

MARICOPA COUNTY ZONING ORDINANCE

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SECTION 301. BOARD OF SUPERVISORS

Reserved.

SECTION 302. PLANNING AND ZONING COMMISSION

Reserved.

SECTION 303. BOARD OF ADJUSTMENT

ARTICLE 303.1. CREATION AND MEMBERSHIP: There is hereby created one Board of Adjustment representing the five supervisor districts of Maricopa County. The Board of Adjustment shall be composed of five members. One member shall be appointed from each of the five supervisor districts. Each member shall be a resident and taxpayer of the^{*25} supervisor district from which he or she is appointed. The appointments shall be for staggered terms of four years each, except that the first members of such board shall be appointed for the following terms: One member for one year, one member for two years, one member for three years, two members for four years. Members of such board shall be appointed by the Board of Supervisors. The Board of Supervisors shall also have the authority to remove any member for cause after public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. The jurisdiction of the Board of Adjustment shall include all five supervisor districts from which the members thereof are appointed.^{*4, *11}

ARTICLE 303.2. POWERS AND DUTIES:^{*1, *3, *4} The Board of Adjustment shall have only the powers and duties prescribed by this Ordinance, which are more particularly the following:

303.2.1. Interpret upon appeal, the terms of this Ordinance when the meaning of any word, phrase, or regulation is in doubt, when there is dispute between the appellant and the Zoning Inspector or when the location of a zoning district boundary is in doubt.

303.2.2. Allow upon application a Variance in the strict application of any of the regulations of this Ordinance where, by reason of any peculiar situation, surroundings or conditions of a specific property, or by reason of particular narrowness, shallowness or shape of a specific lot of record, or by reason of unusual topographical conditions, the strict application of any regulation of this Ordinance would result in practical difficulties or unnecessary hardship upon the owner of such property, provided such relief can be granted without substantially impairing the purpose of this Ordinance. In granting any Variance appropriate

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conditions in conformity with the purpose of this Ordinance shall be prescribed. Under no circumstances shall there be granted a Variance to allow a use of property not permitted by the regulations for the zoning district in which such property is located or where such Variance is specifically prohibited within this ordinance. No variance to Chapter 13, Sections 1302 or Chapter 11, Section 1115 shall be considered. ^{*5, *8, *10 *12}

303.2.3. Grant, upon application and filing of a letter of protest or request for extension, Temporary Use Permits required by this Ordinance. ^{*8}

ARTICLE 303.3. MEETINGS AND RULES: ^{*1, *3, *4, *11} Meetings of the Board of Adjustment shall be held at the call of the Chairman, regularly at least once a month and at such other times deemed necessary for the transaction of business. All such meetings shall be open to the public. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of member upon each question, or if absent or failing to vote, indicating such facts, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every Variance and every order, requirement, decision or determination of the Board of Adjustment shall be filed with the Director and shall be a public record. The Board of Adjustment shall adopt its own rules of procedure and elect its own officers.

ARTICLE 303.4. APPEALS: ^{*3} An appeal to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer, department, board or agency of Maricopa County affected by any decision of the Zoning Inspector. Such appeal shall be taken within a reasonable time, not to exceed **60 days** or such lesser period as may be provided by the rules of the Board of Adjustment, by filing with the Director and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Director shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. Such an appeal shall stay all proceedings in the matter appealed from unless the Director certifies to the Board of Adjustment that, by reason of the facts 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 said Board of Adjustment or by a court of record on application and notice to the Zoning Inspector from whom the appeal is taken. Said Board of Adjustment shall fix a time for hearing the appeal and give notice thereof to the parties in interest and the public as set forth herein.

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ARTICLE 303.5. APPLICATION FOR VARIANCE: ^{*1, *3, *8} Application for any Variance to the regulations of this Ordinance shall be made to the Board of Adjustment. Such applications shall be made on forms prescribed by the Board of Adjustment, shall be filed with the Director, and shall be accompanied by:

- 303.5.1. Accurate plot plans and description of the property involved, description of the request^{*25}, preliminary floor plans and elevations of all proposed buildings. The zoning inspector may authorize omission of any or all of the plans and drawings required by this section if they are not necessary.^{*25}
- 303.5.2. Evidence, satisfactory to the Board of Adjustment, of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within **120 days** after allowing any Variance. ^{*8}
- 303.5.3. Reasons for requesting the Variance. ^{*8}

ARTICLE 303.6. PUBLIC HEARINGS:

- 303.6.1. **Appeals:** Upon receipt in proper form of appeals concerning interpretation or administration of this Ordinance, the Board of Adjustment having jurisdiction shall hold public hearing thereon after giving at least **ten days** public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time.
- 303.6.2. **Variance or Temporary Use Permit:** Upon receipt in proper form of applications for any Variance to the regulations of this Ordinance or upon receipt of a letter of protest or request for extension for any Temporary Use Permit, the Board of Adjustment shall hold public hearing thereon after giving public notice thereof by adequately posting the area of concern in such application at least **ten days** in advance of the public hearing and decide the same within a reasonable time. ^{*8}
- 303.6.3. Deleted 07-07-06. (TA2003005)

ARTICLE 303.7. APPEAL OF A DECISION MADE BY THE BOARD OF ADJUSTMENT: ^{*4}
A person aggrieved by a decision of the Board of Adjustment may at any time, within **30 days** of such decision, appeal to the Superior Court and the matter shall be heard de novo as appeals from courts of justices of the peace.

