good cause.

B. **Truck Docks, Loading, and Service Areas.** Truck docks, loading, delivery, and service bays shall be screened according to the standards of Section 401.13 and Article 404.

C. **Roof Access Ladders and Fire Sprinkler Risers.** In all new construction, roof access ladders and fire sprinkler risers shall be located internally.

D. **Trash and Refuse Collection Areas.** Latching view obscuring gates shall be provided to screen trash enclosure openings where visible from street and/or public parking areas. The trash enclosure shall match and compliment the color scheme and architecture of the building.

E. **Parking Areas.** Parking areas and drive aisles shall be screened from street(s) with a combination of perimeter walls made of masonry (or similar material, such as gabien walls) and/or perimeter berms or landscape screening materials with supplemental shrubs and ground covers.

1. The screening device shall vary in height from 32 to 40 inches and shall be offset or staggered in plan by at least 24 inches at intervals of no more than 30 feet or include a mixture of live and solid walls.

2. The screening device shall vary in height from 12 to 18 inches when lawful display of automobiles, trucks, recreational vehicles, manufactured homes, boats, motorcycles, and utility trailers are adjacent to public streets.

3. Screen wall and/or berm height shall be measured from the finish grade of the parking lot.

4. A setback of at least five feet shall be provided between the screen wall and the edge of the parking area.

5. A setback of at least 10 feet shall be provided between the screen wall and the right of way, which may be reduced to five feet if the parking area frontage is 50 feet or less.

6. The Hearing Officer may modify these screening standards for good cause.

F. **Common Lot Lines.** A screening wall shall be provided on the interior lot lines of any lot that contains any commercial use, industrial use, public or semi-public use (except Cemetery or Public Park and Recreation Facility), or transportation, communication, and utilities use, and abuts a Residential District or residential use. Such screening wall shall be provided at

the time of new construction or expansion of buildings, or changes from one use classification to another non-residential use classification.

1. ***Location.*** Screening walls shall follow the lot line of the lot to be screened, or shall be so arranged within the boundaries of the lot so as to substantially hide from adjoining lots the building, facility, or activity required to be screened.

2. ***Materials.*** Industrial uses must provide a solid screening wall of stucco, decorative block, or concrete panel. Screening walls for other uses may be constructed of stucco, decorative block, concrete panel, wood or other substantially equivalent material. Chain-link fencing does not fulfill the screening wall requirement.

3. ***Berms.*** An earth berm may be used in combination with the above types of screening walls, but not more than two-thirds of the required height of such screening may be provided by the berm.

4. ***Relationship to Fence and Wall Height Limits.*** If the minimum required screening wall height exceeds the maximum permitted height of fences and freestanding walls for the Zoning District, then a screening wall shall be provided that conforms with the maximum permitted fence height in the applicable portion of the property.

G. **Screening Along Residential District Boundaries.** A screening wall six feet in height is required wherever a site located in a Commercial or Mixed Use District abuts a Residential District. Openings in the wall are allowed for pedestrian access. The Zoning Administrator may require additional screening elements, up to eight feet in height, if necessary to screen commercial uses.

H. **Screening and Separation of Parking Areas.** Parking areas located between a building and street shall be screened with a screening wall or berm at least 3.5 feet high. In addition, parking areas shall be separated from on-site buildings by a distance of at least 10 feet, which shall be landscaped and may also include a pedestrian walkway.

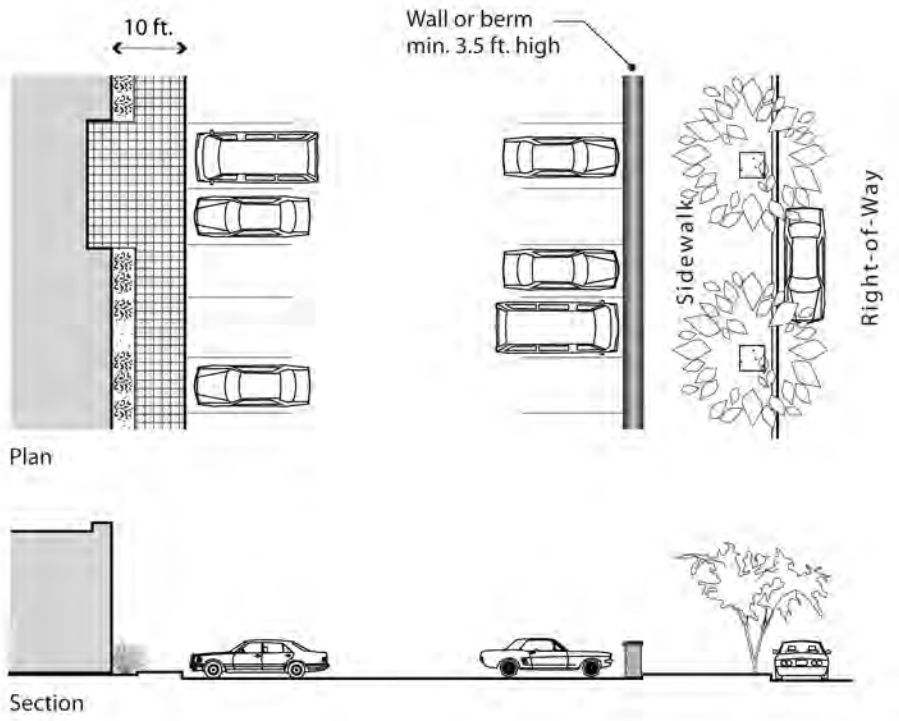


FIGURE 401.11.H: SCREENING AND SEPARATION OF PARKING AREAS

401.12 Swimming Pools and Spas

A. Swimming pools and spas located in any Zoning District must be developed in compliance with the following standards:

1. ***Exclusive Use.*** If located in a Rural or Residential District, the swimming pool or spa is to be solely for the use and enjoyment of residents and their guests, unless it is associated with a Golf Course or Resort.

2. ***Filtration Equipment.*** Swimming pool or spa filtration equipment and pumps shall not be located in the front or street side yard and shall not be closer than 15 feet to the main building on an adjoining lot. All equipment shall be mounted and enclosed so that its sound is in compliance with Section 408, Performance Standards.

3. ***Pool Setbacks:*** Pool setbacks from water edge to lot perimeter barrier/fence shall be a minimum of three feet from the water.

4. ***Enclosure.*** Refer to current adopted building codes for minimum barrier requirements.

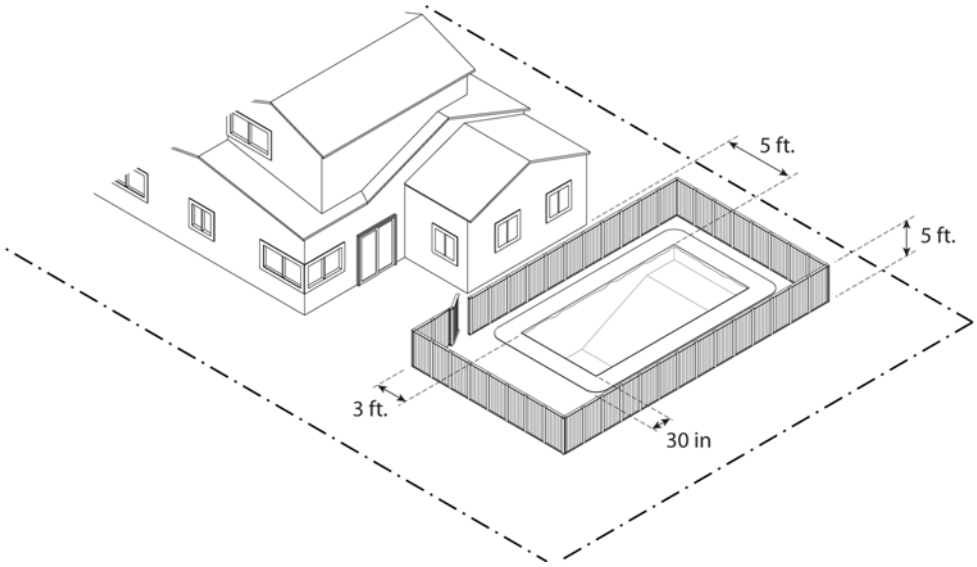


FIGURE 401.12.A.3: POOL SETBACKS

401.13 Truck Docks, Loading, and Service Areas

A. In addition to the requirements outlined in Article 407, all truck docks, loading, and service areas shall be located and screened as follows:

1. ***Minimum Distance from Residential District.*** Truck docks, loading, and service areas are not permitted within 50 feet of the boundary of any Residential District or residential use.

2. ***Location on Lot.*** In all districts except the Rural and Industrial Districts, truck docks, loading areas, and service areas must be located at the rear or interior side of buildings, rather than facing a street.

3. ***Screening.*** Truck docks, loading areas, and service areas located in any Zoning District shall be screened from any adjacent Residential Districts or uses. Docks, loading, and service areas in any district except the Industrial Districts shall be screened from view of adjacent streets. Screening shall consist of a solid masonry wall at least eight feet in height or opaque automated gates. Sustainable Development Bonus Incentives may be available for alternative screening methods, refer to Article 411.

401.14 Underground Utilities

All electrical, telephone, cable television, fiber optic cable, gas, water, sewer, irrigation/recycled water, and similar distribution lines providing direct service to a project shall be installed underground within the site. This requirement may be waived by the Hearing Officer upon determining that underground installation is infeasible or the electrical line is otherwise exempt from an undergrounding requirement in the Subdivision Regulations.

401.15 Visibility at Intersections and Driveways

Notwithstanding any other provisions of this Section, no fence, wall, shrubbery, sign, or other obstruction to vision between a height of two feet and seven feet above the centerline grades of the intersecting streets shall be erected, placed, planted, allowed to grow, or maintained within the site visibility triangle as specified in the Subdivision Code.

Article 402 Adequate Public Facilities

Sections:

402.01 Purpose and Applicability
402.02 General Requirements for Public Improvements
402.03 Transportation Improvements
402.04 Sanitary Sewer, Storm Drainage, and Water System Improvements
402.05 Private Utilities Coordination

402.01 Purpose and Applicability

A. **Specific Purpose.** The specific purpose of this Article is to ensure the timely provision of adequate infrastructure, and promote orderly and efficient development, consistent with the General Plan.

B. **Applicability.** This Article provides general requirements for all new development for to ensure that public facilities such as fire access, sewer, water, and storm drainage systems, and other facilities that are located within public rights-of-way, easements, and on land owned by the City. Conformance with the City's adopted plans, Engineering policies, and related standards in the City's subdivision regulations also is required.

402.02 General Requirements for Public Improvements

A. **Conformance with Public Facility Standards.** Development plans, when required to establish a use or development, shall conform to the general standards contained in this Article, prior to the City granting land use or development approval. Public improvement design and construction of sanitary sewer and, water systems, storm drainage facilities, transportation facilities, including pedestrian and bicycle pathways, street lights, public parks, or other improvements shall not be undertaken except after the appropriate plans have been approved by the City, permit fees paid, and permits issued.

B. **Impact Analysis.** The City may require an impact analysis prepared by a qualified engineer to determine sanitary sewer system, water system, storm drainage system, traffic, access, circulation and other public facility or private utility mitigation requirements.

C. **Conditions of Approval.** The City may conditionally approve a land use or development application to ensure that the proposed development complies with applicable standards. Public facility improvements required as a condition of approval (i.e., when not otherwise proposed by the applicant), shall be roughly proportional to the impact of development, as required by law.

D. **Construction Plan Review and Permitting.** Public facility improvements (i.e., improvements to be dedicated to the City) shall require a construction permit subject to review and approval by the City Engineer prior to commencing work.

402.03 Transportation Improvements

A. **Multi-Modal Transportation Connections.** All development projects shall provide or be served by a safe, attractive, and functional transportation system that is accessible and accommodates all modes of transportation (automobiles, pedestrian, bicycling, and transit) in conformance with the General Plan.

B. **Street Access.** All developments shall have approved access to a public street.

C. **Street Layout and Design.** The layout and design of streets and alleys shall conform to the General Plan, Subdivision Code, and all other adopted plans including engineering design standards and cross-sections contained in the City's Standard Details.

D. **Dedications.** Required dedications shall conform to the Subdivision Code and all other adopted plans and policies of the City.

E. **Connectivity.** Appropriate provisions shall include, but are not limited to a safe, direct, and accessible pedestrian accessway being provided through the site, conforming to the Americans with Disabilities Act (ADA).

F. **Neighborhood Accessibility and Traffic Calming.** Proposed streets, street extensions, driveways, and pedestrian access ways shall be designed and located to slow traffic on local streets between residential neighborhoods and existing or planned commercial services and amenities, such as schools, shopping areas, parks, and transit facilities. Traffic calming features may also be required for the circulation systems and street access points of larger developments on 160 acres or more. Traffic calming measures, such as curb extensions, traffic circles, roundabouts, and special paving at intersections, shall conform to the City's Standard Details and emergency service provider requirements. Streets, driveways and pedestrian accessways shall also conform to the ADA.

G. **Transit Facilities.**

1. Bus pull-outs, shelter pads, shelters, and related right-of-way and easements may be required when a development is adjacent to an existing or planned bus stop or transit station. These facilities shall be integrated into the overall pedestrian plan of a project and designed consistent with the City's Standard Details.

2. Pedestrian pathways shall be designed to provide a direct connection between the main building entrance and public sidewalks and transit stops. Landscape plans shall be designed to provide shading of the pedestrian pathways and transit stops, where applicable.

3. Furniture installed at bus stops shall be located to provide an accessible route between components and any switch boxes, mailboxes, utility boxes and similar features.

4. All bus stops shall meet or exceed current ADA requirements for transit.

H. **Street Lights.** Street lights for public streets shall be installed concurrent with other City infrastructure requirements prior to occupancy, and conform to the City's policies and utility rquirements. Street light standards for private streets shall be determined through the Development Plan Review.

I. **Street Stubs.** Streets shall be extended to the boundary lines of the parcel or tract to be developed when the decision-making body determines that the extension is necessary to give street access to future development on an adjoining parcel. These street stubs are not considered to be cul-de-sacs. The Zoning Administrator may require the developer to provide a temporary barricade, and/or turnaround for street stubs over 150 feet in length.

J. **Grades and Curves.** Street grades and curves shall conform to the City's Standard Details and emergency service provider requirements

K. **ADA Accessibility.** The design of curbs, curb cuts, driveway approaches, ramps, gutters, sidewalks, and paving shall provide ADA-required accessibility.

L. **Private Streets.** Access control gates shall conform to police, transportation, fire, and refuse access standards and provide emergency access override switches acceptable to the Fire Marshal. Private streets are required to meet the same construction standards as public streets, and lighting levels shall conform to City standards. The developer must provide a warranty on private streets deliverable to the City.

402.04 Sanitary Sewer, Storm Drainage, and Water System Improvements

A. **Adequate Public Facilities.** Adequate sanitary sewer, storm drainage, and water system facilities, including required fire flow, shall be provided by the developer concurrent with the development. Specific exception to this standard may be approved for development in the MU-H District; see Article 204.

B. **Design.** The design of sanitary sewer, storm drainage, and water system facilities shall conform to the City's Standard Details and Engineering policies and Private Utility Company standards where these are separately provided. An approved grading and drainage plan by the Engineering Division is required prior to development approval. Specific exception to this standard may be approved for development in the MU-H District; see Article 204.

C. **Underground Facilities.** All sanitary sewer and water system facilities shall be located underground within exclusive easements, with the exception of some valves, mechanical and electrical devices and similar devices, which must be located above ground. Storm water retention facilities are permitted on the surface of the land.

D. **Storm Water Retention Required.** Storm water retention is an integral component of the City's storm water management program and compliance with Arizona Pollutant Discharge Elimination System requirements. Due to limitations of discharge outlets, on-site retention is a high priority element for a successful program to minimize flooding and related property damage.

402.05 Private Utilities Coordination

When a development, addition, or change in use requires new or expanded utility services (e.g., water, telephone, natural gas, cable television, internet, electricity, etc.), the developer/builder is required to contact the appropriate utility companies and coordinate underground installation of the utilities. The City will not participate in the cost of constructing or relocating utilities for private development. The developer/builder also is responsible for contacting the Arizona Department of Water Resources for projects involving wells or ground water withdrawal. The City may require that existing utilities that are above ground be placed underground.

Article 403 Reserved

Article 404 Landscaping

Sections:

404.01 Specific Purposes
404.02 Applicability and Exemptions.
404.03 General Requirements
404.04 Site Landscaping on Non-Single Family Lots
404.05 Parking Lot Landscaping
404.06 Alternative Compliance

404.01 Specific Purposes

The specific purpose of this Article is to establish standards for landscaping. The landscaping standards are intended to:

A. Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites;

B. Soften the appearance of urban development;

C. Ensure appropriately designed and maintained landscaping elements that allow natural surveillance;

D. Generate and preserve community identity to reinforce a sense of place that is unique to various neighborhoods and districts throughout the City;

E. Encourage the use of drought-tolerant, native or adapted plant species and demonstrate appropriate design and maintenance techniques and discourage the use of non-native invasive plants which require more water and have a negative impact to the City's natural environment; and

F. Provide environmental improvements, such as mitigating air and storm water pollution, providing shade, and reducing the effects of the urban heat island.

404.02 Applicability and Exemptions.

A. **Applicability.** The regulations of this Article shall apply to:

1. ***Proposed Developments.*** All buildings and uses of land, except active agricultural buildings located further than 100 feet from public rights-of-way.

2. ***Existing Properties.*** After the effective date of this Code, any proposed change to the primary exterior features of a building, such as alterations to entranceways, porches, driveways, and front yards, or exterior additions that project into the front yard, an increase in parking, or a change in use or building occupancy designation, the standards of this Article apply.

B. **Exempt Projects.** The requirements of this Article do not apply to:

1. Interior or upper-story additions to existing nonresidential or residential construction that add less than 20 percent to the existing floor area;

2. The establishment of an accessory use on the same lot as an existing primary use, such as the installation of an accessory office space, with no expansion of floor area or outdoor area occupied; and

3. A change in occupancy of a building that does not involve a change in the use type (e.g. the use classification).

404.03 General Requirements

A. **Landscaped Areas.** Required landscaped areas shall be maintained free from encroachment by any use, structure, vehicle, or feature not a part of the landscaping design, except for the fire hydrants and related fire protection devices, mailbox clusters, pedestals, poles, cabinets, utility-housing boxes, or other permanent fixtures as approved for emergency or service access.

1. Where turf abuts decomposed granite or similar inorganic landscape material, a hardscape edging material such as brick or concrete curb/mowstrip shall be provided.

2. Where vehicular cross-access is provided between adjoining properties that are not part of group commercial, office, industrial development, a 15-foot-wide perimeter landscape yard except where drive aisle occurs shall be provided.

B. **Tree Size.** Required trees shall meet the growth dimensions specified in the Arizona Nursery Association "Recommended Tree Specification" latest edition, a copy of which will be maintained on file by the Planning Division and available upon request. The Zoning Administrator may approve deviations from these minimum specifications based on availability, if a deviation is requested prior to installation.

C. **Shrubs.** Required shrubs shall have a minimum mature growth height of 18 inches. At least 50 percent of required shrubs shall be a minimum of five gallons in size upon installation, but in no case shall any shrub be less than one-gallon size.

D. **Ground Cover.** Required ground cover may be of two types:

1. Vegetative ground cover consisting of living plant materials characterized by horizontal, as well as vertical growth, generally not exceeding 18 inches in height.

2. Inert ground cover consisting of gravel, decomposed granite, crushed rock, desert tree mulch, or other approved materials. The use of "desert cobble" that looks like the desert floor, consisting of natural desert covers and seed mix, is encouraged. Minimum depth of inert material shall be 2.5 inches.

FIGURE 404.03.D: GROUND COVER TYPES

E. **Irrigation Systems.** Required irrigation systems shall be underground automatic watering systems, unless the lot is served by functioning flood irrigation. Irrigation and plantings within three feet of public utilities, such as but not limited to electrical transformers, light poles and fixtures, and communication sevices shall be limited to drip systems as to not overspray to cause undue corrosion to utility structures.

F. **Paving and Hardscape Materials.** Paving and ground treatment shall be an integral part of site and landscape design.

404.04 Site Landscaping on Non-Single Family Lots

A. **Landscaping in Visible Yards.**

1. ***Standards.*** Site Landscape standards must comply with Subdivision Ordinance §14-6-5.

2. ***Allowable Uses.*** Yards that are visible from public streets and not used for parking lanes, or pedestrian walkways or allowable outdoor facilities shall be exclusively maintained as landscaped areas with plant materials and may include monument signs, parking screen walls, and retention basins as well as utility boxes and related equipment.

3. ***Exceptions.*** Outdoor seating for restaurants and cafés may encroach:

   a. In NC Districts, up to 50 percent of the width of the required landscape area; and

b. In Mixed Use Districts, the entire width of the required landscape area. The City encourages the use of tree wells and planters to help define outdoor seating areas and to enhance urban spaces.

4. ***Numbers of Plants:*** Except as otherwise required by the Subdivision Regulations, the required planting in street-facing yards in non-residential development is as shown in Table 406.04.A.4.

TABLE 404.04.A.4: REQUIRED NUMBER OF PLANTS BY STREET TYPE FOR NON RESIDENTIAL DEVELOPMENT	
Street Right-of-Way	*Minimum Required Plants*
Arterial and Collector Streets	1 Trees and 6 Shrubs per 20 Linear Feet of Street Frontage (4 trees and 24 shrubs per 100 ft.)
Local and Neighborhood Streets	1 Trees and 4 Shrubs per 20 Linear Feet of Street Frontage (4 trees and 16 shrubs per 100 ft.)
Public or Private Local Streets	1 Trees and 4 Shrubs per 20 Linear Feet of Street Frontage (4 trees and 16 shrubs per 100 ft.)
All Fractional Amounts shall be rounded up to the next whole number (Example 2.15 trees rounds up to 3 trees)	

5. ***Minimum Size.*** In addition to minimum landscaping required in §14-6-5 of the Subdivision Code, minimum size of plant materials shall be as follows:

a. *Trees.*

(1) A minimum of 25 percent of the total required trees shall be 36-inch or larger box trees.

(2) A minimum of 50 percent of the total required trees shall be 24-inch box trees.

(3) No trees shall be smaller than 15-gallon size.

b. *Shrubs.*

(1) A minimum of 50 percent of the total required shrubs shall be 5-gallon size or larger.

(2) No shrubs shall be less than 1-gallon size.

c. *Substitutions.* Substitutions for the above requirements may be made according to the following table.

TABLE 404.04.A.5.C: TREE SUBSTITUTIONS		
Tree to be placed on site	*15-gallon tree equivalent*	*24-inch box tree equivalent*
24-inch box tree	2 trees	-
36-inch box tree	3 trees	2 trees
48-inch box tree	4 trees	3 trees
60-inch or larger box tree	-	4 trees

6. ***Ground Cover.*** All landscape areas shall be either covered with decomposed granite, desert varnish or cobble, desert tree mulch, turf, and/or acceptable alternative with supplemental shrubs and ground covers, accents, flowers, and vines.

7. ***Retention Basins.*** Rentention basins may not occupy more than 50 percent of the minimum required front yard and street side yard setback landscape areas.

B. **Adjacent Lot Lines.**

1. ***Buffer Zones Adjacent to Residential Zoning Districts.***

a. *Requirement.* Properties located adjacent to Residential Districts shall have a landcaped buffered area with a minimum with of 25 feet for Commerical and Mixed Use Districts, and 40 feet for Industrial Districts. In no case shall it exceed a 3:1 slope.

b. *Ground Treatment.* The buffer zone except for pedestrian walkways and driveways shall be either covered with decomposed granite, desert varnish or cobble, desert tree mulch, turf, and/or acceptable alternative with supplemental shrubs and ground covers, accents, flowers, and vines.

c. *Exception for enclosed Side or Rear Yards, Not Visible from Public Parking or Drive Aisles.* Trees and shrubs are not required.

d. *Areas Visible from R.O.W.'s, Public Parking or Drive Aisles.* A minimum of 20 shrubs per 100 linear feet of adjacent property line shall be provided in addition to the required regulations.

C. **Landscaping of Interior Setbacks.** Where a lot located in a Commercial or Mixed Use District is adjacent to an RS District, at least 25 (per Subdivision Code Section 14-6-5) feet of the depth of such setbacks must be landscaped, and remain free from parking, driveways, and encroachment by any structures that are not part of the landscaping design. Properties that are adjacent to non-residential districts, at least 15 feet of the depth of interior setbacks must be landscaped, unless specified elsewhere in this Code.

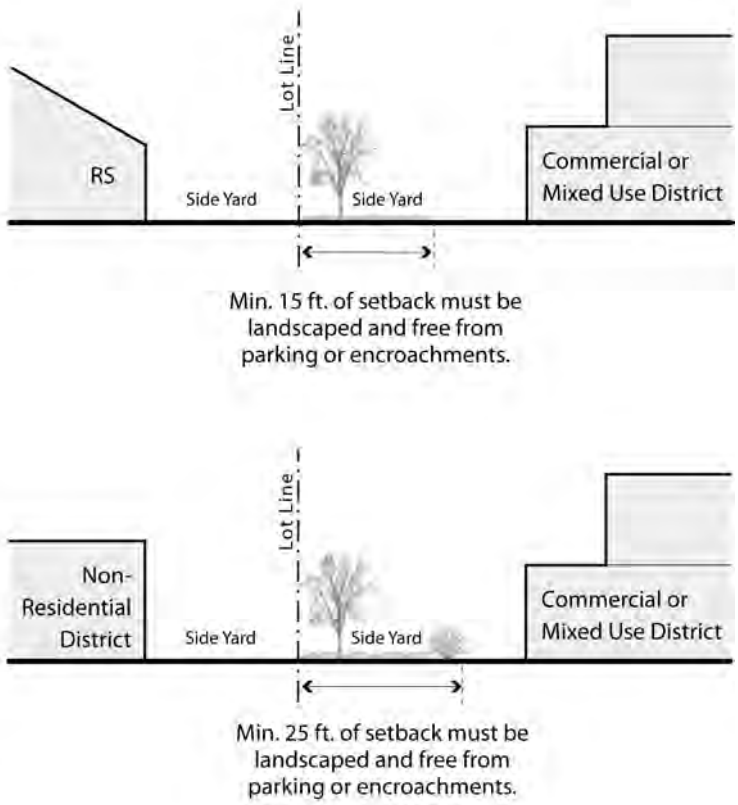


FIGURE 404.04.C: LANDSCAPING OF INTERIOR SETBACKS

404.05 Parking Lot Landscaping

A. **Applicability.** The interior parking lot landscaping standards of this Section apply to all off-street parking lots containing 10 or more parking spaces with exceptions where shade structures are provided for parking spaces. They do not apply to readapted residential properties in the MU-H District or vehicle/equipment storage lots or vehicle and equipment sales lots.

B. **Landscape Islands.**

1. Parking lot landscape islands shall be installed at each end of a row of stalls and in between for maximum six contiguous parking spaces. The distance may be increased to eight contiguous spaces by the Zoning Administrator if it is found that the overall amount of landscaping proposed is increased by at least 10 percent from that required on the entire development site.

2. Landscape islands shall be a minimum of eight feet wide and 15 feet in length for single-row and 30 feet in length for double-row parking. All measurements are to

face of curb. Projects may be elibigle for Sustainable Development Bonus Incentives if increased landscaping is provided.

3. Radius curbing shall be provided along drive aisles with a minimum four-foot radius.

4. For rows of more than 16 parking spaces, landscape islands shall be staggered.

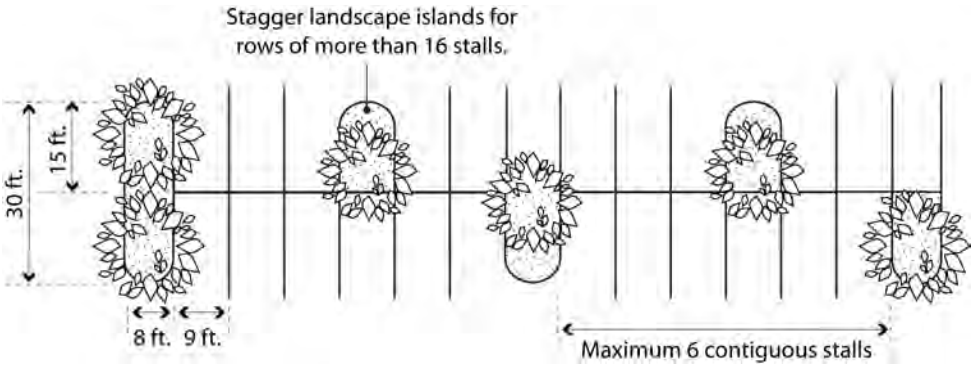


FIGURE 404.05.B: LANDSCAPE ISLANDS

5. The maximum length of a covered parking canopy shall be 15 contiguous parking spaces. Landscape islands within a row of parking may be eliminated when a conflict with the covered parking canopy occurs. However, landscape islands must be installed at the end of all parking rows.

6. When parking canopies are adjacent to each other in a single row, the total length of each canopy shall not exceed 15 parking stalls and the adjoining canopies shall be separated by at least a 24-foot-wide landscape island as depicted in the following illustration.

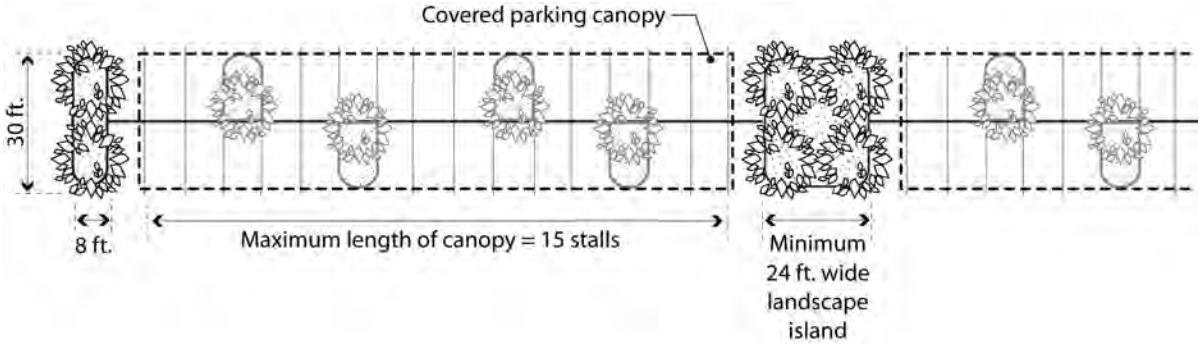


FIGURE 404.05.B.6: ADJACENT CANOPIES

7. For parking lots containing more than 200 spaces, one eight-foot-by-15-foot staggered landscape island may be replaced with two landscape islands of at least 25 square feet clear landscape area each. Each landscape island/planter shall contain at least one tree and three shrubs. These landscape islands/planters may be designed in

any combination of shape and size provided the minimum clear landscape area dimension is five feet.

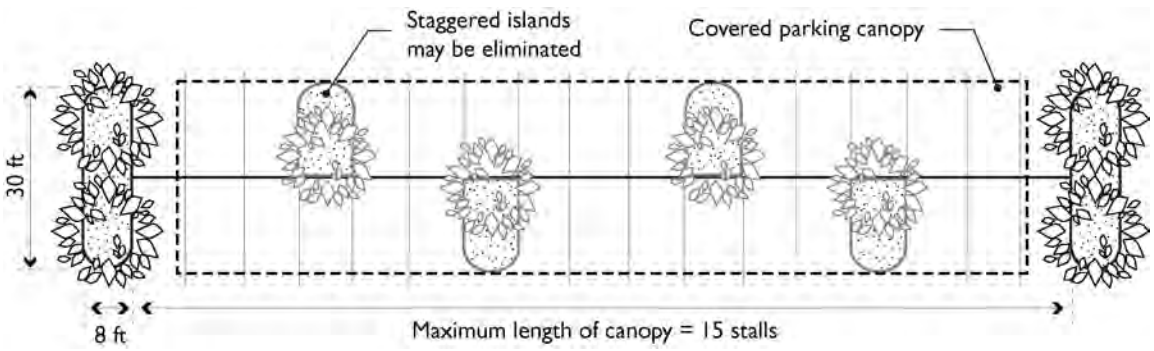


FIGURE 404.05.B.7: COVERED CANOPIES

C. **Medians.** Where divider medians occur adjacent to head-in parking, vehicle overhang shall be as follows:

1. ***Single-Row Parking.*** A minimum seven-foot (or nine feet if a two-foot overhang is provided) landscape area is required. The required median width does not include a sidewalk.

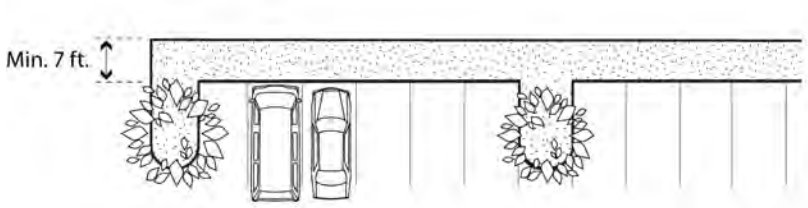


FIGURE 404.05.C.1: SINGLE-ROW PARKING

2. ***Double-Row Parking.*** A minimum eight-foot landscape area (or 11 feet if a two foot overhang is provided onboth sides of median) measured from face of curb to face of curb is required where the median width does not include a sidewalk.

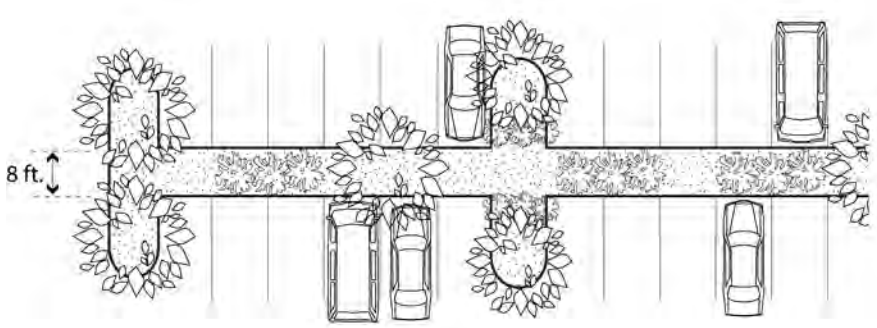


FIGURE 404.05.C.2: DOUBLE-ROW PARKING

3. ***Medians with Sidewalks.*** When a sidewalk is located within a median, shade trees should be placed so that at least 25 percent of the sidewalk is shaded at noon. The sidewalk shall be no less than four feet in width.

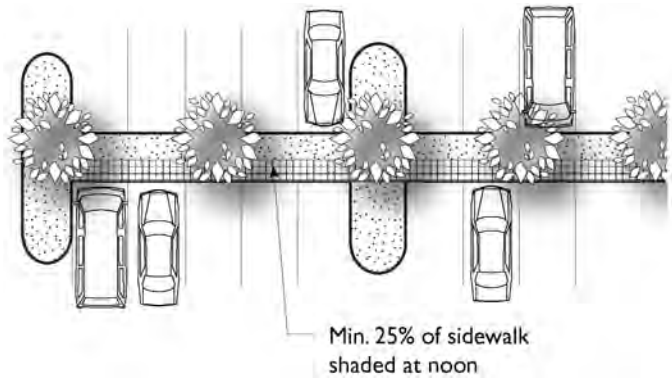


FIGURE 404.05.C.3: MEDIANS WITH SIDEWALKS

D. **Plant Materials.**

1. ***Number of Plants.***

   a. *Parking Lot Landscape Islands.* One shade tree and three shrubs shall be provided for every 15-foot parking island.

   b. *Parking Lot Divider Medians.* In addition to the above requirements, minimum one shade tree and six shrubs shall be provided for every eight parking spaces.

2. ***Size of Plants.*** A minimum 10 percent of the required trees for parking lot interior landscaping shall be 36-inch box. 60 percent of the required trees shall be at least 24-inch box, and the remaining can be a minimum of 15 gallon box. Substitution based on plant size is not permissible for trees planted within the interior of a parking lot.

3. ***Ground Cover***. All landscape planting areas that are not dedicated to trees or shrubs shall be permeable. No hardscape materials are permitted in designated planting areas.

404.06 Alternative Compliance

An applicant who can demonstrate that the intent of this Article can be exceeded, in whole or in part, may submit an Alternative Landscape Plan (ALP) prepared in accordance with this Section. The ALP shall include a narrative that clearly details the modifications being requested and explains how they enhance the landscape design principles listed below.

A. **Required Elements.** In order to qualify for consideration, an ALP shall demonstrate compliance with the following:

1. ***Use of Drought-Tolerance or Native Vegetation.*** Preservation or incorporation of drought-tolerance or native vegetation.

2. ***Compatibility with Surrounding Uses and Desert Environment***. A greater degree of compatibility with surrounding uses and the desert environment than a standard landscape plan would offer. The number of shrubs and trees proposed depends on the type of shrub or tree planted and size at full maturity.

3. ***Water Efficiency.*** Use of water-efficient irrigation systems and xeriscaping at appropriate locations is essential.

B. **Approval and Required Findings.** ALPs may be submitted in conjunction with any development application, including PAD plans. An ALP may be approved by the reviewing body upon finding that:

1. There are unique characteristics of the property, site design, stormwater management, or use that warrant special consideration to modify or deviate from the requirements of this Article and that these characteristics are not self-created.

2. The ALP meets or exceeds the minimum standards for plant materials of this Article, while recognizing the unusual site design or use restraints on the property and specific characteristics of the landscape design justify declaration from specific members or pre-approved plans established for standard landscape plans.

3. Approval of an ALP will provide for both increased consistency and compatibility with adjacent properties and the natural desert environment.

4. The ALP demonstrates innovative use of plants and efficient use of water.

Article 405 Lighting

Sections:

405.01 Purpose and Applicability
405.02 General Requirements
405.03 Lighting Standards
405.04 Prohibitions and Exemptions

405.01 Purpose and Applicability

A. **Specific Purpose.** The specific purpose of this Article is to restrict the use of outdoor artificial illuminating devices to conserve energy and reduce light pollution, while maintaining adequate visibility for safety on public and private property.

B. **Conformance with Applicable Codes.** All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this Code, the Subdivision Code, and the International Green Building code, when adopted by the City, and the International Energy Conservation Code, as adopted by the City, and all other applicable City ordinances and Code requirements. Where any provisions of the Arizona Revised Statutes, or any of the Federal law, or any companion City Code conflicts with the requirements of this Article, the most restrictive shall govern.

C. **Approved Material and Methods of Installation.** The provisions of this Code are not intended to prevent the use of any material or method of installation not specifically prescribed by this Code, provided any such alternate has been approved. The Zoning Administrator may approve any such alternate, provided that the proposed design, material or method:

1. Provides approximate equivalence to those specific requirements of this Code; and

2. Is otherwise satisfactory and complies with the intent of the Code.

405.02 General Requirements

A. **Timing Controls.** All lighting in non-residential development shall be on a time clock or photo-sensor system so as to be turned off during daylight hours and during any hours when

the building is not in use and the lighting is not required for security. Exceptions may be approved for low-level architectural or landscape lighting.

B. **Shielding and Filtering.** All lighting shall be designed to confine direct rays to the premises or onto adjacent public rights of way.

1. ***Shielding.*** All exterior illuminating devices, except those exempted from this Article, shall be fully or partially shielded.

   a. *"Fully shielded"* shall mean that those fixtures shall be 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.

   b. *"Partially Shielded"* shall mean that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane center line of the light source (lamp), minimizing the light above the horizontal.

2. ***Filtration.***

   a. Those outdoor light fixtures requiring a filter shall be equipped with a filter whose transmission is less than 5 percent total emergent flux at wavelengths less than 3900 angstroms. Total emergent flux is defined as that between 3000 and 7000 angstrom units.

   b. Low Pressure Sodium lamps are the preferred lamp for minimizing adverse effects on astronomical observations.

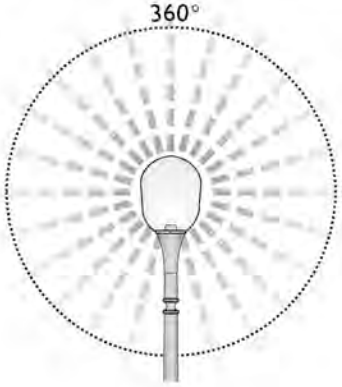
3. ***Requirements for Shielding and Filtering.*** The requirements for shielding and filtering light emissions from outdoor light fixtures shall be set forth in the following table:

TABLE 405.02.B.3: REQUIREMENTS FOR SHIELDING AND FILTERING		
Fixture Type	*Shielded*	*Filtered (4)*
Low Pressure Sodium (1)	Partially	None
High Pressure Sodium	Fully	None
Metal Halide (6)	Fully	Yes
Fluorescent	Fully (5)	Yes (2)
Quartz (3)	Fully	None
Incandescent Greater than 150W	Fully	None
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None
Other sources	As approved by Zoning Administrator	As approved by the Zoning Administrator

1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.
2. Warm white and natural lamps are preferred to minimize detrimental effects.
3. For the purpose of this Code, quartz lamps shall not be considered an incandescent light source.
4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.
5. 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.
6. Metal halide display lighting shall not be used for security lighting after 11 p.m. (or after closing hours if before 11 p.m.) unless fully shielded. Metal halide lamps shall be in enclosed luminaries.

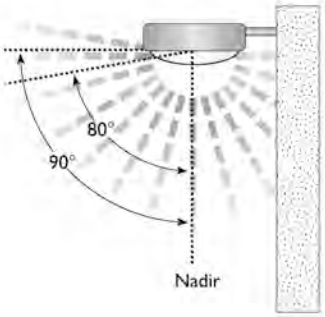
4. ***Lighting Levels for Parking and Loading Areas.*** The lighting system for parking and loading areas and driveways serving them shall provide not less than 1.0 footcandle and not more than 5.0 footcandle overall average illumination, with a minimum of 0.25 footcandle on the paved surface of the parking and loading areas.

Not Permitted: Non-Cutoff Luminaires



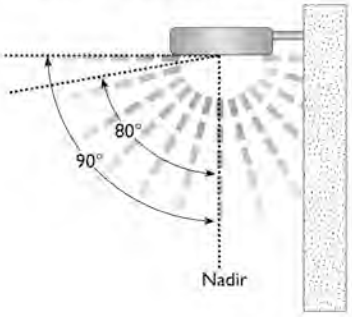
Noncutoff: Unrestricted high-angle illumination. There is no candela limitation in the zone above maximum candela.

Permitted: Cutoff Luminaires



Cutoff: The luminous intensity (in candelas) at or above an angle of 90° above nadir does not numerically exceed 2.5% of the luminous flux (in lumens) of the lamp or lamps in the luminaire, and the luminous intensity at or above a vertical angle of 80° above nadir does not numerically exceed 10% of the luminous flux of the lamp or lamps in the luminaire.

Permitted: Full Cutoff Luminaires



Full cutoff: The luminous intensity (in candelas) at or above an angle of 90° above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of 80° above nadir does not numerically exceed 10% of the (in lumens) of the lamp or lamps in the luminaire.

FIGURE 405.02.B: LIGHT FIXTURE SHIELDING

405.03 Lighting Standards

A. All on-site outdoor fixtures, other than bollard lighting or garage coach lights, shall be setback from all lot lines a minimum of 10 feet or a distance equal to the height of the fixture, whichever is greater.

B. Parking lot and pole mounted security lighting shall not exceed maximum mounting height of 14 feet within 100 feet of a Residential Zoning District, or from land designated for residential uses in the General Plan In all other areas, parking and security lighting shall not exceed a maximum height of 25 feet.

C. Wall-mounted fixtures shall be a maximum height of 12 feet above grade unless greater height is approved by the Zoning Administrator specifically for residential history accentuating architectural features of a building, accentuating signage, accentuating landscape features, or for security.

D. Ballard lighting or similar low mount landscape fixtures shall be used for illuminating pedestrian areas.

E. Recreational Facilities such as ball fields, may exceed the height limits of a District in compliance with Section 401.08.

405.04 Prohibitions and Exemptions

A. **Prohibitions.**

1. ***Searchlights.*** The operation of searchlights for advertising purposes is prohibited.

2. ***Recreational Facility.*** No outdoor recreational facility, public or private, shall be illuminated after 11 p.m. unless a temporary permit for a special event has been approved.

3. ***Architectural Lighting.*** Unshielded outdoor illumination on buildings is not permitted unless it is at a less than 90 degree angle and of filtration level approved by the Zoning Administrator. Exterior light fixtures attached to a building and designed as an integral part of the building may highlight building forms and architectural details as long as there is no direct spillover of light onto adjacent property and no light causes a hazard to motorist.

4. ***Advertising Sign or Landscape Illumination.*** The unshielded outdoor illumination of any advertising sign, landscaping or other purpose is prohibited. However, low voltage accent landscape lighting is allowed.

5. ***Mercury Vapor.*** The installation of new mercury vapor fixtures is prohibited. Existing mercury vapor fixtures shall be removed and replaced with compliant lighting fixtures wherever substantial alterations and additions are under taken, exclusive of ordinary maintenance and repair.

6. ***Fueling Service Canopies.*** All lighting under fueling facility canopies drive through canopies, porte-cocheres, and similar structures shall be fully recessed. No portion of the fixture shall project below the ceiling of the canopy structure.

B. **Permanent Exemptions.**

1. ***Fossil Fuel Light.*** Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

2. ***Federal and State Facilities.*** Those facilities and lands owned or operated as protected by the U.S. Federal Government or the State of Arizona are exempted by law from all requirements of this Code. Voluntary compliance with the intent of this Code at those facilities is encouraged.

C. **Temporary Exemptions.**

1. ***By Right Exemptions.*** Temporary emergency lighting needed by police, fire, and other emergency services, as well as temporary lights for holiday decorations.

2. ***Request for Temporary Exemptions.*** Any individual may submit a written request to the Zoning Administrator for a "Temporary Exemption" from the requirements of this Code through filing a Temporary Use Permit pursuant to Section 504.08. Such exemption will be valid for up to 30 days, renewable at the discretion of the Zoning Administrator. The Request for Temporary Exemption shall contain the following listed information:

   a. Specific exemptions requested;

   b. Type and use of exterior light involved;

   c. Duration of time for requested exemption;

   d. Type of lamp and calculated lumens;

   e. Total wattage of lamp or lamps;

   f. Proposed location of exterior light;

   g. Previous temporary exemptions, if any; and

   h. Physical size of exterior light and type of shielding provided.

3. ***Appeal for Temporary Exemptions.*** The Zoning Administrator, within five days from the date of the properly completed Request for Temporary Exemption, shall approve or reject in writing the Request. If rejected, the individual making the Request shall have the right of appeal to the Board of Adjustment.

Article 406 Nonconforming Uses and Structures

Sections:

406.01 Specific Purpose and Applicability
406.02 Establishment of Legal Nonconformities
406.03 Nonconforming Uses
406.04 Expansion of Nonconforming Use
406.05 Nonconforming Structures
406.06 Abatement

406.01 Specific Purpose and Applicability

This Article establishes provisions for the regulation of pre-existingstructures, uses, lots, and sites that were lawful before the adoption or amendment of this Code or previously adopted City codes, but which would be prohibited, regulated, or restricted differently under the terms of this Code or future amendments to the Zoning Code or the Zoning Map.

406.02 Establishment of Legal Nonconformities

A. **Nonconformities.** Nonconforming status may result from any inconsistency with the requirements of this Code, including but not limited to location, density, floor area, height, yards, usable open space, buffering, screening, landscaping, provision of parking, performance standards, or the lack of an approved use permit or other required authorization. Lawful nonconforming uses and structures are addressed in this Article.

B. **Nonconforming Uses, Structures, and Lots.** Any lawfully established use or structure that is in existence on the effective date of this Code or any subsequent amendment but does not comply with all of the standards and requirements of this Code shall be considered legal nonconforming. Legal nonconforming uses and structures may only be continued subject to the requirements of this Article.

406.03 Nonconforming Uses

A. **Classification of Nonconforming Uses.**

1. The Zoning Administrator may classify lawfully established nonconforming uses for the purpose of determining whether to permit substitution or expansion, subject to the requirements of this Article. The classification of any use or structure shall be optional and shall be based on written application by a qualified applicant, including such information as may be deemed necessary to determine that the use was lawfully established and to make any other findings that may be required.

B. **Class I.** Class I nonconforming uses are designated by the Zoning Administrator after determining that:

1. The existing nonconforming use was lawfully established;

2. The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;

3. The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted area plan;

4. The proposed use will not depress the value of nearby properties; and

5. No useful purpose would be served by strict application of the provisions or requirements of this Code with which the use or structure does not conform.

C. **Class II.** Class II nonconforming uses include any lawfully established non-residential use that involves one of the following:

1. Storage, use, or generation of hazardous materials, processes, products, or wastes;

2. Activity that may be detrimental to public health and safety because of the potential to create dust, glare, heat, noise, noxious gases, odor, smoke, and vibration;

3. Conditions that could be incompatible with surrounding uses; or

4. Any nonconforming Adult Oriented Business.

D. **Changes of Use.** No legal nonconforming use shall be substantially expanded or changed to a different use without approval of a Conditional Use Permit, unless the new use is permitted by right. This requirement does not apply to a change of ownership, tenancy, or management where the new use is in the same classification as the previous use, as defined in this Code, and the use is not expanded.

E. **Change from Nonconforming to Permitted Use.** Any nonconforming use may be changed to a use that is allowed by right in the Zoning District in which it is located and complies with all applicable standards for such use.

F. **Absence of Use Permit.** Any use that is nonconforming solely by reason of the absence of a use permit may be changed to a conforming use by obtaining a Conditional Use Permit.

G. **Discontinuance of Use.** If a legal nonconforming use is discontinued for a period of six months or longer, the use is determined to be abandoned and cannot be continued.

H. **Parking.** If a use is nonconforming solely with respect to parking standards, the structure devoted to the use may be maintained and repaired, but the use may not be expanded, extended, or intensified in a manner that would increase the required number of off-street parking spaces, unless parking is provided under current standards for the addition or intensification of use only.

406.04 Expansion of Nonconforming Use

Only Class I nonconforming uses may be expanded as follows with approval of a Conditional Use Permit.

A. **Within a Conforming Structure.** A nonconforming use in a structure that conforms to the applicable requirements of this Code and to the requirements of the Building Code as adopted by the City, may expand the floor area that it occupies, subject to the approval of a Conditional Use Permit, provided that no structural alteration is proposed or made for the purpose of the expansion.

