

Rules of Transition Peer Review

City	Refers to existing PAD development	Existing Approved Preliminary Plat Expiration & Extensions	Existing Approved Design Review/Site Plan Review, not exercised	Existing Approved Use Permit, not exercised	Applications in process (not approved) at time of code adoption	Extensions Allowed
Markopa	Yes - Development standards & requirements of the new code apply if not specifically modified by the PAD or more restrictive than current code	Does not effect current expirations and allows for unlimited extensions	Allows existing approved site plans 2 years from new code adoption, if not specified in conditions of approval. Extensions permitted	Allows existing use permits not yet exercised - 2 years from new code adoption, if not specified in conditions of approval. No extensions	Yes, treated the same as existing approved- extensions are permitted	Yes, unlimited
Queen Creek	No	Yes; Extensions permitted for 18 months, or as otherwise approved	One (1) 18 month extension		Yes, need to construct within 18 months of adoption	For ALL applications in process: Yes - 18 months
Gilbert	Yes - Development standards & requirements of the new code apply if not specifically modified by the PAD	Valid for 1 year after adoption, no extensions	Valid for 1 year after adoption, no extensions	Valid for 1 year after adoption, no extensions	Yes; 1 year approval, no extensions	No
Peoria		All applications have expiration if approval is not exercised within the specific time frame				
Tempe		"Developments and uses for which approvals were lawfully granted prior to the effective date of this Code, may occur pursuant to such approvals" (approvals in Tempe typically have expirations if not exercised, including PAD's)				
Pinal County	PAD provisions retire old districts and procedures and adopt new process					Not Specified
Goodyear	Yes - Development standards & requirements of the new code apply to the max. extent possible. Where conflict occurs, PAD provisions control. If rezoning is subject to a schedule of development that expired, property shall be developed under the new code				No	Not specified
Mesa	No	Expires after 1 year of new code. New Plans must comply with new code if not otherwise modified by PAD. No extensions permitted	Expires on approved expiration not to exceed 3 years from adoption	Expires after 1 year of new code. New Plans must comply with new code if not otherwise modified by PAD. No extensions permitted	Yes	Code is conflicting, but allows an extension for pre-plat not yet approved.
Flagstaff		Expires after 1 year of new code. New Plans must comply with PAD. otherwise modified by PAD.		Expires after 1 year of new code. New Plans must comply with new code if not otherwise modified by PAD.	1 year approval	No

- C. **Provisions Interpreted as Minimum Requirements.** In interpreting and applying the provisions of [Title 11](#), the applicant shall meet or exceed the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.
- D. **Relation to Other Regulations.** The regulations of this [Ordinance](#) and requirements or conditions imposed pursuant to this Ordinance 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 Ordinance. All uses and development authorized by this Ordinance shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Ordinance and any other City Ordinance, chapter, resolution, guideline or regulation, the more restrictive provisions shall control, unless otherwise specified.
- E. **Relation to Private Agreements.** The provisions of this [Ordinance](#) shall apply regardless of any private agreements in the event that the provisions of this Ordinance are more restrictive. Otherwise, this Ordinance shall not interfere with, affect or annul any recorded easement, covenant, or other private agreement now in effect, unless a Development Agreement has been authorized by the [City Council](#) and executed by recording the Development Agreement with the [County Recorder's Office](#), pursuant to [ARS 9-500.05](#).

11-1-5: Consistency with the General Plan

Each application for [Special Use Permits](#), [Council Use Permits](#), site plan review, site plan modification or request to modify the zoning classification of a parcel of land shall be reviewed and evaluated for consistency with the [City of Mesa General Plan](#). With regard to requests to modify the zoning classification of specific parcels of land, where there is a conflict between this Ordinance and the General Plan, the General Plan shall prevail.