ARTICLE 303.8. LIMITATIONS: Any Variance or Temporary Use Permit granted under the terms of this Ordinance shall expire by limitation of substantial construction, in accordance with the plans for which such Variance or Temporary Use Permit was granted, which has not been completed within **one year** from

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the date of granting said Variance or Temporary Use Permit, or if judicial proceedings to review the Board of Adjustment's decision shall be instituted **one year** from the date of entry of the final order in such proceedings, including all appeals. ^{*8}

Date of Revisions			
*1	Revised 12-30-74	*8	Revised 2-20-94
*3	Revised 10-3-77	**8	Added 2-20-94
*4	Revised 2-26-79	*10	Effective 1-17-98
*5	Revised 4-14-80	*11	Effective 2-4-00

SECTION 304. AMENDMENTS

ARTICLE 304.1. AUTHORITY: The Board of Supervisors may from time to time, after receiving report and recommendation thereupon by the Commission and after public hearings required by law, amend zoning district boundaries or the regulations herein or subsequently established. Amendments may be initiated either by the property owner or by the Commission on its own motion. ^{*14}

ARTICLE 304.2. AMENDMENTS INITIATED BY PROPERTY OWNER(S): ^{*14}

- 304.2.1. Any property owner or authorized agent of a property owner desiring an amendment or change in the Zoning Ordinance changing the zoning district boundaries within an area previously zoned shall file an application for the amendment or change with the Board of Supervisors.
- 304.2.2. Upon receipt of the application, the Board of Supervisors shall submit it to the Commission for report and recommendation. Prior to presenting its report and recommendation to said Board, the Commission shall hold public hearing thereon after giving at least **15 days** notice thereof by publication once in a newspaper of general circulation in the seat of Maricopa County and by posting of the area included in the proposed change. The posting shall be in no less than **two** places with at least **one** notice for each **one-quarter mile** of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way.
- 304.2.3. The Commission shall also send notice by first class mail to each real property owner as shown on the last assessment of the property within **300 feet** of the proposed amendment or change and each county or municipality which is contiguous to the area of the amendment or change. The notice sent by mail shall include, at a minimum, the date, time and place of the hearing on the proposed amendment or change including a general explanation of the matter to be considered; a general description of the area of the proposed amendment or

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change; and notification that if **20%** of the property owners by area and number within the zoning area file protests, an affirmative vote of **three-fourths** of all members of the Board will be required to approve the rezoning.

304.2.4. If the Planning Commission has held a public hearing, the Board may adopt the recommendations of the Planning Commission through use of a consent calendar without holding a second public hearing if there is no objection, request for public hearing or other protest. If there is an objection, a request for public hearing or a protest, the Board of Supervisors shall hold public hearing on such petitions giving at least **15 days** notice thereof by publication once in a newspaper of general circulation in the seat of Maricopa County and by adequate posting of the area of concern in said petition at least **15 days** in advance of the public hearing. After holding the public hearing, the Board of Supervisors may adopt the petitioner's proposed change provided that if **20%** of the owners by number and by area, of all property within **300 feet** of the proposed change, file a protest, such a change shall not be made except by a **three-fourths** vote of all members of the Board of Supervisors. However, except that the required number of votes shall in no event be less than a majority of the full members of the Board. ^{*17}

304.2.5. In calculating the owners by area for a protest, only that portion of a lot or parcel of record situated within **300 feet** of the property to be rezoned shall be included. In calculating the owner by number or area, County property and public rights-of-way shall not be included.

ARTICLE 304.3. AMENDMENTS INITIATED BY THE COMMISSION: ^{*14, *19}

304.3.1. Amendments initiated by the Commission are subject to the same public hearing requirements set forth herein Chapter 3, Section 304, Article 304.2 (amendments initiated by property owners).

304.3.2. Notice by first class mail of proceedings that are not initiated by the property owner involving rezoning of land to a more restrictive zone shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within **300 feet** of property to be rezoned. ^{**10, *11}

A "*more restrictive zone*" shall be interpreted to mean:

1. Zoning from one category to another category; or,
2. Zoning from a less restrictive use to a more restrictive use within categories as shown on the following table:

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CATEGORY A:	
(More Restrictive)	Rural-190 Rural Zoning District
(Less Restrictive)	Rural-70 Rural Zoning District Rural-43 Rural Zoning District
CATEGORY B:	
(More Restrictive)	R1-35 Single-Family Residential Zoning District R1-18 Single-Family Residential Zoning District R1-10 Single-Family Residential Zoning District R1-8 Single-Family Residential Zoning District R1-7 Single-Family Residential Zoning District R1-6 Single-Family Residential Zoning District R-2 Limited Multiple-Family Residential Zoning District R-3 Limited Multiple-Family Residential Zoning District R-4 Limited Multiple-Family Residential Zoning District R-5 Limited Multiple-Family Residential Zoning District
(Less Restrictive)	
CATEGORY C:	
(More Restrictive)	C-O Commercial Office Zoning District C-S Planned Shopping Center Zoning District C-1 Neighborhood Commercial Zoning District C-2 Intermediate Commercial Zoning District C-3 General Commercial Zoning District
(Less Restrictive)	
CATEGORY D:	
(More Restrictive)	IND-1 Planned Industrial Zoning District IND-2 Light Industrial Zoning District IND-3 Heavy Industrial Zoning District
(Less Restrictive)	
CATEGORY E:	Any Special Use
CATEGORY F:	Hillside Development Overlay Zoning District
CATEGORY G:	Senior Citizen Overlay Zoning District
CATEGORY H:	Residential Unit Plan of Development
CATEGORY I:	Industrial Unit Plan of Development
CATEGORY J:	Commercial Unit Plan of Development

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ARTICLE 304.4. AMENDMENTS TO ZONING ORDINANCE STANDARDS: ^{**11, *21}

304.4.1. Proceedings involving **one** or **more** of the following proposed changes or related series of changes in the standards governing land uses, shall include notice to real property owners provided by one of the methods discussed below:

1. A **10%** or **more** increase or decrease in the number of square feet or units that may be developed.
2. A **10%** or **more** increase or reduction in the allowable height of buildings.
3. An increase or reduction in the allowable number of stories of buildings.
4. A **10%** or **more** increase or decrease in setback or open space requirements.
5. An increase or reduction in permitted uses.