B. **Within a Structure That Does Not Conform to the Building Code.** Any nonconforming use in a structure that does not conform to the Building Code, as adopted by the City, may not expand the area it occupies until and unless the structure is brought into conformance with all applicable Building Code requirements.

C. **Expansions to Other Structures or Lots.** A nonconforming use may not be expanded to occupy all or a part of another structure or another lot that it did not occupy on the effective date of this Code.

D. **Area Limit.** The expansion of the nonconforming use shall not exceed 50 percent of the floor area that the nonconforming use legally occupies at the time of application.

E. **Abandonment.** No legal nonconforming use may be resumed, reestablished, or reopened after it has been abandoned or vacated for a period of one year, except:

1. The legal nonconforming status of a single-residence or duplex residence shall not lapse, regardless of the length of time of non-use; or

2. The owner/operator can provide evidence of continual operation, including:

a. Monthly business receipts and an active business license with no lapse;

b. Tax returns received within the previous 12 months; or

c. Other materials acceptable by the Zoning Administrator.

406.05 Nonconforming Structures

A. **Nonconforming Building or Structure.** This term means any building or structure that was lawfully established and in compliance with all applicable codes and laws, but no longer complies with all applicable regulations and standards of development in the Zoning District in which it is located.

B. **Right to Continue.** Any legal nonconforming building or structure that was lawfully established prior to the effective date of this Code or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, or addition to any building or structure; no increase in occupant load; nor any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Article. The right to continue a nonconforming building or structure shall attach to the land and shall not be affected by a change in ownership. No substitution, expansion, or other change in use and no alteration or other change in structures is permitted, except as otherwise provided in this Article. Legal nonconforming structures may be repaired, maintained, or replaced in compliance with the requirements of this Section, unless deemed to be a public nuisance because of health or safety conditions.

C. **Enlargements or Alterations.** Nonconforming structures may be enlarged, extended, structurally altered, or repaired in compliance with all applicable laws, subject to the following provisions:

1. Alterations and enlargements that comply with the following, subject to only require the approval of the Zoning Administrator:

   a. Alterations or enlargements necessary to meet City or state requirements; and

   b. Alterations or enlargements necessary to meet current requirements of the Zoning District in which the structure is located or otherwise allowed in that Zoning District.

2. Alterations and enlargements that comply with the following, are subject to approval of a Conditional Use Permit:

   a. Alterations or enlargements that extend into a nonconforming yard or height limit, where the alteration or enlargement would not:

      (1) Further reduce any existing nonconforming yard;

      (2) Exceed applicable building height limits;

(3) Further reduce existing nonconforming lot coverage or floor area ratio requirements; and

(4) Increase the required number of off-street parking spaces unless parking is provided under current standards for the addition of the use only.

3. Alterations or enlargements up to 50 percent of floor area of a legal, nonconforming single residence or duplex residence may be made without providing any additional parking space or changes to an existing driveway, provided that such alterations or enlargements do not increase the number of dwelling units on the lot and a Conditional Use Permit is approved.

4. Notwithstanding the requirements of Subsection ((3)), a second unit in compliance with this Code may be developed on a lot that contains a nonconforming single-unit dwelling, if the single-unit dwelling is nonconforming only because it does not meet current parking standards. The second dwelling unit may only be established when parking is provided to meet the applicable requirements of this Code for both the primary dwelling and the second dwelling unit.

D. **Maintenance and Nonstructural Repairs.** Maintenance, non-structural repairs, and non-structural interior alterations are permitted to a nonconforming structure or to a structure occupied by a nonconforming use, so long as the changes and improvements do not enlarge or extend the structure.

E. **Structural Repairs.** Structural repairs that do not enlarge or extend the structure, including modification or repair of bearing walls, columns, beams, or girders, may be undertaken only when the Building Division determines that such modification or repair is immediately necessary to protect public health and safety of the occupants of the nonconforming structure, or occupants of adjacent property, or when the cost of such work does not exceed 50 percent of the appraised value of the nonconforming structure.

F. **Restoration of a Damaged Structure.**

1. A legal nonconforming building or structure that is damaged or partially destroyed may be restored or rebuilt if the cost of repair or reconstruction does not exceed 50 percent of the appraised value of the building or structure. Replacement of the damaged portions of the building is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed.

2. If the cost of repair or reconstruction exceeds 50 percent of the appraised value of the building or structure replacement, the land and building shall be subject to all of the requirements of this Code. However, the Zoning Administrator may approve an Administrative Permit for the structure to be rebuilt to the same size, extent, and configuration as previously existed as long as the previous use is continued or the original use is reestablished, as provided for in this Article.

406.06 Abatement

The provisions of this Article shall not apply to a use or structure that is or becomes a public nuisance. In the event that a legal nonconforming use or structure is found to constitute a public nuisance, appropriate action may be taken by the City pursuant to Chapter 10, Offenses, Section 10-1-12, Nuisances, of the City Code.

Article 407 On-Site Parking and Loading

Sections:

407.01 Specific Purposes
407.02 Applicability
407.03 General Regulations and Standards
407.04 Required Parking Spaces
407.05 Parking Area Design
407.06 Parking Reductions
407.07 Alternative Compliance with Minimum Parking Requirements
407.08 Bicycle and Motorcycle Parking

407.01 Specific Purposes

The specific purpose of this Article is to provide standards for parking and loading facilities to accommodate the various land uses permitted by this Code. It is the intent of this Article to require the minimum number of on-site parking and loading spaces with maneuvering areas, driveways, and surface materials for the efficient movement of vehicular traffic and also to provide flexibility in meeting these requirements for sites with special needs. Additional purposes of this Article include:

A. Ensuring the provision of safe and convenient places to park bicycles and motorcycles;

B. Providing paved surfaces and alternative dust control measures to control and reduce the amount of dust and particles released to the atmosphere;

C. Limiting the area of land consumed by parking by allowing reductions to the number of required parking spaces and sharing of parking spaces among multiple uses where appropriate;

D. Minimizing conflicts between pedestrian and vehicular circulation; and

E. Reducing the scale of paved surfaces and shading these surfaces, both of which are intended to reduce heat gain that contributes to the urban heat island effect.

407.02 Applicability

The parking and loading requirements of this Article apply to all development in the City. They may be modified pursuant to the provisions for certain Zoning Districts and Overlay Districts.

A. **Additions to Existing Buildings and Changes in Use.** When a change in use, expansion of a use, or expansion of floor area creates an increase of five percent or more in the number of required off-street parking or loading spaces, based on the initially approved and constructed facility or development, off-street parking and loading shall be provided according to the provisions of this Article. The additional parking shall be required only for such addition, enlargement, or change in use and not for the entire building or site. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.

B. **Alterations that Increase Number of Dwelling Units.** If an alteration to an existing building increases the number of residential dwelling units on the site, off-street parking to serve the new dwelling units must be provided according to the provisions of this Article.

C. **When Required.** Off-street parking and loading facilities required by this Article shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

407.03 General Regulations and Standards

A. **Location.** All required parking and loading spaces and maneuvering areas shall be located on the lot upon which the use served is located. Parking spaces may also be located upon a contiguous lot, within the same Zoning District, given the number of required parking spaces are met for both sites, and a City enforceable "Off-site Parking Agreement" is provided in accordance with Section 407.07 (D)(3). Parking spaces and maneuvering areas shall not be located within any RS District or in any required front or street side yard or landscaped area in any Zoning District, except driveways that directly and immediately allow a vehicle to access the site from a street or abutting property.

B. **Standards.** The following standards apply to required on-site parking and loading spaces, maneuvering areas, and access:

1. Required parking and loading spaces, maneuvering areas, and driveways shall be paved with asphalt, concrete, paving stone, or masonry to a sufficient thickness to withstand repeated vehicular traffic. The Zoning Administrator, in collaboration with the City Engineer, may establish alternative standards for porous surface paving.

2. Required parking spaces shall be permanently marked and shall be accessible from a street or alley by a driveway or aisle such that all vehicles shall approach the street or alley in forward motion, except for Single-Unit Dwellings and Agricultural uses.

C. **Compact Parking.** On a site with at least 10 required parking spaces, up to 20 percent of the total required parking spaces may be compact spaces, provided that the following standards are met:

1. Where covered parking is required all covered parking spaces shall be standard size;

2. All compact spaces are to be designated with a sign or pavement marking; and

3. Compact spaces shall be distributed throughout the parking area, with no more than eight compact spaces in a single row. No more than four compact parking spaces placed end-to-end shall make up any cluster of 10 parking spaces.

D. **Accessible Parking.** Accessible parking spaces shall be provided and maintained pursuant to the Federal Disabilities Act and Arizonans with Disabilities Act of 1992.

E. **Structured Parking.** The exterior elevations of any multi-level parking structure must be designed so as to screen or conceal parked cars from view from public streets and open space on the first and second floors of the structure. The floors of structured parking garages must be screened or concealed by one or more of the following methods:

1. ***Ground-Floor Commercial.*** The garage's ground-level street frontage (except for driveways and pedestrian entrances) for the designated front of the structure shall be improved with General Retail Sales, Food and Beverage Sales, Eating and Drinking Establishments, Personal Services, or similar pedestrian-oriented uses.

2. ***Landscaping.*** Landscaping shall be provided in the form of perimeter planters within openings, and/or the incorporation of hanging baskets, flower boxes, planting trellises, or desert plants.

3. ***Setback.*** A parking structure that does not incorporate ground-floor retail or other commercial use or is not otherwise screened or concealed at street frontages on the first and second levels, must provide a densely planted landscaped yard that is a minimum of 10 feet in depth, or the required setback for the district in which it is located, whichever is greater.

4. ***Combination of Opaque Screen Walls and Open Decorative Panels.*** A combination of opaque screening devices and decorative panels may be used to screen parking within above ground structures. Opaque screen walls shall not be higher than three feet six inches relative to the abutting floor height, and shall not exceed 45 percent of the aggregate surface area of the exterior wall. Decorative panels or other devices with opacity of at least 40 percent shall be used to screen the remainder. The decorative panels shall be constructed of durable materials, such as iron, steel, copper, aluminum, formed concrete, glass block, brick or other textured masonry.

F. **Recreational Vehicle (RV) Parking.** A single recreational vehicle may only be parked or stored on property within a Residential District as follows:

1. In a driveway, exterior, or interior side yard, or the rear yard for the purpose of loading or unloading or repairs or maintenance, not to exceed 24 hours before or after a trip; or

2. In a driveway, exterior, or interior side yard, or the rear yard, if at least 10 feet from the rear property line and screened so as not to be visible from the street; or

3. In a garage or accessory structure; and

4. The vehicle does not block access to a sidewalk or driveway.

G. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall be provided to meet the minimum dimensions required by this Subsection. Screening walls, roof support posts, columns, or other structural members shall not encroach the minimum required dimensions for parking spaces. A paved space may be reduced by two feet for vehicle overhand if it abuts the landscape median.

1. ***Standard Parking Spaces.*** The minimum basic dimension for standard parking spaces is nine feet by 18 feet. The table below shows the dimensions of a stall and aisle according to the angle of parking spaces.

TABLE 407.03.G.1: STANDARD PARKING SPACE AND AISLE DIMENSIONS

Angle of Parking (degrees)	*Stall Width*	*Curb Length Per Stall*	*Stall Depth*	*One-Way Aisle Width*	*Two-Way Aisle Width*
Parallel	9 ft.	22 ft.	9 ft.	11 ft.	20 ft.
30°	9 ft.	18 ft.	14 ft. 11 in.	11 ft.	20 ft.
40°	9 ft.	14 ft.	16 ft. 5 in.	11 ft.	22 ft.
45°	9 ft.	12 ft. 9 in.	17 ft.	11 ft.	24 ft.
50°	9 ft.	11 ft. 9 in.	17 ft. 5 in.	13 ft.	24 ft.
60°	9 ft.	10 ft. 5 in.	17 ft. 10 in.	16 ft.	24 ft.
70°	9 ft.	9 ft. 8 in.	17 ft. 9 in.	16 ft.	24 ft.
90°	9 ft.	9 ft.	16 ft.	21 ft.	24 ft.

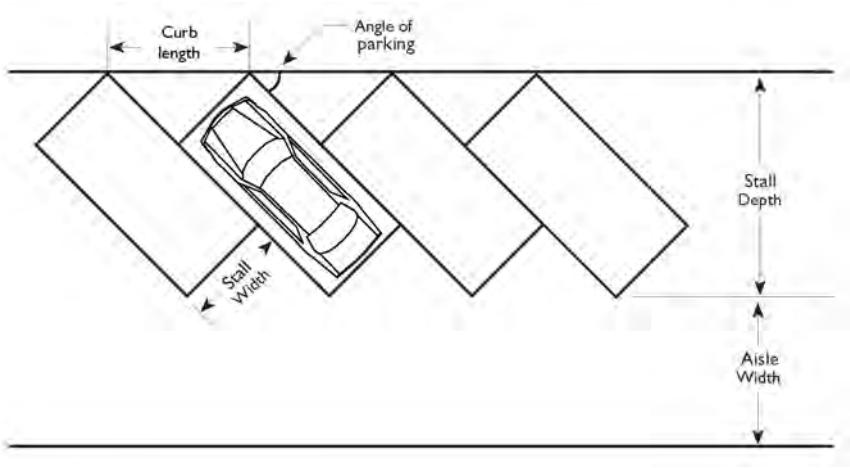


FIGURE 407.03.G.1: PARKING SPACES AND AISLES

2. *Compact Parking Spaces.* The minimum basic dimension for compact parking stalls shall be eight feet by 16 feet. The table below shows the dimension of standards and aisles according to the angles of parking spaces.

TABLE 407.03.G.2: COMPACT PARKING SPACE AND AISLE DIMENSIONS

Angle of Parking (degrees)	*Stall Width*	*Curb Length Per Stall*	*Stall Depth*	*One-Way Aisle Width*	*Two-Way Aisle Width*
Parallel	8 ft.	22 ft.	8 ft.	12 ft.	20 ft.
30°	8 ft.	18 ft.	17 ft. 4 in.	11 ft.	20 ft.
40°	8 ft.	14 ft.	19 ft. 2 in.	12 ft.	22 ft.
45°	8 ft.	12 ft. 9 in.	19 ft. 10 in.	13 ft.	24 ft.
50°	8 ft.	11 ft. 9 in.	20 ft. 5 in.	15 ft.	24 ft.
60°	8 ft.	10 ft. 5 in.	21 ft.	18 ft.	24 ft.
70°	8 ft.	9 ft. 8 in.	21 ft.	19 ft.	24 ft.
90°	8 ft.	9 ft.	18 ft.	24 ft.	24 ft.

H. **Size of Parking Spaces for Loading Vehicles.** Each on-site loading space required by this Article shall not be less than 12 feet wide, 45 feet long, and 14 feet high, exlcusinve of driveways for ingress and egress, maneuverina areas and setbacks. The minimum size requirement may be modified if the Zoning Administrator finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such size will not be needed.

I. **Size of Parking Spaces for Motorcycles, Scooters, and Golf Carts.** Motorcycle and Scooter parking spaces shall have a minimum dimension of five feet by nine feet. Golf cart parking spaces shall have a minimum dimension of five feet by 10 feet. All motorcycle and scooter parking areas shall be clearly marked and dedicated to these vehicles.

J. **Electric Vehicle Charging Stations.** In parking facilities containing 20 or more spaces serving multiple unit dwellings, offices, hotels, and motels, and large scale resorts, at least five percent of parking spaces shall be electric vehicle (EV) charging stations. For all other uses, EV charging stations are eligible for sustainable development incentives under Article 411 of this Code.

1. Each EV charging station shall be clearly marked with a sign reading "Electrical Vehicle Charging Station".

2. EV charging stations may be equipped with card readers, controls, connector devices, and other equipment as necessary for public use.

407.04 Required Parking Spaces

A. **Minimum Parking Requirements.** The following Table, 407.04.A, specifies the minimum parking spaces required for each use. Section 407.06 provides a procedure for reducing these requirements for reasonable cause, and Section 407.07 includes provisions for alternative compliance.

TABLE 407.04.A: PARKING REGULATIONS	
Use	*Minimum Parking Requirement*
Rural Uses	
Animal and Crop Sales	1 space per 100 s/f of sales area
Residential Uses	
Single Unit	
Single Unit Detached	2 covered spaces per dwelling
Single Unit Attached	2 covered spaces per unit
Second Dwelling Unit	1 additional space
Duplex	2.1 spaces per dwelling unit
Multiple Unit Dwelling	Guest- 0.2 space per unit Studio- 1 space per unit 1 Bedroom- 1.5 spaces per unit 2 Bedroom- 2 spaces per unit 3 Bedroom- 2.5 spaces per unit 4 Bedroom- 3 spaces per unit
Group Residential	1.2 space per dwelling unit for development with distinguishable dwelling units 1.0 space for each room plus 2 additional spaces for development with congregate dining and no distinguishable separate dwelling units
Senior and Long-Term Care	0.3 space per dwelling unit plus 2 additional spaces
Residential Care Facility; Supportive Housing; Transitional Housing	1.0 space per dwelling unit plus 2 additional spaces
Manufactured and Mobile Dwellings	2 spaces for each unit (may include tandem spaces); plus 2 guest parking spaces per 10 (or fraction thereof) dwelling units for the overall development

TABLE 407.04.A: PARKING REGULATIONS	
Use	*Minimum Parking Requirement*
Public and Semi-Public Uses	
Colleges and Trade Schools, Public and Private	1 space per 200 s/f of classroom + office space
Community Assembly	1 space per 125 s/f used for public assembly
Cultural Facilities	1.5 spaces per 1,000 s/f
Day Care Centers	1 space per 375 s/f
Educational Facility, Public and Private	1 space per 75 feet for public assembly space, such as auditoriums and theaters, and 1 space per 600 s/f for all other areas Elementary/junior high - 1 space per 300 s/f of classroom + office space Instructional - 1 space per 200 s/f of classroom + office High school/college - 1 space per 200 s/f of classroom + office Vocational - 1 space per 200 s/f of classroom + office
Emergency Shelters and Facilities	1 space per 1,000 s/f
Government Buildings	1 space per 200 s/f
Hospitals and Clinics	
Hospital	1 space per 400 s/f
Clinic	1 space per 200 s/f 1 space per 150 s/f for urgent care facilities
Parks and Recreation Facilities, Public	Campground- 1 (10' x 30') per campsite + 1 (10' x 30') per 6 campsites + 4 per laundry & shower facility All Other- 20 per athletic field or ball diamond or 1 per 4 seats, whichever results in more spaces
Public Safety Facility	1 per 250 s/f office space
Social Service Facility	1 space per 500 s/f
Commercial Use Classifications Uses	
Adult Oriented Business	1 space per 350 s/f
Animal Sales, Care and Services	
Animal Sales and Grooming	1 space per 250 s/f of sales/service area
Kennels	1 space per 250 s/f of office/service space
Riding Schools and Stables	1 space per 2 horse stalls
Small Animal Day Care	1 space per 250 s/f of office/service space
Veterinary Services	1 space per 250 s/f of office/service space
Automobile/Vehicles Sales and Services	
Automobile Rentals	1 space per 150 s/f
Automobile/Vehicle Repair, Major and Minor	3 spaces per service bay plus 1 space per 100 s/f of office and sales area
Automobile/Vehicle Sales and Leasing	1 space per 250 s/f of interior display space; plus 1 space per 3 service bays; plus 1 space per 25 vehicles displayed outdoors
Automobile/Vehicle Washing and Services	1 space per 375 s/f, including service bays, wash tunnels, and retail areas Automated/Self-Service: 2 spaces minimum Full Service: 10 spaces minimum
Large Vehicle and Equipment Sales, Service, and Rental	1 space per 250 s/f of interior display space
Service Station	1 space per 100 s/f, of convenience retails sales

TABLE 407.04.A: PARKING REGULATIONS	
Use	*Minimum Parking Requirement*
Banks and Credit Unions	1 space per 300 s/f
Building Materials Sales and Service	Retail:1 space per 375 s/f Wholesale:1 space per 800 s/f
Business Services	1 space per 375 s/f
Commercial Entertainment and Recreation	
Banquet and Conference Centers	Determined by Hearing Officer
Large Scale Facility	1 space per 500 s/f of public area Driving ranges: 1 space per tee plus ancillary use requirements
Small Scale Facility	1 space per 150 s/f or sum of components (courts, daycare, office, etc.), whichever is less 10 spaces + 1 per 200 s/f in excess of 1,000 s/f
Theaters	1 space per 3 seats
Golf Courses and Resorts	2 space per tee plus ancillary use requirements
Club or Lodge	1 space per 200 s/f
Commercial Kitchen	1 space per 250 s/f
Eating and Drinking Establishments	
Bars and Lounges	1 space per 100 s/f of customer seating area and 1 space per 400 s/f for outdoor seating area
Restaurants, Full Service	1 space per 100 s/f of customer seating area, and 1 space per 400 s/f for outdoor seating area
Restaurants, Limited Service	1 space per 75 s/f of customer seating area, and 1 space per 400 s/f for outdoor seating area
Restaurant, Take Out Only	1 space per 300 s/f of customer seating area, and 1 space per 200 s/f for outdoor seating area
Food and Beverage Sales	
Convenience Market	1 space per 300 s/f
General Market	1 space per 300 s/f
Liquor Store	1 space per 350 s/f
Specialty Food Sales and Facilities	1 space per 300 s/f
Funeral Parlors and Mortuaries	1 space per 100 s/f used for public assembly plus 1 space per 400 s/f of office area
Instructional Services	1 space per 200 s/f of instructional area
Light Fleet-Based Services	1 space per 250 s/f
Live-Work Quarters	1 space for reach 750 s/f of residential area, minimum of 1 space per unit
Lodging	
Hotel and Motels; Bed and Breakfast; Inns	0.8 space per room or suite of rooms with individual exits plus ancillary use requirements
Large Scale Resorts	Determined by Hearing Officer
Maintenance, Repair, and Rental Services	1 space per 500 s/f
Medical Marijuana Uses	
Dispensary Facilities	Determined by Hearing Officer
Cultivation	Determined by Hearing Officer
Nurseries and Garden Centers	1 space per 400 s/f of sales and service building, but not less than 4 spaces per use
Office	
Business and Professional	1 space per 375 s/f

TABLE 407.04.A: PARKING REGULATIONS	
Use	*Minimum Parking Requirement*
Medical and Dental	1 space per 200 s/f
Off-Track Betting Establishments	1 space per 100 s/f of betting area plus 1 space per 400 s/f of office space
Outdoor, Temporary, and Seasonal Sales	1 space per 375 s/f display area, but not less than 4 spaces per use
Personal Services	1 space per 375 s/f
Retail Sales	
General, Small Scale	1 space per 300 s/f
General, Large Scale	1 space per 250 s/f plus 1 per 5,000 s/f of outdoor display area
Tobacco Paraphernalia	1 space per 250 s/f
Industrial Uses	
Artists Studio and Production	1 space per 500 s/f but not less than 2 spaces per use
General Industrial	1 space per 1,000 s/f
Light Industrial	1 space per 600 s/f
Research and Development	1 space per 250 s/f
Salvage and Wrecking	1 space per 500 s/f
Storage and Warehouse	
Chemical and Mineral Storage	1 space per 250 s/f of office area
Indoor Warehousing and Storage	1 space per 5,000 s/f (based on storage space), includes manager's office
Outdoor Storage	1 space per 250 s/f of office area
Personal Storage	1 space per 900 s/f
Wholesaling and Distribution	1 space per 900 s/f
Transportation, Communication, Utility Uses	
Airports and Heliports	2 spaces per aircraft, plus ancillary use requirements
Communication Facilities	
Antennas and Transportation Towers	1 space per service employee
Facilities within Buildings	1 space per service employee
Freight/Truck Terminals and Warehouses	1 space per 1,000 s/f
Recycling Facilities	1 space per 900 s/f
Utilities	
Major	1 space per 250 s/f of office area
Minor	None
Waste Transfer Facility	1 space per 250 s/f of office area

B. **Basis of Calculation.** The on-site parking requirements specified in this Section are based on gross floor area, unless otherwise stated.

1. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements of the various uses, computed separately, as specified in this Section, and the off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.

2. In case of fractional results in calculating parking requirements from the chart below, the required number shall be rounded up to the nearest whole number if the fraction is 0.5 or greater.

C. **Covered Spaces.** Covered parking spaces shall be provided as follows:

1. Single-unit dwellings shall provide a minimum of two covered parking spaces per unit, one of which must be enclosed (a garage space).

2. Multiple-unit projects shall provide one covered parking space per unit.

3. Office-use developments shall provide one covered parking space per office or suite.

D. **Minimum Number.** All uses, except single-unit dwellings, shall provide at least four on-site parking spaces.

E. **Maximum Number.** The maximum number of parking spaces shall not exceed 10 percent more than the number required by Table 407.04.A, unless the applicant demonstrates that the additional parking is required to meet the anticipated parking demand of the proposed uses and the additional parking will not result in an over-dependence on automobiles to the detriment of other modes of access to the site. Additional parking lot landscaping may be required and the discretion of the Zoning Administrator.

F. **Credit for On-Street Spaces.** On-street parking spaces located immediately adjacent to the frontage of properties in the MU-N Districts may be counted toward required off-street parking for non-residential uses. One on-street parking space may be substituted for each required off-street space. These provisions only apply to street frontages where all day on-street parking is allowed.

G. **Calculation of Parking Requirements for Industrial Uses.** The following standards apply to specified and unspecified tenant spaces in industrial buildings:

1. ***Specified Tenants:*** Where tenants are specified and listed by name of company, parking is calculated according to uses identified on the floor plan.

2. ***Unspecified Tenants:*** Where tenants are not specified, and the use described on the plans is industrial or warehouse, parking is calculated based on 25 percent of the floor space being used for office uses, and 75 percent of the space being used for warehouse use, based on the parking ratios for those uses specified in Table 407.04.A.

H. **Uses not Specified.** The parking requirement for any use not listed in Table 407.04.A shall be determined by the Zoning Administrator based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand. In order to make this determination, the Zoning Administrator may require the applicant to submit a parking demand study or other information, at the applicant's cost.

407.05 Parking Area Design

A. **Setback of Cross Drive Aisles.** Parking spaces or cross drive aisles along main drive aisles connecting directly to a street shall be set back at least 50 feet from the property line abutting the street to avoid traffic conflicts.

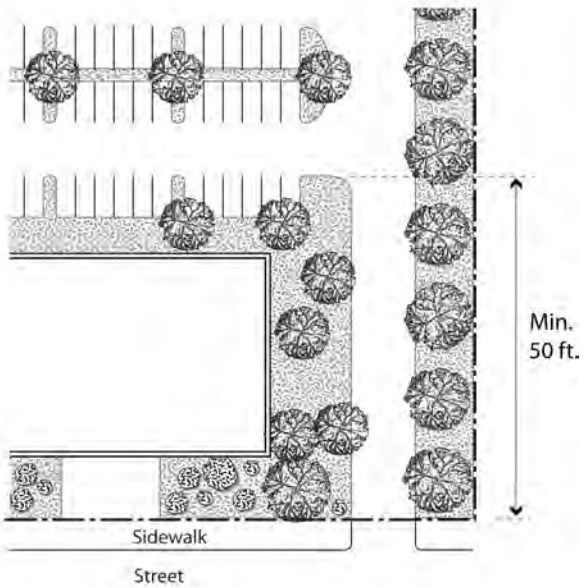


FIGURE 407.05.A: SETBACK OF CROSS DRIVE AISLES

B. **Parallel Parking Spaces Abutting Wall or Fence.** Each parallel parking space abutting a wall, fence, column, or other obstruction higher than one-half foot shall be increased by two feet on each obstructed side, provided that the increase may be reduced by one-quarter foot for each one foot of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space.

C. **Optional Double-Line Striping.** Each parking space shall measure nine feet from center to center, with double stripes two feet apart.

D. **Minimum Dimensions for Residential Carports.** Each single-car carport shall measure at least 10 feet wide by 20 feet long. Each double carport shall measure at least 18 feet wide by 20 feet long. The width of the carport is to be measured from inside face of support to inside face of opposite support. The carport roof shall cover the entire 20-foot length of the space.

E. **Minimum Dimensions for Residential Enclosed Garages.** Enclosed garages serving residential uses shall be constructed to meet the following minimum inside dimensions.

1. A single-car garage shall be at least 10 feet wide and 22 feet long.

2. A double-car garage shall be at least 20 feet wide and 22 feet long.

F. **Surfacing.** All parking spaces and driveways shall be paved and maintained with asphalt or other surface approved by the Zoning Administrator. Plans shall contain a cross-section of the parking lot indicating the composition and thickness of the materials to be used, as well as indicating the structural strength of the parking area. Any approval of an alternative dust-control surface by the Zoning Administrator shall specify and require routine maintenance method(s) and schedule. Failure by the owner of the site to maintain the alternative surface according to the approved method(s) and schedule shall be considered a violation of this Code.

G. **Circulation and Safety.**

1. ***Internal Circulation.***

   a. Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.

   b. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.

   c. Off-street parking and loading areas shall be provided with sufficient maneuvering room so that all vehicles can enter and exit from a public street by forward motion only. This regulation does not apply to parking areas serving single-unit dwellings served by individual driveways. The maneuvering of vehicles necessary to enter or exit loading areas shall not occur on City streets.

   d. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.

2. ***Parking Lot Layout.*** No more than 200 parking spaces shall be allowed together in one group or cluster. Parking lot clusters shall be separated by landscaping, pedestrian connections, cross aisles, retention basins or similar features.

   a. In office projects, a minimum of 25 percent of the required parking spaces shall be provided within 200 feet of the building served, with the balance of the required parking within 400 feet.

   b. In commercial and industrial projects, a minimum of 50 percent of the required parking spaces shall be located within 300 feet of the building served.

   c. In residential mixed use projects, required parking spaces shall be arranged to provide at least one parking space per unit within 200 feet of the dwelling units they are intended to serve.

d. Drive aisle intersections are to be perpendicular to each other.

e. Separate vehicular and pedestrian circulation systems shall be provided where possible.

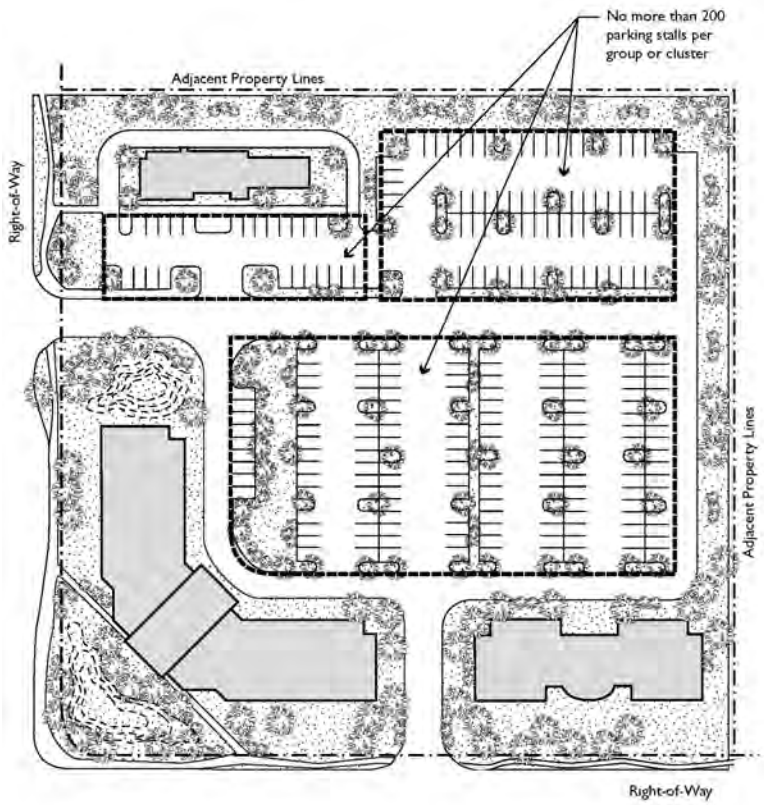


FIGURE 407.05.G.2: PARKING LOT LAYOUT

3. ***Pedestrian Access in Multi-Unit Development.*** Multi-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways.

   a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.

   b. *Materials and Width.* Walkways shall provide at least four feet of unobstructed width and be hard-surfaced.

4. ***Pedestrian Access in Commercial and Mixed-Use Development.*** Parking areas for commercial and mixed use developments that are 80 feet or more in depth and/or include 50 or more parking spaces must have distinct and dedicated pedestrian

access from the commercial use to parking areas and public sidewalks, according to the following standards:

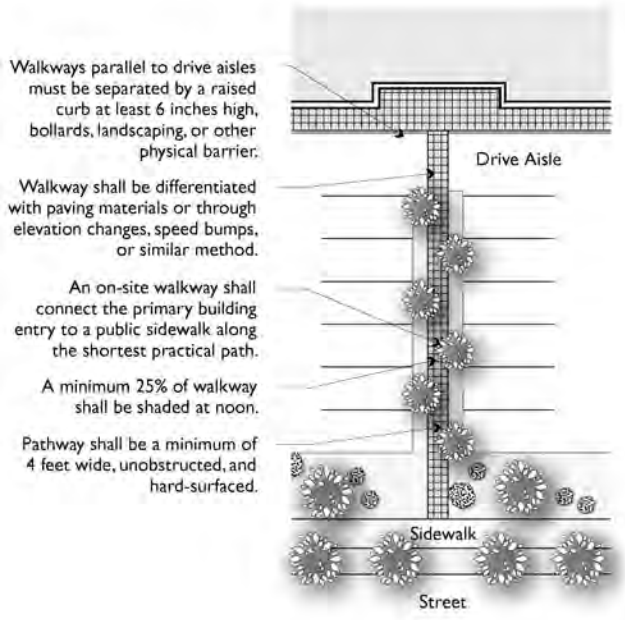


FIGURE 407.05.G.4: PEDESTRIAN ACCESS THROUGH PARKING AREAS

a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.

b. *Materials and Width.* Walkways shall provide at least four feet of unobstructed width and be hard-surfaced.

c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, a different color, or similar method.

d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least six inches surfaced high, bollards, or other physical barrier.

5. ***Pedestrian Access in Industrial Development.*** Parking areas for industrial developments, including manufacturing, warehousing, call centers, and similar employment uses, that are 80 feet or more in depth and/or include 50 or more parking spaces must have distinct and dedicated pedestrian access from the industrial use to parking areas and public sidewalks, according to the following standards:

a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry and/or primary employee entrance and exit to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance. This distance may increase up to 50 percent of the total straight-line distance in the event the route is designed to take account of afternoon shade patterns from buildings or similar shading devices.

b. *Materials and Width.* Walkways shall provide at least four feet of unobstructed width and be hard-surfaced.

6. ***Minimum Lighting Levels.*** All parking and loading areas shall meet the lighting requirements of Article 405.02(B).

H. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the decision maker that variations on the dimensions otherwise required by this Section are warranted in order to achieve environmental design and green building objectives, including but not limited to, achieving certification under the LEED™ Green Building Rating System or equivalent third-party system, a specific parking area design may be approved. Sustainable Development Bonus Incentives may be available for projects that apply alternative designs, as described in Article 412.

407.06 Parking Reductions

Required parking for any use may be reduced through approval of an Administrative Use Permit.

A. **Criteria for Approval.** An Administrative Use Permit for reduced parking shall only be issued if the following criteria are found to be true:

1. Special conditions, including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or parking facilities exist that will reduce parking demand at the site;

2. The use will adequately be served by the proposed parking, including any shaded parking; and

3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area considering the days and times of parking demand.

B. **Parking Demand Study.** In order to evaluate a proposed project's compliance with the above criteria, the Zoning Administrator may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces and includes any of the following information:

1. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.

2. A survey of existing on-street and off-street parking within 350 feet of the project site.

3. Standard parking requirements for the use, based on Table 407.04.A.

4. Estimated parking demand for the use, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE), or other professionally recognized and/or accredited sources. If appropriate parking demand studies are not available, the City may require the applicant to conduct a parking demand survey of a development similar to the proposed.

5. Comparison of proposed parking supply with parking requirements.

6. A shared parking analysis, as appropriate.

7. A description of any other characteristics of the site or measures being undertaken that could result in reduced parking demand, including but not limited to staggered work shifts, staggered opening times, telecommuting, shuttles to transit stations, or similar programs.

407.07 Alternative Compliance with Minimum Parking Requirements

A. **Authorized Alternatives.** The Zoning Administrator is authorized to approve alternative compliance parking permits for the following:

1. Off-site parking (see C);

2. Valet parking (see D);

3. Residential Special Needs (see E); and

4. Community Building(s) for Residential Development (see F).

B. **Administrative Use Permit Required.** Applicants seeking approval of an alternative compliance parking plan must secure approval of an Administrative Use Permit.

C. **Off-Site Parking.** The Zoning Administrator may permit all or a portion of the required off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the standards of this Section.

1. ***Location.*** No off-site parking space may be located more than 1,000 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This distance limitation may be waived by the Zoning Administrator if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the principal use.

2. ***Zoning Classification.*** Off-site parking areas are accessory to the principal uses that the parking spaces serve. Off-site parking areas require the same or a more intensive zoning classification as required for the most intensive of the uses served by the shared parking area.

3. ***Off-Site Parking Agreement.*** An agreement providing for the use of off-site parking, executed by the parties involved, must be filed with the Zoning Administrator, in an approved form. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this Article.

D. **Valet Parking.** Valet parking may be authorized through an Administrative Use Permit as a means of satisfying up to 100 percent of otherwise applicable off-street parking ratios. In order to approve an alternative parking plan for valet parking, the Zoning Administrator must determine that the proposal satisfies the approval criteria of off-site parking (see Subsection (C), above) and that the valet parking will not cause interference with the public use of rights-of-way or imperil public safety.

E. **Residential Special Needs.** If a developer can demonstrate that a Multi-Unit Residential or Group Residential housing project designed for residents with special needs, such as senior citizens or handicapped individuals, will not generate a need for as much parking as such a project designed for a general market, the approving body shall have the authority to allow a reduction in the number of required parking spaces. Upon conversion of a senior citizen or other special needs group housing project to a general market apartment or condominium complex, parking must be provided consistent with the requirements of Table 407.04.A, as amended from time to time.

F. **Community Building(s) for Residential Developments.** Community buildings used for the common benefit of residents within residential subdivisions or otherwise designed to be used by multiple-residence projects such as townhouse developments, apartments, residential condominiums, or manufactured home parks, may substitute up to 50 percent of required full-size parking spaces with golf-cart spaces, motorcycle/scooter spaces, or bicycle parking.

407.08 Bicycle and Motorcycle Parking

A. **Bicycle Parking.**

1. ***Spaces Required.*** Bicycle parking is required for multi-unit residential buildings and nonresidential development. Unless otherwise expressly stated, buildings and uses subject to bicycle parking requirements must provide at least three bicycle parking spaces, or at least one bicycle space per 10 off-street vehicle parking spaces actually provided, whichever is greater. After the first 50 bicycle parking spaces are provided, the required number of additional bicycle parking spaces is one space per 20 vehicle parking spaces.

2. ***Design and Location.*** Required bicycle parking spaces must:

   a. Consist of racks or lockers anchored so that they cannot be easily removed and of solid construction, resistant to rust, corrosion, hammers, and saws;

   b. Allow both the bicycle frame and the wheels to be locked using a standard U-lock;

   c. Be designed so as not to cause damage to the bicycle;

   d. Facilitate easy locking without interference from or to adjacent bicycles;

   e. Be located in convenient, highly visible, active, well-lit areas without interfering with pedestrian movements; and

   f. Have minimum dimensions of two feet in width by six feet in length, with a minimum overhead vertical clearance of seven feet.

B. **Motorcycle and Scooter Parking.** For any nonresidential use providing 50 or more off-street spaces, a maximum of two required off-street parking spaces per 50 vehicle spaces may be reduced in size or otherwise redesigned to accommodate parking for motorcycles and scooters. When provided, motorcycle and scooter parking must be identified by a sign. Motorcycle and scooter parking spaces can be counted toward meeting the minimum number of spaces required for the development.

Article 408 Performance Standards

Sections:

408.01 Specific Purposes
408.02 Applicability
408.03 General Standard
408.04 Location of Measurement for Determining Compliance
408.05 Noise
408.06 Vibration
408.07 Odors
408.08 Heat and Humidity
408.09 Fire and Explosive Hazards

408.01 Specific Purposes

The specific purposes of this Article are to:

A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;

B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and

C. Protect industry from arbitrary exclusion from areas of the City.

408.02 Applicability

The minimum requirements and standards in this Article apply to all land uses and all developments in the City.

408.03 General Standard

Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.

408.04 Location of Measurement for Determining Compliance

Measurements necessary for determining compliance with the standards of this Article shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

408.05 Noise

A. **Purpose.** Certain noise levels must be tolerated by all citizens in order for the normal functions of city life to continue. However, any loud, unnecessary, or unusual noise that is excessive, disruptive, and/or annoying is subject to regulation as provided in this Article. Children playing, construction equipment, barking dogs, amplified musical instruments, trash trucks, airplanes, and loud parties are all examples of noise found within the community.

B. **Prohibited Noises, Standards of Acceptable Levels.**

1. The following activities listed in Subsections (2) to (5), are prohibited if they:

    a. Produce any loud, unnecessary, or unusual noise that is excessive, disruptive, and/or annoying; and

    b. Are continuous or intermittent for a period of at least 15 minutes; or

    c. Occur after 10:00 p.m. but before 6:00 a.m. (noise produced as a result of construction or landscape maintenance on golf courses and parks may begin at 5:00 a.m.); and

    d. Are plainly audible beyond the property line of the property on which conducted; and

    e. Disturb the peace and quiet of a neighborhood, a reasonable person of normal sensibilities, or are not a temporary event.

2. Allowing or causing any noise by using, operating, or permitting to be played any electronic music device, television, amplifier, musical instrument, or instrument, machine or device used for the production, reproduction or emission of sound.

3. Creating or allowing any noise in connection with the loading or unloading of any vehicle.

4. Owning, possessing, harboring, or permitting any animal or bird which frequently or for continuous duration howls, barks, meows, squawks, or makes other sounds.

5. Allowing or causing any malicious or willful shouting, yelling, screaming, or any other form of raucous vocalization by a person or group of people.

C. **Other Prohibited Noises.**

1. Use of any automobile, motorcycle or other vehicle, engine or motor of whatever size, stationary or moving, instrument, device or thing, in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise.

2. Operating any mechanical device operated by gasoline, or otherwise, without having a muffler, in good working order and in constant operation, to prevent excessive or unusual noise and smoke; and no person shall use a muffler cutout, bypass, or similar device.

3. Operating or permitting the operation of any sound amplification system in or on a vehicle in such a manner or with such volume as to annoy or disturb the peace and quiet of any reasonable person of normal sensibilities or neighborhood in the vicinity.

4. Operating or permitting the operation of any sound amplification system in or on a vehicle in such a manner that the sound is plainly audible at a distance of 50 feet, or in such a manner that it causes a person's normal sensibilities to be aware of vibration accompanying the sound at a distance of 50 feet.

5. Maintaining or operating an outdoor speaker that is affixed to any structure or placed upon any property where:

   a. The speaker is audible for a distance of more than 50 feet from the source; or

   b. The speaker is 250 feet or closer to a Residential District. This restriction shall not apply to intercommunication systems that are utilized from 9:00 a.m. to 6:00 p.m. for the sole purpose of conducting the internal business affairs of the establishment.

This provision does not prohibit use of an outdoor speaker where a temporary use permit has been granted for a special event.

D. **General Exemptions.** The following activities are exempt from the provisions of this Article.

1. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster; to restore public utilities; or to protect persons or property from an imminent danger;

2. Sound made to alert persons to the existence of an emergency, danger, or attempted crime;

3. Activities or operations of governmental units or agencies;

4. Parades, concerts, festivals, fairs, or similar activities that have been approved by the City for a temporary use permit for special events;

5. Athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, and public or private colleges or universities; and

6. Construction, repair, remodeling, demolition, drilling, landscape maintenance, landscaping, lawn or yard work, wood cutting, including crafts and hobbies, or excavation work conducted between 5:00 a.m. through 8:00 p.m. Mondays through Fridays. Also, a person may engage in or allow such activities at that person's residence between 6:00 a.m. and 8:00 p.m. on Saturdays and Sundays.

E. **Temporary Exemptions.**

1. The City Manager or designee is authorized to grant a temporary exemption from the requirements established by this Article if such temporary exemption would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary exemption is sought.

2. A temporary exemption must be in writing and signed by the City Manager or designee and must set forth the name of the party granted the exemption, the location of the property for which it is authorized, and the date(s) and time(s) for which it is effective.

3. A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed 30 days, unless otherwise specified.

4. The following factors shall be considered by the City Manager or designee in determining whether to grant a temporary exemption:

   a. The balancing of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance;

   b. The nearness of any residence or residences, or any other use;

   c. The level of the sound to be generated by the event or activity;

   d. Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested;

   e. The density of population of the area in which the event or activity is to take place;

f. The time of day or night which the activity or event will take place; and

g. The nature of the sound to be produced, including but not limited to whether the sound will be steady, intermittent, impulsive or repetitive.

F. **Persons Responsible for Noise Violations.** The person responsible for an activity that violates this Section shall be deemed responsible for the violation. If the person responsible for an activity that violates this Section cannot be determined, the owner, property manager or agent of the owner, sponsor of the event, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation. Any person in attendance who engaged in any conduct causing the disturbance may also be deemed responsible for the violation. After three violations on the same property, in addition to the individuals listed above, the owner of the property may also be deemed responsible for the violation.

G. **Exterior and Interior Noise Limits Related to Land Use or Activities Permitted by Zoning.** No use or activity permitted by the Zoning Code shall create noise levels that exceed the following standards. The maximum allowable noise levels do not apply to noise generated by automobile traffic or other mobile noise sources in the public right-of-way.

TABLE 408.05.G: EXTERIOR AND INTERIOR NOISE LIMITS

Land Use Receiving the Noise	*Noise-Level Descriptor*	*Exterior Noise Level Standard in Any Hour (dBA)*		*Interior Noise-Level Standard In Any Hour (dBA)*	
		Daytime (6 a.m.–10 p.m.)	*Nighttime (10 p.m.–6 a.m.)*	*Daytime (6 a.m. – 10 p.m.)*	*Nighttime (10 p.m. – 6 a.m.)*
Residential	L_{50}	55	45	40	30
	L_{max}	70	60	55	45
Medical, convalescent	L_{50}	55	45	45	35
	L_{max}	70	60	55	45
Theatre, auditorium	L_{50}	-	-	35	35
	L_{max}	-	-	50	50
Church, meeting hall	L_{50}	55	-	40	40
	L_{max}	-	-	55	55
School, library, museum	L_{50}	55	-	40	-
	L_{max}	-	-	55	-

1. ***Adjustments to Noise Limits.*** The maximum allowable noise levels of Table 408.05.G, Exterior and Interior Noise Limits, shall be adjusted as follows. No more than one increase in the maximum permissible noise level shall be applied to the noise generated.

a. *Ambient Noise.* If the ambient noise level at a noise-sensitive use is 10 dBA or more below the standard, the allowable noise standard shall be decreased by five decibels.

b. *Duration.* The maximum allowable noise level (L_{50}) shall be increased as follows to account for the effects of duration:

(1) Noise that is produced for no more than a cumulative period of 15 minutes in any hour may exceed the noise limit by five decibels;

(2) Noise that is produced for no more than a cumulative period of five minutes in any hour may exceed the noise limits by 10 decibels; and

(3) Noise that is produced for no more than a cumulative period of one minute in any hour may exceed the noise limits by 15 decibels.

c. *Character of Sound.* If a noise contains a steady audible tone or is a repetitive noise (such as hammering or riveting) or contains music or speech conveying informational content, the maximum allowable noise levels shall be reduced by five decibels.

H. **Acoustic Study.** The Zoning Administrator may require an acoustic study for any proposed project that could be exposed to noise levels exceeding the limits in Table 408.05.G. When the Zoning Administrator has determined that there could be cause to make adjustments to the standards, a minimum 24-hour duration noise measurement shall be conducted. The noise measurements shall collect data utilizing noise metrics that are consistent with the noise limits presented in Table 408.05.G (e.g., L_{max} 0 minutes), L_{02} (1 minute), L_{08} (5 minutes), L_{25} (15 minutes) and L_{50} (30 minutes). An arithmetic average of these ambient noise levels during the three quietest hours shall be made to demonstrate that the ambient noise levels are regularly 10 or more decibels below the respective noise standards. Similarly, an arithmetic average of ambient noise levels during the three loudest hours should be made to demonstrate that ambient noise levels regularly exceed the noise standards.

I. **Noise Attenuation Measures.** Any project subject to the acoustic study requirements of paragraph (H) may be required as a condition of approval to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.

1. New noise-sensitive uses (e.g., schools, hospitals, churches, and residences) shall incorporate noise attenuation measures to achieve and maintain an interior noise level of 45 dBA.

2. Noise attenuation measures identified in an acoustic study shall be incorporated into the project to reduce noise impacts to satisfactory levels.

3. Emphasis shall be placed upon site planning and project design measures. The use of noise barriers shall be considered and may be required only after all feasible design-related noise measures have been incorporated into the project.

408.06 Vibration

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

408.07 Odors

No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site. Odors from temporary construction, demolition, and vehicles that enter and leave the site (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

408.08 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase in excess of five degrees Fahrenheit on another property.

408.09 Fire and Explosive Hazards

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Fire fighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity.

Article 409 Signs

Sections:

409.01 Purpose
409.02 Intent
409.03 Applicability
409.04 Exempt Signs
409.05 Prohibited Signs
409.06 Rules for Sign Measurement
409.07 General Standards
409.08 Standards for Residential and Rural Districts
409.09 Standards for Non-Residential Districts
409.10 Standards for Public and Institutional Districts
409.11 Standards for Government Signage
409.12 Temporary Signs
409.13 Community Kiosk Signs
409.14 Submittal and Permit Requirements
409.15 Comprehensive Sign Plan
409.16 Discontinuance and Change
409.17 Unsafe Signs
409.18 Nonconforming Limitations on Signs
409.19 Enforcement

409.01 Purpose

The purpose of this Article is to establish comprehensive provisions that will eliminate confusing, distracting and unsafe signs, establish reasonable regulations to promote economic vitality for local businesses and services, and enhance the visual environment of the City of Maricopa.

409.02 Intent

The intent of these provisions is to maximize establishment identification, minimize visual clutter, and maintain a high quality of signs throughout the City.