11-1-6: Effect on Previously Approved Projects and Projects in Progress

Upon the effective date of this [Ordinance](#), the following requirements shall apply to all properties:

A. Violations Continue.

Any violation of the [Zoning Ordinance](#) previously in effect will continue to be a violation under this Ordinance and shall be subject to penalties and enforcement under [Title 11, Chapter 79](#) unless the use, development, construction or other activity complies with the provisions of this Ordinance.

B. Projects with Approvals or Permits.

1. **Design Review Approved Prior to Effective Date of this Ordinance.** A project which has received Design Review approval prior to the effective date of the this

Ordinance may file an application for a building permit in compliance with the approved [Design Review](#) plan and conditions of approval, even if the project does not comply with the provisions of the this Ordinance. Upon approval of the construction plans, a building permit may be issued. The [Design Review](#) approval for projects approved prior to the effective date of this Ordinance shall be valid for 3 years from the effective date of approval of this Ordinance. No time extensions shall be permitted.

2. ***Preliminary Subdivision Plat Approved Prior to Effective Date of the This Ordinance.*** A project which has a preliminary plat approved prior to the effective date of the this [Ordinance](#) may file an application for a final subdivision plat and improvement plan approval, even if the subdivision does not fully comply with the provisions of the this Ordinance. If a final plat application is not filed within 1 year, unless extended as provided by the [Subdivision Regulations](#), of the date of preliminary plat approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with this Ordinance.
3. ***Conditional Use Permit Approved Prior to Effective Date of this Ordinance, No Design Review Required.*** A project which has received a conditional use permit (including [Special Use Permits](#) or [Council Use Permits](#) prior to the effective date of this Ordinance may file an application for a building permit, even if the project does not fully comply with the provisions of the this Ordinance. If a building permit application is not filed within 1 year of the date of the conditional use permit approval, the use permit shall expire. No time extensions shall be permitted.
4. ***Conditional Use Permit Approved Prior to Effective Date of this Ordinance, Design Review Required.*** A project which has an approved conditional use permit (including [Special Use Permits](#) or [Council Use Permits](#) may file an application for [Design Review](#) even if the use does not fully comply with the provisions of the this Ordinance. If a Design Review application is not filed within 1 year of the date of the conditional use permit approval, the conditional use permit shall expire. If an application is made for design review approval within 1 year and that approval is received, the conditional use permit shall remain valid for a period of 1 more year provided a building permit is applied for and construction commences within that year. No time extensions shall be permitted. Subsequent applications for design review shall comply with this Ordinance.
5. ***Building Permit Application Filed Prior to Effective Date of this Ordinance.*** Any building, structure, or sign for which a completed [building permit application](#) is filed prior to the effective date of the this [Ordinance](#) 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 this Ordinance. If construction has not commenced in compliance with the applicable permit terms, the [Building Official](#) may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign has not been completed before the building permit or any extension of the permit expires, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the this Ordinance.
6. ***Building Permit Issued Prior to Effective Date of this Ordinance.*** Any building, structure, or sign for which a lawful building permit is issued prior to the effective date of this Ordinance 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 this Ordinance. If construction has not commenced in compliance with the applicable permit terms, the [Building Official](#) may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign has not been 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 Ordinance.