Prior to the first hearing on such changes, notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly affected by the changes; or the change shall be published in a display ad covering not less than **one-eighth** of a full page in a newspaper of general circulation in the County.^{*20}

304.4.2. For amendments to Zoning Ordinance standards or uses, the Department will send notice by first class mail to persons who register their names and addresses with the Department as being interested in receiving such notice. A fee of **\$5.00 per year** will be charged for the provision of this service payable initially upon registration and yearly thereafter.

ARTICLE 304.5. AMENDMENT APPROVED BY THE BOARD: ^{**10,*11,***11,*18} A decision by the Board of Supervisors involving rezoning of land which changes the zoning classification of such land or amends Zoning Ordinance standards or uses shall not be effective until the dedication of required right-of-way but not prior to **31 days** after final approval of the change in classification, standard or use by the Board. Unless a resident files a written objection with the Board of Supervisors, the rezoning may be enacted as an emergency measure that becomes effective immediately by a **four-fifths** majority vote of the board.

ARTICLE 304.6. CONDITIONAL ZONING: ^{***11}

304.6.1. The Board of Supervisors may approve a change of zone conditioned on a schedule for development of the specific use or uses for which rezoning is requested. When

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the Board of Supervisors adopts the zoning amendment, it may impose a schedule of development including, but not limited to, a date by which construction shall commence or dates by which phases of development of the property for the use approved shall be substantially completed. ^{**9, ***10}

- 304.6.2. The owner or developer of property which was rezoned conditioned on compliance with a schedule of development shall submit to the Department a certified statement of compliance prior to the expiration of any time limits imposed by the Board. If the certified statement of compliance is not filed or the Department independently determines that the property has not been improved for the use for which it was conditionally approved, a public hearing shall be set before the Commission. The findings and recommendation of the Commission shall be forwarded to the Board of Supervisors for public hearing to determine compliance with the schedule of development, grant an extension, or cause the property to revert to its former zoning classification. Notification by registered mail of both the hearing before the Commission and the hearing before the Board shall be sent to the owner and applicant who requested the rezoning. Notice of public hearing shall be as set forth in Chapter 3, Section 304., Article 304.2. herein.

ARTICLE 304.7. RECONSIDERATION OF DENIED PETITION: ^{*2, ***9, ***10, ***11} If a petition for amendment is withdrawn by the applicant or denied by the Board of Supervisors, that petition shall not be refiled nor shall there be filed with the Board of Supervisors any other petition for the same amendment within a period of **one year** unless in the opinion of the Commission there is a change of circumstances warranting such filing.

ARTICLE 304.8. COMPLIANCE WITH COUNTY PLANS: ^{*12 *23} All applications for changes of Zoning District boundaries must be in compliance with the County's adopted Comprehensive Plan and/or any adopted area plan.

ARTICLE 304.9. ADMINISTRATIVE SITE PLAN AMENDMENTS ^{*22 *25}

- 304.9.1. Holders of approved Special Use Permits, Plans of Development, and Unit Plans of Development may apply to amend associated site plans **approved by the Board of Supervisors AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE.** ^{*25}

- 304.9.2. Amendments to approved site plans may be categorized as major or minor. In determining the status of proposed amendments, the Department of Planning and Development shall adhere to the procedures and criteria of this Article.

- 304.9.3. Applications for amendments to approved site plans shall include the appropriate fee as described in the Maricopa County Zoning Ordinance and

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the appropriate submittal requirements as required by the Planning and Development Department.

- 304.9.4. Major Amendments shall be processed in the same manner and with the same fee as a new application. **UNIT PLANS OF DEVELOPMENTS AND PLANS OF DEVELOPMENT THAT WERE ORIGINALLY PROCESSED THROUGH THE BOARD OF SUPERVISORS MAY BE AMENDED ADMINISTRATIVELY, EITHER AS A MAJOR OR MINOR AMENDMENT, AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE. IF, HOWEVER, THE AMENDMENT CHANGES OR ALTERS A DEVELOPMENT STANDARD OR STIPULATION OF APPROVAL, THEN THE AMENDMENT SHALL BE APPROVED BY THE BOARD OF SUPERVISORS.**^{*25}
- 304.9.5. Minor Amendments shall be reviewed by staff of the Planning and Development Department and other County Departments as deemed necessary, according to standard administrative procedures. Staff will recommend approval, approval subject to conditions, or denial.
- 304.9.6. An applicant may appeal a staff decision in writing to the Planning Director within two weeks of the staff decision. Such appeal shall state the purpose and subject of the proposed amendment, the date of the staff decision, and the justification for an alternate decision.
- 304.9.7. Major Amendments:
1. An amendment will be considered major **and not subject to administrative approval** if the proposed amendment involves one or more of the following:^{*25}
 - A. A change altering any condition or stipulation of approval;
 - B. An increase of **more than 10%** in the following:
 - i. Building size, dimensions, or height of any proposed or existing structure to be retained,
 - ii. The number of parking spaces,
 - iii. The size of landscaped areas, or
 - iv. The size or height of approved signs.
 - C. A decrease of **more than 10%** in setback;
 - D. A change in the location of buildings, parking areas, access drives, recreational amenities, exterior lighting, signs or fencing or landscaping used as buffering/screening, if such

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change would significantly and/or materially increase potential adverse impacts on adjacent property as determined by the Zoning Inspector;

- E. The request is for a different type of land use;
- F. Non-compliance with existing Zoning Ordinance standards;
- G. A written objection by the Maricopa County Department of Transportation, the Maricopa County Flood Control District, or the Maricopa County Department of Environmental Services;
- H. The request is found by the Zoning Inspector to be a Major Amendment.