409.03 Applicability

The regulations, requirements, and provisions set forth in this Article shall apply to all signs erected, placed, or constructed within the City. This includes all signage in an approved Comprehensive Sign Plan, wall signs, under-canopy signs, monument signs, individual sign panels on a multi-tenant monument sign (which may require a structural permit from the Building Safety Division), temporary banners, and as deemed necessary by the Zoning Administrator or their designee.

409.04 Exempt Signs

A. **Permits Not Required.** Sign permits are not required for the following signs provided that such signs are subject to all other provisions of this Article. An Electric Permit is required for all exterior electronic signs.

1. Standard sign maintenance.

2. Yard, carport or garage sale signs.

3. Political signs.

4. Real Estate and Open House signs. See Section 409.12(D) for regulations.

5. Nameplate signs for individual residences.

6. Messages painted directly on, or adhesive vinyl film affixed to, the exterior surface of existing mineral glass windows; except that the aggregate square footage of such signs shall be calculated as window signage.

7. Signs required by a county, state or federal agency provided such signs are regulated by those agencies and signs are posted per the regulations as determined by the governing agency.

8. Portable signs.

B. **Exempted Signage.** The provisions of this Article shall not apply to the following:

1. Pennants or insignia of any nation, state, county, city, or school.

2. Memorial plaques, statuary or remembrances of persons or events noncommercial in nature, or building identification signs and building cornerstones when cut or carved into a masonry surface or when made of non-combustible material and made an integral part of the building or structure.

3. Works of fine art, historic or cultural artifacts when not displayed in conjunction with a commercial enterprise that may derive direct commercial gain from such display.

4. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events.

5. Signs that are relevant to the function of the property that are not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.

6. Signs displayed within the interior of a building.

7. The placement and maintenance of official traffic, fire and police signs, signals and devices and markings of the State of Arizona and the City of Maricopa or other authorized public agency, and the posting of notices as required by law.

8. Signs displayed during recognized holidays as identification of temporary sales areas for trees and similar holiday items in conjunction with an approved Temporary Use Permit. Such signs shall be exempted only when displayed within 30 days of the recognized holiday.

409.05 Prohibited Signs

A. **Prohibited Signs.** Any sign not specifically listed as permitted by this Article is prohibited, including but not limited to the following:

1. Billboards.

2. Signs mounted, attached, or painted on trailers, boats, or motor vehicles primarily, or left in a location for more than 24 hours, stored, or displayed in a manner intended to attract the attention of the public for advertising purposes. This does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home.

3. Signs attached to any utility pole or structure, streetlight, traffic signal, tree, fence, fire hydrant, park bench or other location on public property, unless otherwise specifically addressed in this Article.

4. The use of pennants, banners, balloons, streamers, and similar displays, except as permitted in Section 409.12.

5. Off-site signs, except those listed in Section 409.12 and 409.13 of this Article.

6. Subdivision weekend directional signs (bandit signs).

7. Signs displayed in a manner or locations that prevent free ingress and egress from a door, window or other exit.

8. Signs displayed in a location in such a manner as to obstruct or interfere with an official traffic sign, signal or device, or signs that obstruct or interfere with the

driver's view of approaching, merging or intersecting traffic and signs within the road medians or signs that are otherwise prohibited by this Article.

9. The use of reader panel signs, except as permitted in Section 409.08 of this Article.

10. Signage on wireless communication facilities unless otherwise required by the City.

11. Signs placed on walls, utility poles and housings, traffic control poles, or control panels, and mailboxes.

409.06 Rules for Sign Measurement

A. **Sign Area.** "Sign Area" is defined and shall be measured as follows:

1. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy shall be measured as that area within the outside dimensions of the background panel or surface. The base of a freestanding monument sign shall not be calculated as sign area unless said base contains signage.

2. Sign copy mounted as individual letters and/or graphics against a wall, fascia, or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as a sum of the smallest rectangle that will enclose each word, grouping of such letters, words, or graphics in the total sign copy.

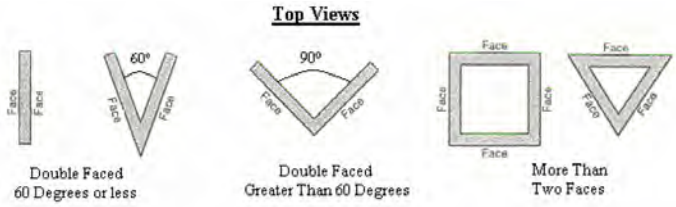
SIGN AREA

FIGURE 409.06A: SIGN AREA

3. Multi-face signs shall be measured as follows:

   a. A double faced sign shall be considered as one sign when determining the sign area, provided both faces are parallel and the distance between faces does not exceed two feet or the interior angle between the two sign faces is 45 degrees or less. If the interior angle is greater than 45 degrees or two feet, the sign area shall be the sum of the area of the two faces and shall be considered as two signs.

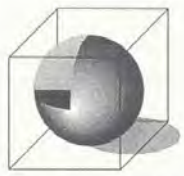
   b. Where a sign has three or more faces, the area of the sign shall be calculated as the total sum of the area of all faces and shall be considered as three signs.



MULTI-FACE SIGNS

FIGURE 409.06A.3: MULTI-FACE SIGNS

c. Where a sign is a spherical, free-form, sculptural or other non-planar sign, the sign area shall be 50 percent of the sum of the area of the sides of the smallest polygon that will encompass the sign structure.



NON-PLANAR SIGNS

FIGURE 409.06A.4: NON-PLANAR SIGNS

4. The aggregate sign area for all signs on a lot or parcel shall be the sum of the areas of all the signs except the area for the following:

   a. Directional signs, assisting in the flow of traffic, which do not exceed an area of three square feet or a height of three feet and do not include advertising or logos.

   b. Street address wall signs, which do not exceed an area of two square feet.

   c. Signs necessary for safety, which do not exceed an area of two square feet or height of three feet.

   d. For sale, lease, or rent signs.

B. **Sign Height.** "Sign Height" is defined and shall be measured as follows.

1. The height of a freestanding monument sign shall be measured as the vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or sidewalk, or the street grade of the nearest adjacent roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign, above curb, sidewalk, or street grade, shall be measured as part of the sign height.

2. Wall or fascia sign height shall be measured as the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.

409.07 General Standards

A. **Permit Required.** Sign permits and a zoning clearance shall be required for all signs except those signs specified in Section 409.04, Exempt Signs. The sign permit number shall be affixed to the sign. The City of Maricopa shall issue a sign permit only if the proposed sign, construction, alteration, re-erection, maintenance, and location of the sign comply with these regulations.

B. **Code Compliance.** All signs shall be structurally designed, constructed, erected and maintained in accordance with all applicable provisions and requirements of the City adopted codes and Ordinances.

C. **Maintenance.** All signs and sign structures, conforming and nonconforming, shall be maintained in good order, repair, and appearance at all times so as not to constitute a danger or hazard to the public safety or create visual blight as determined by the Zoning Administrator.

D. **Visibility.** Signs shall not be located in a manner that interferes with pedestrian or vehicular travel, or poses a hazard to either pedestrians or vehicles, or within the specified sight visibility triangle.

E. **Signs in the Public Right-of-Way.** Signs shall not be located within or projecting over any public street, right-of-way, or other public property, except for City of Maricopa approved kiosk sign structures, under canopy signs and projecting signs as permitted by this Code. The City may install signs on its own property to identify public buildings and uses, to provide necessary traffic control and directional information.

F. **Illumination Adjacent to Residential Districts.** Signs directly facing residential districts shall not be illuminated.

G. **Concealed Electrical Systems.** The source of the sign's illumination, except neon illumination, shall not be visible from any street, sidewalk, or adjacent property. This shall not preclude the use of neon sign elements that shall be limited to use within the Commercial Zoning Districts only.

H. **Concealed Mechanical Systems.** There shall be no visible angle iron supports, guy wires, braces or secondary supports except in the case of under canopy signs. All sign supports shall be an integral part of the sign design.

I. **Conflict with Other Provisions.** Where there is a conflict between these regulations and other City regulations or a Comprehensive Sign Plan, the more restrictive shall apply.

J. **Planned Area Developments.** Signage within approved Planned Area Developments (PAD) or Master Planned Developments (MPD, residential or non-residential) may deviate only from the requirements governing the total aggregate sign area and sign dimensional requirements of this Article provided the PAD or MPD has an approved Comprehensive Sign Plan, and all proposed signage within the PAD or MPD is in compliance with an approved Comprehensive Sign Plan.

K. **Signs Creating a Traffic Hazard or Affecting Pedestrian Safety.** Signs and/or banners shall not be placed in such a manner that they obstruct city required informational, traffic or safety signs.

L. **Height.** The overall building height is inclusive of any signs projecting above the building or roofline.

M. **Planning & Zoning Commission Review.** The Planning & Zoning Commission shall have the authority to review and recommend issuance of a Special Sign Permit for signs which are designed into and are part of an integrated architectural feature of a building where the provisions of this Code would otherwise prohibit such signs. In making such findings, the Commission shall determine that the overall signage in such a request shall not undermine the sign area and height standards provided in this Code. Final approval of such request for said Special Sign Permit shall be made by the Planning & Zoning Commission.

N. **Lighting.** All lighting for signage shall be in conformance with the adopted City of Maricopa codes.

O. **Electrical Signs.** Where permitted, all electric digital signs shall comply with the following requirements:

1. Each message displayed on an electronic sign must be static or depicted for a minimum of 30 seconds.

2. Where text is displayed on a background, the text shall be brighter than the background, i.e., dark text shall not be displayed on a bright background.

3. Electronic signs may not contain animation or any flashing of lights, moving lights, or any type of video.

4. Lighting from the sign must not exceed an intensity of 0.5 foot candles of light at the property line.

409.08 Standards for Residential and Rural Districts

For all signs within the Residential and Rural Zoning Districts the following shall apply. Additionally, any Residential District that has an approved PAD or MPD may apply for a Comprehensive Sign Plan.

A. **Total Signage.**

1. ***Single Unit Uses.*** Maximum of two nameplate signs per lot or parcel may be permitted.

2. ***Multiple Unit Uses.*** Only one nameplate sign per individual unit or dwelling may be permitted. A maximum of two freestanding monument signs per development may be permitted.

3. ***Non-Residential Uses.*** Maximum of two signs per lot or parcel may be permitted. If located on a corner lot a maximum of two wall signs, one per public street frontage, and one monument sign may be permitted.

B. **Single Unit Uses.**

1. May be illuminated or non-illuminated.

2. Two nameplate signs may be permitted per lot or parcel.

3. Within the RS Districts, a total aggregate area of four square feet may be permitted.

4. Within the RA and GR Districts, a total aggregate area of 12 square feet may be permitted.

C. **Multiple Unit Uses.** Within the RH, RM, and RHMP Districts:

1. One nameplate sign may be permitted per unit.

2. Nameplate sign area shall not exceed a total aggregate area of two square feet.

3. Building number or letter signs for multiple building developments shall be in compliance with Fire Department requirements and shall not be counted as part of the aggregate sign area.

4. A maximum of two freestanding monument identification signs with an aggregate area of 24 square feet may be permitted per development. The maximum height shall be five feet. Signs should be located near the main entrance(s) and may include only the name of the development and the street address.

D. **Non-Residential Uses.**

1. Examples of non-residential uses in a Residential District include, but are not limited to, assembly uses, schools, public buildings, assisted living facilities (with more than five persons receiving care) and farms, but do not include home occupations.

2. One wall mounted sign per lot or parcel not exceeding 32 square feet in area shall be permitted. The sign may include only the name of the facility, organization or development and the street address.

3. Additionally, any complex/single building development in excess of 15,000 square feet (gross floor area) may submit a Comprehensive Sign Plan to be reviewed and approved by the City.

4. One freestanding monument sign per lot, not exceeding 32 square feet in area nor a height of five feet, may be permitted. The sign may include only the name of the facility, organization, or development and shall include the street address.

E. **Subdivision Entry/Identification Signs.**

1. A wall or monument sign may be permitted at no more than two of the entryway(s) of a subdivision. The signage shall be integrated to complement the streetscape and landscaping frontages. A maximum aggregate area of no more than 48 square feet per subdivision nor more than one sign on each side of the entry, if wall mounted, may be permitted. Backlit signs are preferred; using external spot lights to light signage is strongly discouraged. All lighting shall be in conformance with the adopted City codes.

2. The maximum height shall be five feet. The sign copy may include only the name of the development and the street address.

F. **Reader Panel Signs.**

1. Assembly uses may use up to one-half of the allowed freestanding monument sign area for a reader panel.

409.09 Standards for Non-Residential Districts

For all signs within the Commercial and Industrial Zoning Districts of NC, GC, SC, GO, MU-N, MU-G, MU-H, LI, GI, and IP, the following regulations shall apply. Additionally, any complex of two or more businesses or any single building development in excess of 5,000 square feet (gross floor area) may submit a Comprehensive Sign Plan and any single building development in excess of 25,000 square feet shall be required to submit a Comprehensive Sign Plan to be reviewed and approved by the City.

A. **Total Signage.**

1. The combination of all of the below types and styles of allowed signage shall be included in calculating the total aggregate sign area, except where specifically excluded or otherwise exempted by this Article. For corner buildings or developments only the main entrance frontage shall be measured when determining the allowable signage.

2. The combined total aggregate sign area of all signs for any one business in the NC, MU-N, and MU-H Districts shall not exceed 75 square feet.

3. The combined total aggregate sign area of all signs for any one business in GC, SC, GO, MU-G, and IP Zoning Districts shall not exceed 80 square feet.

4. The combined total aggregate sign area of all signs for any one business in the LI, GI Zoning Districts shall not exceed 100 square feet.

B. **Wall or Building Signage.**

1. The sign area for any one business or individual tenant shall not exceed one-and-one-half square foot for each two linear feet of street or store frontage with the maximum not to exceed 32 square feet.

2. Single buildings/businesses with less than 25,000 square feet (gross floor area) are allowed one wall or building sign per business.

3. Single buildings/businesses with two street frontages are allowed one wall sign per street frontage.

4. Signage shall not extend horizontally a distance greater than 50 percent of the width of the building wall on which it is displayed.

C. **Freestanding or Monument Signage.**

1. One freestanding identification sign shall be permitted per development and may include only the name of the business and shall include the address.

2. The sign shall not exceed six feet in height.

3. For a single tenant building the sign area shall not exceed one-and-one-half square foot for each two lineal feet of street frontage with the maximum not to exceed 32 square feet.

4. If street frontage is not available then the allowable sign area may be based on the lineal foot of store frontage at a ratio of one square foot of signage for each five linear feet of store frontage.

5. For multiple building developments or commercial centers: one sign may be permitted on any lot with 100 feet of street frontage and one additional freestanding sign for every three hundred feet of street frontage over 100 feet for the entire development. The individual buildings within the development and/or the PAD sites within the commercial center shall not be considered as separate developments. The minimum distance between two signs on the same street frontage shall be 300 feet. Each sign may be eight feet high and a maximum of 48 square feet in area and may be either a center identification sign or a multi-tenant identification sign. One half of the Monument Sign Area may be a Changeable Message Sign, subject to administrative approval.

D. **Directory and Directional Signs.**

1. One directory sign per complex entrance may be used when useful to identify the location of various buildings, offices, or businesses within a complex. A directory sign may be internally illuminated, externally illuminated, or non-illuminated and have a maximum area of six square feet, and a maximum height of six feet, and shall

not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.

2. One directional sign may be used for each entrance and exit to or from a parking area or drive-thru lane provided that the sign is limited to three square feet in area and four feet in height. A directional sign may be double faced and shall contain no business identification, advertising copy, or logo.

E. **Window and Interior Display Signage.**

1. The total aggregate area of all window and interior display signs shall not exceed 50 percent of the total area of the windows through which they are visible.

F. **Flags.**

1. Flag poles shall not exceed 80 feet in height, measured from the top of grade to top of pole.

2. No more than one United States, one State of Arizona, one foreign national flag or one corporate flag shall be flown on any one site with a maximum of three poles per site.

3. 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.

4. United States and State of Arizona flags shall be maintained with flag etiquette.

G. **Awning Signs.**

1. A maximum of 25 percent of the front face area of the awning may be used for signage.

2. Signage shall be specific to the tenant.

H. **Under Canopy Signs and Projecting Signs.**

1. One under canopy sign or projecting sign which is designed and oriented primarily for the aid of pedestrians may be allowed per primary business and shall be located immediately adjacent to the business it identifies.

2. Shall have an eight foot minimum clearance between the bottom of the sign and the sidewalk.

3. Projecting and under canopy signs shall not project less than six inches nor more than three feet from the building wall or building face.

4. Under canopy signs shall have a maximum area of three square feet.

5. Projecting signs for each ground floor business, on a street, shall not exceed one square foot for each linear street frontage of business, up to a maximum of 15 square feet.

6. Sign shall be specific to the primary tenant.

7. A wall or fascia sign is not permitted if a projecting sign is used to identify the business on the same wall.

I. **Menu Boards.**

1. Each drive through lane and/or drive-in restaurant may be permitted one preview board and one ordering menu board. These boards may be freestanding or wall-mounted and located not less than 45 feet from the street property line. The front of the board shall not be visible from the public street.

2. Maximum sign area shall not exceed 48 square feet and shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.

3. The sign shall not exceed six feet in height.

4. Menu boards fronting roadways shall be screened with a decorative wall and/or landscaping.

J. **Gasoline Service Station Signs.**

1. One freestanding sign per street frontage on which the service station has frontage; but not including freeway or interstate frontage.

2. Maximum sign area for a price sign shall not exceed 12 square feet.

3. Maximum sign height for a freestanding sign shall not exceed six feet.

4. One canopy sign per street frontage.

5. Maximum sign area of canopy sign shall not exceed 12 square feet per sign.

6. Price sign cannot be located on the canopy or building.

409.10 Standards for Public and Institutional Districts

For all signs within Public and Institutional Districts, the following shall apply:

A. **Wall Sign.**

1. One wall mounted sign per lot or parcel not exceeding six square feet in area may be permitted. The sign may include only the name of the facility or development and the street address.

B. **Freestanding Sign.**

1. One freestanding sign per entrance not exceeding 12 square feet in area nor a height of five feet may be permitted. The sign may include only the name of the facility or development and shall include the street address.

C. **Directional or Informational Signage.**

1. Signs shall be non-illuminated.

2. Signs shall not exceed 12 square feet in area or six feet in height.

D. **Scoreboards.**

1. No advertising shall be affixed to the rear of the scoreboard directly facing a road way or Residential Districts.

E. **Banners.**

1. Sign shall be one sided and may only be displayed on park fences facing internal to the park.

409.11 Standards for Government Signage

For all City of Maricopa Facilities (City of Maricopa Facilities include but are not limited to City Hall, Libraries, Fire Stations, Community Centers, Police Stations, City Parks, etc.), the following regulations shall apply:

A. **Wall or Building Signage.**

1. Sign shall not exceed one-and-one-half square foot for each two linear feet of street or building frontage with the maximum not to exceed 32 square feet.

2. Signage shall not extend horizontally a distance greater than 50 percent of the width of the building wall on which it is displayed.

3. Only one wall or building sign per facility.

4. The City may submit a Comprehensive Sign Plan.

B. **Freestanding or Monument Signage.**

1. One freestanding identification sign shall be permitted per City facility and may include only the name of the facility and the address.

2. The sign shall not exceed six feet in height.

409.12 Temporary Signs

A. **Banners, Pennants, and Displays for Grand Openings.**

1. For Home Builder Signs, please refer to Section 409.12(H).

2. Banners, pennants, and other promotional displays (A-frames, balloons, banners, flags, etc.) for temporary sales events may be permitted within the Commercial, Residential, Multiple Unit, Mixed Use, and Industrial Districts. A business may request such signs and displays a maximum of eight times per year for a maximum period of 30 consecutive days on each occasion. A minimum of 14 days shall pass between each such display. Such signs and displays shall be removed immediately upon termination of the sale that they advertise or after the 30 day period, whichever occurs first. Special requests for temporary sales event shall be submitted for review and approval by the Zoning Administrator or their designee.

3. Written approval must be obtained, from the Zoning Administrator or their designee, prior to the installation of any temporary sales event or grand opening banners, pennants, signs, balloon, or other promotional displays.

4. Banners and pennants shall be displayed only on the building and not within the parking area, perimeter landscape, or some other area of the development.

5. The maximum banner size shall be four feet by eight feet or 32 square feet and shall be limited to one per street frontage for the business.

6. No pennant, banner or promotional display shall be placed on or above the roof of any building.

7. Promotional displays shall be located on the premises to which they pertain and shall not be placed in the public right-of-way or attached to any street light, traffic signal pole, or utility pole.

8. Promotional displays in forms of balloons shall be subject to the following safety standards:

   a. Balloons shall be securely fastened.

   b. Balloons shall not project above the building roofline.

   c. Balloons shall project no more than 15 feet above grade when a building is not present.

9. ***New Business Identification Banners.***

a. Allowed from the date of issuance of a Certificate of Occupancy for the business until the date of the installation of a permanent sign.

b. Interim banners shall not exceed 32 square feet and be placed upon the building wall of the business.

c. Allowed to be displayed for a period of 90 days with a renewal for an additional 45 days contingent upon the approval of a new permanent sign application.

d. All temporary signs shall be marked to show permit number and expiration date.

B. **Special Event Signage.**

1. *Off-Site Event/Directional Signs.*

a. A sign plan shall be required in conjunction with the Special Event Permit. Said sign plan shall show the proposed location, placement, and size of all off-site event/directional signs.

b. Directional signs shall be no greater than four square feet and event signs shall be no greater than 32 square feet. Said signs may be permitted within the City right-of-way, excluding medians, in accordance with the approved sign plan for an approved Special Event Permit and an approved Right-of-Way Permit.

c. Directional signs may be placed 24 hours prior to event and event signs may be placed five days prior to the event or as specified in the approved Special Event Permit request and shall be removed within 48 hours after the conclusion of the event.

2. *Banners and Promotional Signs.*

a. Banners shall be made of cloth, nylon, or similar material.

b. Banners may be fastened to streetlights that are specifically designed to accommodate banners. Such banners may advertise a City-authorized special event or a community wide event or a community message but not for individual businesses.

c. Banners shall be placed five days prior to the event or as specified in the approved Special Event Permit request and shall be removed within 48 hours after the conclusion of the event.

d. All banners shall be reviewed and approved by the Zoning Administrator or their designee.

C. **Political Signs.**

1. Political signs are permitted in all Districts.

2. In accordance with A.R.S § 16-1019, political signs shall not be displayed earlier than 60 days prior to an election and shall be removed 15 calendar days after the specific election to which they refer. (If a candidate is in a run-off election the sign may remain 15 calendar days after the completion of the run-off election).

3. In accordance with A.R.S. § 16-1019, political signs shall not be placed in any portion of the sight visibility triangle or right of ways (ROW) on state highways or routes, or overpasses over those state highways or routes.

4. In accordance with A.R.S. § 16-1019, the total sign area permitted on any residentially-zoned lot or parcel is a maximum of 16 square feet.

5. Signs placed on any commercial or industrial property are allowed with the owner's permission. Signs shall not be higher than five feet in height and shall be setback seven feet from the edge of any city street, pavement or sidewalk. In accordance with A.R.S.16 § 16-1019, the maximum area of any political sign in a non-residential zoned district shall be 32 square feet.

6. In accordance with A.R.S. § 16-1019, the sign shall contain the name and telephone number or website address of the candidate or campaign committee contact person.

7. In accordance with A.R.S. §16-1019, the sign shall support or oppose a candidate for public office or support or oppose a ballot measure.

8. In accordance with A.R.S. § 16-1019, signs 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 American with Disabilities Act (42 Unites States Code section 12101 through 12213 and 47 United States Code sections 225 and 611).

9. All other requirements shall adhere to A.R.S. § 16-1019, as may be amended from time to time.

D. **Portable Signs.** Portable signs, also known as A-frame signs, are allowed in Multiple Unit, Residential, Commercial, and Mixed Use Zoning Districts and for public assembly uses, subject to the following standards.

1. ***Maximum Number.*** Each business establishment shall not have more than one portable sign.

2. ***Placement.*** A-frame signs shall be placed on private property on the same lot as the establishment that qualifies for such sign.

3. ***Prohibited Locations.*** Portable or A-frame signs shall not be located:

a. In medians;

b. Across any street from the business being advertised;

c. In parking aisles or stalls;

d. In driving lanes or any public right-of-way;

e. On multi-use trails or sidewalks;

f. At any location where they would block pedestrian access;

g. Within 100 feet of a monument sign;

h. Within 20 feet of a permanent wall sign;

i. Within 20 feet from any other A-frame sign; and

j. Within 30 feet from an access drive or street intersection (e.g. within the sight visibility triangle defined by this Code).

4. ***Hours for Display.*** A-frame signs are permitted during the hours a business or apartment rental office is open for business and one-half hour before opening and one-half hour after closing. A-frame signs shall be removed during hours when the establishment is not open to the public and shall not be displayed after the event with which they are associated is over.

5. ***Maximum Size.*** Five square feet in area.

6. ***Maximum Height.*** Three feet.

7. ***Materials.*** The supporting structure of Portable or A-frame signs shall not be constructed from plastic.

8. ***Permit Required.*** A sign permit is required to display temporary A-frame signs.

9. ***Authority to Remove Unauthorized Signs.*** The City's Code Enforcement Officer may remove unauthorized A-frame signs. Unauthorized signs so removed shall be disposed of after the City provides notice to the organization, responsible person, or establishment identified by the sign. A notice shall be sent within five days of the removal notifying the organization, responsible person, or establishment to claim the unauthorized sign at a location specified in the notice with a specified time period. If unclaimed after the time period lapses, the City 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 days after removal.

E. **Real Estate Signs.** Signs advertising the sale, auction, and lease or renting of a building, suite, dwelling or lot shall conform to the following regulations and are exempt from the total aggregate sign area.

1. Real estate signs are permitted in all Districts.

2. In Single Unit Districts, one non-illuminated sign, located on the subject property, shall be permitted. Said sign shall not exceed six square feet in area or six feet in height and such signage shall be displayed upon the street frontage of subject property.

3. For Multiple Unit developments, the real estate signs shall be placed at the dwelling unit.

4. In Commercial and Mixed Use Districts, one non-illuminated sign, located on the subject property, shall be permitted. Said sign shall not exceed 12 square feet in area or six feet in height.

5. A maximum of four "Open House," "Auction," directional signs, including any such sign on the property of the home for sale, may be posted for each home not within the public right-of-way. Each sign shall have a maximum height of three feet. The signs may be posted only when a sales person is on duty at the home and for no longer than 12 hours during any 24 hour period.

6. Not allowed in sight visibility triangle.

7. All real estate signs shall be removed upon closing of the sale.

F. **Future Development Signs.**

1. Future developments signs are allowed in all Zoning Districts and are allowed one construction sign to be posted on the lot or parcel.

2. One future development sign may be posted on a lot or parcel, indicating only the name of the future business/development and the leasing information, only after the land is in escrow. The sign shall have a maximum area of 32 square feet; however when development exceeds 10 acres in size the sign(s) may be increased four square feet for each additional 10 acres, not to exceed 96 square feet and a maximum height of six feet. If the development is located on a corner lot or parcel then one sign per frontage will be permitted with the maximum dimensions outlined above. A letter from the property owner will be required that states the land is in escrow, giving permission for the posting of the future development sign, outlines the maintenance responsibilities and the parties responsible for the removal of the sign after the required sign permit has expired. The sign shall be limited to one year with the ability to renew for one additional year.

3. In all cases, such signs shall be removed within 10 days following the first issuance of a Certificate of Occupancy for the project.

G. **Architect, Contractor, and Subcontractor Signs.**

1. One non-illuminated sign is allowed per contractor or subcontractor. Signs shall not exceed 32 square feet in area and a maximum height of six feet in height.

2. Said signs shall be removed within 10 days after the function of the contractor or subcontractor on the property is complete.

H. **Builder Sign Plan.** A builder sign plan is required for each residential development prior to any Certificate of Occupancy being issued for a Temporary Use Permit for sales trailer/model home complex. The following shall apply for the builder's sign plan:

1. A sign permit for a builder sign plan is valid for one year from the date of issuance. A builder sign plan may be renewed annually upon formal application to the City.

2. All signs permitted per the builder sign plan shall be removed upon the expiration of the Temporary Use Permit.

3. On site signage shall mean the lot(s) for the specific Temporary Use Permit. A maximum of 240 square feet of on-site signage is permitted for each builder in a recorded subdivision plat. Sign area includes all on site signage including builder/real estate signs, model home complex signs, welcome signs, banners, awnings, and residential builder attention flags. All signs less than 32 square feet shall be set back a minimum of 10 feet from the front yard lot line and shall not encroach upon sight visibility triangle. The height of any sign shall be a maximum of 12 feet.

4. No more than two directional builder signs shall be allowed and no larger than 96 square feet of sign area. Builder signs shall be limited to 12 feet in height and shall be set back a minimum of 10 feet from the right-of-way.

5. Residential builder attention flags are permitted, not to exceed 15 feet in height. Flags shall be spaced a minimum of 40 feet apart and shall be set back a minimum of five feet behind the right-of-way. Maximum of three flag poles allowed per lot in the Temporary Use Permit. Each flag shall have a maximum area of 12 square feet, may contain lettering or logo, and may not be higher than 15 feet above grade.

6. No more than one flag pole for either the State of Arizona or the United States of America flag may be placed per Temporary Use Permit. Flag poles shall be limited to 50 feet in height. 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.

7. No builder signage shall be allowed to be placed outside the recorded subdivision in which the builder is located.

I. **Sign Walkers.**

1. Sign walkers shall be located 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists.

2. Once 30 feet from the street or driveway intersection, the sign walker must stand at least five feet back from the roadway, measured from the back of curb or edge of pavement if no curb exists.

3. Sign walkers must maintain a minimum distance of 20 feet from any other sign walker.

4. Signs held by sign walkers must be held, worn, or balanced at all times. At no time is a sign walker allowed to toss or throw their sign.

5. Sign walkers shall allow a minimum distance of four feet for pedestrian passage on all sidewalks and walkways.

6. The following elements are prohibited for use on the signs held by sign walkers and on costume signs:

   a. Any form of illumination, including flashing, blinking, or rotating lights.

   b. Animation on the sign itself.

   c. Mirrors or other reflective materials.

   d. Attachments including but not limited to balloons, ribbons and speakers.

J. **Yard, Carport, or Garage Sale Signs.**

1. Yard, carport, or garage sale signs shall be limited to Residential Zoning Districts and shall not exceed four square feet per residence. Such signs shall not be up longer than three consecutive days.

2. Yard, carport, or garage sales shall be limited to no more than eight sales events per calendar year.

3. One temporary, unlighted, two-sided sign shall be allowed to be placed at the residence of the sale.

4. Up to four directional signs may be placed for announcing the holding of a yard, carport, or garage sale and shall be allowed to be posted in a Residential District.

5. Signs cannot be placed on public sidewalks or within the sight visibility triangle. Signs may be placed a minimum of seven feet from the back of the curb, or seven feet from the edge of the pavement where no curb exists.

6. Yard, carport, or garage sale signs shall not be placed on walls, utility poles and housings, traffic control poles or control panels, and mailboxes.

7. The property owner of the yard, carport, or garage sale event shall be responsible of noting the name and address on the back of each sign.

K. **Temporary Assembly Directional Signs.** Temporary signs for assembly facilities shall be permitted subject to the following regulations.

1. Signs shall be no greater than three feet in height and eight square feet in area.

2. No more than four temporary directional signs shall be allowed.

3. Signs shall be placed on private property with consent of the property owner and no closer than seven feet from the back of the curb, or edge of pavement where no curb exists.

4. Prohibited locations: sight visibility triangles, fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.

5. Temporary directional signs may be placed no earlier than four hours prior to the service/meeting and removed no later than two hours after the service/meeting.

409.13 Community Kiosk Signs

A. **Kiosk Signs.** Sign panels on a City approved kiosk structure may be authorized for the purpose of providing directional information for single unit and multiple unit residential developments, commercial developments, local businesses, not-for-profit agencies, and Community Facilities. Sign panels may be single or double faced. Maximum sign height for a single sign structure (kiosk) shall be 12 feet.

1. Sign panels shall be located on designated City kiosk structures within the public right-of-way, or, upon finding that such location will not permit adequate directional information, kiosk structures may be approved on private property (with a sign easement designating the City as a third party beneficiary) with the written permission of the property owner. Such permission shall include the consent of the property owners to allow the City, in the event of non-compliance, to enter said property and remove the sign. A kiosk location plan shall be prepared showing the site of each kiosk and shall be submitted to and approved by the Zoning Administrator or their designee, prior to the acceptance of a sign permit application.

2. Each City kiosk sign panel may contain only the name of the subdivision or builder or new multi-unit development, commercial development, local businesses, not-for-profit agencies, community facilities, the corporate logo, and a directional arrow.

3. No kiosk sign shall be placed within 100 feet of another except when they are on opposite sides of the same street.

4. Any directional sign panels shall conform to colors and design standards approved by the Zoning Administrator or their designee.

5. Any sign panel approved for a particular development project within the City shall not be changed to another project without prior approval of the Zoning Administrator or their designee.

409.14 Submittal and Permit Requirements

A. Approval of a sign permit is required for constructing or altering any non-exempt sign. A sign permit application shall be made in writing on forms provided by the City. The following information shall be required as part of all sign permit applications:

1. Business owner's name, address, telephone and fax numbers.

2. Sign contractor's name, address, telephone and fax numbers.

3. Inventory of all existing signs on the property showing the type and dimensions of each sign as well as a site plan showing the locations of each sign.

4. Fully dimensioned plans and elevations showing the dimensions, design copy, and location of each proposed sign in relation to the property line(s) and public right-of-way.

5. Plans indicating the scope and structural detail of the work to be done; including details of all connections, supports, footings, and materials to be used.

6. Required information for an electrical permit for all signage illumination.

7. Sign contractor and business owner shall have a current City business license.

B. Two copies of all information listed above in Section 409.14(A) shall be submitted with the application for each sign, one copy being returned to the applicant at the time the permit is issued.

C. Before issuing any sign permit required by this Code, the City shall collect a fee in accordance with a fee schedule established by the City Council. If work for which a permit is required by this Code is started before a permit has been issued, the fees specified above shall be doubled. The payment of such double fee shall not relieve any persons from complying fully with the requirements of this Code in the execution of the work or from any penalties prescribed herein.

D. All signs for which a permit is required shall be subject to inspections or additional permits during various stages of construction as prescribed by the City Building Safety Division and the City sign permit number affixed to each sign.

409.15 Comprehensive Sign Plan

A. A Comprehensive Sign Plan shall comply with the standards and submittal requirements as outlined below. A Comprehensive Sign Plan is intended to provide for the establishment of signage criteria that are tailored to a specific development location, and which may vary from specific Code provisions. The intent is to provide flexible sign criteria that promote superior design through architectural integration of the site, buildings and signs. A Comprehensive Sign Plan shall demonstrate consistency and uniformity among all signs. Additionally, all

"signs" with an approved Comprehensive Sign Plan must have an approved sign permit with the City and any additional permits as necessary.

B. The requirements of a Comprehensive Sign Plan shall apply for any business and/or development within a related project even if the properties have been subdivided. A Comprehensive Sign Plan shall be evaluated based upon the following criteria:

1. ***Placement.*** All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features and structures. In commercial centers in which some tenants are in locations having little or no street visibility, in order to provide identification, wall signs may be placed on walls of the building in which such tenants are located, even though not a wall of the space is occupied by those tenants.

2. ***Quantity.*** The number of signs that may be approved within any development shall not be greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and/or development sub-areas, and business identification. Factors to be considered shall include the size of the development, the number of development sub-areas, and the division or integration of sign functions.

3. ***Size.*** All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, amount of sign copy, placement of display (location and height), lettering style and the presence of distractive influences. Specific justification must be made if a request is submitted for a free-standing or wall sign to exceed by more than 25 percent any maximum height standard or by 50 percent any maximum area standard allowed in the regular Ordinance.

4. ***Materials.*** Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style, or the use of a consistent lettering style or copy.

5. ***Context.*** The design of all signs should respect the context of the surrounding area and the character established by existing signage. Items to be considered include, but are not limited to, lettering style, sign placement, and architectural style.

6. ***Submittals.*** Three copies of the following should be submitted with the sign application to be reviewed by City staff and the Planning & Zoning Commission. The specific submittal shall include at a minimum the following information:

   a. Information regarding the color(s), material(s), type of sign (e.g. attached or detached), letter samples that are for all tenants, freestanding center identification signage, directional signs, window signs, and any other

information deemed necessary by the City to adequately review the Comprehensive Sign Plan (both in a graphic and written format).

b. A justification letter describing the request and how the sign structure, materials, and colors are compatible with the project's building architecture. Include a list in outline form of each sign requested, both freestanding and wall, to include verbiage, area in square feet, and height.

c. Preliminary site/landscape plan including property boundaries; dimensions; adjacent street right-of-way, existing and proposed; and street and sidewalk improvements, existing and proposed, noted to centerline. Show location of conceptual or existing landscape concepts including trees, shrubs, ground covers, berms, and screen walls.

d. Show location of proposed freestanding signs including dimensions, height, materials, colors, and method of illumination. Include elevations of buildings showing wall sign locations with dimensions.

C. **Amendments.** Applications for amendments to the Comprehensive Sign Plan shall be processed in the same way as an original application. Revisions or amendments to the Comprehensive Sign Plan shall require documentation from all tenants and/or property owners on the property prior to approval.

D. **Minor Alterations.** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Zoning Administrator.

409.16 Discontinuance and Change of Use

A. Whenever the use of land or structures changes, signs including any supporting structures that do not relate to the new use or to any product or service associated with the new use, shall be removed or appropriately altered within 30 days of the cessation of such use.

409.17 Unsafe Signs

A. If the Building Official, or their designee, determines any sign or sign structure to be in an unsafe condition, they shall immediately notify, in writing, the owner of such sign who shall correct such condition within 48 hours.

B. If the correction has not been made within 48 hours, the Building Official, or their designee, may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

409.18 Nonconforming Limitations on Signs

A. **Legal Nonconforming Signs.**

1. Legal nonconforming sign(s) shall mean a sign which is/are lawfully existing at the time of the enactment of this Article which does not conform to the regulations as specified in this Article.

2. A legal nonconforming sign may continue to be utilized in association with an approved permitted use only in the manner and to the extent that it existed at the time of the adoption of this Article or any amendment thereto.

3. A legal nonconforming sign may not be altered in any manner not in conformance with this Article.

4. This does not apply to the normal repair, maintenance, or replacing of existing copy, provided that structural alterations are not required as part of the repairs, maintenance, or replacing of existing copy.

5. Any sign that becomes nonconforming subsequent to the effective date of this Article, either by reason of annexation to the City or amendment to this Article, shall be subject to the provisions of this Code.

6. Notwithstanding any other provision of this Article, legal nonconforming signs that are located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase, or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign, provided that the nonconforming sign:

   a. Is not increased in area or height;

   b. Remains structurally unchanged except for reasonable repairs or alterations;

   c. Is placed in the same relative position on the remaining property that it occupied prior to the relocation; and

   d. Is relocated in a manner so as to comply with all applicable safety requirements.

B. **Signs for a Legal Nonconforming Use.**

1. New or additional signs for a nonconforming use shall not be permitted.

2. A nonconforming sign for a nonconforming use which ceases to be used for a period of 365 consecutive days or is suspended by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

C. **Alteration or Removal of Nonconforming Signs.**

1. A nonconforming sign structure shall not be re-erected, relocated, or replaced unless it is brought into compliance with the requirements of this Article, except as provided for in Section 409.18(A).

2. Any construction permit that invokes Certificate of Occupancy requirements shall specify and require that any nonconforming sign located within the boundaries of the development site authorized by said permit shall be brought into conformance with the provisions of this Code. If the nonconforming sign is a type of sign that is prohibited under Section 409.05 of this Article, it shall be removed.

3. Any nonconforming sign that is allowed to deteriorate to such an extent that the cost of repair or restoration is more than 50 percent of the cost of reconstruction shall either be removed or be rebuilt in full conformity with this Article. Notwithstanding this provision, nonconforming signs may be repaired or replaced if the repairs or restoration are necessary due to acts of God, or the negligent act of or vandalism to the sign by a third party.

D. **Signs Rendered Discontinued.**

1. Sign structures that remain vacant, unoccupied, devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies shall be deemed to be discontinued.

2. Any sign that is located on property that becomes vacant and unoccupied for a period of 90 consecutive days shall be deemed to be discontinued.

3. A sign whose use has been deemed discontinued is prohibited and shall be removed by the owner of the sign or owner of the premises.

409.19 Enforcement

A. **Illegal Signs.**

1. The Zoning Administrator, or other designated City official, shall require removal of all illegal signs or legal signs placed in prohibited locations.

Article 410 Standards for Specific Uses

Sections:

410.01 Accessory Uses
410.02 Adult Oriented Businesses
410.03 Alcoholic Beverage Sales
410.04 Automobile/Vehicle Sales and Leasing
410.05 Automobile/Vehicle Service and Repair, Major
410.06 Automobile/Vehicle Service Stations and Washing
410.07 Community Assembly
410.08 Day Care Facilities
410.09 Drive In and Drive Through Facilities, Including Fast-Food Facilities
410.10 Eating and Drinking Uses
410.11 Family Day Care
410.12 Home Occupations
410.13 Hospitals and Clinics
410.14 Live/Work Units
410.15 Manufactured Home/Recreational Vehicle Uses
410.16 Medical Marijuana Uses
410.17 Mobile Food Vendors
410.18 Off-Track Betting Establishments
410.19 Outdoor Dining and Seating
410.20 Non-Institutional Banking
410.21 Personal Services and Restricted Personal Services
410.22 Personal Storage
410.23 Recycling Facilities
410.24 Residential Care Facilities
410.25 Restricted Retail Uses
410.26 Temporary Uses

410.01 Accessory Uses

Accessory uses shall be located, developed, and operated in compliance with the following standards:

A. **General Requirements.** No use shall be considered to be accessory to a principal or conditional use which involves or requires any of the following:

1. ***In Residential and Rural Districts.*** The use of more than one-quarter of the total floor area in the principal building and accessory building.

2. ***In All Other Districts.*** The use of more than one-third of the total floor area in the principal building and the accessory building.

B. **Prohibited Uses.** The following uses are prohibited from being accessory uses:

1. ***In Residential and Rural Districts:***

a. Any Bar, Restaurant, or any other retail establishment that serves liquor for consumption on-site, except in resorts and golf courses; and

b. The employment of any person not a resident in the dwelling unit, other than a domestic servant, gardener, janitor, farm employee, or other person concerned in the operation or maintenance of the dwelling unit.

2. ***In All Other Districts:***

a. Adult Oriented Businesses;

b. Medical Marijuana Uses;

c. Liquor Stores;

d. Bars and Lounges, except in hotels, resorts, and golf courses; and

e. General and Heavy Manufacturing.

C. **Limitations.** Accessory uses shall be restricted to interior areas of a structure except in Rural Districts where exterior accessory use on a lot is allowed, subject to other standards of this Code. In addition, outdoor dining is permitted if specified standards are met.

410.02 Adult Oriented Businesses

Adult Oriented Businesses shall be located, developed, and operated in compliance with the following standards:

A. **Permits and Licenses.** Adult Oriented Businesses must be in conformance with Maricopa City Code and subject to the following:

1. An Adult Oriented Business must, prior to commencement or continuation of such business, apply for and receive from the Planning & Zoning Commission, a Conditional Use Permit. Reasonable conditions may be imposed, such as limitation on hours of operation, exterior lighting, display materials, security, and other similar conditions, as may be necessary to protect the health, safety, and welfare.

2. Subsequent to receipt of an approved Conditional Use Permit, but prior to establishment of the business, the applicant shall apply and receive a valid business license, as provided in the Maricopa City Code.

B. **Location.** Adult Oriented Businesses shall be located a minimum of:

1. 1,500 feet from the lot line of vacant or developed land in any Residential, Mixed Use Districts, or land reserved for future school site;

2. 1,500 feet from any existing or proposed elementary or secondary educational facility, junior colleges and universities, vocational schools, family day care facility, day care facility, religious facility, cultural institution, or public park and recreational areas;

3. 1,500 feet from any business that is licensed to sell alcoholic beverages;

4. 1,000 feet from any other legally established adult oriented business; and

5. 500 feet from any family oriented entertainment business.

C. **Number of Businesses, Expansion.** Only one Adult Oriented Business is permitted in each building, structure, or lot. No existing Adult Oriented Business can expand or intensify their business if there is another Adult Oriented Business in the same building, structure, or lot.

D. **Hours of Operation.** Hours of operation shall be limited to the time period between 8 a.m. and 1 a.m. Monday through Saturday and noon and 1 a.m. on Sunday, or as otherwise approved by Conditional Use Permit.

E. **Screening.** All windows, doors, or other apertures shall be architecturally screened or otherwise obscured so as to prevent public viewing of the interior of the Adult Oriented Business from a public street or sidewalk.

F. **Signs.** No advertisement displays or merchandise available for sale or rent that includes or depicts specified sexual activities or specified anatomical areas shall be visible from any public right-of-way. Total wall sign area shall not exceed 20 square feet. Businesses located on a corner lot may have a maximum of 25 square feet of sign area.

410.03 Alcoholic Beverage Sales

Businesses with alcoholic beverage sales of packaged liquor shall be located, developed, and operated in compliance with the following standards:

A. **Permit Required.** Conditional Use Permit approval is required for any use involving the sale of alcoholic beverages as defined in Section B, below.

B. **Liquor Stores and Convenience Markets.** Liquor Stores, Convenience Markets, and other off-sale establishments that dedicate more than 50 percent of the sale floor to sales of

alcoholic beverages for off-premises consumption, but excluding General Markets, shall be located, developed, and operated in compliance with the following standards:

1. ***Location.*** Such establishment shall be located a minimum of:

   a. 1,500 feet from elementary and secondary educational facilities, religious facilities, cultural facilities, or public parks and recreational facilities.

   b. 500 feet from Restricted Personal Services, Off-Track Betting Establishments, and Adult Oriented Business.

   c. 1,000 feet from any other legally established businesses with packaged alcoholic beverage sales.

2. ***Litter.*** Trash receptacles and separate recycling receptacles shall be provided by entrances and exits from the building.

3. ***Pay Telephones, ATM Machines, and Vending Machines.*** Pay telephones, ATM machines, and vending machines are prohibited externally.

410.04 Automobile/Vehicle Sales and Leasing

Automobile/Vehicle Sales and Leasing shall be located, developed, and operated in compliance with the following standards:

A. **Location.** Automobile/Vehicle Sales and Leasing are permitted on sites with at least one frontage on an arterial street or regional highway.

B. **Minimum Lot Size.** 10,000 square feet.

C. **Landscaping and Screening.** In addition to complying with the following standards, Automobile/Vehicle Sales and Leasing uses shall meet landscaping standards in Section 404.

   1. ***Maintenance.*** All landscaped areas, walls, and barriers must be maintained in conformance with approved landscape plans in perpetuity.

   2. ***Other Requirements.*** Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent Residential or Mixed Use Districts.

   3. ***Accessory Sales and Leasing.*** Automobile sales and leasing that are accessory to another use must meet the landscaping and screening requirements above.

   4. ***Relation to Subdivision Ordinance.*** Where the requirements of this Section conflict with landscaping and screening requirements of the Subdivision Ordinance, the most restrictive shall govern. Where there is a conflict between a general requirement and specific requirement, the specific requirement shall apply.

D. **Vehicle Display.** A minimum 12 foot wide planter strip shall separate vehicle display areas from sidewalks and pedestrian entries.

E. **Vehicle Loading and Unloading.** All vehicle loading and unloading shall occur in the rear half of the site. If the lot abuts a property in a Residential District, the loading and unloading may be located to have a lesser impact on the adjacent properties, but in all cases, loading and unloading shall occur during weekday business hours.

410.05 Automobile/Vehicle Service and Repair, Major

Major Automobile/Vehicle Repair, facilities shall be located, developed, and operated in compliance with the following standards:

A. **Location.** Automobile/Vehicle Sales and Leasing are permitted on sites with at least one frontage on an arterial street or regional highway.

B. **Minimum Lot Size.** 10,000 square feet.

C. **Orientation of Bay Doors.** All bay doors shall be oriented to minimize visibility from public streets by locating bay entries at least 90 degrees from the roadway and screen with a combination of landscaping, neighboring buildings, or the use of decorative screen walls, or in a manner acceptable to the Zoning Administrator or approving authority.

D. **Landscaping and Screening.** In addition to complying with the following standards, Automobile/Vehicle Service and Repair, Major, uses shall meet landscaping standards in Section 404. All vehicular use areas that are adjacent to the public right-of-way shall provide a screening feature around the perimeter of the lot adjacent to the public right-of-way.

1. Screening shall add to the visual diversity of the use and need not be an opaque barrier. This feature shall be at least one of the following:

   a. Ornamental fencing or a solid wall that is three feet in height and an eight-foot deep permeable surface with landscaping along the perimeter of the lot that is adjacent to a public right-of-way; or

   b. A combination of permeable landscaping and ornamental fencing where the permeable surface and landscaping is the equivalent area of an eight-foot deep average perimeter landscaping that has been otherwise configured to result in either: a public space or amenity that is accessible from the public right-of-way, or a natural drainage system, such as combined swales, retention basins, detention basins, or rain gardens, to reduce stormwater runoff.

2. *Relation to Subdivision Ordinance.* Where the requirements of this Section conflict with landscaping and screening requirements of the Subdivision Ordinance, the most restrictive shall govern. Where there is a conflict between a general requirement and specific requirement, the specific requirement shall apply.

E. **Litter.** No used or discarded automotive parts or equipment or permanently disabled, junked, unregistered, or wrecked vehicles may be stored outside of the main building. Parts or equipment may be temporarily stored outdoors for no longer than one week but must be screened from view.

F. **Noise.** All body and fender work or similar noise-generating activity shall be enclosed in a masonry or similar building with sound attenuating measures incorporated into the building design and construction to absorb noise. Bay openings shall be oriented so as to minimize the effects of sound emanating from the auto repair building towards residential uses, outdoor restaurant seating, and outdoor reception areas. Compressors shall be located with separately enclosed, sound attenuated rooms.

410.06 Automobile/Vehicle Service Stations and Washing

Automobile/Vehicle Service Stations and Washing shall be located, developed, and operated in compliance with the following standards:

A. **Location.** Automobile/Vehicle Service Stations and Washing are only allowed on sites with at least one frontage on an arterial street.