C. Planning Applications Filed Prior to the Effective Date of this Ordinance.

1. ***Applications for Design Review, Site Plan Review and Preliminary Plats, or Modifications to Previously Approved Applications, Submitted Prior to the Effective Date of this Ordinance.*** Complete applications filed prior to the effective date of this Ordinance may be approved under the provisions of the [Zoning Ordinance](#) in place prior to the effective date of this Ordinance. Applicants may elect to develop under the provisions of this Ordinance, but in that case shall comply with all provisions of this Ordinance. If a building permit application is not filed within 3 years of the date of approval of the Design Review, or 1-year after the approval of the preliminary plat, the approval shall expire. No time extensions shall be permitted, unless approval of the preliminary plat is extended, based on the requirements of the [Subdivision Regulations \(Title 9, Chapter 6 of the Mesa City Code\)](#).
2. ***Applications for Conditional Use Permit Submitted Prior to the Effective Date of this Ordinance.*** Complete applications filed prior to the effective date of this Ordinance may be approved under the provisions of the [Zoning Ordinance](#) in place prior to the effective date of this Ordinance. Applicants may elect to develop under the provisions of this Ordinance, but in that case shall comply with all provisions of this Ordinance. If a building permit application is not filed within 1 year of the date of approval of the use permit, the approval shall expire. If the building permit application expires, or once issued, the building permit expires, the conditional use permit approval shall also expire. No time extensions shall be permitted.
3. ***Applications for Rezoning Filed Prior to the Effective Date of this Ordinance.*** Rezoning applications filed prior to the effective date of this Ordinance shall be governed by the provisions of the [Zoning Ordinance](#) in place prior to the effective date of this Ordinance. The applicant may elect to comply with this Ordinance by submitting a written preference when filing the application for rezoning with the [Planning Division](#) office, but in that case shall comply with all provisions of this Ordinance. If a building permit application is not filed within 3 years of the date of the effective date of this Ordinance, the approval to use the provisions of the previous [Zoning Ordinance](#) shall expire. If the building permit application expires, or once issued, the building permit expires, then any plans adopted as part of the approved rezoning shall be modified to comply with the provisions of this Ordinance. No time extensions shall be permitted.

D. Partially Constructed Project.

If a project has begun construction or has been issued a building permit based on conditions described in Paragraphs B or C of this Section (above), but has started and stopped construction midway through the development of the site without receiving a completed certificate of occupancy, or has not completed all requirements associated with the project, such as installation

- G. References to a public official in the City are to that person who performs the function referred to and includes a designee of such official.
- H. All references to measurements are in feet unless otherwise indicated.

10-10.30.060 Computation of Time

- A. When the period of time prescribed or allowed by this Zoning Code is less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation.
- B. When the period of time prescribed or allowed by this Zoning Code is 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

10-10.30.070 Calculation of Fractions

Any fraction greater than or equal to 0.50 shall be rounded up to nearest whole number. Any fractional unit less than 0.50 shall be rounded down to nearest whole number.

10-10.30.080 State Law Requirements

Where this Zoning Code references applicable provisions of State law (e.g., A.R.S. § 9-500.12(B)) the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

10-10.30.090 Rules of Transition

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

- A. **Violations Continue**
Any violation of the zoning code previously in effect (1991 Land Development Code) will continue to be a violation under this Zoning Code and shall be subject to the penalties and enforcement provisions provided in Division 10-20.110 (Enforcement), unless the use, development, construction or other activity complies with the provisions of this Zoning Code.

B. Developments with Approvals or Permits**1. Building Permit Issued Prior to Effective Date**

Any building, structure, or sign for which a lawful Building Permit is issued or for which a complete Building Permit or Sign Permit application as determined by the Building Official or Director has been filed one day prior to the effective date of this Zoning Code, may be constructed and completed in conformance with the permit and other applicable approvals, permits and conditions, even if such building, structure or sign does not fully comply with this Zoning Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension in compliance with the provisions of the Building Code. If the extension does not state a specific time, it shall be an extension for six months. If the building, structure, or sign is not completed in conformance with the Building Permit and any granted extension, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with this Zoning Code.

2. Final Site Plan Review and Approval Prior to Effective Date

An applicant whose development has received Site Plan Review and Approval prior to the effective date of this Zoning Code may file an application for a Building Permit in compliance with the approved site plan and any conditions of approval, even if the development does not comply with the provisions of this Zoning Code. Upon approval of construction plans for the development, a Building Permit may be issued. Site Plan Review and Approval for developments approved prior to the effective date of this Zoning Code shall be valid for one year from the date of approval. No time extensions shall be permitted.