304.9.8. Minor Amendments:

1. An amendment will be considered minor if the proposed amendment is not a Major Amendment. In general, Minor Amendments are small adjustments to the details of a **Development SITE** Plan that allow continued compliance with an approved site plan and that do not substantively or materially alter the original character and/or intent of the approved site plan. ^{*25}
2. The Zoning Inspector shall make the final determination of whether an amendment is a Minor Amendment.

Date of Revisions			
*2	Revised 9-13-71	*14	Revised 8-06-93
**9	Added 8-4-86	*17	Revised 8-21-96
***9	Renumbered 8-4-86	*18	Revised 8-21-96
**10	Added 12-7-87	*19	Effective 5-15-98
***10	Renumbered 12-7-87	*20	Effective 6-21-98
*11	Revised 2-6-89	*21	Effective 1-15-99
**11	Added 2-6-89	*22	Effective 2-7-03
***11	Renumbered 2-6-89	*23	Effective 9-7-07
*12	Added 8-23-90	*25	Effective x-x-08

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SECTION 305. CITIZEN REVIEW PROCESS^{*24}

- 305.1. Upon application for a change in the Zoning Ordinance changing the zoning district within an area previously zoned as set forth in Chapter 13, Section 304, Articles 304.2 and 304.3 herein or upon application requesting a special use as set forth in Chapter 13, Section 1301 herein, a citizen review process shall be conducted. The purposes of the citizen review process shall be the following:
1. Adjacent landowners and other potentially affected citizens will be notified of the application and substance of the proposed change in zoning district or special use.
 2. Adjacent landowners and other potentially affected citizens will be provided an opportunity to express any issues or concerns they may have with the proposed rezoning or special use before any public hearing required as set forth in Chapter 3, Section 304, Articles 304.2 and 304.3 herein.
- 305.2. Prior to any application that requires a citizen review process, the applicant shall conduct a pre-application meeting with the Planning Department.
- 305.3. Within 30 days upon submitting an application that requires a citizen review process, the applicant shall post the property included in the proposed change. The posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter right-of-way so that the notices are visible from the nearest public right-of-way. Each notice shall be a minimum of six square feet in area and shall be laminated. The posting shall include, at a minimum, a brief description of the area of the proposed amendment or change, a general explanation of the nature of the proposed amendment or change, the name of the applicant, and contact information for the applicant. A signed affidavit along with photographic evidence shall be submitted to staff demonstrating proof of posting within 30 days of application submittal.
- 305.4. Within 30 days upon submitting an application that requires a citizen review process, the applicant shall also send notice by first class mail to each real property owner as shown on the last assessment of the property within three hundred feet of the proposed amendment or change. The notice by mail shall include, at a minimum, description of the area of the proposed amendment or change, a general explanation of the nature of the proposed amendment or change, the name of the applicant, and contact information for the applicant. A copy of the notice and an affidavit demonstrating proof of such notification shall be submitted to staff within 30 days of application submittal.

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- 305.5. Every application that requires a citizen review process shall include a citizen participation plan. The citizen participation plan, at a minimum, shall include the following information:
1. Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application.
 2. How those interested in and potentially affected by an application will be notified that an application has been made.
 3. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application.
 4. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues or problems they may have with the proposal in advance of the public hearing.
 5. The applicant's schedule for completion of the citizen participation plan.
 6. How the applicant will keep the Planning Department informed on the status of their citizen participation efforts.
- 305.6. The level of citizen interest and area involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined through a coordinated effort of the applicant and staff. The Planning Director shall resolve any disputes that may arise while arriving at the target area. At a minimum, the target area shall include the following:
1. Real property owners within the noticing area set forth in item 305.4 herein;
 2. The head of any homeowners association within the noticing area set forth in item 305.4 herein;
 3. Other potentially affected citizens in the target area who have requested that they be placed on the routing list maintained by the Planning Department.
- 305.7. These requirements apply in addition to any notice provisions set forth in Chapter 3, Section 304, Articles 304.2 and 304.3 herein.
- 305.8. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. This shall not occur until after the required pre-application meeting and consultation with planning department staff.

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- 305.9. The citizen participation plan shall include a written report on the results of the citizen participation effort prior to notice of public hearing set forth in Chapter 3, Section 304, Articles 304.2 and 304.3 herein. At a minimum the citizen participation report shall include the following information:
1. Details and techniques the applicant used to involve the public, including:
 - a. Dates and locations of any and all meetings where citizens were invited to discuss the applicant's proposal;
 - b. Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters and other publications;
 - c. The location of residents, property owners, and interested parties receiving notices, newsletters or other written materials.
 - d. The number of people that participated in the process.
 2. A summary of perceived or real 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 perceived or real concerns, issues, and problems expressed during the process; and,
 - c. Perceived or real concerns, issues and problems with which the applicant disagrees, which the applicant cannot address, or which the applicant chooses not to address, including an explanation of the applicant's reasoning.