B. **Setbacks.** No building or structure shall be located within 25 feet, or as provided by the Subdivision Ordinance, whichever is greater, of any interior lot line abutting a Residential or Mixed Use District.

C. **Drive Up Aisles.** Vehicle lanes for car wash operations shall be screened from public streets to a height of 3.5 feet in front or street side areas. Screening devices shall consist of walls and/or berms with supplemental plant materials.

D. **Street-Facing Walls.** Street-facing walls, including car wash tunnels, over 75 feet long shall include breaks in the building plane, projections, recesses, and trim to provide architectural articulation and modulate building mass to enhance the streetscape.

E. **Landscaping and Screening.** In addition to complying with the following standards, Automobile/Vehicle Service Stations and Washing uses shall meet landscaping standards in Section 404.

1. Additional screening and landscaping may be required where necessary to obscure view of automatic car washing equipment and prevent visual impacts on adjacent properties.

2. ***Relation to Subdivision Ordinance***. Where the requirements of this Section conflict with landscaping and screening requirements of the Subdivision Ordinance, the most restrictive shall govern. Where there is a conflict between a general requirement and specific requirement, the specific requirement shall apply.

F. **Litter.** One trash receptacle per wash bay is required.

G. **Outside Storage.** No outdoor storage is allowed.

410.07 Community Assembly

Community Assembly facilities shall be located, developed, and operated in compliance with the following standards:

A. **Access.** Community Assembly facilities shall take primary access from a public street with a minimum of 50 feet in width and improved with curbs, gutters, sidewalks, and street lights.

B. **Buffer.** In all Districts except Industrial Districts, a minimum of 25 feet perimeter buffer shall be included where interior lot lines abut a Residential District. Indisutrial Districts shall have a 40 foot buffer. This buffer area may be used for parking or landscaping but shall not be used for structures or outside activities.

C. **Outdoor Play Areas.** Outdoor play areas shall be at least 25 feet from any Residential District and shall not be located adjacent to an arterial street or industrial use.

410.08 Day Care Facilities

Day Care Facilities other than Family Care and Residential Care Facilities, which are regulated separately, shall be located, developed, and operated in compliance with the following standards:

A. **Structures.** Day Care Facilities shall conform to all development standards of the Zoning District in which it is located unless otherwise provided in this Section. They must be in a stand alone facility and cannot be co-located in a single-family residence.

B. **Hours of Operation in RS Single Family District.** When the site is located within an Residential Single Family District, Day Care Facilities shall operate only Monday through Friday. No outdoor play is allowed before 7:00 a. m. or after 8:00 p.m.

C. **Pick-Up and Drop-Off.** A plan and schedule for the pick-up and drop off of children or clients shall be provided prior to approval. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion, and it shall demonstrate that the plan for pick-up and drop-off of children or clients does not require passing through traffic.

D. **Outdoor Play Areas.** Outdoor play areas shall not be located along major arteries or adjacent to industrial uses.

E. **Screening of Outdoor Play Areas.** Outdoor play areas shall have a screening feature around the perimeter adjacent to the public right-of-way. Screening shall add to the visual diversity of the use and need not be an opaque barrier. This feature shall be at least one of the following:

1. Ornamental fencing or a solid wall that is 4 feet in height, with a five foot deep permeable surface with landscaping along the perimeter of the lot that is adjacent to a public right-of-way; or

2. A combination of permeable landscaping and ornamental fencing where the permeable surface and landscaping is the equivalent area of a five foot deep average perimeter landscaping that has been otherwise configured to result in either: (i) a public space or amenity that is accessible from the public right-of-way or (ii) a natural drainage system, such as combined swales, retention basins, detention basins or rain gardens, to reduce stormwater runoff.

F. **State and Other Licensing**. All Day Care Facilities shall be State licensed and operated according to A.R.S. Title 36, Chapter 7.1, et seq. and all other applicable regulations.

G. **Concentration of Uses.** No more than one Day Care Facility shall be permitted within 500 feet of the lot line of another existing Day Care Facility.

410.09 Drive In and Drive Through Facilities, Including Fast-Food Facilities

Drive In and Drive Through Facilities, including Fast-Food Facilities, shall be located, developed, and operated in compliance with the following standards:

A. **General**. Drive through Facilities shall provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas. Drive through aisles shall be a minimum of 12 feet in width and 20 feet in length, or as otherwise required by Table 410.09.D. Drive through aisles shall have a minimum interior turning radius of 15 feet and an exterior turning radius of 30 feet.

B. **Screening.** Drive through aisles shall be screened from view from public and private streets, areas accessible to the general public, and areas shown for residential use in the General Plan by:

1. A decorative masonry fence a minimum of 3.5 feet in height measured from the grade of the aisle; or

2. A continuous evergreen landscape planter a minimum of 6 feet in width; or

3. A combination of a masonry fence and landscape planter.

C. **Landscaping.** When applicable, in addition to complying with the following standards, Drive In and Drive Through Facilities shall meet landscaping standards in Section 404.

D. **Stacking.** Vehicular stacking areas shall be provided in accordance with Table 410.09.D: Drive-Through Facility Stacking Space Requirements.

TABLE 410.09.D: DRIVE-THROUGH FACILITY STACKING SPACE REQUIREMENTS

Use Classification	*Stacking Space Requirement*
Banks and Financial Institutions	5 spaces per teller or ATM drive through
Eating and Drinking Establishments	
Restaurants	3 spaces per windowSee (D) below. (1)

TABLE 410.09.D: DRIVE-THROUGH FACILITY STACKING SPACE REQUIREMENTS	
Use Classification	*Stacking Space Requirement*
Restaurants, Limited Service	4 spaces
Retail Sales, General	
Dry cleaning	2 spaces per window
Pharmacy	2 spaces per aisle
Photo drop	1 space per window
Automobile/Vehicle Equipment Sales and Services	
Automobile/Vehicle Washing, Automated or Self-service	4 space per bay
Automobile/Vehicle Washing, Full Service	8 spaces minimum
Service Station	1 space on each end of each side of each fuel pump island (one-way facilities require 2 spaces on approach end of each island).
Fueling Facility, Alternative	1 space on each end of each side of each fuel pump island (one-way facilities require 2 spaces on approach end of each island).
Automobile/Vehicle Repair, Major	1 space per service bay
Automobile/Vehicle Repair, Minor	1 space per service bay
1. Drive-Through Restaurants' stacking shall be calculated beginning from call box.	

E. Eating and Drinking Establishments providing a designated take-out counter or window shall identify one or more parking spaces adjacent to the take-out entrance for exclusive use by take-out customers.

F. **Site and Building Design.**

1. If the proposed building is located within 50 feet of the public street, locate the main entrance door directly off (oriented towards) the public sidewalk or provide clear and direct access from the public sidewalk to the main entrance or secondary entrance.

2. Walls along the street face and visible from the street shall be transparent with windows, doors and other forms of transparent building materials to maximize views in and out of the building and the relationship between interior and exterior to support and animate the public street and sidewalk.

3. Drive through elements shall be placed to the side or rear of the building. Orient the drive through window away from the street frontage and provide adequate screen measures through landscaping and design to minimize visibility of drive through.

4. The architecture of drive through uses shall be compatible and harmonious with that of the shopping center motif or immediate neighborhood, in terms of building color, materials, mass, scale, and form.

G. **Menu and Preview Boards**. All menu and preview boards are signage and is subject to the sign regulations in Article 409.

H. **Pedestrian Walkways.** Interior pedestrian walkways shall not intersect vehicle aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

I. **Litter.** Trash receptacles shall be provided at the exit of the drive through facility.

410.10 Eating and Drinking Uses

Eating and Drinking Uses shall be developed and operated in accordance with the following good neighbor policies:

A. The safety and cleanliness of the establishment and its adjacent area(s) shall be maintained.

B. Proper and adequate storage and disposal of debris and garbage shall be provided.

C. Noise and odors shall be contained within immediate area of the establishment so as not to be a nuisance to neighbors.

D. The establishment shall pick up and dispose of any discarded beverage containers and other trash left by patrons within a 100 foot radius from the facility periodically during regular hours of operation.

410.11 Family Day Care Facilities

Family Day Care Facilities shall be managed in accordance with the following good neighbor policies:

A. The Family Day Care use shall be incidental to the principal use of the dwelling unit for residential purposes.

B. All outdoor play areas shall be screened and enclosed by a six foot high solid masonry fence with solid, self-closing and self-latching gates.

C. The minimum separation between Family Day Care uses on the same street shall be 300 feet, measured from the lot lines.

D. Existing garages, carport structures, or driveways shall not be expanded, modified, displaced or otherwise altered for the purposes of accommodating the Family Day Care use.

410.12 Home Occupations

Home occupations shall be operated in compliance with the following standards:

A. **Residential Character Maintained.** No dwelling or accessory buildings shall be built, altered, finished, or decorated externally for the purposes of conducting the home occupation in such a manner as to cause the structure to be reasonably recognized as a place where a home occupation is conducted.

B. **Permitted Uses.** Home occupations are limited to the following uses:

1. Professional offices;

2. Offices for personal services, such as janitorial, garden, or offices services;

3. Dressmaking, tailoring, millinery, and other home sewing work;

4. Handicrafts, such as weaving, leatherwork, and other arts and crafts;

5. Instructional classes, not exceeding five students at a time;

6. Mail order or direct sales provided that no direct sales to customers occur from the residence;

7. Uses that entail food handling, processing or packing of specialized minor cooking or baking; and

8. Businesses such as plumbers, electricians, contractors, pool service providers, locksmiths, minor electronics and watch repair.

C. **Prohibited Uses.** The following uses are not permitted as a home occupation:

1. Fire arms manufacturing/storage/on-site sales;

2. Medical marijuana dispensaries or commercial cultivation or medical marijuana infusion;

3. The repair, reconditioning, servicing or manufacture of any internal combustion or diesel engine or of any motor vehicle, including automobiles, trucks, motorcycles, and boats;

4. Drop-off, repair, fix-it, or plumbing shops; and

5. Kennels, storage, caring, or grooming of animals.

D. **Maximum Floor Area Allowed.** A home occupation shall not occupy more than one-quarter of the total floor area in the principal building and any accessory building on the lot.

E. **Signage.** No sign visible from a street, except for approved live-work units in the MU Districts shall be publicly displayed relating to the home occupation or products thereof.

F. **Limitations on On-Site Employees.** No more than two persons shall be employed or work on-site, excepting occupants of the dwelling who are members of the resident family. However, with approval of a Conditional Use Permit, one additional employee may be allowed if the Planning & Zoning Commission determines that there would be no adverse impacts on the immediately adjoining neighborhood in addition to the other required findings.

G. **Merchandise.** On-site display of merchandise or goods for the purposes of sale on the premises shall not be permitted. Walk-in customers and on-site sales of the merchandise or goods shall not be permitted.

H. **Storage.** Storage related to the home occupation must be confined to the interior of the dwelling or accessory building. No hazardous materials storage is allowed.

I. **Traffic and Parking.** The home occupation shall not generate more than five additional daily trips related to the business (e.g. deliveries and drop-off), on average over a work-week, nor require additional off-street parking spaces for delivery of materials or supplies to or from the premises. No garage or accessory building shall be altered or used in such a manner that would reduce the number of covered parking spaces required in the district in which it is located.

J. **Nuisance.** No equipment or process shall be used with creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises. The home occupation shall not involve the use of power equipment on the premises using motors exceeding one horsepower combined capacity.

410.13 Hospitals and Clinics

Hospitals and Clinics shall be located, developed, and operated in compliance with the following standards:

A. **Location.** Hospitals are only allowed on sites with at least one frontage on an arterial street.

B. **Minimum Frontage.** 100 feet minimum street frontage on the arterial street.

C. **Landscaping and Screening.** In addition to complying with the following standards, Hospitals and Clinics shall meet landscaping standards in Section 404.

1. ***Ancillary Areas.*** All service areas, ambulance, storage, trash storage areas, ground- or roof-mounted mechanical equipment shall be screened from ground-level view from adjacent lots and public rights-of-way.

D. **Litter.** One permanent, non-flammable trash receptacle shall be installed in the parking area adjacent to the entrance/exit.

410.14 Live/Work Units

Live/Work Units shall be located, developed, and operated in compliance with the following standards:

A. **Locations Allowed.** Live/Work Units are allowed in the NC, GC, and Mixed Use Districts.

B. **Establishment.** Live/Work Units may be established through new construction or through the conversion of existing residential, commercial and industrial buildings.

C. **Allowable Uses.** Work activities in Live/Work Units are limited to uses that are permitted outright, or permitted subject to a Conditional Use Permit in the District in which the Live/Work Units are located. Live/Work Units may contain only residential uses, but they are not permitted to contain only "work" or commercial uses. On-site storage and sale of materials and merchandise is allowed.

D. **Sale or Rental of Portions of Unit Above the Ground Level Prohibited.** No portion of a Live/Work Unit located above the ground level may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

E. **Floor Area Distribution.** An applicant shall submit a floor plan of all proposed units to the Zoning Administrator to show which areas are designated for work activities and which areas for living or as common areas.

F. **Outdoor Living Area.** Common or private on-site open space shall be provided for the use of occupants at a rate of 150 square feet per Live/Work Unit. This space may be attached to individual units or located on the roof or adjoining the building in a yard. Some temporary outdoor storage of materials and merchandise related to the work activity, such as merchandise, is allowed during hours of operation.

410.15 Manufactured Home/Recreational Vehicle Uses

A. **Recreational Vehicle Parks, Resorts, and Subdivisions.**

1. ***Permitted Uses.***

a. One recreational vehicle (RV) or park model home trailer on each approved lot or space. No manufactured homes or dwelling units of conventional construction shall be permitted on a lot or space for living purposes, except as specified below.

b. Recreational vehicle or park model home trailer accessory structures:

(1) Aggregate floor area, of all enclosed RV accessory structures shall be limited to 520 square feet, including storage rooms (attached or detached) and patio enclosures.

(2) Additional requirements applying to patio enclosures:

i. Parking spaces shall not be enclosed.

ii. All roof materials shall be lightweight aluminum or other noncombustible material.

iii. A smoke alarm shall be installed in each room within a patio enclosure.

iv. Partitions may be used to accommodate laundry, bath, and toilet facilities.

v. Convenience electrical outlets and air conditioning equipment may be installed.

vi. Removal of sliding doors, windows, or other modification of the existing recreational vehicle enclosed by the patio enclosure is prohibited.

vii. Walls may consist of conventional wood framing or modular (prefabricated) construction.

viii. Glass located within 24 inches of a doorway or 18 inches of a floor must be tempered.

ix. Openings may be covered with screen mesh, plastic panels, or mineral glass. The combined surface area of openings facing the front, including doors and windows, shall account for 33 percent of the surface area of the front elevation.

x. The front wall may contain a solid knee wall not more than 32 inches above a finished floor.

xi. An open area located within the front wall shall be a minimum of 36 inches in height.

(3) Additional requirements applying to storage buildings or space, attached or detached, subject to:

i. A maximum area of 120 square feet;

ii. A maximum height of 10 feet above grade when detached or 10 feet above finished floor when attached; and

iii. Location within the buildable area unless placed in the rear quarter of the space or lot and separated from the recreational vehicle by at 6 feet.

c. Manager's office and residence, which may be of conventional construction.

d. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.

e. Outdoor recreation facilities such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park or subdivision.

f. Common-use laundry facilities, maintenance buildings, and security guard houses, which may be of conventional construction.

g. Designated areas for boat and recreational vehicle storage which are used solely by the residents of the park or subdivision.

h. Recreation center parking lots and guest parking areas.

i. Manufactured homes, mobile homes, or modular homes may be placed on designated recreational vehicle lots of spaces subject to approval of a Minor Use Permit.

B. **Manufactured Home Parks and Subdivisions.**

1. ***Permitted Uses.***

a. One manufactured home, mobile home, or modular home on each approved space. No dwelling units of conventional construction shall be permitted on any space for living purposes, except as specified below.

b. Manufactured home, mobile home, or modular home accessory structures.

c. Storage buildings, attached or detached, subject to:

(1) A maximum area of 150 square feet;

(2) A maximum height of 10 feet;

(3) Location within the buildable area unless placed in the rear quarter of the space or lot and separated from the recreational vehicle by at least 6 feet.

d. Manager's office and residence, which may be of conventional construction.

e. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used

primarily as a resident amenity. Such facility may be of conventional construction.

f. Outdoor recreation facilities such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park.

g. Common-use laundry facilities, maintenance buildings, and security guard houses, which may be of conventional construction.

h. Designated areas for boat and recreational vehicle storage which are used solely by the residents of the park.

i. Recreation center parking lots and guest parking areas.

C. **Development Requirements.**

1. A minimum of five percent of the required recreational area shall be enclosed within a recreation hall or building. Public or private streets, vehicle storage areas, and exterior boundary landscaping areas shall not be included when calculating required recreational area.

2. A six foot high screen wall shall be required along all park and subdivision boundaries. Such wall shall be placed on the interior side of the required landscape strip.

3. Access to lots or spaces shall be from the interior of the park or subdivision.

4. Private streets shall be paved to a minimum width of 32 feet including required sidewalks when flush with the surface of the paving.

5. Concrete sidewalks at least two feet in width shall be provided on each side of interior private streets.

6. Required parking spaces shall be paved with either two inches of asphalt or four inches of concrete.

D. **Temporary Parking.**

1. Manufactured homes, mobile homes, modular homes, recreational vehicles, and park model home trailers shall not be parked, stored, or occupied on any property which is not part of an approved manufactured home or recreational vehicle park, subdivision, sales, or storage lot or approved under this Section.

2. Temporary parking of a manufactured home, mobile home, modular home, park model home trailer, or recreational vehicle is subject to the following regulations:

a. Emergency parking of a manufactured home, mobile home, modular home, park model home trailer, or recreational vehicle for a period of no longer than eight hours is permitted on any public thoroughfare subject to the provisions of the parking and traffic regulations of the City.

b. The temporary parking of a recreational vehicle or park model home trailer on a public street in a residential area for the purposes of loading, unloading, or cleaning for a period of time not to exceed 48 hours shall also be permitted subject to the parking and traffic regulations of the City and provided the vehicle is not parked so as to create a traffic hazard or obstruct traffic visibility.

c. On-site parking or storage of a recreational vehicle or park model home trailer is permitted in accordance with the following, provided such recreational vehicle is not used for living quarters or commercial purposes:

(1) Within an enclosed accessory building or garage in all zoning districts.

(2) Where outdoor storage is otherwise allowed in the commercial and industrial districts.

410.16 Medical Marijuana Uses

Medical Marijuana Uses shall be located, developed, and operated in compliance with the following standards:

A. **Compliance with Law.** All medical marijuana uses shall conform with the Arizona Medical Marijuana Act A.R.S. §36-2807 and any applicable Maricopa City Code.

B. **Allowable Zones.** GC and MU-G (dispensaries only, no cultivation); LI and GI (infusion and cultivation facilities).

C. **Location.** All Medical Marijuana Uses cannot be located:

1. Within 250 feet of a Residential District.

2. Within 1,000 feet of other dispensaries, abuse treatment facilities, group homes, alcohol rehabilitation facilities, correctional transitional facilities, schools, day care centers or similar uses, parks and recreational facilities, civic facilities, and religious facilities.

3. Within 1,000 feet from a lot containing, or owned and proposed to the city for the purposes of:

a. A public or private school;

b. A community center, park and recreation center, religious facility;

c. Another legally established medical marijuana use; or

d. A business that sells alcoholic beverages.

4. On the same lot as a facility providing substance abuse services that is licensed or certified by the State of Arizona or the City of Maricopa.

D. **Alcohol.** No alcohol can be sold or distributed on the premises for on- or off-site consumption.

E. **Hours of Operation.** Hours of operation shall be limited to the time period between 8 a.m. and 10 p.m.

F. **No Drive through Facilities.** No drive through facilities are permitted.

G. **Dispensary.**

1. ***Size.*** The maximum size for a medical marijuana dispensary is 2,500 square feet. Storage cannot be larger than 500 square feet.

2. ***On-Site Smoking.*** If medical cannabis is smoked on the premises, the dispensary shall provide adequate ventilation within the structure such that the doors and windows are not left open for such purposes, resulting in odor emission from the premises.

3. ***Cultivation***. No medical marijuana cultivation may occur on the same premises as a dispensary.

4. ***Signage***. Signage shall be limited to one wall sign not to exceed 10 square feet in area, and one identifying sign not to exceed two square feet in area. Signs shall not be directly illuminated. Any sign shall include the following language: "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The required text shall be a minimum of two inches in height.

H. **Cultivation.**

1. ***Size***. The maximum size for a medical marijuana cultivation facility is 2,500 square feet. Storage cannot be larger than 500 square feet.

2. ***Amount***. Authorized patients may grow up to 12 marijuana plants.

3. ***Enclosed Locked Facility***. All marijuana plants must be cultivated in an enclosed locked facility, which is a closet, room, greenhouse or other enclosed area quipped with locks or other security devices that permit access only by a cardholder.

4. Medical marijuana shall be cultivated and stored in a location that is physically separate and off-site from a medical marijuana dispensary.

I. **Abandonment.** If a medical marijuana use closes for a duration longer than 12 months or if its license is revoked, the use will be considered abandoned and any authorization for the use on the lot shall be null and void.

410.17 Mobile Food Vendors

The following restrictions shall apply to all Mobile Food Vendors operating within the City located within Mixed Use, Commercial, Industrial, and Public and Institutional Districts.

A. No vendors shall conduct any vending operations other than the sales of food items for immediate consumption.

B. No vendor shall conduct any vending operations from any device or vehicle other than a push cart or mobile truck. All pushcarts and mobile trucks must comply with a Zoning Permit, and the City may, in its discretion, prohibit the use of any pushcart or mobile food truck on any reasonable grounds, including aesthetic or safety reasons.

C. Pushcarts or mobile food trucks used by vendors shall not:

1. Be left unattended at any time;

2. Be parked or placed within 15 feet of any ROW;

3. Operate within 300 feet of a like business or another such Mobile Food Vendor;

4. Be permitted a permanent or proprietary location on any property within the City;

5. Inactive vendors shall not leave their push cart of mobile food truck on-site;

6. Leave mobile food vendor equipment on site for overnight storage;

7. Be parked or placed within 25 feet of the entrance or exit to any building; and

8. Operate within 600 feet of a school.

D. No sales of food items in glass containers shall be permitted.

E. Mobile Food Vendors shall be responsible for keeping the area clean of any litter or debris.

F. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits.

G. If a business is subject to a Certificate of Health or sanitary examination, the person applying for zoning approval must produce such certificate or permit from the County Health Department, as required by State law, within 90 days before a permit can be issued.

H. Signage placed on the mobile unit shall be limited to one sign not to exceed 24 square feet. One A-frame sign shall be allowed within 10 feet of the mobile food vendor. Refer to City sign regulations for size limitations in Article 409.

I. Mobile Food Vendors shall secure written permission from a sponsoring business owner of the site. The Mobile Food Vendor must be able to use the sanitary facilities of the sponsoring business owner.

J. Provide written permission from property owner to locate mobile food operation on property in accordance with an approved site plan.

K. Traffic circulation, public safety, siting of mobile food vendor, and parking will be reviewed and may be subject to conditions of approval.

L. **Permitted Hours and Days of Operation:**

1. The hours of operation for all mobile food vendors shall be limited to the hours that the on-site, permanent business is open.

2. Mobile Food Vendors shall be limited to 14 consecutive days maximum at each temporary location and shall remove their push cart or mobile food truck when the on-site business is not open.

M. Neither the Zoning Administrator nor the Board of Adjustment shall have the jurisdiction to grant a Variance from the provisions of Subsections (A), (B), (C), (D), (E), F), (G), (H), (I), (J), (K), or (L) above.

410.18 Off-Track Betting Establishments

Off-Track Betting Establishments shall be an accessory use located, developed, and operated in compliance with the following standards:

A. **License.** An Off-Track Betting Establishment shall be required to have a valid business license from the City and State which must be renewed annually.

B. **Location.** An off-track betting license will not be granted unless located a minimum of 1,000 feet from any other such establishment, any public park, and any elementary or secondary educational facility.

410.19 Outdoor Dining and Seating

Outdoor Dining and Seating shall be designed, located, and operated consistent with the following standards:

A. **Purpose.** The purpose of this Section is to permit Outdoor Dining and Seating that enhance the pedestrian ambiance of the City and ensure that they do not adversely impact adjacent

properties and surrounding neighborhoods consistent with the goals, objectives, and policies of the General Plan.

B. **Applicability.** The provisions of this Section shall apply to all new sidewalk cafés and to all existing sidewalk cafés at such a time as the Outdoor Dining and Seating is expanded or enlarged.

C. **Accessory Use.** Outdoor Dining and Seating shall be conducted as an accessory use to a legally established Eating and Drinking Establishment that is located on the same parcel, a contiguous adjacent parcel, or on public right-of-way immediately adjacent to the tenant space.

D. **License Agreement.** A license agreement for Outdoor Dining and Seating on the Public Right of Way shall be approved in a form required by the City.

E. **Barriers.** If barriers are provided, they shall be in the manner required by the City.

F. **Enclosure.** Awnings or umbrellas may be used in conjunction with a sidewalk café, but there shall be no permanent roof or shelter over the Outdoor Dining and Seating area. Awnings shall be adequately secured, retractable, and shall comply with the Building Code adopted by the City and any applicable design guidelines.

G. **Fixtures.** The furnishings of the interior of the Outdoor Dining and Seating shall consist only of movable tables, chairs and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the principal building.

H. **Refuse Storage Area.** No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from the sidewalk café on the public sidewalk or right-of-way. Outdoor Dining and Seating shall remain clear of litter at all times.

I. **Hours of Operation.** The hours of operation of the Outdoor Dining and Seating shall be limited to the hours of operation of the associated restaurant or other eating and drinking establishment.

J. **Parking.** Where Outdoor Dining and Seating occupy less than 200 square feet of area, additional parking spaces for the associated Eating and Drinking Establishment shall not be required. Parking shall be provided according to the required ratio in Article 407, On-Site Parking and Loading, for any area exceeding 200 square feet dedicated to outdoor dining.

410.20 Non-Institutional Banking

A Non-Institutional Banking Establishment other than a state or federally chartered bank, credit union, mortgage lender, or savings and loan association, must meet the following standards:

A. **License.** A Non-Institutional Banking Establishment shall be required to have a valid business license from the State which must be renewed annually.

B. **Conditional Use Required.** A Non-Institutional Banking Establishment must obtain a Conditional Use Authorization from the Planning & Zoning Commission.

410.21 Personal Services and Restricted Personal Services

Personal Services and Restricted Personal Services shall be located, developed, and operated in compliance with the following standards:

A. **Hours of Operation.** Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. unless otherwise specified.

B. **Tattoo or Body Modification Parlor.**

1. ***Location.*** Tattoo and body modification parlors shall be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, checking cashing facility, off-track betting establishment, any public park, and any elementary or secondary educational facility.

2. ***Registration Required.*** Any person who is engaged in the business of tattooing or body modification shall provide evidence of registration with the Pinal County Department of Health and City Codes.

3. ***No persons under 18.*** A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by a parent or legal guardian.

410.22 Personal Storage Facilities

Personal Storage Facilities shall be located, developed, and operated in compliance with the following standards:

A. **Business Activity.** All Personal Storage Facilities shall be limited to inactive items. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.

B. **No Hazardous Materials Storage.** No storage of hazardous materials is permitted.

C. **Notice to Tenants.** As part of the rental process, the Facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.

D. **Open Storage.** Open storage, outside an enclosed building, shall be limited to vehicles and trailers with a valid registration and screened from public view by building facades or solid fences of eight feet with view-obscuring gates.

E. **Circulation.** Driveway aisles shall be a minimum of 24 feet wide.

F. **Exterior wall treatment and design.** Exterior walls visible from a public street or Residential District shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural "caps", attractive posts, or similar measures. A gate(s) shall be decorative iron or similar materials.

410.23 Recycling Facilities

Recycling Facilities shall be located, developed, and operated in compliance with the following standards:

A. **Reverse Vending Machines.**

1. ***Accessory Use.*** Reverse Vending Machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.

2. ***Location.*** Machines shall be located adjacent to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation.

3. ***Identification.*** Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

4. ***Signs.*** The maximum sign area on a machine is four square feet, exclusive of operating instructions.

5. ***Lighting.*** Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.

6. ***Trash Receptacle.*** Machines shall provide a 40-gallon garbage can for nonrecyclable materials located adjacent to the reverse vending machine.

B. **Recycling Collection Facilities.**

1. ***Size.*** Recycling Collection Facilities that are not part of a Recycling Processing Facility shall not exceed a building site footprint of 1,000 square feet or include more than three parking spaces (not including space periodically needed for the removal or exchange of materials or containers).

2. ***Equipment.*** No power-driven processing equipment, except for Reverse Vending Machines, may be used.

3. ***Location.*** Facilities shall not be located within 50 feet of a Residential District.

4. ***Setback.*** Facilities shall be set back at least 10 feet from any street lot line and not obstruct pedestrian or vehicular circulation.

5. ***Containers.*** Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Capacity shall be sufficient to accommodate materials collected in the collection schedule.

6. ***Identification.*** Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.

7. ***Signs.*** The maximum sign area shall be 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. The Zoning Administrator may authorize increases in the number, size, and nature of additional signs for necessary directional or identification purposes but not for outdoor advertising.

8. ***Parking.*** Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows available capacity during Recycling Facility operation.

9. ***Site Maintenance.*** Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials. Noise and odors shall be contained within immediate area of the establishment so as not to be a nuisance to neighbors.

C. **Recycling Processing Facility.**

1. ***Location.*** Facilities shall not abut a Residential District.

2. ***Screening.*** The Facility must be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.

3. ***Outdoor Storage.*** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.

4. ***Identification.*** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

5. ***Site Maintenance.*** Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials. Noise and odors shall be contained within immediate area of the establishment so as not to be a nuisance to neighbors.

410.24 Residential Care Facilities

Residential Care Facilities shall be located, developed, and operated in compliance with the following standards:

A. **Location.** The minimum distance from other residential care facilities shall be 1,200 feet.

B. **Screening and Landscaping.** A minimum six foot high wall or fence shall be provided for purposes of screening and securing outdoor recreational areas.

C. **Licensing.** Residential Care Facilities shall be licensed and certified by the State of Arizona and shall be operated according to all applicable state and local regulations.

D. **Parking.** Staff parking and loading facilities may be on the sides and rear of the building. Visitor parking shall be clearly indicated on all plans and be located near the entrance or the street.

410.25 Restricted Retail Uses

Restricted Retail Uses shall be located, developed, and operated in compliance with the following standards:

A. **Hours of Operation.** Hours of operation shall be limited to the time period between 7 a.m. and 10 p.m.

B. **Tobacco Paraphernalia Establishment.**

1. Tobacco Paraphernalia Establishments do not include retail establishments that are dedicated to the sale of any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law, or licensed Medical Marijuana Uses.

2. ***Location.*** Tobacco Paraphernalia Establishments shall be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, non-institutional banking institution, off-track betting establishment, any public park, and any elementary or secondary educational facility.

3. ***No persons under 18.*** A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by his or her parent or legal guardian.

C. **Pawn Shop.**

1. ***Location.*** Pawn shops shall be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, non-institutional banking institution, off-track betting establishment, any public park, and any elementary or secondary educational facility.

D. **Hookah Lounge.**

1. ***Location.*** Hookah lounges shall be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, non-institutional banking institution, off-track betting establishment, any public park, and any elementary or secondary educational facility.

2. ***No persons under 18.*** A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by his or her parent or legal guardian.

410.26 Temporary Uses

Temporary uses shall be located, developed, and operated in compliance with the following standards:

A. **General.** A temporary use is intended to operate only for a limited period of time.

B. **Carnivals, Fairs, and Festival Events.** Carnivals, fairs, and festival events, including arts, neighborhood and community fairs, in connection with an existing commercial use or in conjunction with an activity of a civic organization, church, lodge, public or private educational facility, or other such group or organization are permitted in accordance with the following standards:

1. ***Location.*** Carnivals, fairs, and festival events are limited to areas within Commercial, Mixed Use, and Employment Districts, or on property owned by a public or private educational facility, institution, or religious facility. Corn mazes and similar activities are permitted in Rural Districts. Neighborhood and community fairs are permitted in Rural and Residential Districts.

2. ***Time Limit.*** When located within or adjacent to a Residential District, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m., unless a longer time period is approved with a Temporary Use Permit.

3. ***Duration.*** Carnivals, fairs, revivals and festival events are limited to no more than 10 consecutive days, separated by at least 30 calendar days four times a year. A more limited duration may be established in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the city as a whole.

4. ***Existing Parking.*** Where such a use is proposed within a developed parking lot, the available parking shall not be reduced to less than 75 percent of the minimum number of spaces required by this code (or an alternative method for parking is approved by staff), and traffic access shall be maintained.

C. **Farmers Markets.** Farmers Markets shall be located, developed, and operated consistent with the following standards:

1. **Operator**. Farmers Markets must be operated by one or more certified producers, a nonprofit organization, or a local government agency.

2. **Vendors**. At least 70 percent of vendors must be farmers, ranchers, and other businesses who sell food, plants, flowers, and added-value products such as jams and jellies.

3. **Management Plan**. A management plan shall be prepared and provided to the Director. The management plan shall include the following:

   a. Identification of a market manager or managers, who shall be present during all hours of operation.

   b. A set of operating rules addressing the governance structure of the market, the method of assigning booths and registering vendors, hours of operation, maintenance, security, refuse collection, and parking.

4. **Hours of Operation**. Market activities shall be conducted between the hours of 7 a.m. and 7 p.m. Set-up of market operations shall begin no earlier than 6 a.m., and take-down shall end no later than 8 p.m.

5. **Waste Disposal**. Adequate composting, recycling, and trash containers shall be provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

D. **Garage Sales.** A garage or yard sale may be conducted on any developed lot in a Residential or Rural District, subject to the following requirements. No permit is necessary to conduct a garage sale.

1. No more than six such sales may be conducted on any one lot in any one calendar year.

2. Each sale period shall be for no more than three days within a three month duration.

3. All merchandise to be sold shall be displayed on a private lot and not within the public right-of-way. Merchandise shall be personal property of the family or families hosting the sale and shall not have been purchased for resale.

E. **Model Homes.** Model homes with sales offices and temporary information/sales trailers in new residential subdivisions are subject to the following requirements:

1. ***Time Limits.*** A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of twelve months.

2. ***Location of Sales.*** Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision it is located and to other subdivision projects under the same ownership.

3. ***Return to Residential Use.*** Prior to the close of a sale of any of the model homes as a single-family residence, any portion used for commercial purposes will be converted to its intended residential purpose, including flagpoles.

4. ***Term of Use.*** The model home may be established and operated until completion of the sale of the lots or residences within the subdivision.

F. **Swap Meets.** Outdoor swap meets, antique markets, and similar multi-vendor open-air ventures are allowed in accordance with the following standards.

1. ***Location.*** Outdoor markets are limited to areas within Public/Semi-Public, Commercial, Mixed Use, and Employment Districts, or on property owned by a public or private educational facility, institution, or religious facility.

2. ***Time Limit.*** When located within or adjacent to a Residential District, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m., unless a longer time period is approved with a Temporary Use Permit.

3. ***Duration.*** Swap meets may only operate once per month for no more than 2 consecutive days.

4. ***Existing Parking.*** Where such a use is proposed within a developed parking lot, the available parking shall not be reduced to less than 75 percent of the minimum number of spaces required by this code (unless an alternative method for parking is approved by City staff), and traffic access shall be maintained.

G. **Temporary and Seasonal Outdoor Sales.** Temporary and Seasonal Outdoor Sales are allowed in accordance with the following standards. No permit is necessary for seasonal sales or sales occurring less than three consecutive days.

1. ***General Requirements.*** Temporary outdoor sales, including but not limited to grand opening events, and other special sales events, on private property in non-Residential Districts are subject to the following standards:

   a. Except for Seasonal Sales, Temporary Outdoor Sales are part of an existing business on the same site and are limited to a seven-day period three times a year.

   b. Sales events must be conducted solely on private property and not encroach within the public right-of-way or occupy required parking, unless an alternative parking scenario is approved by staff to meet the intent. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

2. ***Seasonal Sales.*** The annual sales of Christmas trees, fireworks, pumpkins and similar items is permitted in accordance with the following standards:

   c. *Time Period.* Pumpkin sales are permitted from October 1st through November 7th. Christmas tree sales are permitted from November 15th through December 31st. Seasonal sales associated with other holidays are permitted up to a month preceding and one week following the holiday.

d. *Goods, Signs and Temporary Structures.* All trees, pumpkins, or other items for sale, as well as signs and temporary structures, shall be removed within five days after the end of sales, and the appearance of the site shall be returned to its original state.

3. ***Non-Profit Fund Raising.*** Fund raising sales by a non-profit organization for up to three days per event.

4. ***Long Term Special Events and Sales.*** Other special events, outdoor sales, and displays that exceed seven consecutive days may be permitted in accordance with the following standards:

   a. *Location.* Events are limited to non-residential districts.

   b. *Number and Duration of Events.* No more than four events at one address shall be allowed within any 12-month period unless a Temporary Use Permit is obtained. The duration of any single event shall not exceed 30 days.

   c. *Existing Business.* Temporary outdoor sales shall be part of an existing business on the same site.

   d. *Signs.* Signs shall conform with the provisions of Article 409.

5. ***Vehicle Sales Prohibited.*** The parking of privately-owned used automobiles in parking lots for the express purpose of offering the vehicle for sale is prohibited, unless permission is granted by the property owner and multiple cars are not offered for sale at one time. This restriction does not apply to Automobile/Vehicle Sales and Leasing uses.

Article 411 Sustainable Development Incentive Program

Sections:

411.01 Purpose
411.02 Applicability
411.03 Incentives Program
411.04 Qualifying Sustainable Development Features
411.05 Procedure for Granting an Incentive

411.01 Purpose

The purpose of this Article is to establish incentives for development to support the City's desire to create a more sustainable community. The Sustainable Development Incentive program is designed:

A. To increase energy and water efficiency in existing and new developments;

B. To increase resource conservation;

C. To provide durable development that is efficient and economical to own, operate, and maintain; and

D. To promote sustainable development practices.

411.02 Applicability

For all development projects, this program is voluntary.

411.03 Incentives Program

A project must include the specific number of sustainable development features listed in Table 411.03 to obtain development incentive. The following table lists the specific incentives that can be granted by the Zoning Administrator and requirements necessary to receive each incentive. The qualifying sustainable development incentives are described in Section 411.03. The award levels are cumulative. If a proposed project meets the number of requirements listed in the "Requirements"

and "Additional Requirements" columns, then a project may receive the incentive in the "Development Incentive" column.

TABLE 411.03: REQUIREMENTS FOR DEVELOPMENT INCENTIVES			
Development Incentive	*Description*	*Requirements*	*Additional Requirements*
Expedited Zoning Clearance/Development Review Permit	Development Review Permit may be expedited administratively, Planning & Zoning Commission not required.	Development must achieve 9 out of the 15 sustainable development features.	Sustainable feature #14 required.
Increased Building Height	A development may increase the allowable building height up to 15 feet	Development must achieve 7 out of the 15 sustainable development features.	
Setback Reduction	A development may reduce the required front, rear or side yard setback/buffer up to 5 ft.	Development must achieve 5 out of the 15 sustainable development features.	Sustainable feature #11 required.
Parking Reduction & Project Award REcognition by Development Services	A development may reduce the minimum parking requirements up to 20 percent.	Development must achieve 3 out of the 15 sustainable development features.	Parking Study may be required as determined by the Zoning Administrator.

411.04 Qualifying Sustainable Development Features

The components of the Sustainable Development Incentive Program are listed below along with the specific requirement that must be met for a qualifying feature to be approved. In accordance with Section 411.03, certain sustainable features must be incorporated into a development in order to be awarded with some of the development incentives available.

TABLE 411.04: QUALIFYING SUSTAINABLED DEVELOPMENT FEATURES		
Category	*#*	*Sustainable Development Features and Requirements*
Site Design	1	Building or development is built to LEEDTM or Equivalent Third-Party Certification standard, as approved by the City.
	2	Development uses a roofing material with a solar reflectance index (SRI) equal to or greater to the following: • Low sloped roof – less than or equal to 2:12 – SRI value of 78 • Steep slope roof – greater than 2:12 – SRI value of 29 (Refer to U.S. Green Building Council LEED NC Credit 7.2 Heat Island Effect – Roof.)
	3	Development increases the onsite refuse container screening area to accommodate a 6 yard container for the purpose of recycling.
	4	Development incorporates a parking garage structure or underground parking structure subject to Article 404.05 of this Code.
	5	Site development parking area is built to a standard of one landscape island for every four spaces. Minimum landscape island area shall be 25 square feet.
	6	Preferred parking for low-e vehicles: Site designates one parking stall nearest to the

TABLE 411.04: QUALIFYING SUSTAINABLED DEVELOPMENT FEATURES		
Category	#	*Sustainable Development Features and Requirements*
		building for low emission vehicles. Where building floor area is equal to or greater than 5,000 s/f, at least 5 percent, but not less than two, of the parking spaces provided are designated as preferred parking.
	7	Site Hardscape Heat Island Reduction: Not less than 50 percent of site hardscape is 1) hardscape materials with an initial solar reflectance value of not less than 0.30; 2) combination of shade structures and shaded by trees; or 3) pervious paving, open-grid pavers. Reference: Section 408 of the International Green Building Code.
	8	Site development does not exceed minimum parking requirements by more than 5 percent.
Water Efficiency	9	Development incorporates purple piping (for reclaimed water) for irrigation of landscape areas or other non-potable reclaimed water use.
	10	Site development incorporates functional rainwater harvesting that irrigates at least 20 percent of the total landscape area.
Landscaping	11	Development installs and maintains live vegetation screen walls where reduced setback or buffer yard is requested in addition to the minimum required landscaping and boundary wall(s) or screen wall(s).
	12	Development installs alternative onsite rain water runoff systems that incorporates rainwater harvesting features, pervious paving, and other similar systems.
	13	Development incorporates exterior landscaping/planters extending six feet from the finished grade and integrated into the structure, such as a green wall and green roof stystems.
Energy Reduction	14	Site development incorporates solar parking lot lights for at least 50 percent of the proposed fixtures.
	15	Site development incorporates roof top solar panels, with a minimum size of 2.5 kwh for each panel.
	16	Site development incorporates minimum 3 ft. window overhang(s)or equal architectural features to shade 100 percent of all west facing windows and 75 percent of all proposed windows, and entrance doors with glazing.
Innovative	17	Any other innovative sustainable design feature(s) found to meet the intent of this Article, to be reviewed and accepted at the discretion of the Zoning Administrator.

411.05 Procedure for Granting an Incentive

The Zoning Administrator shall review opportunities for a Sustainable Development Incentive and determine whether the project includes the required number of qualifying features to justify granting the requested incentive. This review shall occur prior to granting a permit for the project. Compliance for authorization of incentive, schematic drawings, and other documentation may be required at the discretion of the Zoning Administrator for verification of the proposed sustainable development features.

Article 412 Telecommunications Facilities

Sections:

412.01 Purpose
412.02 Applicability
412.03 General Requirements
412.04 Permitted Antennas and Towers
412.05 Antennas and Towers Requiring Conditional Use Permits
412.06 Co-Location
412.07 Removal of Abandoned Antennas and Towers
412.08 Non-Conforming Antennas and Towers
412.09 Special District Requirements

412.01 Purpose

The purpose of this Article is to establish general guidelines for the installation of wireless communications towers and antennas. The goals of this Article are to:

A. Minimize the adverse visual effects of towers through careful design, siting, and screening, while preserving the rights of wireless telecommunications providers;

B. Encourage the location of towers in non-residential areas;

C. Minimize the total number of towers throughout the community;

D. Strongly encourage the joint use (co-location) of new and existing tower sites as a primary option rather than construction of additional single-use towers;

E. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

F. 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, screening, and innovative camouflaging techniques;

G. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; and

H. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

412.02 Applicability

A. **New Towers and Antennas.** All new towers or antennas in the City shall be subject to these regulations.

B. **Mobile and Temporary Antennas.** All new mobile and temporary antennas in the City shall be subject to these regulations and require a Temporary Use Permit. In the event an approved Conditional Use Permit for a permanent tower or antenna does not provide for an interim mobile or temporary antenna, mobile and temporary antennas shall be reviewed and permitted by Temporary Use Permit for a period not to exceed six months. More than one Temporary Use Permit may be approved for the same temporary antenna.

C. **Amateur Radio Towers and Antennas.** This Article shall govern the installation of any tower or antenna that is an Amateur Radio Station Operators/Receive Only Operations, 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.

D. **Exceptions.** The following are exempt from the provisions of this Article:

1. Legally established pre-existing towers and pre-existing antennas with a valid Conditional Use Permit shall not be required to meet the requirements of this Article. Modification to preexisting towers and antennas that substantially increase the physical dimensions of the tower, antenna, or equipment, as deemed by the Zoning Administrator or designee, are required to comply with this Article. A substantial change to an existing wireless facility includes any increase to the existing height of a tower or antenna and/or a proposed increase in the existing mass of the antenna or appurtenances greater than 20 percent. All other pre-existing towers and preexisting antennas without an approved use permit shall meet the requirements of this Article accordingly.

2. For purposes of implementing this Article, 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. Additional tower units may be added within the perimeter of the AM array by right.

412.03 General Requirements

A. **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.

B. **Inventory of Existing Sites.** Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of all existing towers, antennas, or sites within five miles of the proposed location for towers or antennas, that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Development Services Department shall maintain a map and database with the above information available for public review and purchase; however, the accuracy of the information is subject to change. It shall be the responsibility of the applicant to verify and update any information provided by the City.

C. **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 Article shall bring such towers and antennas into compliance with such revised standards and regulations within six 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.

D. **Lighting.** Towers shall not be artificially lit, unless required by the FAA or other applicable authority, or as otherwise approved by the City Council. If lighting is required for ground equipment, a lighting plan shall be submitted in accordance to the Subdivision Code, Section 14-6-15.

E. **Building Codes and 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 City 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 30 days to bring such tower into compliance with such standards, or as otherwise specified in writing by the Building Official. Failure to bring such tower into compliance within said 30 days, or as otherwise specified, shall constitute grounds for the removal of the tower or antenna at the owner's expense.

F. **Measurement.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.

G. **Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this Article and shall not be regulated or permitted as essential services, public utilities, or private utilities, unless the tower and antennas' sole purpose is to provide government sanctioned public safety communications.

H. **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 City have been obtained and shall file a copy of all required franchises with the City.

I. **Signs.** No signs shall be allowed on an antenna, a tower, or any portion of the premises leased for wireless telecommunication use, except for a permanent, weather-proof identification sign, approximately 16 inches by 32 inches in size, must be placed on the gate of the fence or wall surrounding the facility or, if there is no fence or wall, on the facility itself. The sign must identify the facility operator(s), provide the operator's address, and specify a 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.

J. **Buildings and Support Equipment.** Buildings and support equipment associated with antennas or towers shall comply with the following requirements:

1. Roof-mounted or facade-mounted antennas proposed on an existing building, or on a tower, pole, or other structure shall not extend or project more than 10 feet above the existing height of the building or structure.

2. Antenna support equipment that is roof mounted shall meet the screening requirements of this Article and Code.

K. **Design Standards.** Antennas, antenna support structures, and related equipment shall be located, designed, and screened to integrate and compliment the existing natural or built surroundings and existing supporting structures.

1. ***Design and Visibility.*** All facilities shall be designed and located to minimize their visibility to the greatest extent feasible. All wireless telecommunication facilities proposed for locations where they would be readily visible from adjacent property and public right-of-way (measured from the center of the tower location) shall incorporate appropriate techniques to disguise the facility and/or blend into the surrounding environment, to the extent feasible. Facilities shall be compatible in scale and integrated architecturally with the design of surrounding buildings or the natural setting. The City's Design Standards for Wireless Communication Facilities provide additional standards with supporting illustrations to assist applicants in designing facilities to meet the intent of this Code.

2. ***Screening.*** Antenna support equipment for stand-alone facilities shall be screened by a maximum eight foot high masonry wall or placed within a fully enclosed building. When placed within a fully enclosed building, the building design shall be no taller than one story or 15 feet in height with elevations designed and constructed in a manner compatible with architectural designs found in the area.

3. ***Freestanding Antenna(s).***

a. Antenna facilities that are not camouflage or stealth shall be close mount, to the extent possible.

b. Stealth or camouflaged facilities shall not have antenna mounts that extend beyond the outside edge (array) of the materials used to provide the stealth or camouflage design.

c. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

d. Wireless telecommunications facility support structures and antennas shall be a non-glossy color and/or exterior finish shall be painted so as to minimize visual impacts from surrounding properties.

4. ***Building Mounted Antenna(s).***

a. If an antenna is installed on a building, the antenna and supporting electrical and mechanical equipment must be architecturally integrated in a manner that is identical to, or closely compatible with, the color of the building structure so as to make the antenna and related equipment as visually unnoticeable as possible.

5. ***Alternative Tower Mounted Antenna(s).***

a. Antennas proposed on the exterior of a structure shall be designed in a manner to appear as an integral element of the structure.

6. ***Stealth Tower and Antenna(s).***

a. When an alternative tower or co-location does not exist on a parcel adjacent to residential use, stealth design shall be provided. A stealth facility shall be designed and constructed to appear architecturally integrated with the surrounding built environment or the natural setting to minimize the adverse visual impact and ensure the facility is compatible with the environment in which it is located.

L. **Co-Location and Multiple Antenna/Tower Plan.** The City 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.

M. **Modification of Building Size Requirements.** The requirements of this Article may be modified by the City Council in the case of uses permitted by conditional use to encourage co-location.

N. **Site Security.** Outdoor ground equipment shall be enclosed with a maximum eight foot high masonry wall, shall be constructed of a block or masonry, or secured in a method as otherwise determined by the Zoning Administrator. All towers shall be equipped with an anti-climbing device.

O. **Landscaping.** The following requirements shall govern the landscaping surrounding towers; provided, however, that the City Council may reduce or waive such requirements if the goals of this Article would be better served thereby.

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from residential property and commercial property or viewable from public right of way. The standard buffer shall consist of a landscaped strip at least eight feet wide outside the perimeter of the compound and any other areas disturbed during construction.

2. Every 20 lineal feet on center of the perimeter of the enclosure of the building shall be landscaped with drought tolerant plants at a rate of one 24 inch box tree and 10 ten-gallon size shrubs. All landscaping shall be irrigated for a minimum period of one year. Landscaping shall be maintained throughout the life of the facility.