3. Preliminary Subdivision Plat Approved Prior to Effective Date

An applicant who has received preliminary plat approval for a proposed subdivision not identified as a protected development as defined in A.R.S. § 9-1201 prior to the effective date of this Zoning Code may file an application for final plat approval, even if the subdivision does not fully comply with the provisions of this Zoning Code and City Code Title 11 (Subdivision and Land Split Regulations). If an application for final plat approval is not filed within one year of the date of the preliminary plat's approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with this Zoning Code and City Code Title 11 (Subdivision and Land Split Regulations).

4. Conditional Use Permit Approved Prior to Effective Date

An applicant for a use for which a Conditional Use Permit has been approved prior to the effective date of this Zoning Code may file an application for a Building Permit, even if the use does not fully comply with the provisions of this Zoning Code. If a Building Permit application is not filed within one year of the date of approval of the Conditional Use Permit, it shall expire. No time extensions shall be permitted.

C. Applications Filed Prior to the Effective Date

1. Complete applications for new developments including, but not limited to Site Plan Review and Approval, Conditional Use Permits, and preliminary plats, filed prior to the effective date of this Zoning Code may be approved under the provisions of the zoning code previously in effect (1991 Land Development Code). Applicants may also elect to develop in compliance with the provisions of this Zoning Code, and in that case shall comply with all provisions of this Zoning Code. If a Building Permit application is not filed within one year of the date of approval of the application for new development, the approval shall expire. No time extensions shall be permitted.
2. Applications for amendments to the Zoning Map filed prior to the effective date of this Zoning Code shall be governed by the provisions of the 1991 Land Development Code unless the applicant elects to comply with this Zoning Code.

D. Planning Applications Filed After the Effective Date

All applications for new developments including, but not limited to, Site Plan Review and Approval, Conditional Use Permits, and preliminary plats as well as amendments to the Zoning Map, filed on or after the effective date of this Zoning Code, including modifications and amendments, shall conform to the provisions of this Zoning Code.

3. "Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.
- C. References to departments, commissions, boards, or other offices are to those of the Town of Gilbert unless otherwise indicated.
- D. References to a public official in the Town are to that person who performs the function referred to and includes a designee of such official.
- E. All references to days are to calendar days unless otherwise indicated.
- F. All references to measurements are in feet unless otherwise indicated.
- G. The words "activities" and "facilities" include any part thereof.

1.108 Rules of Transition

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

- A. ***Violations Continue.*** Any violation of the Zoning Code previously in effect (Unified Land Development Code) will continue to be a violation under the Zoning Code and shall be subject to penalties and enforcement under Article 5.12: Enforcement, unless the use, development, construction or other activity complies with the provisions of the Zoning Code.
- B. ***Projects with Approvals or Permits.***
 1. ***Building Permit Issued Prior to Effective 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. 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 the 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 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 Design Review Approved Prior to Effective Date of the Zoning Code.* A project which has received Final Design Review approval prior to the effective date of the Zoning Code may file an application for a building permit in compliance with the Final Design Review plan and conditions of approval, even if the project does not comply with the provisions of the Zoning Code. Upon approval of the construction plans, a building permit may be issued. The Final Design Review approval for projects approved prior to the effective date of the Zoning Code shall be valid for 1 year from the date of approval by the Design Review Board. No time extensions shall be permitted.
4. *Preliminary Subdivision Plat Approved Prior to Effective Date of the Zoning Code.* A project which has a preliminary plat approved prior to the effective date of the 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 the Zoning Code. If a final plat application is not filed within 1 year of the date of preliminary plat approval, 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 Design Review Required.* A project which has received a use permit prior to the effective date of the Zoning Code may file an application for a building permit, even if the project does not fully comply with the provision of the Zoning Code. If a building permit application is not filed within 1 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, Design Review Required.* A project which has an approved use permit may file an application for design review even if the use does not fully comply with the provisions of the Zoning Code. If a design review application is not filed within 1 year of the date of use permit approval, the use permit shall expire. No time extensions shall be permitted. Subsequent applications for design review shall comply with the Zoning Code.