Date of Revisions			
*24	Effective 6-1-01	*25	Effective 07-07-06

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SECTION 306. PLANS OF DEVELOPMENT *1

- 306.1 ALL DEVELOPMENT INVOLVING NON-RESIDENTIAL ZONING DISTRICTS, TWO-FAMILY OR MULTI-FAMILY RESIDENTIAL DEVELOPMENT IN A TWO-FAMILY RESIDENTIAL ZONING DISTRICT, MULTI-FAMILY OR TWO-FAMILY RESIDENTIAL DEVELOPMENT IN A MULTI-FAMILY RESIDENTIAL ZONING DISTRICT, OR PROPERTY WITH A UNIT PLAN OF DEVELOPMENT (UPD), PLANNED AREA DEVELOPMENT (PAD), OR PLANNED DEVELOPMENT (PD) OVERLAY SHALL BE SUBJECT TO A PLAN OF DEVELOPMENT APPROVAL AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE. A PRELIMINARY PLAT MAY SERVE AS A PLAN OF DEVELOPMENT FOR CONDOMINIUM PROJECTS.
- 306.2 ALL NEW ZONE CHANGE REQUESTS THAT INVOLVE A UNIT PLAN OF DEVELOPMENT (UPD) SHALL PROCESS A PLAN OF DEVELOPMENT (OR A PRELIMINARY PLAT FOR RESIDENTIAL UPDS) CONCURRENTLY THAT SHALL BE APPROVED BY THE BOARD OF SUPERVISORS. SUBSEQUENT AMENDMENTS TO THE PLAN OF DEVELOPMENT MAY BE PROCESSED ADMINISTRATIVELY AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE.
- 306.3 AN APPLICATION AND PHASING PLAN, IF PROPOSED, FOR A PLAN OF DEVELOPMENT SHALL BE SUBMITTED TO THE PLANNING AND DEVELOPMENT DEPARTMENT THROUGH THE ONE STOP SHOP (OSS) ON AN OFFICIAL FORM PROVIDED BY THE DEPARTMENT. THE APPLICATION SHALL SATISFY THE SUBMITTAL REQUIREMENTS AS WELL AS PERTINENT REGULATIONS AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE OR FROM OTHER COUNTY DEPARTMENTS. THE APPLICATION SHALL CONTAIN SUFFICIENT INFORMATION FOR STAFF TO DETERMINE WHETHER THE PROPOSAL MEETS THE REQUIREMENTS OF THE COUNTY. A PRE-APPLICATION MEETING IS RECOMMENDED.
- 306.4 A PLAN OF DEVELOPMENT IS A PRECISE PLAN. STAFF SHALL REVIEW THE PLAN OF DEVELOPMENT IN ACCORDANCE WITH SUBMITTAL REQUIREMENTS AND REGULATIONS AND POLICIES. IF STAFF DETERMINES THAT THE PROPOSAL IS CONSISTENT WITH THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND IS IN CONCERT WITH THE PURPOSES AND INTENT OF THE ORDINANCE AND OTHER PERTINENT REGULATIONS, THEN STAFF SHALL GRANT APPROVAL AND MAY IMPOSE STIPULATIONS AS DEEMED NECESSARY TO SATISFY THE PROVISIONS OF THIS ORDINANCE OR OTHER APPLICABLE REGULATIONS. STAFF MAY ALSO FIND THAT CONDITIONS REQUIRED FOR APPROVAL DO NOT EXIST AND, THEREFORE, DENY THE REQUEST. ALTERNATIVELY, STAFF MAY FORWARD THE REQUEST TO THE PLANNING AND ZONING COMMISSION WITH A RECOMMENDATION OF DENIAL AND THE COMMISSION MAY THEN MAKE A RECOMMENDATION TO THE BOARD OF

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SUPERVISORS THAT MAY APPROVE IN WHOLE OR IN PART, MODIFY, DENY, OR CONTINUE THE REQUEST.

306.5 THE APPLICANT MAY FILE A REQUEST TO APPEAL AN ADMINISTRATIVE DECISION TO DENY OR AN ADMINISTRATIVE SITE PLAN STIPULATION WITHIN THIRTY (30) DAYS OF SAID DECISION. THE APPEAL SHALL BE FORWARDED TO THE PLANNING AND ZONING COMMISSION FOR A RECOMMENDATION TO THE BOARD OF SUPERVISORS THAT MAY APPROVE IN WHOLE OR IN PART, MODIFY, DENY THE REQUEST, OR CONTINUE THE APPEAL.

306.6 FOR ALL DEVELOPMENT SUBJECT TO A PLAN OF DEVELOPMENT, AN APPROVED PLAN OF DEVELOPMENT AND SUBSEQUENT BUILDING PERMITS ARE REQUIRED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR DEVELOPMENT ON THE SITE. THE APPLICANT SHALL ENSURE THAT REQUIRED BUILDING PERMITS FOR THE SITE OR FIRST PHASE SHALL BE ISSUED WITHIN TWO (2) YEARS OF THE DATE OF APPROVAL OF THE PLAN OF DEVELOPMENT. PRIOR TO THE DATE OF EXPIRATION, THE APPLICANT MAY FILE A SINGLE REQUEST FOR A ONE (1) YEAR TIME EXTENSION AUTHORIZED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT. IF THE TIME FRAME HAS EXPIRED, THE APPLICANT SHALL SUBMIT A NEW PLAN OF DEVELOPMENT APPLICATION.

306.7 ANY CHANGE OR MODIFICATION TO AN APPROVED PLAN OF DEVELOPMENT SHALL BE CONSIDERED AN AMENDMENT TO THE PLAN OF DEVELOPMENT. STAFF SHALL DETERMINE WHETHER CHANGES CONSTITUTE A MINOR OR MAJOR AMENDMENT ACCORDING TO THE PROVISIONS SET FORTH IN THIS ORDINANCE.

306.8 A PLANNING INSPECTION IS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY TO DETERMINE COMPLIANCE WITH THE SITE PLAN AND ANY STIPULATIONS OF APPROVAL. THE APPLICANT SHALL SUBMIT A WRITTEN REQUEST TO PLANNING TO SCHEDULE THIS INSPECTION.