3. Additional landscaping may be required at the discretion of the Zoning Administrator as needed to effectively blend applications with the surrounding environment.

4. Existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible.

P. **Parking.** A minimum of one nine foot by 18 foot off street parking shall be required for the ongoing and maintenance of the facility. Parking and maneuvering areas shall be surfaced with approved all weather access as determined by the City Engineer.

Q. **Noise.** No permit (Conditional or Administrative Review) shall be issued for any facility which generates a noise level greater than 50 decibels (dB) as measured at the edge of the property upon which such facility is sited.

R. **Term.** In the event a building permit is not received within two years or as otherwise stipulated, or reasonable effort is not made to receive a building permit as determined by the Zoning Administrator, the Administrative Review or Conditional Use Permit shall expire. Each Administrative Review or Conditional Use Permit issued shall be for a period of five years for Freestanding Tower and Antenna applications, and a period of 10 years for Building Mounted Antennas, Alternative Tower Mounted Antennas, and Stealth Tower and Antennas. At the end of the above specified term, the permit shall automatically expire unless a written request for renewal is submitted by the applicant, prior to expiration, to the Zoning Administrator. The City shall notify the applicant in writing at least 90 days prior to the expiration date of the permit for the facility. Upon the expiration of any required permits for the facility, it shall be removed in accordance with the requirement of this Article. If a request for renewal of the required permit(s) is received, the permit shall remain in effect until a decision on the renewal is made. The renewal request shall be reviewed in a similar manner as the original approval. The review is to ensure that the facility is still in operation; that it has been properly maintained; that the original conditions of approval have been adhered to and whether they are to remain the same or need to be modified; and to determine if new technology exists to upgrade the facility to better meet the purpose, intent,

goals and provisions of this Article. If new technology exists that will allow the redesign or relocation of the facility to better meet the purpose, intent, goals and provisions of this Article, then the facility must be redesigned and/or relocated accordingly. Failure to comply with this requirement may be considered grounds for denial of a new permit.

S. The City may add conditions to any new permits as necessary to advance a legitimate governmental interest related to health, safety, or welfare, provided, however, that any condition shall comply with applicable FCC regulations and standards, and that reasonable advance notice thereof has been provided to all affected parties. If a permit is not renewed, the City shall give the applicant written notice thereof together with the rationale on which the City's decision was made.

412.04 Permitted Antennas and Towers

A. **General.** The uses listed in this Section are deemed to be permitted uses and shall require zoning clearance through an Administrative Review application.

B. **Permitted Uses.** The following uses are specifically permitted:

1. ***Wireless Communication Facility.*** Permissible in any Rural, Industrial, or Commercial District, provided, however, that freestanding towers or antennas shall not exceed the maximum height of the applicable Zoning District, unless specifically allowed elsewhere in this Code. The facility shall comply with the following:

   a. Meet the minimum setback within the Zoning District in which the facility is proposed; and

   b. Towers and antennas shall be set back a distance equal to at least 100 percent of the height of the tower and antenna from any adjoining lot line. In Industrial Zoning Districts, towers and antennas are allowed a maximum height of 65 feet when the tower is located greater than 400 feet from the property line of a residential use. Such requests shall provide the information required in this Article, prior to permit issuance.

2. ***Towers.*** Amateur radio towers, antennas, and freestanding towers or antennas located in any Rural, Industrial, or Residential Zoning District shall not exceed the maximum height of the applicable Zoning District and shall comply with the following:

   a. *Setback.* Towers and antennas shall be set back a distance equal to at least 100 percent of the height of the tower or antenna from any adjoining lot line.

   b. *Front Yard.* Amateur radio towers and antennas are prohibited in any front yard and shall not be placed in front of the front face plane of the principal building.

c. If an Amateur Radio Tower is located within a controlled Home Owner Association, the applicant is encouraged to comply with the Community's Conditions, Covenants and Restrictions (CC&R's).

3. ***Limitation on Quantity of Towers by Zoning District.*** In all Zoning Districts:

a. One radio tower and/or antenna permitted per lot of record.

b. Additional towers, greater in number than prescribed above, may be permitted in any Zoning District, but shall be subject to securing a Conditional Use Permit as set forth in Section 412.05.

c. Towers are prohibited in any airport clear zone or landing zone designated by the FAA.

412.05 Antennas and Towers Requiring Conditional Use Permits

A. **General.** The following provisions shall govern the issuance of Conditional Use Permits for towers or antennas by the City Council:

1. For purposes of this Section, any Conditional Use Permit request shall require public notice pursuant to 502.06, Public Notification.

2. If the tower or antenna does not meet the requirements of Section 412.04 above or does not meet the requisite dimensional requirements, then a Conditional Use Permit shall be required for the construction of a tower or the placement of an antenna in all Zoning Districts.

3. Applications for Conditional Use Permits under this Article shall be subject to the procedures and requirements of Article 504 except as specifically modified in this Article.

4. In granting a Conditional Use Permit, the reviewing authority may impose conditions to the extent such conditions are necessary to minimize any adverse effect of the proposed tower.

5. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by an Arizona licensed professional engineer.

6. A Conditional Use Permit issued under this Article shall be conditioned upon verification by the engineer or their designee that such tower or antenna is structurally sound, prior to final inspection.

B. **Tower and Antenna Information Required.** In addition to any information required for applications for a Conditional Use Permit pursuant to Article 504, applicants for a Conditional Use Permit for a tower or antenna shall submit the following information:

1. A scaled site plan clearly indicating the location, type, and height of the proposed tower or antenna, including:

    a. On-site structures, land uses and zoning designation(s);

    b. Adjacent structures, land uses and zoning within 20 feet of the property line (including when adjacent to other municipalities);

    c. The setback distance between the proposed tower or antenna to all nearest building structures, residential, uses, and commercial and industrial zoned properties as set forth in Table 412.05.E;

    d. Adjacent roadways and proposed means of access; and

    e. Required and proposed setbacks from property lines.

2. Color elevation drawings of the proposed wireless facility and associated structures as deemed by the City to be necessary to assess compliance with this Article;

3. A photo simulation of the proposed tower and structures associated with the wireless facility as seen from adjacent right-of-way(s). Staff may request additional simulations as necessary to determine the visual impact of the proposed facility;

4. The separation distance from other towers or antennas described in the inventory of existing sites submitted, pursuant to Section 412.03 of this Article, shall be shown on a site plan or map. The applicant shall also identify the type of construction of the existing tower(s) or antenna(s) and the owner/operator of the existing tower(s) or antenna(s), if known;

5. A description of compliance with Section 412.03, "General Requirements", and all applicable federal, State, county or local laws;

6. A notarized statement by the applicant as to whether construction of the tower or antenna will accommodate co-location of additional towers or antennas for future users;

7. An analysis explaining the reasons co-location is not feasible on existing towers, antennas, or other vertical structures in the vicinity, and describing the alternative technologies considered to provide similar services in lieu of a new tower or antenna;

8. A description of the feasible alternative location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is not erected;

9. A statement of compliance with applicable Federal Communications Commission (FCC) Radio Frequency (RF) exposure standards; and

10. Additional information may be required as deemed necessary to determine compliance with the goals of this Article.

C. **Factors Considered in Granting Conditional Use Permits for Towers or Antennas.** In addition to any standards for consideration of Conditional Use Permit applications pursuant to this Article, the reviewing authority shall consider the following factors in determining whether to issue a Conditional Use Permit, although the reviewing authority may waive or reduce the burden on the applicant of one or more of these criteria if it is determined that the goals of this Article are better served thereby:

1. Height of the proposed tower or antenna;

2. Proximity of the tower or antenna to any residential structures and uses;

3. Nature of uses on adjacent and nearby properties;

4. Surrounding topography;

5. Surrounding tree coverage and vegetation;

6. Design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

7. Proposed ingress and egress; and

8. Analysis on the availability of suitable existing towers, antennas, other structures, or alternative technologies not requiring the use of towers or antennas, as discussed in Subsection (D) below.

D. **Availability of Suitable Existing Towers, Antennas, Other Structures, or Alternative Technology.** No new tower or antenna shall be permitted unless the applicant demonstrates that no existing tower, antenna, structure, or alternative technology that does not require the use of towers, antennas, or structures can accommodate the applicant's proposed tower or antenna. An applicant shall submit information requested by the City related to the availability of suitable existing towers, antennas, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, antenna, structure, or alternative technology can accommodate the applicant's proposed tower or antenna may consist of any one or more of the following:

1. No existing towers, antennas or structures are located within the geographic area which meets applicant's engineering requirements;

2. Existing towers, antennas or structures are not of sufficient height to meet applicant's engineering requirements;

3. Existing towers, antennas or structures do not have sufficient structural strength to support applicant's proposed tower or antenna and related equipment;

4. The applicant's proposed tower or antenna would cause electromagnetic interference with the equipment on the existing towers, antennas or structures, or the existing towers, antennas or structures would cause interference with the applicant's proposed tower or antenna;

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower, antenna or structure or to adapt an existing tower, antenna or structure for sharing are unreasonable. For this purpose, costs exceeding the construction of a new tower or antenna are presumed to be unreasonable;

6. The applicant demonstrates that there are other limiting factors that render existing towers, antennas and structures unsuitable;

7. The applicant demonstrates that an alternative technology that does not require the use of towers, antennas or structures, such as a cable microcell network using multiple low-powered transmitters or receivers attached to a wireless system, is unsuitable. For this purpose, costs of alternative technology that exceed new tower or antenna development shall be presumed to render the technology unsuitable; or

8. If the proposed location is in a Residential District, that the location is necessary for the provision of personal wireless services to Maricopa residents and businesses, or their owners, customers, guests, or invitees, or other persons traveling in or about the City, based on substantial evidence that siting the facility outside of a Residential District is infeasible and without the proposed facility, the operator will be unable to provide personal wireless services to its customers in the proposed coverage area, or unable to provide the capacity necessary to meet call and data volumes.

E. **Minimum Setback, Separation and Maximum Height Requirements.** The following height, setback, and separation standards shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the reviewing authority may reduce the standard setback, separation and height requirements if the goals of this Article would be better served thereby:

1. Towers and antennas shall be set back a distance equal to at least 100 percent of the height of the tower or antenna from any adjoining lot line, excluding existing Alternative tower structures; provided, however, that separation distances from residential uses shall be in accordance with Table 412.05.E, set forth below.

2. Accessory buildings must satisfy the minimum Zoning District setback requirements set forth in this Code.

3. Separation distances between towers and antennas shall be measured between the proposed tower or antenna and preexisting towers or antennas. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower or antenna and the proposed base, pursuant to a site plan, of the proposed tower or antenna. The separation distances (listed in linear feet) shall be as shown in Table 412.05.E, set forth below.

TABLE 412.05.E: CONDITIONAL USE PERMIT: SETBACK, SEPARATION AND MAXIMUM HEIGHT BY ZONING DISTRICT			
	Max Height in all Zoning Districts	*Setback from residential uses*	*Separation from other antennas over 50 ft. height*
Freestanding	65 ft.	400 ft.	600 ft.
Alternative/ Co-Location	10 ft. above existing structure	300 ft.	600 ft.
Buildings	15 ft. above existing structure	150 ft.	-
Stealth	75 ft.	100 percent of height to property line	-

412.06 Co-Location

A. **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 City so requests. For the purposes of this Section only, a site may accommodate more than one tower and its accompanying equipment so long as the site exceeds five 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.

B. **Third Party Technical Review.** In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third party technical study at the applicant's expense. The City may review any information submitted by the applicant and permittee(s) in determining whether good faith has been exercised.

C. **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.

D. **Violation and Penalty.** Failure to comply with co-location requirements when feasible may result in denial of a permit request or revocation of an existing permit.

412.07 Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a continuous period of 180 days shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 60 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 60 day period shall be grounds for the City 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.

412.08 Non-Conforming Antennas and Towers

A. **Not Expansion of Non-Conforming Use.** Towers that are constructed and antennas that are installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a non-conforming use or structure.

B. **Pre-Existing Towers.** Pre-existing towers or antennas 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 or antennas. New construction other than routine maintenance on a pre-existing tower or antenna shall comply with the requirements of this Article.

C. **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 conditional use permit and without having to meet the separation requirements specified herein. 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 Section 412.05. The type, height, and location of the tower or antenna 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 current adopted Building Codes and shall be obtained within 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 412.07, herein.

412.09 Special District Requirements

A. **Heritage District.** All proposed tower and antenna Conditional Use Permit requests for properties located within the MU-H Mixed Use Heritage District require review and written recommendation from the Heritage District Advisory Committee to the Planning & Zoning Commission, prior to the initial Public Hearing for such request.

500 SERIES
ADMINISTRATION AND PERMITS

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Article 501 Commissions, Committees, Boards, and Officers

Sections:

501.01 Specific Purpose
501.02 City Council
501.03 Planning & Zoning Commission
501.04 Board of Adjustment
501.05 Development Services Director
501.06 Hearing Officer
501.07 Zoning Administrator
501.08 Heritage District Advisory Committee
501.09 Technical Advisory Committee
501.10 Other Agencies
501.11 Summary of Review Authorities for Permit Types

501.01 Specific Purpose

This Article identifies the purpose, duties, organization, and powers of the City bodies, officials, and administrators, charged in making decisions under various Series and Articles of the Zoning Code. Subsequent Articles provide detailed information regarding various procedures, applications, and permits, including use permits, General Plan text and map amendments, fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Code as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan.

501.02 City Council

A. **Duties and Powers Related to Zoning.** The City Council shall have the duty to carry out the provisions and intent of the General Plan and this Code. Specifically, the City Council has the powers to do the following:

1. ***Appointment Powers.*** The City Council shall have the power to appoint and remove members of the Planning & Zoning Commission and Board of Adjustment.

2. ***Initiation Powers.*** The City Council shall have the power to initiate legislation and hold public meetings and public hearings on the following:

   a. General Plan amendments; and

   b. *Zoning Code Map or Text Amendments.* The City Council shall have the power to initiate applications without owner authorizations for either Zoning Code Map or text amendments.

3. ***Decision-Making Powers.*** The City Council shall have the power to make final decisions and hold public meetings and public hearings to review and approve, continue, deny, or approve with conditions the following requests:

   a. General Plan amendments;

   b. Zoning Code text and Zoning Map amendments;

   c. Final subdivision plats pursuant to Chapter 14, Subdivision Code, of the City's Code; and

   d. Planned Area Development (PAD) Districts and PAD Plans in PAD Zoning Districts, and major amendments or major modifications to conditions of approved Planned Area Development Districts and Plans, as defined in this Code.

4. ***Appeal Powers.*** The City Council shall have the power to hear and decide appeals of decisions of Planning & Zoning Commission regarding Conditional Use Permits and Major Development Review Permits.

B. The City Council may prescribe, in connection with a decision noted in Subsection (c) and (d) above, conditions of approval as the Council deems necessary, in order to fully carry out the provisions and intent of the General Plan and this Code, pursuant to Section 502.11, Conditions of Approval. Violations of any City Council condition of approval shall be a violation of this Code.

C. **Appeals.**

Any person aggrieved by a decision of the City Council under this Code may file an appeal to the Pinal County Superior Court within 30 calendar days after the City Council has rendered its final decision, in accordance with Section 502.15, Appeals.

501.03 Planning & Zoning Commission

A. **Creation and Purpose.** The Planning & Zoning Commission is created to hold public meetings and hearings, to provide analysis and recommendations to the City Council regarding general land use policies and applications where the Commission has such advisory responsibility, and to render decisions on specified applications where the Commission has be assigned decision-making power by this Code. The purpose of the Planning & Zoning Commission is to support creation of a desirable environment throughout the City for residents, business, and industry in areas for which it is responsible by promoting harmonious, safe, attractive, and compatible development that is in the best interest of public health, safety, and general welfare.

B. **Duties and Powers.** The Planning & Zoning Commission shall have the duty to carry out the duties outlined in Chapter 2-8 of the City Code and more specifically is responsible for the following:

1. ***Initiation Powers***. The Planning & Zoning Commission shall have the power to initiate and hold public meetings and public hearings on:

   a. General Plan amendments; and

   b. Zoning Code Map or text amendments.

2. ***Decision-Making Responsibilities.*** The Planning & Zoning Commission shall have the power to hold public meetings and public hearings to review and approve, continue, deny, or approve with conditions:

   a. Conditional Use Permits and modifications to such permits; and

   b. Major Development Review Permits and modifications to such permits.

3. ***Advisory Responsibilities.*** The Planning & Zoning Commission shall hold public meetings and hearings to advise and recommend to the City Council:

   a. General plan amendments and major amendments;

   b. Zoning Map amendments (e.g. re-zonings) for Base and Overlay Zoning Districts;

   c. Zoning Code text amendments;

   d. Subdivision plats, pursuant to Chapter 14, Subdivision Code, of the City's Code; and

   e. PAD Districts and PAD Plans.

4. The Planning & Zoning Commission may recommend in connection with any application such conditions as the Commission deems necessary in order to fully carry out the provisions and intent of this Code.

C. **Organization**.

1. The provisions of City Code Chapter 2-82 shall apply for the composition, number, and qualifications of the Planning & Zoning Commission.

2. Hearings of the Planning & Zoning Commission shall be open to the public. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings showing the vote of the body, records of the Commissions' deliberations, and other official actions, shall be kept by the City Clerk as a public record.

3. The Planning & Zoning Commission shall adopt rules of procedure consistent with the provisions of the City Code for the conduct of its business and procedure.

4. A quorum consists of four members of the Planning & Zoning Commission. The concurring vote of the Planning & Zoning Commission shall be necessary to act on any matter on its agenda except that consent agenda items may be approved and continuances administratively granted as provided for in this Section. In the event that Planning & Zoning Commission members are not sufficiently available to make a quorum, there shall be no meeting. Robert's Rules of Order shall govern any other motion.

5. The Development Services Director, or a designated representative, shall serve ex officio as secretary of the Planning & Zoning Commission.

D. **Appeals.** Planning & Zoning Commission recommendations to the City Council are not final decisions. Any person aggrieved by a final decision of the Planning & Zoning Commission, may file an appeal to the City Council in accordance with Section 502.15.

501.04 Board of Adjustment

A. **Creation and Purpose.** The Board of Adjustment is created to hold public hearings to provide relief from the terms of this Code, to hear applications and to hear and decide appeals from decisions of the Hearing Officer or Zoning Administrator.

B. **Duties and Powers.** The Board of Adjustment shall have the duty to carry out the provisions outlined in Chapter 2-8 of the City Code and this Code.

1. The Board of Adjustment shall hold a public hearing or public meeting to review and approve, continue, deny, approve with conditions, or to the extent applicable, enter the appropriate order, the following:

a. Appeals from decisions made by the Hearing Officer or designee, regarding the following:

(1) Variance Applications.

(2) Administrative Use Permits and Temporary Use Permits; and

(3) Modifications to approved Administrative Use Permits and Temporary Use Permits.

b. Appeals from any decision made by the Hearing Officer or designee.

c. Appeals from decisions made by the Zoning Administrator, or designee, regarding the following:

(1) Zoning Permits;

(2) Minor Development Permits;

(3) Waivers; and

(4) Modifications to approved Zoning Permits and minor Development Review Permits.

d. Appeals from any decision made by the Zoning Administrator or designee.

2. The Board of Adjustment shall not:

a. Make any changes in the uses permitted in any zoning classification or Zoning District, or make any changes in the terms of the Zoning Code provided the restriction in this paragraph shall not affect the authority to grant Variances pursuant to this Code; or

b. Grant a Variance if the special circumstances applicable to the property are self-imposed by the property owner.

3. The Board of Adjustment may, in connection with any application, impose conditions as the Board deems necessary in order to fully carry out the provisions and intent of this Code. Violation of any Board of Adjustment condition shall be a violation of this Code.

C. **Organization.**

1. The provisions of City Code Chapter 2-82 shall apply for the composition, number, and qualifications of the Board of Adjustment.

2. The Board of Adjustment shall elect a chairperson and vice-chairperson from among its own regular members annually, coinciding with appointment dates.

3. Hearings of the Board of Adjustment shall be open to the public. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings showing the vote of the body, records of the boards' deliberations and other official actions, shall be kept by the City Clerk as a public record.

4. The Board of Adjustment shall adopt rules of procedure consistent with the provisions of the City Code for the conduct of its business and procedure.

5. A quorum consists of four members of the Board of Adjustment. The concurring vote of the Board of Adjustment shall be necessary to act on any matter on its agenda, except that consent agenda items may be approved or continuances administratively granted as provided for in this Section. In the event that Board members are not sufficiently available to make a quorum, there shall be no meeting. Robert's Rules of Order shall govern any other motion.

6. The Development Services Director, or a designated representative, shall serve ex officio as the secretary of the Board of Adjustment.

D. **Appeals.** Any person aggrieved by a decision of the Board of Adjustment under this Code may file an appeal to the Pinal County Superior Court in accordance with Section 502.15.

501.05 Development Services Director

A. **Creation and Purpose.** The Director of the Development Services Department (the "Director"), or their designee, directs the work of the Department and the Planning & Zoning Division and leads the Department in fulfilling its mission.

B. **Duties and Powers.**

1. The Development Services Director shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Development Services Director, or designee, shall have the power to do the following:

   a. Serve as Staff of the Planning & Zoning Commission and Board of Adjustment;

   b. Issue administrative regulations for the submission and review of applications subject to the requirements of this Code and A.R.S. §9-831 et seq.;

   c. Process and make recommendations to the Planning & Zoning Commission and the City Council on all applications, amendments, appeals and other matters upon which the Council has the authority and the duty to act under this Code;

d. Investigate and make reports to the Planning & Zoning Commission on violations of permit terms and conditions when the City has initiated revocation procedures;

e. Appoint and oversee the Hearing Officer and Zoning Administrator; and

f. Delegate administrative and enforcement functions as they so deems to members of the Development Services Department staff.

501.06 Hearing Officer

A. **Creation and Purpose.** The Hearing Officer shall be appointed by the Development Services Director or their designee. The Hearing Officer is created to maintain and administer the Zoning Code, including processing of applications, abatements and other enforcement actions. In the event that no such person is appointed or if the Hearing Officer becomes unavailable, the Development Services Director shall serve as the Hearing Officer and may delegate this responsibility to the Zoning Administrator.

B. **Duties and Powers.**

1. The Hearing Officer shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Hearing Officer shall have the power to hold a public hearing to review and approve, continue, deny, or approve with conditions, the following:

   a. Variance Applications;

   b. Administrative Use Permits and Temporary Use Permits;

   c. Minor modification to approved Administrative Use Permits and Temporary Use Permits;

   d. Sign permits; and

   e. Delegate administrative functions as they so deem to members of the Development Services Department staff.

2. The Hearing Officer may, in connection with any application, impose conditions on approvals granted as deemed necessary in order to fully carry out the provisions and intent of this Code. Violation of any Hearing Officer condition shall be a violation of this Code.

C. **Procedure.** Public hearings conducted by the Hearing Officer shall be open to the public. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings shall be kept by the City Clerk as a public record.

D. **Appeals.** Any person aggrieved by a decision of the Hearing Officer under this Code may file an appeal to the Board of Adjustment according to Section 502.15, Appeals.

501.07 Zoning Administrator

A. **Creation and Purpose.** The Zoning Administrator is appointed by the Development Services Director. The Zoning Administrator is created to interpret the meaning and intent of the General Plan and this Code and enforce the provisions contained therein.

B. **Duties and Powers.**

1. The Zoning Administrator shall have the duty to carry out the provisions and intent of the General Plan and this Code. The Zoning Administrator shall have the power to hold a public hearing to review and approve, continue, deny, or approve with conditions, the following:

   a. Zoning Permits;

   b. Minor Development Review Permits;

   c. Waivers;

   d. Modification to Zoning Permits and Minor Development Review Permits.

2. The Zoning Administrator shall interpret the Code as needed. Interpretation of this Code includes, but is not limited to, clarification of intention, determination of zoning classifications of land uses not specified in this Code, and the delegation of processing procedures and requirements. The Zoning Administrator shall keep a record of interpretations made pursuant to this Section. The record of interpretations shall be available to the public.

3. The Zoning Administrator shall serve on the Technical Advisory Committee and advise on matters relating to Development and Subdivision Plat Applications.

4. The Zoning Administrator may carry out any functions and duties specified in this Code; and

5. The Zoning Administrator shall delegate administrative functions as deemed necessary to execute the intent of this Code to members of the Development Services Department staff.

C. **Appeals.** Any person aggrieved by a decision of the Zoning Administrator under this Code may file an appeal to the Board of Adjustment in accordance with Section 502.15, Appeals. Decisions shall be heard de novo by the Board of Adjustment as applicable.

501.08 Heritage District Advisory Committee

A. **Creation and Purpose.** The Heritage District Advisory Committee is created to act in an advisory capacity in all matters concerning development in the City's Heritage District. The mission of the Heritage District Advisory Committee is to ensure that rehabilitation efforts and new developments within the District are consistent with the adopted Heritage

District Design Guidelines, and to advise owners in the restoration and upgrading of their properties to achieve the objections of the Redevelopment Area Plan for the Heritage Districts.

B. **Duties and Powers.** For the purpose of this Code, the Heritage District Advisory Committee shall have the powers to:

1. Make recommendations to the Planning & Zoning Commission and City Council, based on the criteria as specified for the MU-H District; and

2. Review and make recommendations on applications for proposed alterations, new construction, demolition or removal affecting buildings located within the MU-H District. Such review shall be based on the criteria as specified in the regulations for the MU-H District (Article 204) and applicable design guidelines.

C. **Organization.** The provisions of City Code Chapter 2-82 shall apply for the composition, number, and qualifications of the Heritage District Advisory Committee. The Committee shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.

501.09 Technical Advisory Committee

A. **Creation and Purpose.** The Technical Advisory Committee is created to act in an advisory capacity to the Planning & Zoning Commission regarding all development applications and applications for subdivision plats and improvements.

B. **Duties and Powers.** For the purpose of this Code, the Technical Advisory Committee shall have the power to review all applications for development permits and subdivision plats and improvements and make recommendations to the Zoning Administrator, Hearing Officer, Planning & Zoning Commission and City Council. Such review shall be based on the criteria as specified in this Code and in Chapter 14, Subdivision Code, of the City Code.

C. **Organization**. The Technical Advisory Committee shall consist of the Zoning Administrator, Planning staff, City Engineer, Community Services Director, and representatives of the Emergency Services, Irrigation District(s), Water Companies, Sanitary Districts(s), School District, and utility companies. Additional members may be consulted on an as-needed basis for their expertise.

501.10 Other Agencies

A. **Ak-Chin and Gila River Indian Communities**. Any proposal that abuts or is within 2.5 miles of the Ak-Chin Reservation or the Gila River Reservation or involves any land under the jurisdiction of the Ak-Chin or Gila River Indian Tribe or their designees must be referred to the respective Indian Tribal Council for review and comment. Nothing in this Code shall be interpreted to interfere with the sovereignty and powers of the Ak-Chin Indian Community, the Gila River Indian Community, or their designee(s).

B. **Other Governmental Agencies.** Any development proposal that abuts property owned or under the jurisdiction of a government agency, including but not limited to, Federal Lands, Arizona State Land Department, lands covered by an Intergovernmental Agency Agreement, or any other body that has jurisdiction must be referred to the applicable agency or body for review.

501.11 Summary of Review Authorities for Permit Types

Table 501.11 summarizes review authorities for each permit type, including the advisory body, the decision-maker, and the appeal body. Decisions of the Board of Adjustment are final, and the only appeal is to Superior Court.

TABLE 501.11: REVIEW AUTHORITIES				
Application or Action	*Article*	*Advisory Body*	*Decision-Maker*	*Appeal Body*
Zoning Permit	503	n/a	Zoning Administrator	Board of Adjustment*
Administrative Use Permit	504	n/a	Hearing Officer	Board of Adjustment
Conditional Use Permit	504	Hearing Officer	Planning & Zoning Commission	City Council
Temporary Use Permit	504	n/a	Hearing Officer	Board of Adjustment
Development Review Permit *Major (5,000 square feet and above)* *Minor*	505	*Major*: Zoning Administrator *Minor*: n/a	*Major*: Planning & Zoning Commission *Minor*: Zoning Administrator	*Major*: City Council *Minor*: Board of Adjustment
Changes to an Approved Development Review Permit	505	*Major*: Zoning Administrator *Minor*: n/a	*Major*: Planning & Zoning Commission *Minor*: Zoning Administrator	*Major*: City Council *Minor*: Board of Adjustment
Waiver from Dimensional Standards	507	n/a	Zoning Administrator	Board of Adjustment
Variances	506	Zoning Administrator	Hearing Officer	Board of Adjustment
Permit Revocation	502.14	Zoning Administrator	Original decision-making body	Original decision-making body
Heritage Area Development Review Permit	505	Heritage District Advisory Committee	*Major*: Planning & Zoning Commission *Minor*: Zoning Administrator	*Major*: City Council *Minor*: Board of Adjustment
General Plan Text and Map Amendments	508	Planning & Zoning Commission	City Council	Superior Court
Zoning Code and Map Amendments	509	Planning & Zoning Commission	City Council	Superior Court
Planned Area Development Districts	510	Planning & Zoning Commission	City Council	Superior Court

* Note that any decision by the Board of Adjustment is appealed to the Superior Court.

Article 502 Common Procedures

Sections:

502.01 Purpose
502.02 Application
502.03 Preliminary Review Process
502.04 Review of Applications
502.05 Neighborhood Meetings and Notifications
502.06 Public Notification
502.07 Multiple Applications
502.08 Conduct of Public Hearings
502.09 Ex Parte Communications
502.10 Findings Required
502.11 Conditions of Approval
502.12 Effective Dates
502.13 Modification
502.14 Revocation of Permits
502.15 Appeals
502.16 Claim for Diminution in Value Pursuant to A.R.S § 12-1134
502.17 Interpretations and Determinations

502.01 Purpose

This Article establishes procedures that are common to the application and processing of all permits and approvals provided for in the Code unless superseded by specific requirement of this Code or Arizona law.

502.02 Application Submittal and Review

A. **Initiation of Application.** The following persons may file applications:

1. The owner of the subject property; and

2. An agent representing the owner, duly authorized to do so in writing by the owner, including a person with a duly executed written contract or exclusive

option to purchase the subject property or a lessee in possession of the subject property.

3. The Planning & Zoning Commission and City Council also may initiate applications for amendments to the General Plan and to this Code and the Zoning Map.

B. **Application Forms and Supporting Materials.**

1. ***Application Forms.*** The Development Services Director (Director) or their designee shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Code. As required by A.R.S §9-836, application forms shall include the following:

   a. A list of all required steps in the application/approval process;

   b. Applicable time frames;

   c. Contact person (name and telephone number);

   d. Website address; and

   e. Notice for opportunity to clarify Codes/regulations.

2. ***Supporting Materials.*** The Director may require the submission of supporting materials as part of the application, including but not limited to, statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project. Unless otherwise specified, all renderings shall depict the proposed structure, landscaping, other improvements, and surrounding land uses as they would appear after project completion.

3. ***Claim for Diminution in Value Pursuant to A.R.S. § 12-1134.*** No application for a discretionary permit, including amendments to the Zoning Map, General Plan, zoning text, Use Permits, Variance and Development Review Permits, will be deemed complete without submission of a Waiver of Claims for Diminution in Value pursuant to the Arizona Revised Statutes, §§ 12-1131 through 12-1138 executed by all the owners of the property. The owner(s) shall verify property ownership by submitting a title report.

4. ***Availability of Materials.*** All material submitted in support of a specific application becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Development Services Department offices. Unless barred by

law, copies of such materials shall be made available at a reasonable cost to be established through City Council resolution.

C. **Payment, Waiver and Refund of Application Fees.**

1. ***Schedule of Fees.*** The City Council shall establish fees for permits, informational materials, penalties, copying, and other such items. No application shall be processed without payment of a fee unless a fee waiver or deferral has been approved.

2. ***Multiple Applications.*** The City's processing fees are cumulative. When more than one type of action is being requested, the total fee shall be the sum of the individual fees specified on the fee schedule.

3. ***Refund of Fees.*** Once an application is filed with the Department, no portion of any application fee shall be refundable, unless the Director determines such a refund is justified on the basis of unique financial hardship. Refunds will be made within 30 business days. No refund shall be provided for any application that has been denied.

502.03 Preliminary Review Process

A. **Purpose.** The purpose of the Preliminary Review is intended to acquaint the prospective applicant or applicant's representative(s) with the requirements of this Code, the General Plan and other relevant city policies and regulations. Preliminary Review is intended to be informative and identify potential issues.

B. **Applicability.**

1. Preliminary Review may be requested by a prospective applicant or applicant's representative for any proposal.

2. Preliminary Review is required for:

   a. Conditional Use Permits;

   b. Major and Minor Development Review Permits;

   c. Home-based businesses in the MU-H District;

   d. Planned Area Developments;

   e. General Plan Amendments;

   f. Zoning Map and Text Amendments;

   g. Proposed Subdivisions;

h. Any project on a site that is not currently providing sanitary sewer service;

i. Projects proposing 10 or more residential units; and

j. Projects proposing over 10,000 square feet of non-residential space.

3. Preliminary Review is not required for individual single-unit dwelling applications or applications regarding individual structures that are accessory to a single-unit dwelling, unless the project is on a site which does not receive sanitary sewer service (see subparagraph (2) above).

C. **Requirements.** Applications for Preliminary Review under this Code shall be submitted to the Development Services Department, in accordance with the format and upon such forms as established by the Director.

D. **Preliminary Review Conference.** Upon a Preliminary Review request being filed, staff will notify the applicant or applicant's representative of a Preliminary Review conference which shall take place within 30 business days of the Preliminary Review application being filed and be held at the Development Services Department by appointment. After reviewing the information provided from the applicant, staff from the reviewing City departments and divisions will prepare comments. Staff will review the comments with the applicant or applicant's representative at the Preliminary Review conference and provide information on Code requirements, procedures, and other relevant City policies and regulations. If the City is unable to comply with these time frames, notification will be made to the applicant and proceed as soon as practicable.

E. **Recommendations are Advisory.** Neither the Preliminary Review conference nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by City representatives. Any recommendations that result from Preliminary Review are considered advisory only and shall not be binding on either the applicant or the City.

502.04 Review of Applications

A. **Review for Completeness.** The Zoning Administrator or their designee shall review all applications for completeness, in conformance with this Section. The City will not schedule a meeting or hearing date or begin administrative review until the application is complete.

B. **Complete Application.** A complete application is one which fulfills the general requirements asdescribed on official application forms available from the Development Services Department. A determination of whether an application is complete shall be made according to the timeframe established and available at the Development Services Department.

C. **Incomplete Application.** If an application is incomplete and the applicant fails to submit the missing information within 60 days of the first submittal, the Zoning Administrator

may notify the applicant that the application cannot be accepted, and a new or correctly revised application and a new fee will be required for the proposed project, as determined by the Zoning Administrator. A decision by the Zoning Administrator requiring a re-application shall be subject to administrative appeal and shall not be construed as denial of the application. A letter shall cite a list of all deficiencies in the application and provide references to the applicable regulation(s) or policy and inform the applicant that the City's mandatory timeframe is suspended pending receipt of requested corrections or any missing information. If the City fails to provide this notice to the applicant the application is then deemed complete in accordance with the State's Compliance Policy. (A.R.S. §§ 9-835(D), 9-835(E), 9-835(F)).

D. **Record Date for a Complete Application.** When an application is determined to be complete, a notation on the application shall make a record of that date. If required, a public hearing shall be scheduled after the first complete review and the applicant shall be notified of the date and time.

502.05 Neighborhood Meetings and Notifications

A. **Purpose.** The purpose of a neighborhood meeting is to provide a means for the applicant, surrounding residential neighbors, and registered neighborhood and homeowner's association representatives to review a preliminary project and solicit input and exchange information about the proposed project prior to public hearings. This preliminary meeting is intended to result in an application that is responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. The applicant is responsible for all costs associated with the neighborhood meeting.

B. **Applicability.** A neighborhood meeting is required for the following types of applications:

1. Conditional Use Permits;
2. Major Development Review Permits;
3. Variances;
4. Planned Area Development;
5. Major modification to an approved plan or condition of approval (when original approval requires neighborhood meeting);
6. Annexation requests;
7. Zoning Map amendments; and
8. General Plan map amendments.

C. **Meeting Schedule**. The applicant is required to hold one meeting prior to the first public hearing on an application for a specific site, but may hold more if desired. The required meeting shall be held at least 15 days and not more than 90 days before the first public hearing on the application. Meetings held more than 90 days before the first public hearing shall be required to hold an additional neighborhood meeting. Neighborhood meetings shall not occur until after any required Preliminary Review meeting and consultation with the Planning Division staff.

D. **Meeting Location.** Neighborhood meetings shall be held at a location near the proposed development site. The meeting shall be held on a weekday evening or weekends at any reasonable time and in a publicly accessible location.

E. **Application Submittal.**

1. The neighborhood notice and meeting materials must be submitted with the project application(s) to the Development Services Department. At a minimum, the following materials must be submitted:

   a. A narrative discussing the proposed time, place and location within the City of the neighborhood meeting;

   b. A list of names and addresses, labeled, stamped envelopes of all the property owners within the target area, and a notarized affidavit by the applicant that the list of names and addresses is accurate, current and complete;

   c. A list of names and addresses of all other interested parties who have requested that they be placed on a notification list maintained by the City Clerk;

   d. A notification letter including a general explanation of the substance of the proposed application, the date, time and place within the City scheduled for a neighborhood meeting and for all other City meetings; and the City and applicant contacts;

   e. An 8 ½" x 11" reduction of the proposed neighborhood sign; and

   f. The applicant's schedule for completion of the neighborhood meeting.

2. The Zoning Administrator or their designee shall be responsible (i) to review and approve all notification materials, neighborhood meeting location, a brief description of the property change and a land map; (ii) to notify the applicant to proceed with the neighborhood meeting; and (iii) for mailing the property owner notifications provided by the applicant.

F. **Notification Requirements**. Notice of the neighborhood meeting shall be provided at least 15 calendar days prior to the neighborhood meeting by the applicant in the following manner:

1. ***Mailed Notice.*** Written notice shall be mailed to all owners and occupants within 300 feet of the subject property, or a larger area as determined by the Zoning Administrator, and to such other persons as the Development Services Department, or authorized designee, determines to be other potentially affected citizens.

2. ***Advertised Notice.*** The notice of neighborhood meeting shall be published once in a newspaper of general circulation published or circulated in the City and shall include the date, time, location and nature of the meeting.

3. ***Posted Notice***. Notice shall be provided on the proposed site. The sign shall be waterproof and have a minimum size of 24 inches by 36 inches (36 inches by 48 inches for Planned Area Developments, Zoning Code amendments and General Plan amendments) with all information evenly spaced and organized in a readable manner. The sign shall be placed on the property in a location determined by the Zoning Administrator or authorized designee.

4. ***Electronic Notice.*** Where applicable and not in violation of state law, notice may be provided by electronic means such as emailed notice, posted notice on the City's website, or other means determined by the Zoning Administrator. This type of notice may be substituted for advertised notice. Any persons or organizations may request that electronic notice be substituted for mailed notice through a request to the Zoning Administrator. Electronic notice cannot be substituted for certain legislative actions, such as rezoning.

5. ***Contents of Notices.*** All notices shall contain information about the proposal, project description, time, date, location of neighborhood meeting and subsequent City meetings for review and approval, the names and telephone numbers citizens may call with questions and issues, and applicant and City of Maricopa contacts, including name and telephone number.

G. **Meeting Summary.** The applicant shall submit to the Development Services Department 10 calendar days before the first public hearing on the matter a written summary of the issues and discussions from the meeting and the meeting notes. This report will be attached to the Development Services Department's public hearing report and, at a minimum, include the following information.

1. Details of techniques the applicant used to involve the public, including:

   a. Date(s) and location of meeting;

   b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters, maps and other publications;

   c. A copy of the sign in sheet from the neighborhood meeting which shall include attendees signature, physical property address, date and the following language "This sign in sheet is intended to serve as proof that

public input was pursued. Your personal information will not be used for solicitation purposes.";

d. A photograph of the posted neighborhood meeting sign showing the date and time at which the photo was taken; and

e. A newspaper clipping of the legal advertisement as published in the newspaper of general circulation in the City or the electronic notice if allowed as setforth in Subsection (F)(4).

2. A summary of concerns, issues and problems expressed during the process, including:

a. The substance of the concerns, issues, and problems;

b. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and

c. Concerns, issues and problems the applicant is unwilling or unable to address and why.

502.06 Public Notification

A. **Purpose.** This Section is intended to provide the public information about upcoming public hearings on land use issues and to provide property owners and interested organizations that may be impacted by a project of a pending action on a land use application. Public hearings shall be preceded by public notice in accordance with this Section and state law.

B. **Applicability.** Notice is required for all applications that require a public hearing before the City Council, Planning & Zoning Commission, Board of Adjustment, Hearing Officer, or Zoning Administrator.

1. When multiple applications are under review for the same project, the City may simultaneously issue notice for multiple applications. The requirement that provides for greater notice shall apply.

2. The Zoning Administrator may require additional notification if necessary to meet the requirements of this Code and the A.R.S.

C. **Notification Requirements.** Notification shall be provided in the following manner:

1. ***Mailed Notice.*** The Development Services Department shall provide notice by First Class mail.

a. *Time Period:*

(1) Public Hearings: Not less than 15 or more than 30 days before the date of the public hearing.

b. *Recipients:*

(1) The applicant, the owner, and any occupant of the subject property; and

(2) All property owners of record and tenants of property within a minimum 300-foot radius of the subject property.

c. *Notification List.* The applicant shall provide a list of property owners and occupants within the prescribed area of notification and shall sign an affidavit verifying that the list has been prepared in accordance with the procedure outlined in this Section.

(1) Property Owner Notice. The last known name and address of each property owner as contained in the records of the Pinal County Assessor shall be used.

(2) Tenant Notice. The address of the residential and commercial tenants shall be determined by visual site inspection or other reasonably accurate means.

(3) All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and

(4) Any person or group who has filed a written request for notice regarding the specific application.

2. ***Newspaper Notice.*** The Development Services Department shall publish a notice in at least one newspaper of general circulation in the City.

a. *Time Period:* At least 15 days before the date of the public hearing.

3. ***Posted Notice.*** Notice shall be provided on the proposed site. The sign shall be colored, waterproof with all information evenly spaced and organized in a readable manner. The size of the poster may be increased by the Zoning Administrator. The sign shall include the proposal, project description, time, date, location of neighborhood meeting, the names and telephone numbers citizens may call with complaints and applicant and City contacts, including name and telephone number. The sign shall be placed on the property in a location determined by the Development Services Department.

a. *Time Period:* At least 15 days before the date of the public hearing.

b. *Size Requirements:* 24 inches by 36 inches.

4. ***General Plan and Zoning Code Amendments.*** All notification procedures outlined in A.R.S. § 9-462.03 and § 9-462.04 must be met. Any General Plan or Zoning Code amendments must meet the following requirements:

   a. *Newspaper Notice.* Notice shall be provided by a "display ad" covering not less than one-eighth of a full page in a newspaper of general circulation in the City (A.R.S. § 9-462.04(A)(5)).

   b. *Posted Notice.* If there is no newspaper notice, then notice shall be posted on the affected property and in at least 10 public places in the municipality. The posted notice shall be printed in such a manner so that the following are visible from a distance of 100 feet: the word "zoning", the present Zoning District classification, the proposed Zoning District classification, and the date and time of the hearing (A.R.S. § 9-462.04(A)(1)).

5. ***Electronic Notice.*** Notice will be provided by electronic means such as emailed notice, posted notice on the city's website and social media, or other means determined by the Zoning Administrator. This type of notice may be substituted for advertised notice. Any persons or organizations may request that electronic notice be substituted for mailed notice through a request to the Zoning Administrator. Electronic notice shall not substitute for any notification required by State law.

D. **Contents of Notice.** All notices shall include the following information:

1. The location of the real property, if any, that is the subject of the application;

2. A general description of the proposed project or action;

3. The names of the applicant and the owner of the property that is the subject of the application;

4. The location and times at which the complete application and project file, including any environmental impact assessment prepared in connection with the application, may be viewed by the public;

5. A statement that any interested person or authorized agent may appear and be heard;

6. A statement describing how to submit written comments;

7. The date, time, location, and purpose of the public hearing;

8. The identity of the hearing body or officer; and

9. For City Council hearings, the Planning & Zoning Commission recommendation, if any.

E. **Failure to Receive Notice.** Notwithstanding the notice requirements of this Section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

F. **Summary of Notification Requirements.** Table 502.06 summarizes the notification requirements under this Code for each application or action, including the type of notice, the notice requirement and the applicable projects for which such notice is required.

TABLE 502.06: NOTIFICATION REQUIREMENTS					
Application or Action	*Article*	*Decision-Making Body*	*Type of Notice*	*Notice Requirements*	*Applicable Projects*
Zoning Permit	503	Zoning Administrator	n/a	n/a	All projects not otherwise subject to discretionary review
Administrative Use Permit	504	Hearing Officer	n/a	n/a	All projects requiring an Administrative Use Permit under this Code
Conditional Use Permit	504	Planning & Zoning Commission	Hearing Notice	Mailed: 15 days, 300 ft. owners and occupants Poster: 15 days Ad: 15 days	All projects required a Conditional Use Permit under this Code
Temporary Use Permit	504	Hearing Officer	Permit Issuance	Poster: 7 days on site after permit issued	
Development Review Permit	505	*Major*: Planning & Zoning Commission	*Major*: Hearing Notice	*Major:* Mailed: 15 days, 300 ft. owners and occupants Poster: 15 days Ad: 15 days	*Major:* • *Projects over 5,000 s/f* • *Façade Alterations more than 10% of surface area* • *Otherwise required by Code*
		Minor: Zoning Administrator	*Minor*: n/a	*Minor:* n/a	*Minor:* • *Projects under 5,000 s/f or 20% of existing building area* • *Façade Alterations more than 10% of surface area* • *Otherwise required by Code*
Changes to an Approved Development Review Permit	505	*Major*: Planning & Zoning Commission	*Major*: Hearing Notice	*Major:* Mailed: 15 days, 300 ft. owners and occupants Poster: 15 days Ad: 15 days	
		Minor: Zoning Administrator	*Minor*: n/a	n/a	
Waiver from Dimensional Standards	507	Zoning Administrator	n/a	n/a	

TABLE 502.06: NOTIFICATION REQUIREMENTS					
Application or Action	*Article*	*Decision-Making Body*	*Type of Notice*	*Notice Requirements*	*Applicable Projects*
Variances	506	Hearing Officer	Hearing Notice	Mailed: 15 days, 300 ft. owners and occupants Poster: 15 days Ad: 15 days	All Variance Applications
Permit Revocation	502.14	Original decision-making body	Hearing Notice	Mailed: 15 days, 300 ft. owners and occupants Poster: 15 days Ad: 15 days	All Revocations
Heritage Area Development Review Permit	505	*Major*: Planning & Zoning Commission	*Major*: Hearing Notice	*Major:* Mailed: 15 days, 300 ft. owners and occupants Poster: 15 days Ad: 15 days	*Major:* • *Projects over 5,000 s/f* • *Façade Alterations more than 10% of surface area* • *Otherwise required by Code*
		Minor: Zoning Administrator	*Minor*: n/a	*Minor:* n/a	*Minor:* • *Projects under 5,000 s/f or 20% of existing building area* • *Façade Alterations more than 10% of surface area* • *Otherwise required by Code*
General Plan Text and Map Amendments	508	*Recommendation*: Planning & Zoning Commission *Final Action*: City Council	Hearing Notice	Mailed: 15 days, 300 ft. owners and occupants Poster: 15 days Ad: 15 days	All General Plan Applications, including those initiated by the City Council or Planning & Zoning Commission
Zoning Code and Map Amendments	509	*Recommendation*: Planning & Zoning Commission *Final Action*: City Council	Hearing Notice	Mailed: 15 days, 300 ft. owners and occupants Poster: 15 days Ad: 15 days	All Zoning Code Applications, including those initiated by the City Council or Planning & Zoning Commission
Planned Area Development Districts	510	*Recommendation*: Planning & Zoning Commission *Final Action*: City Council	Hearing Notice	Mailed: 15 days, 300 ft. owners and occupants Poster: 15 days Ad: 15 days	All PAD Applications, including those initiated by the City Council or Planning & Zoning Commission

502.07 Multiple Applications

When multiple applications that require public hearings are filed for the same project, all issues and items shall be heard together by the review body with the most authority. Those actions are subject to appeals according to Section 502.15.

502.08 Conduct of Public Hearings

All public hearings held pursuant to this Code shall comply with the following procedures:

A. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state their city of residence, or geographic area of residence if they live in an unincorporated area, and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented. The presiding officer may establish time limits for individual testimony and may require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.

B. **Continuance of Public Hearing**. The body conducting the public hearing may by motion continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date and provide notice of the continued hearing.

C. **Investigations**. The body conducting the hearing may request that the Director undertake investigations to be made as it deems necessary and in the public interest. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the hearing body in making its decision.

D. **Record of Hearing.** The body conducting the hearing shall cause a written summary of all pertinent testimony heard at such public hearing, together with a record of the names and addresses of all persons testifying, to be prepared and filed with the papers relating to such matter. These minutes shall be kept on record with the City Clerk.

502.09 Ex Parte Communications

A. **Disclosure of Communications.** Any official who receives an ex parte communication, or engages in any other exchange of information covered by this Section or who participates in a site visit shall place the communication in the public record or shall enter into the record a statement describing the time, place, and names of those participating in the communication. Any proprietary information disclosed to the City or its officials in confidence is not intended to be included in a public record and shall remain confidential and not be disclosed to any third party without the express consent of the applicant unless such disclosure is required by law. The City and/or its officials shall return all proprietary information to the applicant and not retain any copies of such information once its

decision is final. Notwithstanding the above, information provided to the City may be subject to public disclosure under the Arizona public records law.

B. **Applicability.** Ex parte communications are oral or written, off-the-record communications made to or by members of the Planning & Zoning Commission, Board of Adjustment, or City Council with applicants, neighbors, or other interested parties. Such contacts include, but are not limited to, one-on-one meetings, site visits, discussions, telephone calls, or e-mail messages that occur outside of a public meeting of the body on which the City official serves at which the matter discussed has been publicly noticed. The provisions of this Section also apply to meetings between ad hoc committees including less than a majority of the body's total membership that the Planning & Zoning Commission or the City Council may establish to meet with applicants and/or surrounding property owners on a particular application.