- C. ***Planning Applications Filed Prior to the Effective Date of the Zoning Code.***
1. ***Applications for Design Review, Use Permits, and Preliminary Plats Submitted Prior to the Effective Date of the Zoning Code.*** Complete applications filed prior to the effective date of the Zoning Code may be approved under the provisions of the Unified Land Development Code (ULDC). Applicants may elect to develop under the provisions of the Zoning Code, but in that case shall comply with all provisions of the Zoning Code. If a building permit application is not filed within 1 year of the date of approval of the design review, 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 the ULDC unless the applicant elects to comply with the 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 the Zoning Code shall be developed in accordance with the approved preliminary development plan, standards, and conditions of approval. The development standards and requirements of the Zoning Code shall apply if not specifically modified by the PAD ordinance.
- E. ***Planning Applications Filed After the Effective Date of the Zoning Code.*** All applications for rezoning, design review, use permits, and preliminary subdivision plats filed after the effective date of the Zoning Code, including modifications and amendments, shall conform to the provisions of the Zoning Code.

1.109 Rules for Interpretation

- A. ***Zoning Land Use Regulations.*** Where uncertainty exists regarding the interpretation of any provision of the Zoning Code or its application to a specific site, the Zoning Administrator shall determine the intent of the provision. The determination of the Zoning Administrator may be appealed in accordance with the provisions of Section 5.2011: Procedures for Appeals.
- B. ***Official Zoning Map.*** Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:
1. District boundaries shown as approximately following the property line of a lot or parcel shall be construed to follow such property line.

Article 1.1: Title and Purpose

2. Where a district boundary divides a lot or parcel, the location of the district boundary shall be determined by the Zoning Administrator using the scale appearing on the Official Zoning Map.
 3. District boundaries shown as approximately following right-of-way lines of freeways, streets, railroads, or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.
 4. District boundaries shown as lying within right-of-way lines of freeways, streets, railroads, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.
 5. District boundaries shown as lying at the edge of a canal or drainage channel shall be construed to follow the centerline of the canal or drainage channel.
 6. If any uncertainty remains as to the location of a district boundary or other feature shown on the Official Zoning Map, the location shall be determined by the Zoning Administrator.
- C. ***Record of Interpretation.*** The Zoning Administrator shall keep a record of interpretations made pursuant to this section. The record of interpretations shall be available to the public.

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

1.7 TRANSITIONAL PROVISIONS.

- A. **VIOLATIONS CONTINUE.** Any violation of the previous Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under §2.5 of this Ordinance, unless the use, development, construction or other activity complies with the provisions of this Ordinance.
- B. **NONCONFORMITIES UNDER PRIOR ORDINANCE.** Any legal nonconformity under the previous Zoning Ordinance also will be a legal nonconformity under this Ordinance, so long as the situation that resulted in the legal nonconforming status under the previous Ordinance continues to exist. If a legal nonconformity under the previous Ordinance becomes conforming because of the adoption of this Ordinance, then said use or structure will no longer be considered a nonconformity.
- C. **COMPLETION OF DEVELOPMENT.**
 1. **APPLICATION SUBMITTED BEFORE EFFECTIVE DATE.** Complete applications submitted before the Effective Date of this Ordinance and pending approval at the time of the Effective Date of this Ordinance may, at the applicant's option, be approved and permits may be issued under the terms of the previous Zoning Ordinance. If construction is not commenced or completed in accordance with the applicable approval term(s), the Town Council may, for good cause shown, grant an extension of up to eighteen (18) months for such construction under the terms of the previous Ordinance. If the building, development or sign is not completed within the time allowed under the permit or any extension granted, then the building or structure may be constructed, completed or occupied only in compliance with the requirements of this Ordinance.
 2. **PERMIT ISSUED BEFORE EFFECTIVE DATE OF THIS ORDINANCE.** Any building, structure or development for which a permit was issued before the Effective Date of this Ordinance may, at the applicant's option, be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, structure or development does not fully comply with provisions of this Ordinance. If construction is not commenced or completed according to the applicable permit terms, the Town Council may, for good cause shown, grant an extension of up to eighteen (18) months for such construction under the terms of the previous Ordinance. If the building or structure is not completed within the time allowed under the original permit or any extension granted, then the building, structure or development may be constructed, completed or occupied only in compliance with this Ordinance.
 3. **PLATS AND SITE PLANS APPROVED BEFORE EFFECTIVE DATE OF THIS ORDINANCE.** Any subdivision for which a preliminary or final plat was approved before the Effective Date of this Ordinance may, at the applicant's option, be completed according to the approved plat and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Ordinance. If the subdivision is not completed within the time requirements