Date of Revisions

*1	Effective x-x-08		
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MARICOPA COUNTY ZONING ORDINANCE

Chapter 7 – Multiple Family Residential Zoning Districts

SECTION 701. R-2 (Two-Family Residential Zoning District)

ARTICLE 701.1. PURPOSE: The principal purpose of this zoning district is to provide for efficient use of land and facilities by single-family attached or detached dwellings and limited multiple-family residential projects taking into consideration existing conditions, including present use of land, future land use needs and the availability of public utilities. The minimum lot required is **6,000 square feet** in area and the minimum lot area required for each dwelling unit is **4,000 square feet**. Principal uses permitted in this zoning district include single-family, two-family, and limited multiple-family dwellings and other uses permitted in the single-family residential zoning district.

ARTICLE 701.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

1. Any use permitted in the **R1-35** Zoning District, subject to all the regulations specified in the use regulations for such R1-35 Zoning District.
2. Two-family and **limited** multiple-family dwellings. ^{*4}
3. Accessory buildings and uses customarily incidental to the above uses, including:
 - a. Private tennis courts provided that such courts are not constructed within **20 feet** of any adjoining property not internal to the multiple-family development and provided that tennis court fences or walls shall not exceed **12 feet** in height and further provided that any lights for the tennis courts shall be subject to a use permit and shall be placed so as to not direct or reflect light upon adjoining land, and subject lights shall be in conformance with standards in Chapter 11, Section 1112. (Outdoor Light Control Provisions) herein. More than **one tennis court** is permitted so long as the primary use of the property is residential and so long as the court or courts are accessory to the residential use and maintained exclusively for the use of residents of the parcel on which it is located.
 - b. Private swimming pools along with incidental installations, such as pumps and filters, provided such pools and incidental installations are located in other than the required front yard and provided such pools are set back from all lot lines a distance of not less than **three feet**. Pools and spas must

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Chapter 7 – Multiple Family Residential Zoning Districts

meet all barrier requirements as provided in the current U.B.C.^{*3}

ARTICLE 701.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **30 feet** or **two stories**.

ARTICLE 701.4. YARD REGULATIONS: The required yards are as follows:

1. ***Front Yard:***

- a. There shall be a front yard having a depth of not less than **20 feet**.
- b. For through lots, a front yard shall be provided along both front lot lines.
- c. Yards along each street side of corner lots shall have a width equal to not less than **half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **five feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 701.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:

1. ***Lot Area:*** Each lot shall have a minimum lot area of **6,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **60 feet**.

3. ***Lot Area Per Dwelling Unit:*** This minimum lot area per dwelling unit shall be **4,000 square feet**.

4. ***Lot Coverage:*** The maximum lot coverage shall be **50%** of the lot area.

5. ***Distance Between Buildings:*** The minimum distance between buildings on the same lot shall be **ten feet**.

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ARTICLE 701.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. hereof.

ARTICLE 701.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1403. hereof.

ARTICLE 701.8. OUTDOOR LIGHTING: Any outdoor lighting used shall conform to the standards as provided in Chapter 11, Section 1112. hereof.

ARTICLE 701.9. ADDITIONAL REGULATIONS: ^{*4}

1. ALL TWO-FAMILY OR MULTI-FAMILY RESIDENTIAL DEVELOPMENT IN THE R-2 ZONING DISTRICT SHALL BE SUBJECT TO A PLAN OF DEVELOPMENT APPROVAL AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE.
2. FOR TWO-FAMILY OR MULTI-FAMILY USES, WHICH WERE DEVELOPED PRIOR TO X-X-2008, AN AS-BUILT PLAN MAY SERVE AS THE PLAN OF DEVELOPMENT. WHEN THE OWNER OR AUTHORIZED AGENT WANTS TO MAKE A CHANGE ON THE PROPERTY, THIS AS-BUILT PLAN INDICATING THE CHANGES MAY BE SUBMITTED. THE ZONING INSPECTOR MAY APPROVE CHANGES AS LONG AS ANY EXPANSION IS PART OF THE EXISTING LAND USE, DOES NOT CONFLICT WITH EXISTING CODES, DOES NOT EXCEED ONE HUNDRED PERCENT OF THE AREA OF THE ORIGINAL DEVELOPMENT, AND DOES NOT ADVERSELY IMPACT THE SURROUNDING AREAS OR DRAINAGE CONDITIONS. THESE CHANGES MAY INCLUDE, BUT ARE NOT LIMITED TO PARKING COVERS, INTERIOR REMODELING, ADDITIONS TO THE BUILDINGS OR NEW BUILDINGS.

Date of Revisions			
*1	Revised 2-4-85	*3	Effective 8-6-99
*2	Revised 4-1-85	*4	Effective x-x-08

SECTION 702. R-3 (Multiple-Family Residential Zoning District), R-4 (Multiple-Family Residential Zoning District) & R-5 (Multiple-Family Residential Zoning District) ^{*2}

ARTICLE 702.1. Purpose: The principal purpose of these zoning districts are to provide for multiple-family residential developments in locations which are suitable and

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Chapter 7 – Multiple Family Residential Zoning Districts

appropriate taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum lot area required for each dwelling unit in each of the districts is as follows: **3,000 square feet for R-3**; **2,000 square feet for R-4**; and **1,000 square feet for R-5**. Principal uses permitted in these zoning districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential zoning district.