C. **Exceptions.** Ex parte communications do not include communications between City staff and elected or appointed City officials acting in their official capacity, the receipt of expert opinion, or the review of mail and other correspondence relating to the proceedings.

D. **Effect.** Actions taken by the decision-making body are not invalidated by the occurrence of ex parte communication.

502.10 Findings Required

When making a decision to approve, approve with conditions, modify, revoke, or deny any permit or approval under this Code, the decision-making body shall make findings of fact as required by this Code.

A. **Date of Action.** The decision-making body shall decide to approve, modify, revoke, or deny any permit or approval following the close of the public hearing, or if no public hearing is required, within the time period required by this Code. The date of action shall be the date of the hearing.

B. **Notice of Action**. After the decision-making body takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Code, Notice of Action shall be sent to the Applicant. The Notice shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision. The Notice shall be mailed within seven calendar days from the date of taking the action, to the Applicant at the address (including electronic addresses) stated in the application and to any other person or entity who has filed a written request of such notification.

C. **Findings**. Findings, when required by Arizona law or this Code, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing by the decision-making authority. The findings shall be set forth in the Notice of Action that the City issues following an appealable decision by the decision-making body and in any resolution the City Council adopts following action.

502.11 Conditions of Approval

A. **Authority**. The decision-making body may impose conditions on any approval. Such conditions shall be designed to implement the requirements of this Code, the General Plan, the City's Strategic Plan, and other City Policies, Codes, or requirements; protect the public from potential adverse impacts from the proposed use or development; or to fulfill an identified need for public services. In addition to those conditions imposed by the decision-making body, the City may consider as a requirement or condition any plan, exhibit, statement, or other material provided by the applicant and on record with the decision.

B. **Contract for Conditions.** When a land use approval requires a contract, conditions shall be set forth in a contract executed by the City and the applicant and approved as to form by legal counsel for the City. The conditions of approval shall be recorded on the property within 30 days or the approval will become void unless 1) the project is overturned or modified on appeal; or 2) it is extended by the Zoning Administrator. The conditions of approval shall appear in the chain of the title of the subject property and shall constitute a burden running with the land in favor of the City and, unless otherwise provided, shall be removed only with the written authorization of the City Council. The contract shall be enforceable by and against the parties, their heirs, successors and assigns. The contract, however, shall not restrict the authority of the City from taking actions affecting the property.

C. **Time Limits on Conditions.** Conditions shall be fulfilled within the time limitations set forth or a reasonable time if no time limitations are specified. Failure to fulfill a condition within said time may result in initiation of revocation of the approval, citation or such other enforcement action as the City deems appropriate.

D. **Failure to Fulfill Previous Conditions.** The decision-making body may withhold a requested approval if it determines that the current applicant has not fulfilled a previous condition or requirement from a previous approval, granted to the applicant, on the subject property, and withholding the permit would encourage compliance or is necessary to protect the public from future noncompliance.

E. **Modification or Removal of Conditions.** Modification or removal of conditions of approval may be sought on appeal or as a new application. Such proposals shall be processed through the same procedure that was used to impose the conditions.

502.12 Effective Dates

Decisions made under this Code are effective on the date of approval or disapproval unless otherwise indicated by the decision making body or if the decision is subject to a vesting period. An appeal shall stay all proceedings in the matter appealed from, unless the Zoning Administrator certifies in writing to the decision-making body that, by reason of the fact stated in the certificate, the stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by a court of record on application and

notice to the Zoning Administrator. In the event that a decision made under this Code is appealed, the appeal does not invalidate the approval. The holder of the approval may proceed with a use or development at their own risk. Any appeal granted may be subject to such conditions as the decision-making body on the appeal deems applicable.

A. **Expiration**. The decision-making body may specify the time within which the proposed use must be undertaken and actively and continuously pursued. The decision-making body may impose upon the permit a term of such period of time as is found to be consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare. If no time period is otherwise specified, any permit granted under this Code may be declared lapsed and of no further force and effect if it is not exercised or extended within two years of its issuance.

1. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.

2. A permit for the construction of a building or structure is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

B. **Extensions**. The Zoning Administrator may approve a one-year extension of any permit or approval granted under this Code upon receipt of a written application with the required fee within two years of the date of the original approval. All additional extensions shall require approval by the original decision-making body.

502.13 Modification

Modifications are not variances that would otherwise require formal approval.

A. **Minor Modifications of Approvals**. The Zoning Administrator may approve modifications that are minor in scope and do not result in a 10 percent increase in square footage or in number of dwelling units to approved plans that are consistent with the original findings and conditions approved by the decision-making body that would not intensify any potentially detrimental effects of the project.

B. **Changed Plan.** A request for changes in conditions of approval of a discretionary permit or a change in an approved site plan or building plan that would affect a condition of approval shall be treated as a new application, except that such changes determined to be minor may be approved by the Zoning Administrator.

C. **Major Modifications of Approvals.** Any modification that cannot be modified by the Zoning Administrator under Section (A) must be reviewed and approved by the original decision-making body and is subject to appeal.

502.14 Revocation of Permits

Any permit granted under this Code may be revoked if any of the conditions or terms of such permit are violated or if any law or code is violated in connection therewith. For any development activity in progress when a permit is revoked, a notice to suspend the activity may be issued, with due cause. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

A. **Initiation of Proceeding.** The original decision-making body on a permit may, by its own action or following a recommendation from the Zoning Administrator, initiate revocation proceedings.

B. **Public Notice.** Notice of revocation of the permit must be provided in the same manner if the original permit(s) required notice.

C. **Public Hearing.** If the original permit(s) approval required a public hearing, that decision making body shall conduct a hearing to determine whether to revoke the permit. The hearing shall be conducted in the same manner.

D. **Decision of Revocation**. A permit(s) may be revoked under any one of the following findings:

1. The approval was obtained by means of fraud or misrepresentation of a material fact;

2. The use in question has ceased to exist or has been suspended for two years or more;

3. There is or has been a violation of or failure to observe the terms or conditions of the permit or variance, or the use has been conducted in violation of the provisions of this Code, law or regulation; or

4. The use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

502.15 Appeals

A. **Purpose**. This Section provides procedures to be used whenever an applicant or person is aggrieved by a decision by a decision-making body.

B. **Applicability.** A final decision on any discretionary permit is subject to appeal in accordance with this Section. Table 502.15, Appeal Bodies and Time Limitations, summarizes the appeal timeline for each body issuing a discretionary permit.

TABLE 502.15: APPEAL BODIES AND TIME LIMITATIONS			
Application or Action	*Appeal Submittal Deadline*	*Decision-Making Body*	*Appeal Body*
Zoning Permit	10 days	Zoning Administrator	Board of Adjustment
Administrative Use Permit	10 days	Hearing Officer	Board of Adjustment
Conditional Use Permit	20 days	Planning & Zoning Commission	City Council
Temporary Use Permit	10 days	Hearing Officer	Board of Adjustment
Development Review Permit	*Major*: 20 days *Minor*: 10 days	*Major*: Planning & Zoning Commission *Minor*: Zoning Administrator	*Major*: City Council *Minor*: Board of Adjustment
Waiver from Dimensional Standards	10 days	Zoning Administrator	Board of Adjustment
Variances	10 days	Hearing Officer	Board of Adjustment
Permit Revocation	n/a	Original decision-making body	n/a
Interpretations	10 days	Zoning Administrator	Board of Adjustment
Heritage Area Development Review Permit	*Major*: 20 days *Minor*: 10 days	*Major*: Planning & Zoning Commission *Minor*: Zoning Administrator	*Major*: City Council *Minor*: Planning & Zoning Commission
General Plan Text and Map Amendments	30 days	City Council	Superior Court
Zoning Code and Map Amendments	30 days	City Council	Superior Court
Planned Area Development Districts	30 days	City Council	Superior Court

C. **Rights of Appeal.** Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Code.

D. **Procedures.**

1. ***Proceedings Stayed by Appeal.*** The timely filing of an appeal may stay all proceedings in the matter appealed including but not limited to the issuance of demolition permits, building permits, and business licenses.

2. ***Filing of Appeals.*** All decisions of the Director, Hearing Officer, Zoning Administrator, Board of Adjustment, and Planning & Zoning Commission may be appealed to the appropriate body as specified in Table 502.15 by filing a written appeal not later than 5:00 p.m. on the appeal due date. If the date occurs on a weekend, then the appeal shall be filed on the Monday after the deadline. If the date occurs on a holiday when the City offices are closed, the deadline is the

next business day. All appeals must be accompanied by payment of the required fee unless specifically waived.

3. ***Submittal Requirements and Criteria.*** The appeal shall set forth, in concise language, the following:

   a. Date of appeal;

   b. Name of appellant and the individual representing appellant;

   c. Address to which notices shall be sent;

   d. Telephone number of representative;

   e. Name of applicant, if different from appellant;

   f. Action or decision being appealed and the date of such action or decision;

   g. Address and description of real property involved; and

   h. The specific grounds for appeal. The appeal shall be limited to the issue(s) raised in the petition.

4. ***Public Notice.*** In addition to providing notice in the same manner required for the action that was the subject of the appeal, notice shall be provided to all persons who spoke on the matter at any prior hearings on the same matter, if such persons provided their names and addresses at the time they spoke at the prior hearing. The names and addresses shall be maintained by the City Clerk.

5. ***Action.*** The appeal body shall review the appeal, the record, including the application, plans, related project materials that were the subject of the original decision, any additional materials as may be presented at the appeal hearing, and any written correspondence submitted after the appeal has been filed. The appeal body shall conduct a public hearing, after which it may affirm, reverse, or modify the previous decision.

E. **Standards of Review.** When reviewing any decision on appeal, the same standards and criteria shall apply as were required for the original decision.

F. **Failure to File an Appeal.** Failure to file an appeal with the appropriate appeal body by 5:00 p.m. on the due date, shall render such appeal invalid.

502.16 Claim for Diminution in Value Pursuant to A.R.S. § 12-1134

A. **Filing of Claim.** All claims for diminution in value pursuant to A.R.S. § 12-1134 shall be filed with the City Clerk on a form prescribed by the City.

B. **City Review.** After a claim is filed, City staff shall review the claim to determine whether the enactment or application of a land use law has diminished the value of the claimant's property. A certified land appraiser, economist, or other qualified expert may be consulted to determine the amount of the diminishment of value, if any.

C. **Staff Recommendation.** The Director shall prepare a recommendation to the City Council to deny the claim, pay compensation for diminishment in value or rescind or modify the land use regulation.

D. **City Council Determination.** Within 90 days of the filing of the claim, City Council shall make a determination whether to deny the claim, pay compensation, modify or rescind the land use law or its application to the claimant's property. The City Council's determination shall be made in writing and a copy shall be provided to the claimant. Any rescission or modification of the application of a land use law to an individual property shall be recorded against the property in the office of the Pinal County Recorder.

E. **Satisfaction of Notice of Claims Requirements.** Filing a claim pursuant to this Section shall be deemed to satisfy the requirements set forth in A.R.S. § 12-821.01 for filing an administrative claim against the City.

502.17 Interpretations and Determinations

A. Requests for interpretations of this Code and verifications relating to prior approvals or permits may be made to the Zoning Administrator. Requests shall be in writing. The decision of the Zoning Administrator on such requests may be appealed to the Board of Adjustment.

B. An applicant may request from the Zoning Administrator clarification of a regulation pertaining to an application. A request must be in writing and include all information required by A.R.S. §9-839. The Zoning Administrator may provide the requestor with an opportunity to meet and discuss the request. In compliance with A.R.S. §9-839, the Zoning Administrator shall provide a written response within 30 calendar days of receipt of the request.

Article 503 Zoning Permit

Sections:

503.01 Purpose
503.02 Applicability
503.03 Application Requirements
503.04 Determination
503.05 Exceptions
503.06 Conditions
503.07 Appeals

503.01 Purpose

The specific purpose of this Article is to establish procedures for conducting Zoning Permit review and issuing the associated permit to verify that each new or expanded use, activity, or structure complies with all of the applicable requirements of this Code.

503.02 Applicability

A Zoning Permit is required for all new and modified uses specifically identified in 200 Series – Base Zoning Districts, 300 Series – Overlay Districts, and/or any other Section of this Code that requires a Use Permit. A Zoning Permit is required for buildings or structures constructed, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which are allowed "as-of-right", or "P" in this Code.

503.03 Application Requirements

Applications and fees for a Zoning Permit shall be submitted in accordance with the provisions set forth in Section 502.02, Application Submittal and Review. In addition to any other application requirements, the application for a Zoning Permit shall include data or other evidence in support of the applicable findings required below.

503.04 Determination

A. The Zoning Administrator shall determine whether the Zoning Code allows the proposed uses or structures as-of-right. A Zoning Permit shall be issued if the Zoning Administrator determines that the proposed use or building is permitted and conforms to all the applicable use standards. An approved Zoning Permit may include attachments of other written or graphic information, including but not limited to statements, numeric data, site plans, floor plans and building elevations and sections, as a record of the proposal's conformity with the applicable regulations of this Code.

B. The Zoning Administrator may direct that a request be heard instead by the Planning & Zoning Commission based on a review which includes, but is not limited to, the following factors:

1. Previous decisions by the City regarding the site on which the proposed use is located;

2. The probable impact of the requested use on its immediate surroundings; or

3. The consistency of the requested use with the projected land uses, policies and principles of the General Plan.

503.05 Exceptions

No Zoning Permit shall be required for the continuation of previously approved or permitted uses and structures, uses and structures that are not subject to any building or zoning regulations, or other uses or buildings already subject to Administrative Use Permits, Temporary Use Permits, Conditional Use Permits, Variances, or other discretionary approvals in the district in which they are located.

503.06 Conditions

A Zoning Permit may have conditions of approval imposed as part of an approval in order to make the required findings.

503.07 Appeals

A Zoning Permit is subject to appeal in accordance with Section 502.15.

Article 504 Use Permits

Sections:

504.01 Purpose
504.02 Applicability
504.03 Application Requirements
504.04 Administrative Use Permits
504.05 Conditional Use Permits
504.06 Required Findings
504.07 Conditions of Approval
504.08 Temporary Use Permits
504.09 Expiration and Extension; Modification; Revocation
504.10 Appeals

504.01 Purpose

This Article describes the process and general requirements applicable to those uses for which an Administrative Use Permit, Temporary Use Permit, or Conditional Use Permit is required. These uses require consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The process for review of applications is designed to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval.

504.02 Applicability

Approval of a Use Permit is required for uses or developments specifically identified in 200 Series – Base Zoning Districts, 300 Series – Overlay Districts, and/or any other Section of this Code that requires a Use Permit.

504.03 Application Requirements

Applications and fees for permits shall be submitted in accordance with the provisions set forth in Section 502.02, Application Submittal & Review. In addition to any other application

requirements, the application for a permit shall include data or other evidence in support of the applicable findings required below.

504.04 Administrative Use Permits

A. **Applicability.** An Administrative Use Permit is required for buildings or structures constructed, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which have been found not to be inherently detrimental to the use and enjoyment of land but require an additional level of review and have a higher threshold of approval in certain circumstances. They are identified as an "A" in the use regulation tables in this Code.

B. **Determination.** An Administrative Use Permit is granted upon the discretion of the Hearing Officer or their designee after it is determined that the proposed use or building conforms to all the applicable use standards. The burden of proof for satisfying the requirements for granting of an Administrative Use Permit, as stated in this Code, rests with the applicant. The issuance of an Administrative Use Permit may require that the existing development site be brought into substantial conformance with the terms of the City Code, including but not limited to: landscaping, screening, parking, and storm water retention.

C. **Referral to Planning & Zoning Commission.** The Hearing Officer may direct that a request be heard instead by the Planning & Zoning Commission based on a review that includes, but is not limited to, the following factors:

1. Previous decisions by the City regarding the site on which the proposed use is located;

2. The probable impact of the requested use on its immediate surroundings; or

3. The consistency of the requested use with the planned land uses and policies of the General Plan.

D. **Conditions**. An Administrative Use Permit may have conditions of approval imposed.

E. **Protected Uses**. A request for any activity that is protected by the First Amendment of the United States Constitution shall be reviewed by the decision-making body reviewing the application upon determination of a complete application in a timely manner. Upon determination of a complete application, the item shall be scheduled at the next regularly-scheduled public hearing complying with legal notice requirements where applicable. No continuances or other delays in such processing may occur without the concurrence of the applicant for such permit, provided that there is sufficient time to complete any public notification requirement. If approved, the use shall be commenced within one year after the approval is granted.

504.05 Conditional Use Permits

A. **Applicability.** A Conditional Use Permit is required for buildings or structures constructed, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building, which may have an impact upon the general welfare and safety of the public. These uses require an additional level of review and have a higher threshold of approval to ensure that they are compatible with the adjacent land uses and comply with the goals and intent of the General Plan. They are identified as a "C" in the use regulation tables in this Code.

B. **Public Hearing and Notice.** Conditional Use Permits shall be subject to a hearing by the Planning & Zoning Commission, who shall review the recommendation of the Hearing Officer and approve, conditionally approve, or disapprove the application. The burden of proof for satisfying the requirements for granting of a Conditional Use Permit, as stated in this Code, rests with the applicant. The issuance of a Conditional Use Permit may require that the existing development site be brought into substantial conformance with the terms of the City Code. All notification requirements must be followed prior to the public hearing.

C. **Additional Findings.** In addition to the findings listed in 504.06, the Planning & Zoning Commission, in approving a Conditional Use Permit, must find that the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood and the community.

D. **Conditions**. A Conditional Use Permit may have conditions of approval.

E. **Protected Uses**. A request for any activity that is protected by the First Amendment of the United States Constitution shall be reviewed by the appropriate decision-making body upon determination of a complete application in a timely manner. Upon determination of a complete application, the item shall be scheduled at the next regularly-scheduled public hearing complying with legal notice requirements where applicable. No continuances or other delays in such processing may occur without the concurrence of the applicant for such permit, provided that there is sufficient time to complete any public notification requirement. If approved, the use shall be commenced within one year after the approval is granted.

504.06 Required Findings

All Use Permits shall be granted if the decision-making body determines that the project, as submitted or as modified, conforms to all of the following criteria, in addition to any criteria that may be required or associated with the specific request. If it is determined that it is not possible to make all of the required findings, taking into consideration all of the conditions of approval, the application shall be denied. The specific basis for denial shall be established for the record. The following findings must be made:

A. The proposed use is allowed within the applicable Zoning District and complies with all other applicable provisions of this Code and all other titles of the Maricopa City Code;

B. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan and/or policies that the City has adopted;

C. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the Zoning District where it is located and conform in all significant respects with the General Plan and with any other applicable plan or policies adopted by the City Council;

D. The proposed project will not be injurious or detrimental to the property or improvements in the neighborhood or to the general welfare of the City, specifically:

1. The proposed use will not emanate any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;

2. The proposed use will provide adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public, where applicable;

3. The proposed use will not create any significant increase in vehicular or pedestrian traffic; and

4. The proposed use will be compatible with existing uses and structures.

E. Adequate public services and facilities and infrastructure are available to serve the proposed project; and

F. For Conditional use Permits, that the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood and the community.

504.07 Conditions of Approval

The decision-making body may impose reasonable conditions on an Administrative Use Permit or Conditional Use Permit that is related and proportionate to what is being requested by the application in order to ensure that the standards and requirements of this Code are met, including but not limited to:

A. Limiting the hours, days, place and/or manner of operation;

B. Requiring site or architectural design features that minimize impacts due to removal of vegetation, noise, vibration, exhaust/emissions, light, glare, erosion, water quality impacts, odor and/or dust;

C. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

D. Designating the size, number, location and/or design of vehicle access points or parking areas;

E. Requiring additional setbacks and planting if deemed necessary;

F. Limiting the building height, size or lot coverage, and/or location on the site; and

G. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Code are met.

504.08 Temporary Use Permits

This Section establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

A. **Applicability**. Uses for which a Temporary Use Permit is required are established in Article 410, Standards for Specific Uses and Activities.

B. **Permit Procedures.**

1. ***Application.*** Any person may apply to the Hearing Officer for approval of a temporary use not more than 90 days and not less than 45 days before the use is intended to begin accompanied by payment of the required fee.

2. ***Required Findings.*** The Hearing Officer may approve an application for a Temporary Use Permit to allow a temporary use for a period of time, only upon making all of the following findings:

   a. The proposed use will not unreasonably affect or have a negative impact on adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City;

   b. The proposed use is consistent with a land use permitted by the present Zoning District within which the site is located, or a land use considered permitted by a Zoning District listed in the General Plan as being consistent with the General Plan land use designation of the site;

   c. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use,

and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas; and

d. Appropriate controls are in place that will ensure the premises will be kept clean, sanitary, free of litter, and all circulation and parking surfaces will include a suitable dust-controlled surface.

C. **Conditions of Approval.** In approving a Temporary Use Permit, the Hearing Officer may impose reasonable conditions deemed necessary to achieve the findings for a Temporary Use Permit listed above, including but not limited to:

1. Regulation of vehicular ingress and egress and traffic circulation;

2. Regulation of dust control surfaces;

3. Regulation of lighting;

4. Regulation of hours and other characteristics of operation;

5. Submission of final plans to ensure compliance with conditions of approval;

6. Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and

7. Such other conditions as the Hearing Officer may deem necessary to carry out the intent and purpose of this Article.

D. **Posted Notice of Decision.** Notice of any approved Temporary Use Permit shall be posted on the subject property for a period of seven days from the date the decision is issued.

E. **Effective Dates.**

1. ***Permit Period 45 Days or Less.*** A Temporary Use Permit issued for 45 days or less shall become effective on the date the permit is approved by the Hearing Officer.

2. ***Permit Period More than 45 Days.*** A Temporary Use Permit for more than 45 days shall become effective seven days from the date the permit is approved by the Hearing Officer.

504.09 Expiration and Extension; Modification; Revocation

A. **Administrative Use.** Permits, Conditional Use Permits, and Temporary Use Permits granted pursuant to this Article shall expire if it has not been exercised, or if a building permit has not been issued within one year of the official action, or within the time stipulated, unless extended by the Zoning Administrator.

B. A minor modification of an Administrative Use Permit, Conditional Use Permits, and Temporary Use Permits granted pursuant to this Article may be approved under Section 502.13, Modifications. Changed plans, including changes in conditions of approval, shall be treated as a new application.

C. An Administrative Use Permit, Conditional Use Permit, and Temporary Use Permit granted pursuant to this Article may be suspended, revoked, or modified upon a finding that any condition, stipulation, or term of the approval of the permit has been violated.

504.10 Appeals

An Administrative Use Permit, Conditional Use Permit, and Temporary Use Permit is subject to appeal in accordance with Section 502.15.

Article 505 Development Review Permit

Sections:

505.01 Purpose
505.02 Applicability
505.03 Application Requirements
505.04 Minor Development Review Permit
505.05 Major Development Review Permit
505.06 Scope of Development Review
505.07 Required Findings
505.08 Conditions of Approval
505.09 Expiration and Extension; Modification; Revocation
505.10 Appeals

505.01 Purpose

This Article establishes objectives, standards, and procedures for conducting and issuing Development Review Permits for the purpose of identifying, maintaining, strengthening, and enhancing a neighborhood and Zoning District's cohesive and distinctive physical characteristics. These regulations shall be carried out in a manner that encourages creative and appropriate solutions while avoiding unnecessary delays in project approval. The specific purposes of Development Review are to:

A. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;

B. Ensure that new and modified uses and development will conform to all of the regulations and standards of this Code and be compatible with the existing and potential development of the surrounding area; and

C. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

505.02 Applicability

A Development Review Permit is required for uses or developments identified in 200 Series – Base Zoning Districts, 300 Series – Overlay Districts, and/or any other section of this Code that requires Development Review. The provisions of this Section may apply to projects that do not require review under the Subdivision Code. When there are projects that are subject to both sets of regulations, the most restrictive shall govern. Where there is a conflict between a general requirement and specific requirement, the specific requirement shall apply. The Development Review Permit process is intended to replace the prior Zoning Code "Site Plan Review" procedures. Site Plan approval under the previous Code shall expire within one year of the adoption of this Code, or at a time specified as a condition of approval, whichever comes first.

505.03 Application Requirements

Applications and fees for Development Review Permits shall be submitted in accordance with the provisions set forth in Section 502.02, Application Submittal Review. In addition to any other application requirements, the application for a Development Review Permit shall include data or other evidence in support of the applicable findings required in this Article.

505.04 Minor Development Review Permit

A. **Applicability.** A Minor Development Review Permit is required for all new and modified buildings or structures, or for expansions to a building or structure that results in an increase less than 5,000 gross square feet or 20 percent of the existing building area, alter more than 10 percent of the surface area of the exterior portion of any façade, or as otherwise required in this Code. A Minor Development Review Permit is not required for individual single-unit dwellings or second dwelling units on separately-owned lots.

B. **Determination.** The Zoning Administrator shall conduct review of all Minor Development Permits and shall approve, conditionally approve, or deny applications based on required findings and criteria in this Article. An approved Minor Development Review Permit may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans, elevations, Sections, material samples, as a record of the proposal's conformity with the applicable regulations of this Code.

C. **Referral to Planning Commission.** The Zoning Administrator may direct that a request be heard by the Planning & Zoning Commission based on a review that includes, but is not limited to, the following factors:

1. Previous decisions by the City regarding the site on which the proposal is located;

2. The probable impact of the requested use on its immediate surroundings; and

3. The consistency of the requested use with the projected land uses, and policies of the General Plan.

D. **Conditions**. A Minor Development Review Permit may have conditions of approval imposed, consistent with Section 505.08.

505.05 Major Development Review Permit

A. **Applicability.** A Major Development Review Permit is required for all new and modified buildings or structures, or for alterations to a building or structure that results in over 5,000 additional gross square feet, façade alterations that encompass more than 10 percent of the surface area, or as otherwise required in this Code.

B. **Public Hearing and Notice.** Major Development Review Permits shall be subject to a hearing by the Planning & Zoning Commission, who shall review the recommendation of the Zoning Administrator and approve, conditionally approve, or disapprove the application. The issuance of a Major Development Review Permit may require that the existing development site be brought into substantial conformance with the terms and standards of this Code. All notification requirements set in Article 502.06, Public Notifications must be followed prior to the public hearing.

C. **Conditions**. A Major Development Review Permit may have conditions of approval imposed, consistent with Section 505.08.

505.06 Scope of Development Review

Development Review shall be based on consideration of the requirements of this Article as they apply to the design of the site plan, structures, landscaping, signs, and other physical features of a proposed project, including but not limited to:

A. Building proportions, massing, and architectural details;

B. Site design, orientation, location, and architectural design of buildings relative to existing structures, outdoor areas, walkways, trails, and streets on or adjacent to the property;

C. Topography; and other physical features of the natural and built environment;

D. Size, location, design, development, and arrangement of circulation, parking, pedestrian ways, and other paved areas;

E. Exterior colors and materials as they relate to each other, to the overall appearance of the project, and to surrounding development;

F. Height, materials, colors, and variety of fences, walls, and screen plantings;

G. Location and screening of mechanical equipment and refuse storage areas;

H. Location and design of exterior lighting features;

I. Location and type of landscaping, including selection and size of plant materials, design of hardscape, and irrigation; and

J. Size, location, design, color, lighting, and materials of all signs.

505.07 Required Findings

When conducting Development Review, the decision-making body shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the General Plan and any applicable specific or PAD Plan, the regulations and standards in this Code, and are consistent with any other policies or guidelines the City Council may adopt for this purpose. To obtain Development Review approval, projects must satisfy these criteria to the extent they apply:

A. The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, will enhance the appearance and features of the project site and surrounding natural and built environment.

B. The project site plan is appropriate to the function of the project and will provide a suitable environment for occupants, visitors, and the general community.

C. Project details, colors, materials, and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.

D. The project is compatible with neighboring development by avoiding big differences in building scale and character between developments on adjoining lots in the same Zoning District and providing a harmonious transition in scale and character between different Districts.

E. The project contributes to the creation of a visually-interesting built environment that includes a variety of building styles and designs with well-articulated structures that present varied building facades, rooflines, and building heights within a unifying context that promotes increased pedestrian activity and compatibility among neighboring land uses within the same or different Districts.

F. The streetscapes, including trees, lighting, and pedestrian furniture, are consistent with the character of commercial districts and adjacent residential neighborhoods.

G. Street frontages are attractive and interesting for pedestrians and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.

H. The proposed landscaping plan is suitable for the type of project and site conditions and will improve the appearance of the community by enhancing the building and site design; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with Maricopa's microclimate.

505.08 Conditions of Approval

The decision-making body may impose reasonable conditions on a Development Review Permit that are related and proportionate to what is being requested by the application in order to ensure that the standards and requirements of this Code are met, including but not limited to:

A. Modification of materials;

B. Additional building setbacks;

C. Additional landscaping;

D. Height and area limitations of structures;

E. Limited vehicular access;

F. Walls, fences and screening devices;

G. Noise attenuation construction;

H. Any other restriction necessary to protect adjacent properties, preserve neighborhood character, or mitigate adverse environmental impacts; or

I. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Code are met.

505.09 Expiration and Extension; Modification; Revocation

A. A Development Review Permit granted pursuant to this Article shall expire if it has not been exercised or if a building permit has not been issued within two years of the date of the approval, or within the time stipulated, whichever is longer.

B. A minor modification of a Development Review Permit granted pursuant to this Article may be approved by the initial approval authority, or as otherwise specified in this Code. Changed plans, including changes in conditions of approval shall be treated as a new application.

C. A Development Review Permit granted pursuant to this Article may be suspended, revoked, or modified, upon a finding that any condition, stipulation, or term of the approval of the permit has been violated.

505.10 Appeals

A Development Review Permit is subject to appeal in accordance with Section 502.15.

Article 506 Variances

Sections:

506.01 Purpose
506.02 Applicability and Scope of Variances
506.03 Limitations on Authority to Grant Variances
506.04 Application Requirements
506.05 Public Hearing
506.06 Required Findings
506.07 Use Variances Prohibited
506.08 Conditions of Approval
506.09 Expiration and Extension; Modification; Revocation
506.10 Appeals

506.01 Purpose

This Article is intended to provide a mechanism for relief from certain dimensional and performance standards in this Code where the strict application will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

506.02 Applicability and Scope of Variances

Variances may be granted with respect to dimensional and performance standards, but variances from the use regulations of this Code are not allowed. The Hearing Officer shall have power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this Article.

506.03 Limitations on Authority to Grant Variances

A. No Variance shall be granted, in whole or in part, that would have an effect substantially equivalent to a reclassification of property, alter any use or grant a privilege for which a Conditional Use Permit is required. A Variance is not a vested right and is granted upon

the discretion of the Hearing Officer. The burden of proof for satisfying the requirements for granting of a Variance, as stated in this Code, rests with the applicant.

B. No Variance shall be granted based on an owner-imposed hardship on a lot.

506.04 Application Requirements

Applications and fees for a Variance shall be submitted in accordance with Section 502.02, Application Submittal and Review. In addition to any other application requirements, the application for a Variance shall include data or other evidence showing that the requested Variance conforms to the required findings set forth below.

506.05 Public Hearing

Variances shall be subject to a hearing by the Hearing Officer who shall review the recommendation of the Zoning Administrator and approve, conditionally approve, or disapprove the application. The issuance of a Variance may require that the existing development site be brought into substantial conformance with the terms and standards of this Code. All notification requirements of Article 502.06, Public Notifications, must be followed prior to the public hearing.

506.06 Required Findings

Variance applications shall only be granted if the Hearing Officer determines that the project as submitted or as modified conforms to all of the following criteria, in addition to any criteria that may be required or associated with the specific request. If it is determined that it is not possible to make all of the required findings, the Variance application shall be denied. The specific basis for denial shall be established for the record. The following findings must be met in order to grant a Variance:

A. There are special circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of Zoning District, and these circumstances or conditions are not self-imposed by the property owner;

B. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

C. Such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of District; and

D. The granting of such Variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

506.07 Use Variances Prohibited

A Variance shall not be granted to permit a use otherwise not permitted in the applicable Zoning District.

506.08 Conditions of Approval

In approving a Variance, the Hearing Officer may impose reasonable conditions necessary to insure that the Variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the Zoning District in which the subject property is located, including but not limited to:

A. Achieve the general purposes of this Code or the specific purposes of the Zoning District in which the site is located;

B. Protect the public health, safety, and general welfare;

C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area; and

D. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Code are met.

506.09 Expiration and Extension; Modification; Revocation

A. A Variance granted pursuant to this Article shall expire if it has not been exercised, or if a building permit has not been issued within one year of the date of the approval, or within the time stipulated, whichever is longer.

B. The Hearing Officer may approve minor modifications that are consistent with the original findings and conditions approved and which would not intensify any potentially detrimental effects of the project. Changed plans, including changes in conditions of approval of a Variance shall be treated as a new application.

C. A Variance may be suspended, revoked, or modified upon a finding that any condition, stipulation, or term of the approval of the permit has been violated.

506.10 Appeals

A Variance is subject to appeal in accordance with Section 502.15.

Article 507 Waivers

Sections:

507.01 Purpose
507.02 Applicability
507.03 Application Requirements
507.04 Procedures
507.05 Required Findings
507.06 Conditions of Approval
507.07 Expiration and Extension; Modification; Revocation
507.08 Appeals

507.01 Purpose

The specific purpose of this Article is to establish an alternate means of granting relief from the requirements of this Code when so doing would be consistent with the purposes of the Code and will improve the quality of development, and it is not possible or practical to approve a Variance. Further to this end, it is the policy of the City to comply with the Federal Fair Housing Act and the Americans with Disabilities Act to provide reasonable accommodation to persons with disabilities seeking fair access to housing through waiver of the application of the City's zoning regulations. This Article authorizes the Zoning Administrator to grant administrative relief from the Code's dimensional requirements, subject to specified limits, to achieve these objectives.

507.02 Applicability

The Zoning Administrator may grant relief from the dimensional requirements specified in this Code as provided below.

A. **Reasonable Accommodation.** Waiver of the type of development standard and in the amount necessary to comply with the reasonable accommodation provisions of Federal law based on a determination that the specific circumstances of the application warrant such an accommodation.

B. **Setbacks.** Up to 10 percent of the required front, side, and rear yard setback standards.

C. **Build-to Areas.** Up to 10 percent of the standards for building façade location.

D. **Fences and Walls.** Up to one foot over the maximum height.

E. **Lot Coverage.** Up to 10 percent of the maximum amount of lot coverage.

F. **Height of Buildings and Structures.** Up to 10 percent of the maximum height, or three feet, whichever is less.

G. **Landscaping.** Up to 10 percent of the required landscaping.

H. **Transparency.** Up to 10 percent of the minimum required.

I. **Other Standards.** Up to 10 percent of a minimum or maximum for other development standards except those listed in Subsection (J) below.

J. **Exclusions.** Waivers cannot be granted for any of the following standards:

1. Lot area, width, or depth;
2. Maximum number of stories;
3. Minimum number or dimensions of required parking spaces;
4. Maximum residential density;
5. Maximum floor area ratio (FAR); or
6. Any initiation of an unapproved use, alteration, modification, or change to an existing structure.

507.03 Application Requirements

An application for a Waiver shall be filed with the Zoning Administrator in accordance with Section 502.02, Application Submittal and Review. The application shall state in writing the nature of the Waiver requested and explain why the findings necessary to grant the Waiver are satisfied. The applicant shall also submit plans delineating the requested Waiver and a fully executed Proposition 207 waiver for a requested waiver.

507.04 Procedures

A. **Review and Actions by the Zoning Administrator.** The Zoning Administrator shall approve, conditionally approve, or deny applications for Waivers based on the recommendation from the Zoning Administrator and with consideration of the requirements of this Article.

B. **Concurrent Processing.** If a request for Waiver is being submitted in conjunction with an application for another approval, permit, or entitlement under this Code, it shall be heard and acted upon by that decision-making body at the same time and in the same manner as that application.

507.05 Required Findings

A decision to grant a Waiver shall be based on the following findings:

A. The Waiver is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including but not limited to topography, noise exposure, irregular property boundaries, or other unusual circumstance;

B. There are no alternatives to the requested waiver that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public;

C. The granting of the requested Waiver will not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Code;

D. In Residential Districts, the Zoning Administrator must also make the following findings in addition to any other findings that this Article requires:

1. There are exceptional or extraordinary circumstances related to the design, Building Code compliance, or other code compliance that make it difficult or impossible to enlarge the house without a waiver, and the addition is of superior design quality and compatible with the existing neighborhood character;

2. The change is only intended to increase the habitability and function of the structure;

3. Granting the Waiver is desirable for the preservation of an existing architectural style or neighborhood character that would not otherwise be accomplished through the strict application of this Code; and

4. It can be demonstrated that the design of the proposed addition is of superior quality, compatible with the existing neighborhood character, effective in minimizing the perceived size of the dwelling, not overly intrusive to the privacy of neighboring dwellings and is in substantial compliance with the Residential District regulations.

E. If the Waiver requested is to provide reasonable accommodation pursuant to State or federal law, the Zoning Administrator must also make the following findings in addition to any other findings that this Article requires:

1. That the housing or other property which is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection;

2. If the request for accommodation is to provide fair access to housing, that the request for accommodation is necessary to make specific housing available to an individual protected under State or federal law;

3. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and

4. That denial of the requested Waiver would impose a substantial burden on religious exercise or would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

507.06 Conditions of Approval

In approving a Waiver, the Zoning Administrator may impose reasonable conditions necessary to insure that the Waiver shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and Zoning District in which the subject property is located, including but not limited to conditions to:

A. Achieve the general purposes of this Code or the specific purposes of the Zoning District in which the project is located;

B. Achieve the findings for a Waiver granted; or

C. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and Planning Code are met.

D. Waivers approved based on State or Federal requirements for reasonable accommodation may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance.

507.07 Expiration and Extension; Modification; Revocation

A. A Waiver granted pursuant to this Article shall expire if it has not been exercised, or if a building permit has not been issued within one year of the date of the approval, or within the time stipulated, whichever is longer.

B. A minor modification of a Waiver granted pursuant to this Article may be approved. Changed plans, including changes in conditions of approval shall be treated as a new application.

C. A Waiver granted pursuant to this Article may be suspended, revoked, or modified, upon a finding that any condition, stipulation, or term of the approval of the permit has been violated.

507.08 Appeals

A Waiver is subject to appeal in accordance with Section 502.15.

Article 508 Amendments to General Plan

Sections:

508.01 Purpose and Applicability
508.02 Initiation of Amendments
508.03 Public Notice and Review Procedures
508.04 Planning & Zoning Commission Action
508.05 City Council Action

508.01 Purpose and Applicability

Whenever the public necessity, convenience, and general welfare require, the City Council may, by Code, amend the General Plan. This Article establishes procedures for making legislative changes to the General Plan as provided for in Arizona law. In addition to the requirements of this Article, all General Plan map and text amendments shall conform to the requirements of A.R.S. §§ 9-461.06 (Adoption and Amendment of General Plan).

508.02 Initiation of Amendments

A proposal for an amendment of the General Plan may be made by the City Council, Planning & Zoning Commission, or by a property owner. If a property owner wishes to initiate an amendment, an application shall be filed with the Development Services Department. The application shall be accompanied by payment of the required fee. The City shall determine whether the proposed amendment is a "major amendment" as established in the existing General Plan.

508.03 Public Notice and Review Procedures

A. Public notice of hearings by the Planning & Zoning Commission and the City Council for General Plan major amendments shall be given as specified in Article 502.06, Public Notification, and such notice and hearings also shall conform to A.R.S. § 461.06.

B. At least 60 days before the General Plan or an element or major amendment of a general plan is noticed pursuant to Subsection (A) of this Section, the proposed General Plan Map

or Text Amendment shall be transmitted to the Planning & Zoning Commission, the City Council, and the following:

1. The Pinal County Planning Commission.

2. Each county or municipality that is contiguous to the corporate limits of the City or its area of extraterritorial jurisdiction.

3. The Regional Planning Agency.

4. The Arizona Commerce Authority or any other State agency that is subsequently designated as the general planning agency for the State.

5. The Department of Water Resources for review and comment on the water resources element, if a water resources element is required.

6. If the General Plan or an element or amendment of the General Plan is applicable to territory in the vicinity of a military airport or ancillary military facility, the military airport.

7. If the General Plan or an element or major amendment of the General Plan is applicable to property in the high noise or accident potential zone of a military airport or ancillary military facility, the Attorney General.

8. If the General Plan or an element or major amendment of the General Plan is applicable or adjacent to property under the jurisdiction of any agencies outlined in Section 501.10, Other Agencies, to the applicable representative.

9. Any person or entity that requests in writing to receive a review copy of the proposal.

508.04 Planning & Zoning Commission Action

A. **Hearing.** For a minor General Plan Amendment, the Planning & Zoning Commission shall conduct at least one public hearing in conformance with the provisions of Article 502, Common Procedures. Where an amendment has been determined to be a "major amendment", the Planning & Zoning Commission shall conduct at least two public hearings in two different locations.

B. **Recommendation to Council.** Following the public hearings, the Planning & Zoning Commission shall make a written recommendation on the adoption or amendment of the General Plan or any Element thereof. The Director shall promptly transmit to the City Council the Planning & Zoning Commission's written recommendation, together with any maps, charts, studies, or other materials, including any required environmental analysis.

508.05 City Council Action

A. **Hearing**. For all General Plan Amendments, the City Council shall conduct at least one public hearing in conformance with the provisions of Article 502, Common Procedures and Arizona Revised Statutes. Amendments shall be presented at a single public hearing during the calendar year they are proposed to the City.

B. **Action**. After the conclusion of the hearing, the City Council shall approve, modify, or disapprove the proposed amendment.

1. The adoption or re-adoption of a major amendment shall be approved by affirmative vote of at least two-thirds of the members of the City Council.

2. If the motion to adopt or readopt a General Plan or an amendment to the General Plan fails to pass, the City Council may reconsider the motion, but any subsequent motion must be approved by an affirmative vote of at least two-thirds of the City Council.

C. **Public Notification**. Following the Council action, the City shall make the documents amending the General Plan, including the diagrams and text, available for public inspection.

Article 509 Amendments to Zoning Map and Text

Sections:

509.01 Purpose and Applicability
509.02 Initiation of Amendments
509.03 Public Notice and Review Procedures
509.044 Planning & Zoning Commission Action
509.055 City Council Action

509.01 Purpose and Applicability

Whenever the public necessity, convenience, and general welfare require, the City Council may, by Code, amend any portion of this Code or Zoning Map. Any amendment to this Zoning Code which changes any property from one Zoning District to another, which imposes any regulation not previously imposed, or which removes or modifies any regulation previously imposed, shall be adopted in the manner set forth in this Article. In addition to the requirements of this Article, amendments to the Zoning Map and text shall conform to the requirements of A.R.S. §§ 9-462.03 (Zoning Map Amendment Procedure) and 12-1131 (Just Compensation).

509.02 Initiation of Amendments

Application for amendment of the Zoning Map and this Code may be made by the City Council, Planning & Zoning Commission, or by a property owner. If a property owner wishes to initiate an amendment, an application shall be filed with the Development Services Department. The application shall be accompanied by payment of the required fee.

509.03 Public Notice and Review Procedures

Public notice of hearings by the Planning & Zoning Commission and the City Council for Zoning Map amendments or Zoning Code Text amendments shall be given as specified in Article 502.06, Public Notification and required by Arizona Revised Statutes.

509.04 Planning & Zoning Commission Action

A. **Hearing**. The Planning & Zoning Commission shall conduct a public hearing in conformance with the provisions of Article 502, Common Procedures.

B. **Recommendation to Council.** Following the public hearing, the Planning & Zoning Commission shall make a written recommendation on the adoption or amendment of the Zoning Map and/or Code. The Director shall promptly transmit to the City Council the Planning & Zoning Commission's written recommendation, together with any maps, charts, studies, or other materials, including any required environmental analysis.

C. **Findings.** The Planning & Zoning Commission shall make the following findings in their recommendation to the City Council:

1. The amendment is consistent with the General Plan;

2. Any change in District boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given Zoning District; and

3. The amendment will promote the growth of the City in an orderly manner and protect the public health, safety, peace, comfort and general welfare.

509.05 City Council Action

A. **Hearing**. The City Council shall conduct a public hearing in conformance with the provisions of Article 502, Common Procedures.

B. **Protested Applications for Zoning Map Amendment Requiring Supermajority of City Council to Pass**. If the owners of 20 percent or more either of the area of lots included in a proposed Zoning Map amendment, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto, extending 150 feet from the street frontage of the opposite lots, file a protest in writing against such an action, it shall not become effective except by the favorable vote of three-fourths of all members of the City Council. Such written protests shall be filed in the office of the Director by no later than twelve o' clock noon on the Monday or Tuesday (if Monday is a Holiday) of the week prior to the City Council meeting at which such amendment will be considered. If any members of the City Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three fourths of the remaining members of the City Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the City Council.

C. **Action**. After the conclusion of the hearing, the City Council may approve, modify or disapprove the proposed Zoning Map or Code amendment. The City Council may condition its approval of any Zoning Map Amendment. Such conditions may include, but are not limited to: conditions to assure implementation of the submitted plan in accordance with the General Plan, and other applicable policies and plans adopted by the

City; conditions to achieve the purpose and intent of the requested Zoning District; conditions to achieve reasonable compatibility with the proposed use and adjacent land uses, and additional or different approval processes as may be required by this Code.

D. **Findings.** Prior to approval of the proposed amendments, the City Council shall make the following findings:

1. The amendment(s) is consistent with the General Plan;

2. Any change in District boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given Zoning District; and

3. The amendment will promote the growth of the City in an orderly manner and protect the public health, safety, peace, comfort and general welfare.

E. **Public Notification**. Following the Council action, the City shall make the documents amending the Zoning Code and map, including the diagrams and text, available for public inspection.

F. **Emergency Zoning Changes Prohibited.** A decision made by the Council involving rezoning of land which changes the zoning classification of such land may not be enacted as an emergency measure and such a change shall not be effective for at least 30 days after final approval of the change in classification by the Council.

Article 510 Planned Area Development District

Sections:

510.01 Purpose
510.02 Applicability
510.03 Procedures
510.04 Required Findings
510.05 Conditions
510.06 Expiration and Renewal
510.07 Amendments of Approved Plans
510.08 Planned Area Development Plan Review
510.09 Failure to Comply with Conditions
510.10 Revocation or Modification of Planned Development Permit

510.01 Purpose

The purpose of Planned Area Development (PAD) Districts is to accommodate, encourage, and promote innovatively designed developments involving residential and/or non-residential land uses, which form an attractive and harmonious unit of the community. Such a planned development may be designed as a large-scale separate entity, able to function as an individual community, neighborhood, or mixed-use development; as a small-scale project which requires flexibility because of unique circumstances or design characteristics; or as a transitional area between dissimilar land uses. Where PAD zoning is deemed appropriate or necessary, traditional zoning regulations are replaced by form-based or performance considerations to fulfill the objectives of the General Plan. Individual PAD Districts may be tailored to meet the specific development representations of an application. Hence, one PAD District may vary considerably from another District. This Article provides procedures for establishing a PAD District to facilitate orderly development of larger sites in the City consistent with the General Plan.

510.02 Applicability

PAD Districts may be applied to undeveloped or underdeveloped land in the City, including land proposed for redevelopment, and shall be processed as a Zoning Map amendment under the provisions of Article 509. The procedures in this Article shall apply to all proposals to establish a PAD District and to pre-existing PADs approved under the prior Code.

510.03 Procedures

A. **Decision-Making Body.** A PAD District must be adopted by the City Council. A public hearing before the Planning & Zoning Commission is required prior to City Council review, and the Planning & Zoning Commission shall make a recommendation to the City Council.

B. **Review Procedures.**

1. ***Rezoning.*** An application for rezoning to a PAD District shall be processed as an amendment to the Zoning Map and shall include a PAD Plan.

2. ***PAD Plan.*** The PAD Plan may be accepted and processed concurrently in the same manner as a Conditional Use Permit application, although additional information is required to be submitted in order to determine that the intent of this Code and the General Plan will be fulfilled.

3. ***Preliminary Subdivision Plat.*** A PAD may be submitted, processed, and reviewed prior to or concurrently with the submission of a preliminary subdivision application pursuant to Chapter 14 of the City Code, but no permits may be issued unless and until a final plat has been approved and recorded with the Pinal County Recorder's Office.

C. **Initiation.** An amendment to reclassify property to PAD shall be initiated by a property owner or authorized agent or a motion of the Planning & Zoning Commission or the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.

D. **Application Content.** An application for a PAD, made on the prescribed form, shall be filed with the Development Services Department, accompanied by the required fee. Applications shall contain all of the following:

1. ***Legal Description.*** A legal description of the site and a statement of the number of acres, or square feet if less than one acre, contained therein.

2. ***Title Report.*** A title report not more than 60 days old verifying the description and the ownership of the property.

3. ***Project Narrative.*** A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed development, including proposed uses and activities, proposed residential densities if appropriate, and physical land alteration required by the development; and the relation of the proposed PAD to the General Plan.

4. ***Development Schedule.*** A development schedule, including anticipated timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses, and an indication of the proposed number and type of dwelling units by phase of development, if applicable.

5. ***Maps and Diagrams.*** Maps, diagrams, and other graphics necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. These graphics shall at a minimum indicate:

    a. A map showing the perimeter boundaries of the project site, the perimeter of the ownership, the location and dimensions of any existing property lines and easements within the site, and all uses and structures within a 300-foot radius of the project area boundaries;

    b. Demonstration that development is in conformity with the Parks Trails Open Space Plan of the General Plan, including but not limited to circulation of proposed movement of vehicles, goods, and pedestrians within the district and to and from adjacent areas, streets and driveways, sidewalks and pedestrian ways, transit stops, and off-street parking and loading areas;

    c. A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed;

    d. A detailed tabulation of the proposed lot dimensions, number of dwelling units, building coverage including height(s), setbacks, paving coverage, landscaped areas, and parking dedication;

    e. Lighting for the building and adjacent parking and pedestrian travel areas; and

    f. A preliminary sign program, including the size and location of all proposed signs.

6. ***Open Space and Landscaping Plan.*** An existing and proposed open space and landscaping plan including landscape concept and type of plant materials, recreation area, parking, service and other public areas used in common on the

property and a description of intended improvements to and maintenance of the open area of the property.

7. ***Other Information.*** Any other information deemed necessary by the Zoning Administrator to ascertain if the project meets the required findings for a PAD Plan and re-zoning.