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

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

1.8 INTERPRETATION.

- A. Interpretation and application of the provisions of this Ordinance shall be regarded as the basic and minimum requirements for the protection of public health, safety, comfort, morals, convenience, prosperity and welfare. The Ordinance shall be liberally interpreted in order to further its underlying purposes. Whenever any provision of the Ordinance or any provision of any other applicable law, rule, contract, resolution or regulation of the Town, County, State or Federal government contains certain standards, covering the same subject matter, the more restrictive requirement(s) or higher standards shall control.
- B. The words and phrases used in this Ordinance shall have the meanings assigned in Appendix A hereto, unless a more specific meaning is provided in a specific section of this Ordinance.
- C. This Ordinance includes illustrations, photographs, flowcharts, and graphics for the purposes of illustration and simplification. However, to the extent that there is any inconsistency between the text of this Ordinance and any such illustration, photograph, flowchart, and graphic, the text shall control.

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

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

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

Section 1-203 Compliance and Scope.

- A. **Compliance.** Land and *structures* may be used or developed by construction, reconstruction, *alteration*, occupancy, use or otherwise, only as allowed in this Code. No *subdivision* plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. **Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, *persons* undertaking the *development* or use of land, and to those *persons'* successors in interest.
- C. **Most Restrictive Regulations Apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. **Variances.** *Variances* shall be governed by the provisions of Section 6-309.
- E. **Transfer of Development Standards Prohibited.** No *lot area, yard, landscape, open space, off-street parking* or loading area, or other feature which is required by this Code for one use shall be a required *lot area, yard, landscape, open space, or off-street parking* or loading area for another use, except as otherwise specifically allowed by this Code.

Section 1-204 Conformance with General Plan.

All *development*, uses, and district changes in the City of Tempe shall be in conformance with the Tempe General Plan as implemented by this Code. All provisions of this Code shall be construed in conformity with the adopted General Plan, and any amendments which may be approved by the city from time to time.

State law reference – A.R.S. 9-462.01(F), Zoning regulations; public hearing; definitions.

Section 1-205 Use of Real Property.

Land shall be used only for lawful uses. A lawful use is one that is permitted by this Code and is not prohibited by law. Part 3, Land Use, sets forth the uses permitted by this Code.

Section 1-206 Pre-Existing Approvals (Grandfathered Approval).

- A. **Legality of Pre-Existing Approvals.** *Developments* and uses for which approvals were lawfully granted prior to the effective date of this Code, may occur pursuant to such approvals.
- B. **Subsequent Applications.** All applications for uses, *development*, and permits received by the city after February 19, 2005, including modifications processed under Section 6-312, shall conform to the provisions of this Code.



- D. **PLANNED AREA DEVELOPMENT DISTRICTS:**
Preliminary Planned Area Development P-PAD
Final Planned Area Development F-PAD

Section 1-1-4 Location and Boundaries of Districts

The locations and boundaries of zoning **districts** are established on the City of Goodyear Zoning Map, dated and signed by the Mayor and City Clerk, which map accompanies and is hereby declared a part of this **Zoning Ordinance**.