ARTICLE 702.2. *Use Regulations:* A building or premises shall be used only for the following purposes:

1. Any use permitted in the R-2 Zoning District, subject to all the regulations specified in the use regulations for such R-2 Zoning District unless the use is otherwise regulated in this Section.
2. Two-family dwellings
3. Multiple-family dwellings
4. Group homes for not more than **ten persons** subject to the following performance criteria: ^{*4 *5}
 - a. If licensing is required by the State of Arizona for the use, proof of such licensure shall be available to the Department of Planning and Development prior to the use being established.
5. Accessory buildings and uses customarily incidental to the above uses including:
 - a. Private tennis courts provided that such courts are not constructed within **20 feet** of any adjoining property under other ownership and provided that tennis court fences or walls shall not exceed **12 feet** in height and further provided that any lights for the tennis courts shall be subject to a use permit and shall be placed so as to not direct or reflect light upon adjoining land, and subject lights shall be in conformance with standards in Chapter 11, Section 1112. (Outdoor Light Control Provisions) herein. More than **one tennis court** is permitted so long as the primary use of the property is residential and so long as the court or courts are accessory to the residential use and maintained exclusively for the use of residents of the parcel on which it is located. ^{*1}

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- b. Private swimming pools along with incidental installations, such as pumps and filters, provided such pools and incidental installations are located in other than the required front yard and provided such pools are set back from all lot lines a distance of not less than **three feet**. Pools and spas must meet all barrier requirements as provided in the current U.B.C.
^{*6}

ARTICLE 702.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet** or **three stories**.

ARTICLE 702.4. YARD REGULATIONS: The required yards are as follows:

1. ***Front Yard:***

- a. There shall be a front yard having a depth of not less than **20 feet**.
- b. For through lots, a front yard shall be provided along both front lot lines.
- c. Yards along each street side of corner lots shall have a width equal to not less than **half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

2. ***Side Yard:*** There shall be a side yard on each side of a building having a width of not less than **five feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 702.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:

1. ***Lot Area:*** Each lot shall have a minimum lot area of **6,000 square feet**.

2. ***Lot Width:*** Each lot shall have a minimum width of **60 feet**.

3. ***Lot Area Per Dwelling Unit:*** The minimum lot areas per dwelling unit shall be as follows:

- a. **R-3 Zoning District - 3,000 square feet** per dwelling unit

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- b. **R-4 Zoning District - 2,000 square feet** per dwelling unit
- c. **R-5 Zoning District - 1,000 square feet** per dwelling unit
4. **Lot Coverage:** The maximum lot coverage shall be **50%** of the lot area.
5. **Distance Between Buildings:** The minimum distance between buildings on the same lot shall be **ten feet**.

ARTICLE 702.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. hereof.

ARTICLE 702.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1403. hereof.

ARTICLE 702.8. ADDITIONAL REGULATIONS: ^{*7}

1. ALL MULTI-FAMILY OR TWO-FAMILY RESIDENTIAL DEVELOPMENT IN THE R-3, R-4, OR R-5 ZONING DISTRICTS SHALL BE SUBJECT TO A PLAN OF DEVELOPMENT APPROVAL AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE.
2. FOR TWO-FAMILY OR MULTI-FAMILY USES, WHICH WERE DEVELOPED PRIOR TO X-X-2008, AN AS-BUILT PLAN MAY SERVE AS THE PLAN OF DEVELOPMENT. WHEN THE OWNER OR AUTHORIZED AGENT WANTS TO MAKE A CHANGE ON THE PROPERTY, THIS AS-BUILT PLAN INDICATING THE CHANGES MAY BE SUBMITTED. THE ZONING INSPECTOR MAY APPROVE CHANGES AS LONG AS ANY EXPANSION IS PART OF THE EXISTING LAND USE, DOES NOT CONFLICT WITH EXISTING CODES, DOES NOT EXCEED ONE HUNDRED PERCENT OF THE AREA OF THE ORIGINAL DEVELOPMENT, AND DOES NOT ADVERSELY IMPACT THE SURROUNDING AREAS OR DRAINAGE CONDITIONS. THESE CHANGES MAY INCLUDE, BUT ARE NOT LIMITED TO PARKING COVERS, INTERIOR REMODELING, ADDITIONS TO THE BUILDINGS OR NEW BUILDINGS.

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Date of Revisions	
*1	Revised 4-1-85
*2	Revised 4-7-86 Effective 1-1-88
*4	Added 4-15-93
*5	Revised 1-20-94
*6	Effective 8-6-99
*7	Effective x-x-08

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SECTION 801. C-S (Planned Shopping Center Zoning District)

ARTICLE 801.1. PURPOSE: The principal purpose of this zoning district is to provide for well designed and attractive retail shopping facilities on sites **NOT LESS THAN FIVE (5) ACRES IN SIZE AND** in appropriate locations to serve adjacent and nearby residential neighborhoods. Permitted uses in this zoning district include the retail sale of merchandise and services customarily considered as shopping center uses.

ARTICLE 801.2. USE REGULATIONS: A building or premises shall be used for the following purposes:

1. Retail sale of merchandise, services, recreational and otherwise, parking area and other facilities customarily considered as shopping center uses.
2. Uses permitted on the shopping center site, according to the rural or residential zoning district regulations in effect prior to the establishment of the C-S Zoning District on said site, as the only alternative in the event that the C-S Zoning District is not used for the purpose for which it was specifically intended; namely, a shopping center.
3. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. ^{**5, *6}
4. Deleted 07-07-06 (TA2003005)
5. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302. ^{**5}
6. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301. ^{**5}
7. Temporary construction office/yard complex – construction yard and construction office complex which may include a security office or residence for a security guard provided that the following conditions are met:
 - A. The uses are only associated with the developer/owner and subdivision or project in which they are located. Off-site construction office/yard complexes may be allowed subject to approval by the Board of Adjustment.

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- B. Upon sale of the development, cessation of the need for the use (**95% buildout**), or cessation of the use, all structures, modifications to structures and uses related to the construction office/yard complex shall be removed.
- C. Those uses of structures allowed shall meet all building code requirements.
- D. All items stored on site shall only be those required for the construction on site.
- E. The allowed uses may encroach into setback areas.
- F. All necessary permits must be issued prior to placement on the site.
- G. If these requirements cannot be met, the request shall be processed through the Board of Adjustment as a Temporary Use Permit.*8

ARTICLE 801.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet** or **three stories**.