510.04 Required Findings

A PAD Plan and re-zoning PAD District shall only be approved if all of the following findings are made:

A. The proposed development is consistent with the General Plan and any applicable specific plan or master plan, including the density and intensity limitations that apply;

B. The subject site is physically suitable for the type and intensity of the land use being proposed;

C. Adequate transportation facilities and public services exist or will be provided in accordance with the conditions of PAD plan approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;

D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;

E. The development generally complies with applicable adopted design guidelines; and

F. The proposed development carries out the intent of the Planned Development provisions by providing a more efficient use of the land and an excellence of architecture and site design greater than that which could be achieved through the application of the base district regulations.

510.05 Conditions

In approving a PAD Plan and re-zoning, the City Council may impose reasonable conditions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;

B. Achieve the general purposes of this Code or the specific purpose of zoning regulations for specific uses proposed;

C. Achieve the findings listed in Section 510.04;

D. Mitigate any potentially significant impacts identified as a result of review of the proposed PAD Plan; or

E. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Code are met.

The City Council may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

510.06 Expiration and Renewal

A. **Expiration**. A PAD Plan shall be effective on the same date as the Code creating the PAD District for which it was approved and shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, an extension is requested, or a building permit has been issued and construction diligently pursued. An approved PAD Plan may specify a development phasing program exceeding two years.

B. **Renewal.** An approved PAD Plan that has not been exercised may be renewed for a two-year period approved by the City Council after a duly-noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may renew a PAD Plan if it finds the renewal consistent with the purposes of this Article.

510.07 Amendments of Approved Plans

A. **Changed Plans.** Amendments to a PAD District or PAD Plan may be requested by the applicant or its successors. Amendments to the approved Phasing PAD District or PAD Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Zoning Administrator shall determine if the proposed amendment constitutes a major or minor amendment.

B. **Major Amendments.** Any major amendment to the PAD shall be processed as a new application. An amendment will be deemed major if it involves one or more of the following changes:

1. A change in the exterior boundary of the PAD District;

2. An increase or decrease in the number of dwelling units for the PAD District that is no more than 10 percent greater than the maximum or 10 percent less than the minimum stated in the PAD Plan;

3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PAD Plan by 10 percent or more;

4. Any change in parks, public recreation areas, or school sites that is likely to negatively impact or burden the City's ability to provide parks and recreational facilities or the school district's ability to serve the future school-age population;

5. Any change in phasing or timing that would have a significant impact on the completion of infrastructure improvements, parks, public recreation areas or school districts;

6. Any change in land use or density that is likely to have a negative impact or create a burden on public facilities and utilities infrastructure;

7. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PAD District or the overall major street system, as determined by the City Engineer; or

8. Any other proposed change to the PAD Plan or the conditions of approval that substantively alters one or more of its components with potentially significant adverse environmental consequences, as determined by the Zoning Administrator.

C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection (B) above shall be considered minor if they are consistent with the original findings and conditions of approval. Minor Amendments may be approved by the Zoning Administrator. The Zoning Administrator may, at his/her discretion, refer any request for an amendment to a PAD Plan that may generate substantial public interest to the Planning & Zoning Commission for a decision. The following modifications to an approved PAD are considered minor and may be approved by the Zoning Administrator:

1. Changes in phasing, including the size and number of housing units in individual development units provided there is not a significant change in the overall development program that results in an increase in the number of units and/or non-residential floor area.

2. Changes in the location of a school site provided the appropriate school district approves such a change in location and there is no reduction in site size or classroom space to be provided.

3. Changes in the location and size of individual park sites provided the total park acres is not reduced and City standards for park service areas continue to be met with such changes.

510.08 Planned Area Development Plan Review

Plans for a project in a PAD District shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PAD Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PAD Plan.

510.09 Failure to Comply with Conditions

Failure to comply with any PAD permit condition or development schedule is a violation of this Article and subject to Article 512, Enforcement. The Planning & Zoning Commission or City Council may initiate revocation proceedings under this Code, or suspend the applicant's permit until such time as the applicant conforms to the conditions thereof.

510.10 Revocation or Modification of Planned Development Permit

A PAD permit may be revoked or modified as provided by Section 502.13, Modifications, or 502.14, Revocation of Permits.

Article 511 Annexation Procedure

Sections:

511.01 Specific Purpose
511.02 Initiation of Annexations
511.03 Procedures
511.04 Existing Uses and Structures

511.01 Specific Purpose

This Article establishes uniform procedures for annexation and zoning of property not within the City limits.

511.02 Initiation of Annexations

Applications for requests for annexation shall be submitted to the Development Services Department on a form provided and shall be accompanied by the required fee. The City Council also may initiate a request for annexation of unincorporated areas not within the City.

511.03 Procedures

A. **Process.**

1. The applicant shall submit the request to the Development Services Department.

2. The Zoning Administrator shall review each request for annexation and, upon determining that it complies with State statutes and City regulations, forward such request to the City Council.

3. If the City Council accepts the request for annexation, official annexation petitions shall be prepared by staff to be circulated by the requesting property owners.

4. When all provisions of State annexation laws have been complied with, the City Council shall hold the required public hearings to consider a Code for annexation.

B. **Zoning of Annexed Properties**. Areas under consideration for annexation shall be zoned at the time of annexation to City. Zoning Districts shall be comparable to, but not greater in intensity than, that permitted in the General Plan.

C. **Construction and Building Permits.**

1. Pinal County Building or Use Permits validly issued pursuant to Pinal County requirements not more than 60 days prior to the effective date of annexation, shall be accepted by the City as valid permits for a period of 60 days after the effective date of annexation. If construction has not commenced on or before the 60th day after the effective date of annexation, a City building or Use Permit shall be required.

2. For buildings under construction with a valid building or Use Permit issued by Pinal County prior to the effective date of an annexation code, a City building permit shall not be required, but the Building Inspector shall require that buildings constructed under such Pinal County building or Use Permit shall be structurally safe and shall conform to pertinent Pinal County zoning regulations in effect at the time the County permit was issued.

511.04 Existing Uses and Structures

A. Any use or activity conducted contrary to Pinal County zoning regulations at the effective date of annexation and not constituting a legal non-conforming use under the Pinal County zoning regulations shall not be considered a legal non-conforming use by the City.

B. Any use, activity or structure that is existing at the effective date of annexation, under a Pinal County use permit with a time limit imposed, may continue for the extent of the time limit. Any extension of this time limit requires Zoning Administrator approval. If an Administrative Use Permit would normally be required for the use in the Zoning District where the use is located or by the Planning & Zoning Commission for all other uses. The type of permit required shall be determined according to the regulations for the City Zoning District where the use is located.

C. Any lot or parcel of land legally subdivided and duly recorded in the Pinal County Recorder's Office prior to the effective date of the annexation and having an area, width, depth, or street frontage less than that required in the Zoning District regulations in which such lot or parcel is situated, shall be deemed to be a lot and may be used as a building site, provided that all other regulations for the Zoning District shall apply.

D. Building setbacks established by Pinal County overlay zoning or a use permit for residential developments including manufactured home parks and subdivisions, shall be enforced. Residential developments without County overlay zoning or a special use permit shall be subject to the setbacks as specified in this Code.

Article 512 Enforcement

Sections:

512.01 Specific Purpose
512.02 Enforcement Responsibilities
512.03 Nuisance Defined
512.04 Penalties
512.05 Remedies
512.06 Nuisance Abatement
512.07 Recording a Notice and Order

512.01 Specific Purpose

This Article establishes the responsibilities of various departments, officials and public employees of the City to enforce the requirements of this Article and sets forth the procedures the City will use to identify, abate, remove, and enjoin those uses, structures, or buildings that are deemed to be in violation of this Code. Nothing in this Article shall remove the enforcement powers and duties of any other agency as outlined in the City Code.

512.02 Enforcement Responsibilities

All departments, officials, and public employees of the City, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Article, and shall issue no permit or license for uses, buildings, or purposes in conflict with the provisions of this Article; and any such permit or license issued in conflict with the provisions of this Article shall be null and void. All officers not specified in this Section shall enforce the provisions of this Code related to their areas of responsibilities, when necessary. The following officials, departments, and employees have specific responsibilities as follows:

A. **Zoning Administrator.** The Zoning Administrator or their designee shall enforce all provisions of this Article related to issuance of discretionary permits and shall have responsibility for ordering the correction of violations and initiating the revocation of discretionary permits pursuant to Section 502.14, Revocation of Permits, and the abatement of nuisances as defined in this Article.

B. **Building Official.** Prior to issuance of building permits, the Building Official shall ascertain that plans presented with the building permit application conform to those approved subject to the requirements of this Article.

C. **Code Enforcement Officer**. The Code Enforcement Officer shall enforce all provisions of this Article pertaining to the use, erection, construction, reconstruction, relocation, conversion, alteration, or addition to any building or structure and condition of approval of Use Permits, Variances, nuisance abatements, or other discretionary approvals. The Code Enforcement Officer is hereby authorized to cause to be stopped any work or use undertaken without or contrary to approval granted pursuant to this Article or in violation of any of its other provisions.

D. **City Attorney.** The City Attorney may, at their discretion or upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinment of violations in the manner provided by law, and may take such other steps and may apply to such courts as may have jurisdiction to grant such relief as will abate and remove such use, or building or structure, and may seek to restrain and enjoin any person, firm or corporation from such use of any property, building or structure, or from setting up, erecting, building, maintaining or demolishing any such building or structure contrary to the provisions of this Article.

512.03 Nuisance Defined

A. **Structure or Use.** Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Code, and any use of any land, buildings or premises established, conducted, operated or maintained contrary to the provisions of this Code, shall be, and the same hereby declared, to be unlawful and a public nuisance.

B. **Violation of Permit.** Any use established through the issuance of a discretionary permit (i.e. Conditional Use Permit, Variance, preliminary parcel map, preliminary tract map, etc.) which is not constructed, operated and/or maintained in compliance with the provisions of this Code and the conditions of approval of said permit shall be, and the same hereby declared, to be unlawful and a public nuisance.

C. **Other Nuisances.** Any use, event, structure or building, whether non-conforming or otherwise, that meets any of the following criteria shall be deemed a public nuisance subject to abatement as set forth herein: excessive littering; excessive noise (particularly between the hours of 11:00 p.m. and 6:00 a.m.); noxious smells or fumes; or violation of any provision of this Article or any other City, State, or federal regulation, code, or statute.

512.04 Penalties

Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this Code shall be subject to an administrative, civil, or criminal penalty. Each day of a continuing violation is a separate violation for the purpose of

imposing a separate penalty. The administrative, civil, or criminal penalty for violations of this Code shall be established by separate resolution of the City Council.

512.05 Remedies

A. **Criminal Actions.**

1. Notwithstanding any other provision of this Code, each person violating, causing, or allowing a violation of any provision of this Zoning Code or any permit or condition of approval granted pursuant thereto, shall be guilty of an infraction, unless the violation is specifically declared to be a misdemeanor.

2. Every violation of any provision of this Code, or of any permit issued pursuant to this Code (including any of the conditions of approval for such permit) that is prosecuted as an infraction shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by:

    a. A base fine not exceeding $100.00 for a first violation;

    b. A base fine not exceeding $200.00 for a second violation of the same Code Section or permit (or any of the conditions of approval) occurring on the same property and committed by the same person within one year; and

    c. A base fine not exceeding $500.00 for each additional violation of the same Code Section or permit (or any of the conditions of approval) occurring on the same property and committed by the same person within one year.

3. Any court costs that the court may otherwise be required to impose pursuant to applicable State law or local ordinance shall be imposed in addition to the base fine. Notwithstanding the above, a first or subsequent violation of this Code may be charged and prosecuted as a misdemeanor.

4. A misdemeanor shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by a base fine of not less than $500.00 and not more than $1,000.00, or by imprisonment in the County jail for a period of not more than six months, or by both such base fine and imprisonment. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine.

5. The conviction and punishment of any person of an offense as described in this Section or the payment of a criminal fine by or on behalf of the person convicted, shall not relieve that person from the responsibility for correcting, removing, or abating the violation that resulted in the conviction; nor prevent the enforced correction, removal or abatement thereof by the County. The correction, removal,

or abatement of a violation begun after the issuance of a criminal citation or the filing of a criminal complaint shall not be a defense to the infraction or misdemeanor so charged and, following a conviction or plea of nolo contendere, shall not be grounds for the dismissal of the action or the waiver, stay, or reduction of any fine established in this Section.

B. **Civil Actions.** An alleged violator who is served with a Citation or Notice of Violation subject to a civil penalty shall not be subject to a criminal prosecution for the same factual situation. However, all other remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures, or improvements nor prevent the enforcement, correction or removal thereof. In addition to the other remedies provided in this Article, the City Council, the City Attorney, or any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of this Code, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

C. **Injunctive Relief and Abatement.** At the request of any person authorized to enforce this Code, the City Attorney may commence proceedings for the abatement, removal, correction and enjoinment of any act or omission that constitutes or will constitute a violation of this Code or any permit or land use approval granted pursuant thereto, and an order requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple violators are involved, they shall be jointly and severally liable for the civil penalties and/or abatement costs.

D. **Civil Remedies and Penalties.** Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or otherwise, who violates any provision of this Development Code or any permit or any condition of land use approval granted pursuant thereto, shall be liable for a civil penalty not to exceed one thousand dollars ($1,000.00) per violation for each day or any portion thereof, that the violation continues to exist. In determining the amount of civil penalty to be imposed, both as to the daily rate and the subsequent total amount for any given violation, the court shall consider all relevant circumstances, including but not limited to the extent of the harm caused by the conduct constituting the violation, the nature and persistence of such conduct, the length of time over which the conduct occurred or as repeated, the assets, liabilities, and net worth of the violator, whether a corporate entity or an individual, and any corrective action taken by the violator.

E. **Attorney's Fees.** In any civil action, administrative proceeding, or special proceeding to abate a public nuisance, whether by seeking injunctive relief and/or an abatement order, or other order; attorney's fees may be recovered by the prevailing party and shall not exceed the amount of reasonable attorney's fees incurred by the City in that action or proceeding.

F. **Administrative Actions.** As an alternative to the criminal or civil enforcement of this Code, i.e., Chapter 16 of the Maricopa City Code, and, further, as an alternative to all other administrative enforcement procedures provided by this Code, all violations of this Code may be subject to enforcement through the use of Administrative Citations.

512.06 Nuisance Abatement

A. **Notice and Order and Opportunity to Cure.** Following identification of any uses, structures, or buildings that are deemed to be in violation of this Code, or any nuisance as defined in this Article, the Code Enforcement Officer shall issue a Notice of Order to the property owner and occupant of the subject property. The Notice shall specify the exact violation or nuisance that has been identified, a date by which the nuisance must be corrected, provisions regarding re-inspection and any fees that may apply, and the name and contact information of the Code Enforcement Officer or designee. Prior to initiation of nuisance abatement, the property owner shall have the opportunity to cure the violation within the specified time period. The Code Enforcement Officer may authorize additional re-inspections if there is substantial progress in curing the violation, and all re-inspection fees are paid as required by the adopted City fee schedule.

B. **Initiation of Nuisance Abatement.** Proceedings under this Section to terminate, modify or condition any use, structure or building may be initiated by direction of the Hearing Officer on its own accord or following recommendation by the Zoning Administrator. In either case, the direction shall identify the use, building, or structure being considered, identify the property involved, set forth the reason or reasons for the proposed abatement, and fix a time and place for a public hearing on the proposed abatement. Initiation of abatement proceedings may be adopted without a public hearing.

C. **Notice of Public Hearing.** Upon initiation of abatement proceedings, the City Clerk shall give notice to the violator of his right to a public hearing before the Council pursuant to the provisions in Article 502, Common Procedures. In addition, within the prescribed time period, the City Clerk shall also mail the Notice of the right to hearing to the person or persons whose use, structure or building is the subject of the abatement proceedings, any person who requested initiation of abatement proceedings, and to any other person who has filed a written request with the Development Services Department for such Notice.

D. **Public Hearing.** The City Council shall conduct a public hearing in the manner prescribed in Article 502, Common Procedures and shall provide for testimony by City staff and the owner of the use, structure, or property that is the subject of the proceeding. Any other interested person shall also be given an opportunity to provide testimony.

E. **Action.** The City Council shall consider the staff report and the evidence, testimony, and facts presented at the hearing before taking action. If the Council finds that the use, building, or structure constitutes a nuisance, it may impose any remedy as provided for in this Article.

F. **Decision and Notice.** The decision of the Hearing Officer shall be final. The City Clerk shall issue a Notice of Action describing the Hearing Officer's action, with its findings. The City Clerk shall mail the notice to the permit holder and to any person who has requested such notification by filing a written request with the City Clerk.

G. **Effective Date.** A decision to abate a nuisance shall become effective immediately after the date of decision.

H. **Recovery of Costs.** The recovery of costs associated with the revocation proceedings shall be subject to the provisions of Chapter 10 of the City Code.

512.07 Recording a Notice and Order

A. If compliance is not had with an order of the Code Enforcement Officer or their designee, to correct violations of this Code within the time specified in the Notice and Order, the Director may file with the County Recorder a certified statement describing the property and certifying that:

1. The property and/or structure is in violation of this Article; and

2. The owner has been so notified.

B. The notice shall specifically describe the violations and a proof of service shall also be recorded with the Notice and Order.

C. Whenever the corrections ordered shall thereafter have been completed, the Code Enforcement Officer shall file a new certified statement with the County Recorder certifying that all required corrections have been made so that the property and/or structure is no longer in violation of this Code.

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600 SERIES
GENERAL TERMS

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Article 601 Use Classifications

RURAL AND AGRICULTURAL USE CLASSIFICATIONS

Animal and Crop Production. The keeping, grazing, feeding, or breeding of animals by the property owner or occupant for commercial gain and/or the growing and harvesting of agricultural products to provide food, fiber, or horticultural vegetation for ornamental purposes, or any combination of these uses. Typical uses include dairy and poultry farms, the growing of field crops, and fruit and nut orchards. This use does not include nurseries, greenhouses, processing, or retail sales of agricultural products from the site. It does not include medical marijuana collectives, home gardens, or community gardens.

> ***Large Scale.*** Commercial agricultural production that is a minimum of five contiguous commercial acres which is being used for the production of farm, garden, or orchard crops, or the grazing or raising of farm animals, including feeding pens that are incidental and subordinate to a grazing operation.
>
> ***Small Scale.*** Commercial agricultural production that is less than five contiguous commercial acres which is being used primarily for the production of farm, garden, or orchard crops, and may include the grazing or raising of farm animals.
>
> ***Urban Agriculture.*** A use that occupies less than half an acre for the production of food or horticultural crops to be harvested, sold, or donated. It includes home, kitchen, and roof gardens, and private farms. It does not include community gardens. Limited sales and donation of fresh food and/or horticultural products grown on site may occur, whether vacant or improved, but such sales may not occur within a dwelling unit. Food and/or horticultural products grown that are used for personal consumption are not regulated.

Animal and Crop Sales. The term "general agriculture" includes such uses as the necessary treatment, packing or storage of farm products produced on premises, the sale of any farm crops or livestock raised on premises, and any signs, structures, or fences utilized for agricultural functions.

General Agricultural. Land which is being used for the production of farm, garden, or orchard crops, or the grazing or raising of farm animals, including feeding pens that are incidental and subordinate to a grazing operation. Examples of commodities produced include vegetables, fruit

trees, grapes, cotton, grain, poultry, horses, cattle, sheep and swine. It includes dairy operations, including areas designated for raising heifers and bulls. It does not include signs advertising off-premise facilities, junkyards, other retail sales, manufacturing, any non-agricultural services, stockyards, slaughterhouses/meat packing plants, commercial pen feeding, production wineries, bone yards, plants for the reduction of animal matter, poultry feeding operations, or agricultural processing plants.

Farmers and Animal Produce Stand. A stand located on an active farm that sells processed agricultural products, such as jams, preserves, pickles, juices, cured olives, and other "value-added" products made with ingredients produced on or near the farm, in addition to fresh produce, eggs, and other goods produced on the farm. These stands should be accessory to on-site agricultural operations. The intent is to encourage the sale of locally grown fresh produce, not the establishment of traditional retail stores or convenience markets in Agricultural Zones.

RESIDENTIAL USE CLASSIFICATIONS

Residential Housing Types:

Single-Unit Dwelling, Detached. A dwelling unit that is designed for occupancy by one household, located on a separate lot from any other dwelling unit (except a second dwelling unit where permitted), and not attached to another dwelling unit on an abutting lot. This classification includes individual manufactured housing units.

Single-Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except a second dwelling unit, where permitted), and is attached through common vertical walls to one or more dwellings on abutting lots. An attached single-unit dwelling is sometimes called a "townhouse."

Guest Quarters and Granny Flats. A dwelling unit providing complete independent living facilities for one or more persons that is located on a lot with another primary, single-unit dwelling. A second unit may be within the same structure as the primary unit, in an attached structure, or in a separate structure on the same lot. This use is accessory to a single family home and distinguished from a duplex. Guest Quarters shall not be leased, rented, or sublet from the primary residence on the same lot.

Duplex. A single building on a separate lot that contains two dwelling units or two single-unit dwellings on a single lot. This use is distinguished from a Second Dwelling Unit, which is an accessory residential unit.

Multiple-Unit Dwelling. Three or more dwelling units within a single building or within two or more buildings on a site or lot. Types of multiple-unit dwellings include garden apartments, senior housing developments, and multi-story apartment buildings. This

classification includes transitional housing in a multiple-unit format. The classification is distinguished from group residential facilities.

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, fraternities, convents, monasteries, and other types of organizational housing, and private residential clubs, but excludes Residential Care Facilities.

Senior and Long-term Care. Establishments that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed under A.R.S. Title 36, Chapter 4 et. seq., including but not limited to, rest homes, nursing homes, and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.

Family Day Care. A day-care facility licensed under A.R.S. Title 36, Chapter 7.1, that is located in a single-unit residence or other dwelling unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

Small. A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

Large. A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10.

Mobile Home Parks/Recreation Vehicle Parks. A development designed and occupied by manufactured homes, including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium or other form of resident ownership.

Residential Care Facility. Facilities that provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including group homes for minors, persons with disabilities, people in recovery from alcohol or drug additions, and hospice facilities.

Supportive Housing. Dwelling units with no limit on length of stay that are occupied by the target population as defined in A.R.S. Chapter 36, and that are linked to onsite or offsite services that assist supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community. Supportive housing may be

provided in a multiple-unit structure or group residential facility. Facilities may operate as licensed or unlicensed facilities subject to applicable State requirements.

Transitional Housing. Dwelling units with a limited length of stay that are operated under a program requiring recirculation to another program recipient at some future point in time. Transitional housing may be designated for homeless or recently homeless individuals or families transitioning to permanent housing as defined in A.R.S. Chapter 36. Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. Transitional housing may be provided in a variety of residential housing types (e.g., multiple-unit dwelling, single-room occupancy, group residential, single unit dwelling). This classification includes domestic violence shelters.

PUBLIC AND SEMI-PUBLIC USE CLASSIFICATIONS

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Colleges and Trade Schools, Public or Private. Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes junior colleges, business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

Community Assembly. A facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic auditoriums, union halls, meeting halls for clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

Cultural Facilities. Facilities engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. It does not include schools or institutions of higher education providing curricula of a general nature.

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

Educational Facilities, Public or Private. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of Arizona.

Emergency Shelter and Facilities. A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less. Medical assistance, counseling, and meals may be provided.

Government Buildings. A building, structure, site, or any portion thereof that is used by the city, state, or federal government.

Hospitals and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals.

> ***Hospital.*** A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
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> ***Clinic.*** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks, plasma, dialysis centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale (see Offices, Medical and Dental).

Park and Recreation Facilities, Public. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, which are open to the general public. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities and restrooms within a primary structure or in an accessory structure on the same site.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

Religious Facility. A building, structure, site, or any portion thereof, designed and used for religious assembly or house of worship.

Social Service Facility. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Center), clinics (see Clinics), and emergency shelters providing 24-hour or overnight care (see Emergency Shelter).

COMMERCIAL USE CLASSIFICATIONS

Adult Oriented Businesses. An establishment that, as a regular and substantial course of conduct, offers, sells or distributes adult oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are distinguished or characterized by an emphasis on the depiction, simulation, or acting out of specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification includes, but is not limited to Adult Arcades, Adult Bookstore, Adult Cabarets, Adult Hotel/Motel, Adult Motion Picture Theater, Adult Retail Use Establishment, and Adult Theater. It does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

Animal Care, Sales and Services. Retail sales and services related to the boarding, grooming, and care of household pets, including:

> ***Animal Sales and Grooming.*** Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.
>
> ***Kennels.*** A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining four or more dogs, cats, or other household pets not owned by the kennel owner or operator on a 24-hour basis. This classification includes animal shelters and pet shops and animal hospitals that provide boarding-only services for animals not receiving services on the site but excludes the provision by shops and hospitals of 24-hour accommodation of animals receiving medical or grooming services on site. This classification also includes kennels that, in addition to 24-hour accommodation, provide pet care for periods of less than 24 hours but it does not include facilities that provide pet day care exclusively or predominantly.

Riding Schools and Stables. A stable is a place where horses are kept in individual box stalls or in groups in large rooms. The interior of a stable usually consists of two rows of box stalls, tie stalls, and large rooms along the outer walls and a central passage running lengthwise. A horse stable may also contain other facilities, such as a riding school, a feed room, a dressing room, a harness room, a staff area, watering place, and a room for animal care services. A riding school generally operates on the basis of hiring out horses or ponies on a pay per hour basis. Typically students go out together on a ride accompanied by a member of staff, and range from small establishments in converted farm buildings, to much larger premises with purpose-built stables, indoor or outdoor schools and, sometimes, cross-country courses.

Small Animal Day Care Services. A commercial, non-profit, or governmental facility for keeping four or more dogs, cats, or other household pets not owned by the kennel owner or operator primarily for periods of less than 24 hours.

Veterinary Services. Veterinary services for small animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

Automobile/Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles, including the following:

Automobile Rental. Rental of automobiles. Typical uses include car rental agencies.

Automobile/Vehicle Service and Repair, Minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, as well as smog check quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. It also excludes repair of heavy trucks, limousines or construction vehicles.

Automobile/Vehicle Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, vehicle painting, tire sales and installation, and installation of car alarms, sound, telecommunications, and navigation systems, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of new or used automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated minor repair services and parts sales for vehicles sold or leased by the dealership. (For auto repair as a primary use or repair of vehicles not sold on the premises, see Automobile/Vehicle Service and Repair, Minor.) This classification includes on-site facilities for maintaining an inventory of vehicles for sale or lease but excludes buildings and property on a separate site that are used for storing vehicles. Typical uses include automobile dealers and recreational vehicle sales agencies. This classification does not include automobile brokerage and other establishments that solely provide services of arranging, negotiating, assisting, or effectuating the purchase of automobiles for others.

Automobile/Vehicle Washing and Services. Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities that are the principal use of a building, structure, or site.

Service Station. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking). This classification includes lots used for storage of impounded vehicles.

Banks and Credit Unions. Financial institutions providing retail banking or check cashing services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, but excluding check-cashing businesses. For administration, headquarters, or other offices of banks and credit unions without retail banking services/on-site circulation of money, see Offices, Business and Professional.

Non-Institutional Banking. Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the

same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement. Non-Institutional Banking does not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies.

Building Materials Sales and Services. Establishments whose primary activity is the rental of equipment to individuals and business, and whose activities may include storage and delivery of items to customers. This classification includes lumberyards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include hardware stores less than 10,000 square feet in floor area (see General Retail Sales), or plant nurseries (See Nurseries and Garden Centers).

Business Services. Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, mailbox services, equipment rental and leasing, office security, custodial services, film processing, model building, and taxi or delivery services with two or fewer fleet vehicles on-site. (For three or more fleet vehicles, see Light Fleet-Based Services.)

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Banquet and Conference Centers. Facilities designed and used for conventions, conferences, seminars, trade shows, product displays, and other events in which groups gather to promote and share common interests. Convention centers typically have at least one auditorium and may also contain concert halls, lecture halls, meeting rooms, and conference rooms, as well as accessory uses such as facilities for food preparation and serving and administrative offices.

Large-scale Facility. This classification includes large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, and driving ranges. It also includes indoor and outdoor facilities with more than 5,000 square feet in building area such as fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; and archery or indoor shooting ranges.

Small-scale Facility. This classification includes small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as health clubs and amusement arcades.

Theaters. Facilities designed and used for live entertainment, which contains a permanent stage upon which movable scenery and theatrical appliances are used and where regular theatrical performances are given.

Golf Courses and Resorts. An open-air golfing facility having not less than 30 acres and nine holes. It may include an accessory pro shop, clubhouse, restaurants and lounges.

Club or Lodge. Facilities serving food, meals and alcoholic beverages to members and their guests.

Commercial Kitchen. Kitchens used for the preparation of food to be delivered and consumed off-site. Typical uses include catering facilities. This classification does not include businesses involved in the processing or manufacturing of food products (see Industry, Limited).

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

Bars and Lounges. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol, including beer, wine, and mixed drinks.

Restaurant, Full-Service. Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may also be provided.

Restaurant, Limited-Service. Establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products. It excludes catering services that do not sell food or beverages for on-site consumption (see Commercial Kitchen).

Restaurant, Take-Out Only. Restaurants where food and beverages are prepared on a customer-demand basis and may be taken out or delivered, but are not consumed on the premises. No seating or other facilities for on-premises dining are provided.

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

Convenience Market. Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption. These establishments typically have long or late hours of operation and occupy a relatively small building. This classification includes small retail stores located on the same lot as or operated in conjunction with a Service Station.

General Market. Retail food markets of food and grocery items for offsite preparation and consumption.

Liquor Store. Establishments primarily engaged in selling packaged alcoholic beverages such as ale, beer, wine and liquor.

Specialty Food Sales and Facilities. Retail establishments that process and prepare food onsite and are small to medium scale in size. Typical uses include bakeries; butchers, candy, nuts and confectionary stores; cheese stores, and pasta shops.

Funeral Parlors and Mortuaries. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Instructional Services. Establishments that offer specialized programs in personal growth and development. Typical uses include classes or instruction in music, fitness, art, or academics. Instructional Services may include rehearsal studios as an accessory use.

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on-site (see Business Services).

Live-Work. A unit that combines a work space and incidental residential occupancy occupied and used by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity.

Lodging. An establishment providing overnight accommodations to transient patrons who maintain a permanent place of residence elsewhere for payment for periods of less than 30 consecutive calendar days.

Bed and Breakfast. A residential structure that is in residential use by the property owner or manager and within which up to four bedrooms are rented for overnight lodging and where meals may be provided.

Guest Ranch. A building or group of buildings containing two or more guest rooms, other than a bed and breakfast, boardinghouse, hotel or motel, and including outdoor recreational facilities such as but not limited to horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended primarily for use by the

guests of the guest ranch but not including bars and restaurants which cater primarily to other than guests of the guest ranch.

Hotels and Motels. An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, extended-stay hotels, hostels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs, or bed and breakfast establishments within a single-unit residence.

Large-Scale Resorts. Large parcels of land not less than five acres open to the general public and provides a particular, unique, recreational or other tourism resource, be it a natural, cultural or historic site, seasonal occurrence or man-made attraction, or special quality of place. It includes resorts for day visitors as well as those providing overnight accommodation. It may include dwelling units for short-term rental in one or more permanent buildings utilized principally for the accommodation of the public for recreation.

Maintenance and Repair Services. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of motor vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).

Medical Marijuana Uses.

Dispensary Facilities. A location where marijuana is displayed, sold and/or ingested by a qualified patient, person with a valid identification care, or designated primary caregiver of a person with a valid identification card.

Cultivation. A location where marijuana is grown collectively by more than one qualified patient, person with valid identification card, or designated primary caregiver of a person with a valid identification card, in order to collectively or cooperatively cultivate and/or store marijuana for medical purposes.

Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in packaged form only.

Offices. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are

provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities (see Research and Development) and hospitals.

Business and Professional. Offices of firms, organizations, or agencies providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding those that primarily provide direct services to patrons that visit the office (see Offices, Walk-In Clientele).

Medical and Dental. Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of Arizona. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

Walk-In Clientele. Offices providing direct services to patrons or clients that may or may not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (see Banks and Financial Institutions).

Off-Track Betting Establishment. A wagering facility which simulcasts horse, harness or dog racing events for the purpose of pari-mutuel wagering. It may be operated as a primary use or as an accessory use to an eating and drinking establishment. An off-track betting establishment is authorized by issuance of a teletrack wagering permit in accordance with Arizona Revised Statutes Section 5-112 and Arizona Administrative Code Title 19, Chapter 2, Article 4.

Outdoor, Temporary, and Seasonal Sales. An outdoor place, in an approved location, or for an approved activity, where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces. The term is interchangeable with and applicable to: swap meet, flea markets, auctions, open air markets, outdoor sales activities, or other similarly named or labeled activities.

Parking Facility. Surface lots and structures for long or short term automobile parking that can be for the use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is not incidental to another on-site activity. They can be publicly or privately owned.

Personal Services.

General Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, and travel agencies mainly intended for the consumer.

Restricted Personal Service. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Retail Sales.

General Retail Sales, Small-Scale. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 25,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing goods including but not limited to the following: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

General Retail Sales, Large-Scale. Retail establishments with over 80,000 square feet of sales area that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs, where sales of grocery items do not occupy more than 25 percent of the floor area.

Tobacco Paraphernalia Establishments. Retail uses where Tobacco Paraphernalia is sold, distributed, delivered, furnished, or marketed from one person to another. "Tobacco Paraphernalia" means paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in A.R.S. Title 36, Article 14 et. seq. This classification includes hookah lounges. "Tobacco Paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that

is permitted by existing law. Medical Cannabis Dispensaries are not Tobacco Paraphernalia Establishments.

INDUSTRIAL USE CLASSIFICATIONS

Artist Studio and Production. Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students. It does not include joint living and working units (see Live-Work). Small-scale art production is generally of a low impact and typically includes painting, photography, jewelry, glass, textile, and pottery studios. Art production on a medium or large scale generally uses heavy equipment and includes large-scale metal and woodworking studios.

General Industrial. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes heavy agriculture processing, such as stockyards, slaughterhouses/meat packing plants, commercial pen feeding, production wineries, bone yards, plants for the reduction of animal matter, poultry feeding operations, or agricultural processing plants. It also includes biomass energy conversion; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing.

Light Industrial. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes the manufacturing of finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; monument works; printing, engraving, and publishing; sign painting shops; machine and electrical shops; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services. It also includes large-scale preparation, manufacturing, and/or packaging of food for off-site consumption. Typical food manufacturing uses include canners, roasters, breweries, wholesale bakeries, and frozen food manufacturers.

Research and Development. A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This classification includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities.

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

Storage and Warehouse. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

> ***Chemical and Mineral Storage.*** Storage and handling of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.
>
> ***Indoor Warehousing and Storage.*** Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials. This classification also includes cold storage, draying or freight, moving and storage, and warehouses. It excludes the storage of hazardous chemical, mineral, and explosive materials.
>
> ***Outdoor Storage.*** Storage of vehicles or commercial goods or materials in open lots.
>
> ***Personal Storage.*** Facilities offering enclosed storage with individual access for personal effects and household goods, including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.
>
> ***Wholesaling and Distribution.*** Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or Internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials and Services).

TRANSPORTATION, COMMUNICATION, AND UTILITIES USE CLASSIFICATIONS

Airports and Heliports. Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal buildings and parking, air freight terminals, baggage handling facilities, aircraft hangar, public transportation, and related facilities, including bus operations, servicing, and storage. Also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops, and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other

equipment and structures required by the United States Government and/or the State of Arizona for the safety of aircraft operations.

Bus/Rail Passenger Facilities. Facilities for passenger transportation operations. Includes rail and bus stations and terminals but does not include terminals serving airports or heliports. Typical uses include ticket purchasing and waiting areas out of the public right of way, restrooms, and accessory uses such as cafes.

Communication Facilities. Facilities for the provision of broadcasting and other information relay services through the use of electronic and telephonic mechanisms.

> ***Antennas and Transmission Towers.*** Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception or transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers.
>
> ***Facilities within Buildings.*** Indoor facilities containing primarily communication equipment and storage devices such as computer servers.

Freight/Truck Terminals and Warehouses. Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities (see Utilities, Major).

> ***Recycling Collection Facility.*** An incidental use that serves as a neighborhood drop-off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.
>
> ***Recycling Processing Facility.*** A facility that receives, sorts, stores and/or processes recyclable materials.

Utilities, Major. Generating plants, electric substations, and solid waste collection, including transfer stations and materials recovery facilities and similar facilities of public agencies or public utilities.

Utilities, Minor. Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, lift stations, water tanks, and underground water and sewer lines.

Waste Transfer Facility. A facility that operates as a materials recovery, recycling and solid waste transfer operation providing solid waste recycling and transfer services for other local jurisdictions and public agencies that are not located within the City of Maricopa. The facility sorts and removes recyclable materials (including paper, metal, wood, inert materials such as soils and concrete, green waste, glass, aluminum and cardboard) through separation and sorting technologies to divert these materials from the waste stream otherwise destined for landfill.

Article 602 List of Terms and Definitions

Sections:

602.01 List of Terms
602.02 List of Definitions

602.01 List of Terms

Abandoned, *See Illegal Nonconforming Building or Use.*
Abutting
Accessory building
Accessory structure
Adequate
Adjacent
Adjoining
Adult
Aggrieved person
Aircraft
Airport
Airport hazard
Alley
A.L.T.A.
Alteration
Alternative tower structure, *See Telecommunications-related terms.*
Animal care, sales and services
Antenna, *See Telecommunications-related terms*
Antenna, alternative tower mounted, *See Telecommunications-related terms.*
Antenna, amateur radio, *See Telecommunications-related terms.*
Antenna, building, *See Telecommunications-related terms.*
Antenna, direct broadcast satellite service (DBS), *See Telecommunications-related terms.*
Antenna, ground-mounted, *See Telecommunications-related terms.*
Antenna, multipoint distribution services (MDS), *See Telecommunications-related terms.*
Antenna, roof-mounted, *See Telecommunications-related terms.*
Antenna, satellite, *See Telecommunications-related terms.*
Antenna, satellite earth station, *See Telecommunications-related terms.*
Antenna, television broadcast service (TVBS), *See Telecommunications-related terms.*
Antenna structure, *See Telecommunications-related terms.*
Antenna structure, freestanding, *See Telecommunications-related terms.*
Antenna structure, monopole, *See Telecommunications-related terms.*
Apartment, one bedroom
Apartment, two or more bedroom
Apartment house
Area, net
Array, *See Telecommunications-related terms.*
Arterial street
Article
Artist
Assisted living facility
Automobile parking space, compact
Automobile parking space, standard

Automobile storage space
Available capacity
Basement
Basin, detention
Basin, drainage
Basin, retention
Berm
Bicycle lane
Bicycle parking
Bicycle parking, long-term
Bicycle parking, shot-term
Bicycle path
Bicycle trail
Billboard, *See Sign-related terms.*
Block
Board of Adjustment
Body piercing
Buffer area
Buildable
Building
Building, enclosed
Building setback line
Building site
Bulletin board, *See Sign-related terms.*
Bus stop
Caretaker
Carport
Cellar
Centerline
Changed plans
Charitable organization
Child
Chord
City
City Council
Close mount, *See Telecommunications-related terms.*
Cluster development
Co-location
Commercial vehicle
Commission
Committee
Communication equipment building
Community assembly
Community facilities
Comprehensive sign plan, *See Sign-related terms.*
Condition of use
Conditional approval
Condominium
Conservation easement
Construction
Conventional development
Corral fence
Council
County
Cultural facility
Cut
Day
Day care center
De novo
Density
Density, gross
Density, net
Density bonus
Department
Developer
Development
Development agreement
Director
Disability
Disabled person
Dispensary facility
Domestic animal
Dripline
Driveway
Dwelling unit
Easement
Effective date
Emergency
Engineer
Engineering department
Equipment cabinet or enclosure
Exception
Existing structure, *See Telecommunications-related terms.*
FAA (Federal Aviation Administration), *See Telecommunications-related terms.*
FCC (Federal Communications Commission), *See Telecommunications-related terms.*
Façade
Factory-built building
Family

Feasible
Fence
Figure
Fill
Finished grade
Fixed balloon, *See Sign-related terms.*
Flood hazard zone
Flood prone area
Floodplain
Floodway
Floor area
Floor area ratio
Foster home
Foster home, group
Foundation base
Freestanding Monument sign, *See Sign-related terms.*
Freeway
Frontage, building
Frontage, street
Funeral parlor/mortuary
Garage
Garden center, *See Nursery*
General Plan
Glare
Grade
Grade plane
Green Building
Gross floor area
Handicapped person
Hardscape
Hazardous materials
Health department
Hearing Officer
Height
Highway
Illegal nonconforming building or use
Illegal use
Improvements
Improvement plans
Improvement standards
Income, area median
Income, low
Income, moderate
Income, very low
Irrigation facilities
Kitchen
Lamp
Landscape
Landscaping
LEED®
Licensee
Lighting, exterior
Lighting fixture
Lighting system
Light trespass
Limited secondary highway
Live-work
Lot
Lot area
Lot, corner
Lot coverage
Lot depth
Lot, flag
Lot, interior
Lot, key
Lot line
Lot line, front
Lot line, rear
Lot line, side
Lot line, street side
Lot, reversed corner
Lot splits
Lot, through
Lot width
Maintenance and repair
Major highway
Manufactured home
Manufacturing
Massage/massage services
Master plan development
Microcell facility
Minerals
Minor land division
Mixed use development
Mobile Antenna(s), *See Telecommunications-related terms.*
Natural features, significant
Natural grade
Natural wash, desert
Net acres
Newspaper, general circulation
Non-charted financial institution

Nonconforming building or structure, *See Illegal Nonconforming Building or Use.*
Nonconforming lot, *See Illegal Nonconforming Building or Use.*
Nonconforming sign, *See Illegal Nonconforming Building or Use.*
Nonconforming use, *See Illegal Nonconforming Building or Use.*
Nursery
Occupancy, change in
Occupant
Occupant load
Off-site
On-site
Open space
Open space, common
Open space, natural area
Open space, private
Open space, public
Open space, useable
Outdoor entertainment
Outside display
Outside storage
Owner
Parcel of land
Parking lots or parking buildings
Parks
Parkway
Pedestrian oriented use
Pedestrian way
Permit
Permitted use
Person
Planned area development
Planning & Zoning Commission
Plasma center
Plat
Plat, final
Plat, preliminary
Plat, recorded
Plat, reversionary
Plot plan/Plan
Pole sign, *See Sign-related terms.*
Pre-existing
Pre-existing towers and pre-existing antennas, *See Telecommunications-related terms.*
Preliminary approval
Preliminary meeting
Principal use
Private access way
Private street
Project
Protected development rights plan
Public street
Qualified applicant
Readily visible, *See Telecommunications-related terms.*
Reasonable accommodation
Recorder
Recreational vehicle
Renovation, exterior façade
Residential use
Responsible party
Review authority
Right-of-way
Road
Roadway easement
Roof area
Room, habitable
Screening
Secondary highway
Section
Service easement
Service provider
Setback
Sidewalk
Sign
Sign, A-frame
Sign, animated
Sign, awning or canopy
Sign, bandit
Sign, banner
Sign, business
Sign, community
Sign, construction
Sign, directional
Sign, directory
Sign, fascia
Sign, garage sale
Sign, gasoline fuel price
Sign, identification
Sign, illuminated
Sign, interior display
Sign, kiosk

Sign, marquee
Sign, menu board
Sign, nameplate
Sign, nonconforming
Sign, off-site
Sign, on site
Sign, open house directional
Sign, pole
Sign, political
Sign, portable
Sign, projecting
Sign, reader panel
Sign, real estate
Sign, roof
Sign, under canopy
Sight visibility triangle
Site, *See Telecommunications-related terms.*
Sketch plan
Solid fill
Staging area
Stand
Stealth, *See Telecommunications-related terms.*
Stealth facility
Story
Street
Street, arterial
Street, collector
Street, cul-de-sac
Street, frontage
Street, local
Street, private
Structural alteration
Structure
Subdivider
Subdivision
Swimming pool
Tattooing
Technical Advisory Committee
Technical review
Terminal
Theater
Time-share unit
Tot lot
Tower, *See Telecommunications-related terms.*
Townhouse
Trail, multi-use
Trail, unpaved
Trailhead
Transparent/non-opaque
Usable lot area
U.S.C. & G.S.
U.S.A.C.O.E.
Use
Use, abandoned
Use permit
Utility, *See Telecommunications-related terms.*
Utility services
Variance
Vehicle, inoperative
View fencing
Visible
Wall
Warehousing
Waste transfer facility
Water supply, assurance
Wheel stop
Wild animal
Wireless communication facility
Workforce housing
Writing
Yard
Yard, front
Yard, rear
Yard, side corner
Yard, side interior
Zone
Zoning Administrator
Zoning clearance
Zoning district
Zoning Code

602.02 List of Definitions

Abutting means the condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only at a corner(s).

Accessory building or structure means a detached subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located in the same or a less restrictive zone, and on the same lot or parcel of land with the main building or use.

Accessory use means a use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or parcel of land, which accessory use does not alter said principal use nor serve property other than the lot or parcel of land on which the principal use is located. "Appurtenant use" means the same as accessory use.

Adequate public facility-related terms. *See Article 402, Adequate Public Facilities.*

> ***Adequate*** means meeting the established minimum standards in this Code.
>
> ***Available capacity*** means the existing Capacity and planned Capacity less existing demand and demand that will be generated by Committed Development.
>
> ***Binding agreement*** means an agreement with the force of law made between the City and Applicant(s) that specifies the Applicant's responsibility regarding project phasing and financial obligations for public facility improvements that must be taken on in order for roads, water, wastewater, drainage, parks and open space, and schools facilities to be declared adequate for the purposes of this Code.
>
> ***Capacity*** means the maximum demand that can be accommodated by a Public Facility without exceeding the Level of Service. *See Level of Service.*
>
> ***Capital Improvements Program (CIP)*** means 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.
>
> ***Committed development*** shall mean development with an approved determination of adequacy; or developments which are approved, but which are unbuilt, and unexpired plats, preliminary subdivision plats, or minor development final plats; or final plats or building permits approved without a determination of adequacy.

Development pool means an approved, not sunsetted, and unbuilt lots having a legal claim to the available sewer and/or water capacity or development projects of any type that are approved and under construction.

Equivalent dwelling unit means the flow of water or wastewater equivalent to the average flow of a single unit residential dwelling unit.

Inadequate means not meeting the established minimum standards in this Code.

Individual means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or the manager, lessee, agent, servant, officer, or employee of any of them.

Level of Service (LOS) means a qualitative measure, ranging from A (free flow) to F (forced), describing operational conditions of a transportation facility. Procedures for determining LOS are defined in the current Highway Capacity Manual (HCM) published by the Transportation Research Board (TRB) but are subject to modification by Arizona Department of Transportation (ADOT) when applied in this Code.

New development means new subdivisions or site plans for new construction received for approval by the City Council after the effective date of this Code.

Phase means a period of construction resulting in the completed construction of a number of units equal to or less than the total number of units of approved New Development.

Public facilities includes roads, water, wastewater, drainage, parks and open space, and school facilities.

Site plan means a plan, to scale, showing uses, structures, and other improvements for a parcel as required by the City.

Start of construction means the point in time commemorating the breaking of ground for the construction of approved new development or a phase of that development.

Unit-type means a simple description that implies the use, general size, and general appearance of a structure, including but not limited to townhome, single unit, and apartment.

Utility representative means an individual qualified to check the accuracy of statements regarding the capacity, usage, and estimated future usage of the water or sewer systems in the City. If the City owns and operates the system in question then this individual shall be the duly designated Engineer of the City if the City does not own and operate the system

in question then this individual shall be an engineer in the employ of the system's owner or operator.

Adjacent means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.

Adjoining means two or more lots or parcels of land sharing a common boundary line, or two or more objects in contact with each other. Lots or parcels of land which touch at corners only shall not be deemed adjoining.

Adult means a person who is 18 years of age or older.

Aggrieved person means any person who, in person or through a representative, appeared at a City public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either.

Airport-related terms.

Aircraft means any contrivance, now known or hereafter invented, for use or designed for navigation of or flight in the air, including helicopters, fixed-wing aircraft and gliders.

Airport means any area of land designed and set aside for the landing and taking off of aircraft.

Airport hazard means any structure or object of natural growth, use of land, or other item classified by the FAA as an obstruction to the airspace required for the flight of aircraft arriving at, or departing from, the airport.

Aviation easement means an easement granted for aviation purposes over and across a property which acknowledges the property will be subject to aircraft overflights and which holds the City, the public and either of the airports harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by aircraft landing, departing or operating at or near either of the airports, not including the physical impact of aircraft or parts thereof.

DNL means the 24 hour average sound level in A-weighted decibels, obtained after the addition of 10 decibels (dB) to sound levels for the periods between 10:00 p.m. and 7:00 a.m. as averaged over a span of one year. It is the Federal Aviation Administration (FAA) standard metric for determining the cumulative exposure of individuals to noise.

Noise level reduction (NLR) means the reduction of outside noise transmitted inside a structure achieved through the incorporation of noise attenuation into the design and construction of the structure.

Noise sensitive uses means single unit or multiple unit housing, office buildings, hotels, motels, hospitals, nursing homes, places of worship, libraries, public and private schools and day care centers.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length. The runway includes any proposed runway or runway extension as shown on any approved airport planning document.

Alley means a public or private right-of-way less than 30 feet wide which affords a means of vehicular access to the side or rear of properties abutting a street or highway.

A.L.T.A. means American Land Title Association.

Alteration means any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Animal care, sales and services means retail sales and services related to the boarding, grooming, and care of household pets, including: animal sales and grooming, kennels, riding schools and stables, small animal day care services, and veterinary services.

Apartment, one-bedroom means a dwelling unit in an apartment house that contains a maximum of three habitable rooms, one of which shall be a kitchen.

Apartment, two or more bedroom means a dwelling unit in an apartment house that contains more than three habitable rooms.

Apartment house means a building, or a portion of a building, designed or used for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

Area, net means that portion of a lot, or parcel of land which is:

1. Not subject to any easement or included as a proposed public or private facility such as an alley, highway or street, or other necessary public site within a proposed development project;

2. Subject to an easement where the owner of the underlying fee has the right to use the entire surface except that portion where the owner of the easement may place utility poles or minor utility structures;

3. That portion of a corner lot or corner parcel of land not to exceed five percent of the net area within a corner cutoff.

Arterial Street means a general term designating streets of major significance to the community, including section line and major streets and State and County highways, that are designed to carry substantial volumes of traffic, providing a system for citywide through-traffic movement.