- A. The Zoning **District** boundary lines are intended to follow **street, alley, lot,** or property lines, as they exist at the effective date of this **Ordinance** except where such **district** boundary lines are fixed by dimensions shown on the Zoning Map, in which case such dimensions shall govern. Where a zoning **district** boundary line is indicated as approximately following streets or highway rights-of-way, the zoning **district** of the adjacent property shall be extended to the centerline of such street or highway right-of-way. In no case, however, is the Zoning Map intended to be used as a precise, legal narrative of any zoning **district** boundary.
- B. Where a Zoning **District** boundary is not clearly defined on the Zoning Map, the location of such boundary shall be determined administratively by the **Zoning Administrator**.

Section 1-1-5 Transition Procedures

In order to ensure the orderly adoption and enforcement of this **Zoning Ordinance**, the following transition rules shall govern the applicability of this **Ordinance**.

- A. The provisions of this **Ordinance** and any **amendments** shall not apply to those developments for which a **building** permit has been issued prior to the adoption of this **Ordinance**, provided said **building** permit remains in full force and effect. In the event the **building** permit expires, said permit may not be extended or renewed unless all provisions of this **Ordinance** are met.
- B. A parcel of land zoned subject to a plan of development, standards or stipulations adopted prior to the effective date of this **Ordinance** shall be developed in accordance with that approved plan of development, standards or stipulations but shall comply with these regulations to the maximum extent possible. In the event of a conflict between provisions of these regulations and the approved plan of development, standards or stipulations, the approved plan of development, standards or stipulations shall control.
1. Development agreements or design themes adopted or established prior to the effective date of this **Ordinance** shall, likewise, control.

2. If the rezoning was subject to a schedule for development, the time period for which has expired, then the development of that parcel of land shall be subject to all applicable provisions of this **Ordinance**.

C. Any uses of land, structures, or parcels which existed on the effective date of this **Ordinance** and which do not meet the standards and regulations of this **Ordinance**, shall be deemed **nonconforming** and shall be controlled by the provisions of Article 4-3, except that the City may require a **nonconforming use** to be brought into compliance by a specific date if such compliance is mandated by State Law and only after the new requirement has been made part of this **Zoning Ordinance** through an **amendment** adopted pursuant to the **amendment** procedures specified herein.

Section 1-1-6 Regulations Governing Newly Annexed Areas

- A.** INITIAL ZONING. Within newly annexed areas, the City shall initially adopt zoning classifications which permit densities and uses no greater than those permitted by Maricopa County immediately prior to annexation, unless an **amendment** of the Zoning **District** boundary is processed concurrently with such annexation, pursuant to the procedures required for such an **amendment**. Areas, when annexed to the City, shall, until officially zoned by the City Council, be considered to be zoned to City classification closest to that shown on the official zoning map of Maricopa County at the time of annexation. Such County Zoning shall apply for not more than six (6) months. Subsequent changes in zoning of the annexed territory shall be made according to procedures established by this **Ordinance**.
- B.** CONSTRUCTION AND BUILDING PERMITS.
1. Maricopa County **building** permits or **Use Permits** validly issued pursuant to County requirements not more than sixty (60) days prior to the effective date of annexation, shall be accepted by the Chief **Building** Official, or his designee, as valid permits for a period of sixty (60) days after the effective date of annexation. If construction has not commenced on or before the sixtieth (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 Maricopa County prior to the effective date of an annexation ordinance, a City **building** permit shall not be required, but the Chief **Building** Official, or his designee, shall require that **buildings** constructed under such County **building** or **Use Permit** shall be structurally safe and shall conform to pertinent County zoning regulations in effect at the time the County permit was issued.
- C.** EXISTING USE, ACTIVITY OR STRUCTURE.
1. Any **use** or activity conducted contrary to County zoning regulations at the effective date of annexation and not constituting a **nonconforming use** under the County