Article means an Article set out in this Code, unless another Code or statute is mentioned.

Assisted living facility means a residential care institution intended for occupancy by persons of advanced age or limited ability for self-care, which may provide food, transportation, recreation, or other services to the residents thereof, and which is licensed by the Arizona Department of Health Services to perform supervisory care, personal care, or custodial care services. The term shall include boarding houses, dormitories, apartments, and similar multiple-residence living arrangements when operated as an assisted living facility as defined herein, but shall not include group homes for the handicapped, adult care homes, nursing homes, hospitals, or hotels.

Artist means an individual engaged in the creation of art or crafts that require artistic skill. Examples of individuals typically engaged in this work include, but are not limited to, woodworkers, potters/ceramicists, costume makers, set designers, stained-glass makers, glassblowers, textile artists and weavers, jewelry makers, painters, fine art printmakers, photographers/filmmakers, leather workers, metal workers, musical instrument makers, model makers, papermakers, installation artists, sculptors, video artists, and other makers of art and crafts.

Automobile parking space, compact means any permanently maintained space, having a width of not less than eight feet and a length of not less than 15 feet, so located and arranged as to permit the storage of a passenger automobile of compact size.

Automobile parking space, standard means any permanently maintained space, having a width of not less than eight and one-half feet and a length of not less than 18 feet, so located and arranged as to permit the storage of a passenger automobile of standard size.

Automobile storage space means "automobile parking space."

Basement means 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 the floor below is less than the vertical distance from grade to ceiling.

Basin, detention means stormwater storage facility that temporarily stores surface runoff and releases it at a controlled rate through a positive outlet. A detention basin and park may be joined to serve both recreational needs and as a water storage facility.

Basin, drainage means a geographical area that contributes surface runoff to a particular concentration point. The terms "drainage basin", "tributary area" and "watershed" are used interchangeably.

Basin, retention means a storm water storage facility that stores surface runoff. Stored water is infiltrated into the subsurface or released to the downstream drainage system or watercourse (via gravity outlet or pump), or evaporated after the storm event. A retention basin and park may be joined to serve both recreational needs and as a water storage facility.

Berm means an earthen mound, either natural or man-made.

Bicycle lane means a paved area located within a street right-of-way and within the pavement section that is designated for bicycle or other non-motorized traffic.

Bicycle parking, long-term means bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

Bicycle parking, short-term means bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than four hours.

Bicycle path means a paved area located within a street right-of-way but not between curbs that is designated for bicycle or other non-motorized traffic.

Bicycle trail means a paved or improved surfaced trail, located outside of a street right-of-way, utilized for bicycle, pedestrian or other non-motorized traffic. Public utility maintenance vehicles may be permitted use if joint access is allowed.

Block means a piece or parcel of land or group of lots bounded by public or private streets and public land, railroad rights-of-way, state highway rights-of-way, washes, parks, or a combination thereof creating a physical barrier of sufficient magnitude as to interrupt the continuity of development.

Board of Adjustment means the Board of Adjustment of the City of Maricopa.

Body piercing means the creation of an opening in the human body for the purpose of inserting jewelry or other decoration, including the piercing of an ear, lip, tongue, nose, or eyebrow. "Body piercing" does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

Buffer area means an area of land, including landscaping, berms, walls and fences but not building setbacks, that is located between land uses of different character or density and is intended to mitigate negative impacts of the more intense use on residential or vacant parcels.

Buildable means a lot or parcel that has the area, shape, slope, street frontage, or other attribute in order for a permitted use, based on the lot or parcel's Zoning District, to be developed, without the need for any variance from this Code.

Building means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

Building, enclosed means a building enclosed on all sides.

Building setback line means the required minimum distance, as prescribed by this Code, between the property line and the closest point of any building or structure.

Building site means a lot or parcel of land occupied or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

Bus stop (school) means areas designated by the School District as needed for the convenience and safety of the students and public per Arizona Administrative Code (A.A.C.) R17-9-104.

Caretaker means a person residing on the premises of an employer and who is receiving meaningful compensation to assume the primary responsibility for the necessary repair, maintenance, supervision or security of the real or personal property of the employer which is located on the same or contiguous lots or parcels of land.

Carport means an accessory structure that is roofed but permanently open on at least two sides and maintained for the storage of motor vehicles.

Cellar means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Centerline means the centerline established by the City Engineer for any proposed or dedicated public way.

Changed plans means any changes in physical design, site layout, lot sizes and patterns, building footprints, elevations or siting, drainage, utilities, or roadway locations on a development plan. Changes in architectural materials and finishes, lighting fixtures, or a planting palette are not considered plan changes.

Charitable organization means any benevolent, philanthropic, patriotic, not-for-profit, or eleemosynary group, association or corporation, or such organization purporting to be such, which solicits and collects funds for charitable purposes.

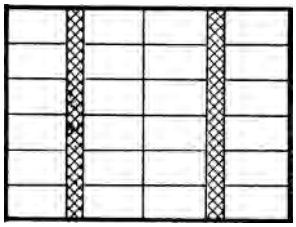
Child means a person under 18 years of age.

Chord means a straight line joining two points on a curve.

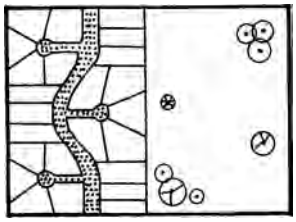
City means the City of Maricopa, Arizona.

City Council is the City Council of the City of Maricopa.

Cluster development means development pattern that concentrates development in specific areas on a site through a density transfer rather than distributed evenly throughout a parcel as in conventional lot-by-lot development with the remaining portion of the site retained as natural open space or parks.



Conventional Lots



Clustered Lots

Code, Zoning means Chapter 16 of the City of Maricopa Municipal Code.

Co-location means the location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure or otherwise sharing a common location. Co-location shall also include the location of wireless communications facilities with other facilities such as buildings, water tanks, light standards, and other utility facilities and structures.

Commercial vehicle means any vehicle currently registered as such with the state Department of Motor Vehicles or equivalent out-of-state or federal agency and is used primarily in the conduct of a business as opposed to private family or individual use.

Commission means the Planning & Zoning Commission of the City of Maricopa.

Committee means the Technical Advisory Committee, the Heritage District Committee, or any other committee as established by the City Council of the City of Maricopa.

Communication equipment building means a building that houses operating electrical and mechanical equipment necessary for the conducting of a public utility communications business, with or without personnel.

Community facilities include, but are not limited to government buildings, libraries, hospitals, local businesses, parks, and historic sites.

Condition of use means a development standard determined to be necessary to permit harmonious classification of a use as listed in a Zoning District and therefore a prerequisite to place, or for application to place, such use as classified.

Conditional approval means an affirmative action by the Commission or Council indicating that approval will be forthcoming with satisfaction of certain specified conditions or stipulations.

Condominium *(See also Time-share Unit)* means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. The term "condos" may also be used in this Code.

Conservation easement is a permanent open space easement granted to the City or to a public land trust to limit or prohibit development of the property; to protect archaeological sites, ecologically significant lands, scenic highways, hiking trails, biking trails, equestrian trails, and; to preserve the land for the scenic enjoyment of the general public.

Construction means construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land.

Conventional development means development other than a Cluster Development, a Master Plan Development (M.P.D.) or a Planned Area Development (P.A.D.).

Corral fence means a structure consisting of vertical posts with horizontal connectors, so constructed that 75 percent or more of the vertical surface is open. Corral fences do not include chain link fences.

Council means the City Council of the City of Maricopa.

County means Pinal County, Arizona.

Cultural facility means a facility engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. This does not include schools or institutions of higher education providing curricula of a general nature.

Cut means the removal of soil, rock, or other materials from a location which shapes and lowers the grade at the location.

Day means any day, Monday through Friday, that is not a federal, state, or local holiday.

De novo means "anew" or "from the beginning." When used in hearings, new testimony can be taken and new information considered, rather than relying only on the information in the record.

Density means the number of dwelling units per unit of land area.

Density, gross means the number of dwelling units per gross unit of land area.

Density, net means the number of dwelling units per acre of land excluding street right-of-ways, easements, public open space, land under water, and certified wetlands and floodplains. Setbacks for wetlands and other sensitive areas and private open space shall not be excluded in calculating net density.

Density bonus means a density increase over the otherwise maximum allowable residential density provided in this Code.

Department means the Development Services Department of the City of Maricopa.

Developer *(See also Subdivider)* means a person, firm, partnership, joint venture, trust, syndicate, association, corporation, limited liability company, or other legal entity who desirers to improve or otherwise engage in any development of property within the City of Maricopa, including the owner of the property; except that an individual serving as agent for such legal entity is not a developer.

Development means any manmade change to improved or unimproved real estate, including but not limited the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance.

Development agreement means an agreement between the City and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of Arizona Revised Statutes for such development agreements.

Director means the director of the Development Services Department and the Planning & Zoning Division of the City of Maricopa, acting either directly or through authorized agents.

Disability means a condition which renders an individual unable to engage in normal activities by reason of a medically determinable physical or mental impairment which can be expected to last for a continuous period for not less than 12 months.

Disabled person means a person who: (1) has a physical or mental impairment which substantially limits one (1) 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, "disabled" shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 United States Code 802]).

Dispensary facility means a location where marijuana is displayed, sold and/or ingested by a qualified patient, person with a valid identification care, or designated primary caregiver of a person with a valid identification card.

Domestic animal is an animal which is commonly maintained in residence with humans.

Dripline means a vertical line extending from the outermost portion of a tree canopy to the ground.

Driveway means an accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

Dwelling unit means a room or suite of rooms including one and only one kitchen, and designed or occupied as separate living quarters for one family, as defined below.

Easement means a portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

Effective date means the date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Emergency means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

Engineer means the City Engineer of Maricopa or their designated representative.

Engineering department means the Engineering Division of the Development Services Department of the City of Maricopa.

Equipment cabinet or enclosure means a cabinet or structure used to house equipment associated with a wireless communications facility.

Exception as related to subdivisions, means any parcel of land that is not owned by the developer or not included in the recorded plat. All such exceptions must be noted on the final plat as "not a part of this subdivision."

Facade means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Factory-built building means a residential or nonresidential 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, except that it does not include a manufactured home,

recreational vehicle or mobile home as defined in the Manufactured Home/Recreational Vehicle Regulations chapter of this Code.

Family means one or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a "family" need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house.

Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Fence means an artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

Figure means any graphic representation noted as "Figure" within this Code, that is used to illustrate and exemplify certain standards and regulations contained within the language of this Code.

Fill means soil, rock, or other material, deposited at a location by man that raises the grade at that location.

Finished grade means the final grade and elevation of the ground surface after grading is completed and in conformance with the approved grading plans.

Flood hazard zone means any land area partially or wholly within a delineated floodplain susceptible to flood related damage as designated on the Flood Management Maps. Such flood hazard zones may include, but not be limited to, areas highly susceptible to erosion, stream meander sensitivity, moveable bed, scour, and subsidence.

Flood prone area means any area within a floodplain.

Floodplain means low lands adjoining the channel of a river, stream or watercourse, lake or other body of water, which have been or may be inundated by floodwater, and those other areas subject to flooding. A floodplain may be that area further defined by the Drainage Policy of the City of Maricopa and as shown on Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRM) or an approved flood control study.

Floodway means the channel of a wash or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot.

Floor area means the total floor area in a building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building) unless otherwise stipulated; e.g., "ground" floor area.

Floor area ratio means the numerical value obtained through dividing the aboveground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

Foster home means a dwelling maintained by an individual or individuals having care or control of one but not more than six minor children, other than those related by blood, marriage, or adoption or those who are legal wards of such individuals, which is licensed by the Arizona State Department of Economic Security.

Foster home, group means a foster home suitable for the placement of more than six but not more than ten minor children which is licensed by the Arizona Department of Economic Security.

Foundation base means the area adjacent to the exterior walls of a building containing hardscape, such as entry plazas, covered walkways, sidewalks, ground cover, and landscaping.

Freeway means a restricted access highway.

Frontage, building means the exterior building wall of a ground floor business establishment on the side or sides of the building frontage and/or oriented toward a public street, highway or parkway.

Frontage, street or highway means that portion of a lot or parcel of land which borders a public street, highway or parkway.

Funeral parlors and mortuary means an establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Garage means a building or portion of a building that is enclosed and roofed and designed for the storage of motor vehicles.

General Plan means the General Plan of the City of Maricopa, and all elements thereof.

Glare means the effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

Grade means the approved grade of a lot or parcel of land at the time such lot or parcel is created, except when excavation is proposed. When excavation occurs after the lot or parcel is created, the grade of the excavated area shall be the grade after the excavation.

Grade plane means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plan shall be established by the lowest points within the area between the building

and the lot line or, where the lot line is more than five feet from the building, between the building and a point five feet from the building.

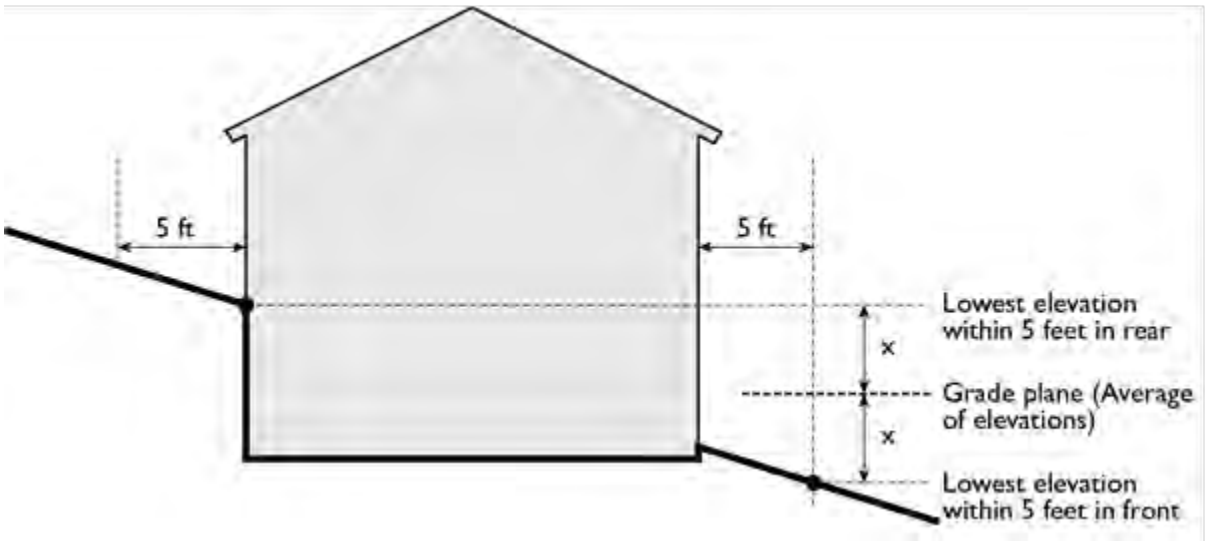


FIGURE 602.1: GRADE PLANE

Green Building means a whole systems approach to the design, construction and operation of buildings that substantially mitigates the environmental, economic, and social impacts of conventional building practices. Green building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water and other natural resources and provide a healthy, productive indoor environment.

Gross floor area means the sum of the gross areas of the floor or floors of a building or buildings.

Handicapped person means a person who: (1) has a physical or mental impairment which substantially limits one (1) 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, "handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 United States Code 802]).

Hardscape means part of a building's grounds consisting of structures, such as plazas, retaining walls and sidewalks, made with materials such as concrete and sidewalk pavers.

Hazardous materials includes any substance characterized as flammable solids, corrosive liquids, radioactive materials, oxidizing material, highly toxic materials, poisonous gases, reactive materials, unstable materials, hypergolic materials and pyrophoric material sand any substance or mixture of

substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means, or as otherwise defined by law.

Health Department means the Pinal County Health Department.

Hearing Officer means the Hearing Officer of the City of Maricopa, or his or her designee.

Height; when referring to a building, tower, or any other structure, means 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.

Highway means any expressway, freeway, major, secondary, limited secondary highway, or parkway.

Illegal nonconforming building or use means any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits required for the use at the time it was brought into existence.

Illegal nonconforming use and development-related definitions

> ***Abandoned*** means a use that has ceased or a structure that has been vacated for a time period as specified in this Code. Abandonment does not include temporary or short-term interruptions to a use or occupancy of a structure during periods of remodeling, maintaining, or otherwise improving or rearranging a facility.
>
> ***Illegal nonconforming building or use*** means a building or use that does not conform to one or more of the provisions of this Code and did not lawfully exist on the effective date of applicable sections of this Code.
>
> ***Nonconforming building or structure*** means any building or structure that was lawfully established and in compliance with all applicable Codes and laws at the time the ordinance codified in this Code or any amendment thereto became effective, but which, due to the application of this Code or any amendment thereto, no longer complies with all the applicable regulation and standards of development in the Zone in which it is located.
>
> ***Nonconforming lot*** means a lot, the area, dimensions, or location of which was lawful prior to the effective date of this Code, or any amendment thereto, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning District.

Nonconforming sign means a sign that lawfully existed prior to but which fails by reason of such adoption or amendment to conform to all of the standards and regulation of this Code.

Nonconforming use means a use of a structure or land that was lawfully established and maintained, but which does not conform with currently applicable use regulations for the district in which it is located by reason of adoption or amendment of this Code or amendment thereto or by reason of annexation of territory to the City.

Improvement plans means a set of plans setting forth the profiles, cross-sections, details, specifications, and instructions and procedures to be followed in the construction of public or private improvements in the City of Maricopa that are prepared and bear the seal of an Arizona - Registered Land Surveyor, Engineer, Architect or Landscape Architect in accordance with the approved preliminary plat, and zoning stipulations, and in compliance with standards of design and construction that are to be approved by the City Engineer, other City Departments, the applicable County Departments, and all applicable utilities.

Improvement standards means a set of regulations and exhibits setting forth the details, specifications and instructions to be followed in the design and construction of required improvements.

Income, area median means the current median annual household income for the Phoenix metropolitan area, as annually estimated by the United States Department of Housing and Urban Development.

Income, low means an annual income for a household which does not exceed 80 percent of the area median income.

Income, moderate means an annual income for a household which does not exceed 120 percent of the area median income.

Income, very low means an annual income for a household which does not exceed 50 percent of the area median income.

Irrigation facilities means laterals, ditches, conduits, pipes, gates, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water and the construction, operation, and maintenance of such.

Kitchen means any room or space used, or intended or designed to be used for cooking or the preparation of food.

Lamp means any source created to produce optical radiation (i.e. "light"), often called a bulb or tube.

Landscape means vegetation and irrigation, hardscape, public art or a combination thereof that may be calculated as open space (refer to the definition of *Open Space*).

Landscaping means the planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

LEED® means the "Leadership in Energy and Environmental Design" green building rating system developed by the U.S. Green Building Council.

Licensee means the adult, firm, partnership, association, corporation, county, city or other public agency having the authority and responsibility for the operation of a licensed community care facility.

Lighting, exterior means any equipment or fixture located or used to provide illumination of outdoor areas, objects or activities.

Lighting fixture means light fixtures including but not limited to the lamp, pole, post, ballast, reflector, lens diffuser, shielding, electrical wiring, and other necessary or auxiliary components.

Lighting system means all exterior man-made lighting sources, associated infrastructure and controls on a site.

Light trespass means unwanted light that falls on neighboring properties or public right-of-ways. Light trespass also includes glare or distraction for observers away from the area for which the light is intended.

Lot-related definitions

> ***Lot*** means a single piece of property having frontage on a publicly dedicated and accepted street or a private road approved and accepted by the City and which has been established by a plat, recorded subdivision or otherwise established by some legal instrument of record which is described and denoted as such.
>
> ***Lot area*** means the area of a horizontal plane within the lot lines of a lot but not including any area in a public way.
>
> ***Lot, corner*** means a lot or parcel of land situated at the intersection of two or more parkways, highways or streets, which parkways, highways or streets have an angle of intersection measured within said lot or parcel of land of not more than 135 degrees.
>
> ***Lot coverage*** means the percentage of the area of a lot that is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

Lot depth means 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 10 feet.

Lot, flag means a lot or parcel of land taking access by a strip, owner of which lot or parcel of land has fee-simple title to said strip extending from the main portion of the lot or parcel of land to the adjoining parkway, highway or street.

Lot, interior means a lot or parcel of land other than a corner or flag lot.

Lot, key means an interior lot adjoining the rear lot line of a reversed corner lot.

Lot line means a boundary line of a lot or of a parcel of land.

Lot line, front means a line separating the front yard from the parkway, highway or street upon which the yard fronts; or, in the case of a flag lot where the front yard is oriented toward an adjoining lot, the line separating such front yard from said adjoining lot.

Lot line, rear means a lot line which is opposite and most distant from the front lot line. For a triangular or gore-shaped lot, the rear lot line shall mean a line 10 feet to the length within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line, and the maximum distance from the front lot line.

Lot line, side means any lot boundary line which is not a front lot line or a rear lot line.

Lot line, street side means a side lot line of a corner lot that is adjacent to a street.

Lot, reversed corner means a corner lot, the parkway, highway or street side lot line of which is substantially a continuation of the front lot line of a lot or parcel of land which adjoins the rear lot line of said lot.

Lot splits means the division or re-division of improved or unimproved land or established lots, the area of which is two and one-half acres or less, into two or three tracts, parcels of land or lots for the purpose, whether immediate or future, of sale, lease, or conveyance (refer to the definition of *Minor Land Division* if greater than two and one-half acres in size).

Lot, through means a lot having a part of opposite lot lines abutting two 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.

FIGURE 602.2: LOT AND YARD TYPES

Lot width means:

A. **Rectangular Lots.** 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 setback line on a line parallel to the street or street chord;

B. **Curved Lots.** 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 setback line on a line parallel to the street or street chord.

Maintenance and repair means the repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.

Major highway means a road with four or more traffic lanes.

Manufactured home means a structure transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, is built on a permanent chassis, and is designed to be used as a dwelling, with or without a permanent foundation, when connected to utilities. This term does not include recreational vehicles.

Manufacturing means the process of creating a finished product by fabrication or from raw materials, especially by means of a larger scale industrial operation.

Massage and massage services means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations.

Master plan development (M.P.D.) means a mandatory plan for any development that is 320 or more contiguous acres and/or will be a multi-phased development of a large or complicated development application which provides information and graphics meeting the requirements of the Zoning Code and an overall master plan meeting the requirements of Chapter 17, Subdivision Code, for the purpose of implementing an integrated development scheme for all phases of the proposed development.

Microcell facility means a wireless communication facility serving a single carrier and consisting of an antenna no larger than four feet in height or, if tubular, no more than six feet long and four inches in diameter comprised of a networked set of antennas that are connected with each other and to a wireless service source, such that a one or more high-power antennas that serve a given area are replaced by a group of lower-power antennas to serve the same geographic area.

Minerals means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including but not limited to coal, peat and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

Minor land division means the division of improved or unimproved land, the area of which is greater than two and one-half acres and either requires creating a road and/or the land does not constitute a subdivision, as defined herein or by Arizona Revised Statutes, due to the size of the original parcel or number of lots being created for the purpose, whether immediate or future, of

sale, lease, or conveyance(refer to the definition of *Lot Splits* if less than two and one-half acres in size).

Mixed-use development means a building or group of buildings developed for residential uses that are integrated with non-residential uses such as, but not limited to, office, retail, service, commercial, public, or entertainment, in a compact urban form.

Natural features, significant means washes, significant vegetation, and significant rock outcroppings provided these features are in their undisturbed natural state.

Natural grade means the undisturbed natural surface of the land, including washes.

Natural wash, desert means any creek, stream, wash, channel, or other body of water having historical banks and with a flow rate equal to or greater than two cubic feet per second based on a 100-year storm event.

Net acres means the total acreage of a tract or parcel of land exclusive of the area existing or required for arterial or collector street right-of-way dedications and school/public site reservations. When calculating residential net acres within a Master Plan Development (M.P.D.) any multi-unit, commercial or industrial land use must be excluded in addition to those uses listed above.

Newspaper, general circulation means a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers, and has been established, printed, and published at regular intervals in the State, County or City.

Non-charted financial institution means 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 percent of the floor area of the store is devoted to the display or sale of merchandise.

Nursery means an establishment primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in packaged form only.

Occupancy, change in means the discontinuance of an existing use and the substitution therefore of a use of a different kind or class.

Occupant means the person occupying or having custody of a structure or premises as a lessee or other.

Occupant load means the total number of persons that may occupy a building or structure, or portion thereof, at any one time as provided by the Building Code.

Off-site means not located within the area of the property to be developed.

On-site means located on the lot that is the subject of discussion.

Open space means any parcel or area of land or water, natural or improved and set aside, dedicated, designated, or reserved for the use and enjoyment of all the residents of the development or the public in general. Open space does not include vacant or undeveloped lots, bike lanes or sidewalks attached to the back of the curb.

Open space, common means a shared open space intended for the exclusive use of the occupants of a residential building.

Open space, natural area means open space areas required for the preservation and conservation of plant and animal life, including habitat for wildlife species; and areas required for ecological, cultural and other scientific study purposes for long-term public benefit.

Open space, private means an open space intended for the exclusive use of the occupants of a dwelling unit.

Open space, public means an open space area conveyed or otherwise dedicated to a municipality, municipal agency, state or county agency, or other public body for recreational or conservational uses.

Open space, useable means land which can be enjoyed by people. This could include landscaped or hardscaped plazas, paseo and promenades, fountains and sitting areas meant to provide an open park like atmosphere. Also natural areas, landscaped buffers, landscaped retention basins if designed in accordance with specific open space standards, playgrounds, golf courses, bicycle trails (but not bike lanes), pedestrian trails (not residential sidewalks), trail heads and parks.

Outdoor entertainment or outdoor activities include any type of live entertainment or recreational activity taking place in a location visible to public view and not within an enclosed building.

Outside display means the placement of goods, equipment, merchandise or exhibits at a location visible to the public view, other than within a building.

Outside storage means the storage of goods, equipment or materials outside of a building for any purpose other than outside display.

Owner means the person indicated on the records of the Pinal County Assessor, or other official body, as the owner of record of the property in question.

Parcel of land means a contiguous quantity of land, owned by or recorded as the property of a person.

Parking lots or parking buildings means readily accessible areas within structures or surface parking areas, exclusive of aisles, driveways, ramps and columns, maintained exclusively for the parking of vehicles, not including areas for the parking or storage of commercial vehicles.

Parks means a public/private tract of land that contains a mix of active and passive recreation facilities including for example but not limited to tot lots, defined and improved play fields and/or sport court areas, and/or other recreational components, and picnic/seating/shade areas that are landscaped/hardscaped in a pleasing manner.

Parkway means a road having park-like features, with a right-of-way of not less than 80 feet.

Pedestrian oriented use means a land use intended to encourage walking customers and which, generally, does not limit the number of customers by required appointments or otherwise excluding the general public.

Pedestrian way means a public walk dedicated entirely through a block from street to street and/or providing access to a school, park, recreation area, trail system, or shopping area.

Permit means any Administrative Use Permit, Conditional Use Permit, Temporary Use Permit, Zoning Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

Permitted use means any use allowed in a Zoning District and subject to any restrictions applicable to that Zoning District.

Person means any individual, firm, copartnership, joint adventure, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other city, county, municipality, district, or other political subdivision, or any other group or combination acting as a unit.

Planned Area Development (PAD) means a development with a minimum of 30 but less than 320 acres total, all of which must be contiguous, in which flexibility can be sought in the zoning standards, in order to encourage cluster development or more creativity and sustainable design, thereby providing usable open spaces within and about the development and enhancing the residential character of the City. Planned Area Developments shall be subject to Planning Commission review and recommendation and City Council approval.

Planning & Zoning Commission means the Planning & Zoning Commission of the City of Maricopa.

Plasma center means any facility used in the collection, storage, or distribution of liquid blood plasma.

Plat means a map that provides for changes in land use or ownership.

Plat-related definitions

> ***Plat, final*** means a final map of all of a subdivision, including supporting data, in substantial conformance to an approved preliminary plat and all stipulations or conditions placed upon it by the Commission or Council, prepared by a registered land surveyor, in accordance with this Code and the Arizona Revised Statutes.
>
> ***Plat, preliminary*** means a tentative map, including supporting data, indicating a proposed subdivision design, prepared by a registered civil engineer, or a registered land surveyor, in accordance with this Code and the Arizona Revised Statues. A preliminary site plan for a condominium development shall be considered a preliminary plat.
>
> ***Plat, recorded*** means a final plat bearing all certificates of approval required by this Code and the Arizona Revised Statues and duly recorded in the Pinal County Recorder's Office.
>
> ***Plat, reversionary*** means:
>
> 1. A plat for the purpose of reverting previously subdivided acreage to unsubdivided acreage, or;
> 2. A plat for the purpose of vacating rights of way previously dedicated to the public and abandoned under procedures prescribed by the City Code, or:
> 3. A plat for the purpose of vacating or redescribing lot or parcel boundaries previously recorded.

Plot plan or **plan** means a site plan.

Pre-existing means in existence prior to the effective date of this Revised Code.

Preliminary approval means an affirmative action on a preliminary plat, noted upon prints of the plat, indicating that approval of a final plat will be forthcoming upon satisfaction of specified stipulations; and which constitutes authorization to submit final engineering plans and the final plat.

Preliminary meeting means an initial meeting between developer and municipal representatives that affords developer the opportunity to present their proposals informally and discuss the

project and address any items of controversy or requirements before the preliminary plat is submitted.

Principal use means a use that fulfills a primary or predominant function of an establishment, institution, household, or other entity and occupies at least 70 percent of the gross floor area .

Private access way means a private way of access dedicated as a tract to one or more lots or air spaces, which is owned and maintained by an individual or group of individuals and has been improved in accordance with City standards and plans approved by the City Engineer.

Private street means real property recorded as improved roadway for pedestrian and motor vehicle traffic, constructed and maintained by private parties.

Project means any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this Code.

Protected development rights plan means a final subdivision plat that meets all the requirements of this Code and A.R.S. §9-463.01, and which has been recorded with the County Recorder shall constitute a Protected Development Rights Plan.

Public street means real property dedicated for, and recorded as, public right-of-way for pedestrian and motor vehicle traffic, having a minimum width of 30 feet, and more typically having a minimum width of 50 feet. The term shall not include public right-of-way designated for limited access freeways or public alleys.

Qualified applicant means the property owner, the owner's agent, or any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

Reasonable accommodation means any deviation requested and/or granted from the strict application of the city's zoning and land use laws, rules, policies, practices and/or procedures.

Recorder means the Recorder of Pinal County.

Recreational vehicle (RV) means a vehicle-type unit which is one of the following:

1. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping.

2. A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

3. A park trailer built on a single chassis, mounted on wheels, and designed to be connected to utilities necessary for operation of installed fixtures and appliances, and having a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up, except that it does not include fifth wheel trailers.

4. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and having a trailer area of less than 320 square feet. This type includes fifth wheel trailers.

Renovation, exterior facade means a resurfacing of an existing building frontage so that the facade and signs are integrated into one unit.

Residential use means property that is specifically used for or planned for future residential occupancy, including platted lots and vacant undeveloped parcels of land located in a Residential Zoning District. This term excludes public or quasi-public uses located in Residential Zoning Districts, such as parks, open space, retention areas, churches, schools, or other undevelopable tracts of land.

Responsible party means a person charged with a civil violation of this Code.

Review authority means the body responsible for making decisions on zoning and related applications.

Right-of-way means any public or private access way required for ingress or egress, including any area required for public use pursuant to any official plan; rights-of-way may consist of fee title dedications or easements.

Road means an open way used for the passage of vehicles, and includes alleys, streets and highways.

Roadway easement means a recorded conveyance to the public over a described area for roadway related uses.

Roof area means that portion of a lot or parcel covered by the roof structure of all buildings, excluding the eves and overhangs, but including covered porches, patios and carports.

Room, habitable means an enclosing subdivision in a building commonly used for sleeping, living, cooking or dining purposes, excluding closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage space, cellars, utility rooms, and similar spaces.

Screening means a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

Secondary highway means a highway with four traffic lanes.

Section means a section of this Zoning Code, unless some other Code or statute is mentioned.

Service easement means an area provided for in the subdivision design at the rear of retail, commercial or multi-unit dwelling use of sufficient size and accessibility to facilitate the provision of necessary services.

Service provider means any authorized provider of wireless communications services.

Setback means the area between a property line and a building or structure which must be kept clear or open.

Sidewalk means a paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign means any letters, figure, symbol, emblem, logo, object, or display or any combination thereof, designed or used to identify, attract attention to, advertise, or communicate information.

Sign-related terms.

> ***Sign, A-frame*** means a form of temporary sign constructed of two panels to form a point and resembling the shape of the letter "A". Also known as a 'sandwich board' sign.
>
> ***Sign, animated*** means any sign or part of a sign which changes physical position by any movement, rotation or undulation or by the movement of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously.
>
> ***Sign, awning or canopy*** means a sign on a traditional canvas awning and/or a sign on the edge of a structural canopy that is otherwise permitted by this Code.
>
> ***Sign, bandit*** means a sign that is temporary and made of cardboard or foam board which is mounted on angle iron or wooden stake.
>
> ***Sign, banner*** means a temporary sign of fabric, plastic, or other light pliable material not enclosed in a rigid frame.
>
> ***Billboard*** (see "Off-site sign").
>
> ***Bulletin board*** means a sign which identifies a non-commercial institution or organization, on site, which contains the name of the institution or organization and associated individuals and general announcements of events or activities at the institution, or similar messages of general public interest.

Sign, business means a sign that attracts attention to a business or profession conducted on site, or to a commodity or service sold, offered or manufactured on site, or to an entertainment offered on site.

Sign, community means the "City of Maricopa Welcome Signs" and the integrated public service club(s) sign.

Comprehensive Sign Plan means a sign plan submitted under the guidelines of Section 409.15, intended to provide for the establishment of signage criteria that are tailored to a specific development location, and which may vary from specific Ordinance provisions.

Sign, construction means a temporary sign, limited to the period of construction, erected on a premises of an existing construction project, and designating the architect, contractor, designer, engineer, financier, or name and nature of the project.

Sign, directional means signs limited to directional messages, which do not contain identification or advertising copy, which aid the flow of pedestrian and vehicular traffic as well as providing directional information relating to points of interest, institutions, facilities and districts.

Sign, directory means a sign listing the names, uses, and/or locations of the various businesses or tenants within a building or a multi-tenant development, but not for the purpose of advertising products, goods, or services.

Sign, fascia means a sign permanently affixed to a horizontal piece covering the joint between the top of a building wall and the projecting eaves of a roof.

Fixed balloon means any air or gas filled inflatable object ground mounted or attached by a tether to a fixed place.

Sign, freestanding monument means an identification sign on its own self-supporting permanent structure, detached from supportive elements of a building on a base which has an aggregate width of at least 50 percent of the width of the sign and shall include the street address.

Sign, garage sale means a temporary sign advertising a temporary garage sale.

Sign, gasoline fuel price means a changeable copy sign advertising gasoline fuel prices only.

Sign, identification means a sign that includes, as copy, only the name of the business, place, facility, organization, building, or person it identifies and shall include the street address which shall be positioned on the side of the building that it is addressed from.

Sign, illuminated means a sign with the surface artificially lighted; either internally or externally. If externally illuminated the fixture shall be fully shielded and directed downward.

Sign, interior display means any poster, cut-out letters, painted text or graphic or other text or visual presentation placed within one foot behind a window pane, and is placed to be read from the exterior of a building. This does not include any item of merchandise normally displayed within a show window of a merchant.

Sign, kiosk means a city-provided, informational sign providing directional information to single unit and multi unit residential developments, commercial developments, local businesses, not-for-profit agencies, and community facilities.

Sign, marquee means a sign that is usually defined as any movie-type marquee with changeable copy. Marquee signs are considered permanent signs. A marquee is defined as a permanent canopy structure constructed of rigid materials that are attached to and supported by the building and that projects over the entrance to a building.

Sign, menu board means a sign displaying the bill of fare of a restaurant.

Sign, nameplate means a sign that identifies a resident's or home's name and address or the name of a farm, ranch, or commercial ranch. Such signs may be shingle, building, wall, or archway- mounted signs. Includes "billboards."

Sign, nonconforming means a sign lawfully erected and maintained prior to the adoption of this Code that does not conform with the requirements of this Code.

Sign, off-site means a sign located outside the legal description of the property that directs attention for a commercial purpose to a business, commodity, service, entertainment, product or attraction that is not sold, offered, or existing on the property where the sign is located.

Sign, on site means a sign which is either constructed or approved by the property owner that is located within the legal description of the property.

Sign, open house directional means a sign used to advertise the sale of a house and direct traffic to the house for sale.

Sign, pole means a sign that is supported by a pole and otherwise separated from the ground by air. Such as monument signs, pole signs are separate from a building.

Sign, political means a temporary sign which supports any candidate for public office or urges action for or against any other matter on the ballot of primary, general, or special elections.

Sign, portable means a temporary sign not affixed to a structure or ground mounted on a site. It rests on the ground and consists of two sign faces, i.e. but not limited to A-frame signs.

Sign, projecting means a sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building or other structure.

Sign, reader panel means a sign designed to permit immediate change of copy using individual letters, such as electronic or digital in nature.

Sign, real estate means a sign advertising for sale, lease, auction or rent of the property or building upon which it is located.

Sign, roof means a sign erected on, above, or over the roof of a building so that it projects above the highest point of the roofline, parapet, or fascia.

Sign, under canopy means a sign suspended from, and located entirely under a covered porch, covered walkway, or an awning and is anchored or rigidly hung to prevent the sign from swinging due to wind movement.

Sight visibility triangle means the area of visibility on a street corner to allow for safe operations of vehicles, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

Sketch plan means a preliminary presentation of a proposed subdivision or site plan of sufficient accuracy to be used for discussion purposes and identification of any items of controversy or issues of concern.

Solid fill means any inorganic, noncombustible materials, insoluble in water, such as soil, rock, sand or gravel that can be used for grading land or filling depressions.

Staging area means a staging area is a trailhead specifically designed to accommodate equestrians. It includes areas for horse trailer parking, and facilities for hitching, mounting, and watering horses.

Stand means a structure for the display and sale of products with no space for customers within the structure itself.

Stealth facility means any commercial wireless communications facility that is designed to blend into the surrounding environment by means of screening, concealment, or camouflage. The antenna and supporting antenna equipment are either not readily visible beyond the property on which they are located, or, if visible, appear to be part of the existing landscape or environment rather than identifiable as a wireless communications facility.

Story means the portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. "Story" includes a basement, but not a cellar.

Street means a public or private right-of-way, other than a highway or alley, whose function is to carry vehicular traffic and/or provide vehicular access to abutting property.

Street-related terms.

> ***Street, arterial*** means a general term designating streets of major significance to the community, including section line and major streets and State and County highways, that are designed to carry substantial volumes of traffic, providing a system for citywide through-traffic movement.
>
> ***Street, collector*** means the collector streets provide mobility and access and link the arterial and local roadways as well as allowing access to adjacent properties.
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> ***Street, cul-de-sac*** means a local street having one end permanently terminated in a vehicular turnaround, or an equally convenient form of turning, and backing areas as may be recommended by the City Engineer.
>
> ***Street, frontage*** or highway means that portion of a lot or parcel of land which borders a public street, highway or parkway.
>
> ***Street, local*** means streets that provide for direct access to residential or other abutting land and serve local traffic movement with connections to roadways of higher classification.
>
> ***Street, private*** means any road or street that is not publicly owned and maintained providing access to lots or units over a common parcel, primarily by the owners or occupants of the common parcel, and necessary service and emergency vehicles, but from which the public may be excluded.

Structural alteration means any change of the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists, ceiling joists, or roof rafters.

Structure means anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

Subdivider *(See also Developer)* means a person, firm, corporation, partnership, limited liability company, association, syndicate, trust, or other legal entity that files the application and initiates proceedings for a subdivision in accordance with the provisions of Chapter 14, Subdivision Code, and statutes of the State of Arizona, except that an individual serving as agent for such legal entity

is not a developer; and said developer need not be the owner of the property as defined by this Code. The City Council may itself prepare or have prepared a plat for the subdivision of land under municipal ownership.

Subdivision means improved or unimproved land or lands divided for the purpose of financing, sale, lease, or conveyance whether immediate or future, into four or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into two or more parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, patiohome, or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

A. "Subdivision" does not include the following:

1. The sale or exchange of parcels of land between adjoining property owners if such sale or exchange does not create additional lots.

2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.

3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil, or gas leases.

Swimming pool means a contained body of water used for bathing or swimming purposes either above or below ground level with the container being 18 or more inches in depth at any point, and/or wider than eight feet at any point measured on the long axis.

Tattooing means to insert pigment under the surface of the human skin by pricking with a needle or otherwise to produce an indelible mark or figure visible through the skin.

Technical Advisory Committee means the selected group of technically qualified individuals, appointed by the Administrator, made up of City Staff and other public or private agencies and utility company representatives responsible to ensure compliance with City Ordinances, Codes and Standards as they relate to the subdivision process.

Technical review means the detailed review of proposed preliminary plats, by the Technical Advisory Committee, for compliance with City Codes, Ordinances, Standards, or conditions of approval by the Commission or City Council. Other utilities and public agencies are invited to review the plat as it relates to their conditions of service or need.

Telecommunications-related terms.

Alternative Tower Structure means, any existing or proposed vertical structure that is designed to contain a wireless communication antenna including but not limited to clock towers, bell steeples, light poles, ball field lights, wind mills, and similar alternative mounting structures that may be used to attach antennas and towers to minimize impact (see also *Stealth*).

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.

Antenna, alternative tower mounted means an antenna mounted on a water tower, street, utility pole, sign, or structure of similar character.

Antenna, amateur radio means a ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service and as designated by the Federal Communications Commission (FCC).

Antenna, building or structure-mounted means antenna mounted to a building, rooftop equipment screen, or structure that transmits or receives electromagnetic signals.

Antenna, direct broadcast satellite service (DBS) means an antenna, usually a small home receiving dish, designed to receive direct broadcast from a satellite.

Antenna, ground-mounted means any antenna that is not mounted on a pole, a structure, or the roof or wall of a building.

Antenna, multipoint distribution services (MDS) means an antenna designed to receive video programming services via multi-point distribution services, including multipoint, multichannel distribution services, instructional television fixed services, and local multipoint distribution services.

Antenna, roof-mounted means an antenna directly attached or affixed to the roof of an existing structure.

Antenna, satellite means any antenna used to receive and/or transmit radio or television signals from orbiting communications satellites.

Antenna, satellite earth station means an antenna designed to receive and/or transmit radio frequency signals directly to and/or from a satellite.

Antenna, television broadcast service (TVBS) means an antenna designed to receive only television broadcast signals.

Antenna structure means an antenna array and its associated support structure, such as a mast or tower (not including a suspended simple wire antenna), that is used for the purpose of transmitting and/or receiving electromagnetic signals, including but not limited to radio waves and microwaves.

Antenna structure, freestanding means an antenna structure or mast that is not attached to any part of a building, fence, or other such structure. Freestanding antenna structures include communications towers, wooden utility poles, and concrete and steel monopoles. If the total height of the structure, including the antenna, is at least 17 feet high, it shall be treated as a monopole.

Antenna structure, monopole means an antenna structure, often tubular in shape, usually made of metal, reinforced concrete, or wood and which is at least 17 feet in height. A monopole may also be an alternative tower structure that is designed to replicate a tree or other natural feature.

Array means one or more rods, panels, discs or similar devices used for transmission or reception of radio frequency (RF) signals through electronic energy, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

Close Mount means the antenna and appurtenances are designed in a manner to reduce the visual impact of the facility by tightly clustering the devices or equipment(s).

Existing Structure means light poles, power poles, flagpoles, buildings and any other similar vertical structures which are placed within the City.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Mobile Antenna(s) also known as Cell on Wheels (COW) or temporary antenna means a mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment maybe located on a truck or trailer, designed to be a temporary part of a cellular network.

Pre-existing towers and pre-existing antennas means any tower or antenna for which a building permit has been properly issued prior to the effective date of this Code, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

Readily visible means an object that can be identified as a wireless telecommunications facility when viewed with the naked eye.

Related equipment means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

Site means the physical location upon which wireless telecommunications facilities are located. Unless otherwise stated in this Code, "site" shall be limited to the area occupied by a single tower and its accompanying ground- or roof-mounted equipment.

Stealth means man-made trees, clock towers, palm trees, faux wind mills and water towers, chimneys and similar structures to design mounting structures that camouflage or conceal the presence of antennas and towers.

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, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, stealth towers and alternative tower structures. The term also includes the structure and any support thereto.

Utility means a private business organization, subject to governmental regulation, that provides an essential commodity or service, such as water, electricity, transportation, or communication, to the public.

Terminal means any facility designed or intended to be used for the receiving or discharging of passengers or cargo and providing for the temporary or permanent storage of the conveyance vehicle. Terminals include train terminals, airports, bus terminals, freight terminals, harbor terminals, or any combination of the above commonly referred to as multipurpose terminals.

Theater means an enclosed building used for public assembly and/or entertainment, including sports events, theatrical performances, concerts and recitals, circuses, stock shows and conventions. "Theater" includes auditoriums.

Time-share unit *(See also Condominium*) means a right of occupancy in a time-share project, condominium or multiple residence unit, which is owned, occupied, or possessed, under either interval ownership or fractional fee interests as may be determined by the City Council.

Tot lot means an improved and equipped play area primarily for small children, usually no older than elementary school age.

Townhouse means a building on its own separate lot containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhouse dwelling units by at least one common wall. Townhouse shall also mean patio home.

Trail, multi-use means a hard surfaced trail designed for all types of non-motorized use.

Trail, unpaved means a designated trail designed to accommodate primarily equestrians, off-road bicycles, and pedestrian users.

Trailhead means a trailhead serves as the beginning point of a trail and must be ADA accessible and include parking, trail information and may also include trash receptacles, water, sanitary facilities and shade structures/ramadas.

Transparent or non-opaque means any surface, screen, window, wall, or other structural element through which objects can be clearly seen by the human eye.

Usable lot area means that portion of a lot usable for, or adaptable to, the normal uses made of property, excluding any areas which may be covered by water, are excessively steep, or are included in certain types of easements. Areas covered by water shall include areas within the defined flood plain, flood prone areas, or are within the perimeter of a given body of water that will remain after the development is completed.

U.S.C. & G.S. means the United States Coast and Geodetic Survey.

U.S.A.C.O.E. means the United States Army Corp of Engineering.

Use means and includes construction, establishment, maintenance, alteration, moving onto, enlargement and occupation. Wherever this title prohibits the "use" of any premises for any purposes, such premises and any building, structure or improvement on such premises shall not be used, occupied, altered or improved for such purpose, and no building, structure or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto or enlarged which is designed, arranged or intended to be occupied or used for such purpose.

Use, abandoned means a use that has ceased or a structure that has been vacated for a time period as specified in this Code. Abandonment does not include temporary or short-term interruptions to a use or occupancy of a structure during periods of remodeling, maintaining, or otherwise improving or rearranging a facility.

Use permit means discretionary permit, such as a minor use or conditional use permit, which may be granted by the appropriate City of Maricopa authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

Utility services means service to the public of water, sewer, gas, electricity, telephone and cable television. The foregoing shall be deemed to include facilities and appurtenances to the above uses but shall not include public utility treatment and generating plants or offices.

Variance means a discretionary grant of permission to depart from the specific requirements of this Code that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zoning classification.

Vehicle, inoperative means any motor vehicle that cannot be operated lawfully on a public street or highway for any reason other than the lack of current vehicle registration, or that cannot be moved under its own power.

View fencing (view fence) means fencing that is constructed in such a manner as to achieve 80 percent overall openness.

Visible means capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

Wall means any exterior surface of a building or any part thereof, including windows.

Warehousing means a business in which goods or merchandise are stored as a principle activity, including shipping or distribution activities

Waste transfer facility means a facility that operates as a materials recovery, recycling and solid waste transfer operation providing solid waste recycling and transfer services for other local jurisdictions and public agencies that are not located within the City of Maricopa. The facility sorts and removes recyclable materials (including paper, metal, wood, inert materials such as soils and concrete, green waste, glass, aluminum and cardboard) through separation and sorting technologies to divert these materials from the waste stream otherwise destined for landfill.

Watercourse means 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 supply, assurance (100 Years) means a written statement from the water company, providing water to the subdivision, that states the water supply and flows are adequate and in accordance with City and the Fire Districts requirements and provide evidence that it meets the Arizona Department of Water Resources requirements for a 100 year assured supply.

Wheel stop means a physical barrier sufficient in size to prevent the movement of automobiles or other vehicles over or past such barrier.

Wild animal means any wild, exotic, dangerous or nondomestic animal, including but not limited to mammals, fowl, fish or reptiles.

Wireless communications facility means personal wireless service facilities including but not limited to facilities that transmit and/or receive electromagnetic signals for cellular radio telephone service, personal communications services, enhanced specialized mobile services, paging systems,

and related technologies. Such facilities include antennas, microwave dishes, parabolic antennas, and all other types of equipment used in the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; associated equipment cabinets and/or buildings; and all other accessory development used for the provision of personal wireless services. These facilities do not include radio and television broadcast towers and government-operated public safety networks.

Workforce housing means the base price of the housing is affordable, according to the Federal Department of Housing and Urban Development, for either homeownership or rental, and that it is occupied, reserved, or marketed for occupancy by households with a gross income that is greater than 50 percent but does not exceed 80 percent of the median gross household income for households of the same size within the City of Maricopa, as determined by the latest U.S. Census information.

Yard means an open space on the same lot or parcel of land, other than a court, unoccupied and unobstructed from the ground upward.

Yard, front means a yard extending across the full width of the lot or parcel of land. On corner lots, the front yard shall be located across the narrower frontage of the lot.

Yard, rear means a yard extending across the full width of the lot or parcel of land.

Yard, side corner means a yard bounded by an alley, highway or street, extending from the required front yard, or the highway line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required.

Yard, side interior means a yard extending from the required front yard, or the highway line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required on other than a corner side yard.

Zone means a district classification established by the Zoning Code of the City of Maricopa that limits or permits various and specific uses.

Zoning Administrator means the Zoning Administrator for the City of Maricopa or their representative.

Zoning clearance means the approval by the Zoning Administrator of a plan that is in conformance with the Zoning Code of the City of Maricopa.

Zoning Code means Chapter 16 of the City of Maricopa Municipal Code.

Zoning district means a zoned area in which the same zoning regulations apply throughout the district.

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