ARTICLE 801.4. YARD REGULATIONS: The buildings shall set back from all lot lines bounding the shopping center site or in the absence of lot lines, the boundaries delineating the shopping center site, a distance of not less than **50 feet**.

ARTICLE 801.5. INTENSITY OF USE REGULATIONS: The maximum lot coverage shall be **25% of the area** in the shopping center site.

ARTICLE 801.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. hereof.*4

ARTICLE 801.7. SIGN REGULATIONS: A comprehensive sign package shall be approved that conforms to the sign regulations as provided in Chapter 14, Section 1404 and 1406 thereof. The comprehensive sign package should include, but is not limited to, letter and logo sizes, letter style, colors, texture, lighting methods, sign type, and architectural features. The comprehensive sign package shall be reviewed concurrently with the precise plan of development.*8

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ARTICLE 801.8. LOADING AND UNLOADING REGULATIONS: The loading and unloading regulations are as provided in Chapter 11, Section 1103. hereof.

ARTICLE 801.9. ADDITIONAL REGULATIONS: The additional regulations are as follows:

1. The shopping center buildings shall be designed and built as a whole, unified, and single project.
2. Any part of the shopping center site not used for buildings or other structures, loading and access ways, or pedestrian walks shall be landscaped with grass, trees or shrubs.
3. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district.^{*1}
4. ***Walls and screening:***
 - a. A solid wall, not less than **six feet** in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening.^{**2}
 - b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.
5. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development.^{*5}

6. THE SHOPPING CENTER SITE AND THE BUILDINGS AND APPURTENANT FACILITIES SHALL BE IN A SINGLE OWNERSHIP,

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OR UNDER MANAGEMENT OR SUPERVISION OF A CENTRAL AUTHORITY; OR THEY SHALL BE SUBJECT TO OTHER SUPERVISORY LEASE OR OWNERSHIP CONTROL AS MAY BE NECESSARY TO CARRY OUT THE PURPOSE OF REGULATIONS RELATING TO THE C-S ZONING DISTRICT.

7. ALL COMMERCIAL DEVELOPMENT SHALL BE SUBJECT TO A PLAN OF DEVELOPMENT APPROVAL AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE. ^{*9}

8. FOR COMMERCIAL USES, WHICH WERE DEVELOPED PRIOR TO X-X-2008, AN AS-BUILT PLAN MAY SERVE AS THE PLAN OF DEVELOPMENT. WHEN THE OWNER OR AUTHORIZED AGENT WANTS TO MAKE A CHANGE ON THE PROPERTY, THIS AS-BUILT PLAN INDICATING THE CHANGES MAY BE SUBMITTED. THE ZONING INSPECTOR MAY APPROVE CHANGES AS LONG AS ANY EXPANSION IS PART OF THE EXISTING LAND USE, DOES NOT CONFLICT WITH EXISTING CODES, DOES NOT EXCEED ONE HUNDRED PERCENT OF THE AREA OF THE ORIGINAL DEVELOPMENT, AND DOES NOT ADVERSELY IMPACT THE SURROUNDING AREAS OR DRAINAGE CONDITIONS. THESE CHANGES MAY INCLUDE, BUT ARE NOT LIMITED TO PARKING COVERS, INTERIOR REMODELING, ADDITIONS TO THE BUILDINGS OR NEW BUILDINGS. ^{*9}

ARTICLE 801.10. DELETED WITH TA2007016 EFFECTIVE X-X-08

~~**TIME LIMIT FOR CONSTRUCTION:** Upon approving a plan of development, construction of the shopping center shall proceed as soon as practicable, and if reasonable progress is not being made within a period of **one year** ending after the date of such approval by the Board of Supervisors, the Commission may have the owners of the shopping center explain the delay, and if reasonable progress is not being made within a period of **two years** ending after the date of said approval, the Commission may initiate proceedings to rezone the area of the C-S Zoning District to the zoning district in existence prior to the adoption of the C-S Zoning District or to such other zoning district as it may deem suitable and appropriate.~~

ARTICLE 801.11. DELETED WITH TA2007016 EFFECTIVE X-X-08

~~**PROCEDURAL REGULATIONS:** The C-S Zoning District may be established and made a part of the zoning district maps prior to approving a plan of development. However, before building permits are issued, a plan of development shall be submitted and approved by the Board of Supervisors~~

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after first referring same to the Commission for review and report in accordance with the following procedures:

1. The owners or agents of a site comprising an area of not less than **five acres** may submit to the Board of Supervisors a plan to develop all or at least **five acres** of that site as a Planned Shopping Center. The plan to develop said site may be submitted as a separate proposal, or as part of a Commercial Unit Plan of Development as set forth in Chapter 10, Section 1003. thereof.^{*7}
2. The plan shall be referred to the Commission for its review, report and recommendation, and for public hearing. Notice and procedure for public hearing shall conform with the procedures prescribed in Chapter 3, Section 304. hereof.
3. The Commission having held public hearing shall then present its report and recommendation and the plan to the Board of Supervisors for consideration and public hearing. Notice and procedure for public hearing shall conform with the procedures prescribed in Chapter 3, Section 304. hereof.
4. The recommendation of the Commission shall include the reasons for approval or disapproval of the plan, and if recommended for approval, specific evidence and facts showing that the plan meets the requirements of the regulations for the C-S Zoning District.
5. The recommendation of the Commission may include reasonable additional requirements as to landscape treatment, including grading plans and planting plans, vehicular ingress and egress, signs, lighting, screening and setback of buildings.
6. The Commission may require of said owners or agents a market analysis showing the need for a shopping center in the location requested and the inadequacy of the existing zoning to meet this need, and such other information deemed necessary to achieve the purpose of the C-S Zoning District.
7. The shopping center site and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a central authority; or they shall be subject to other supervisory lease or ownership control as may be necessary to carry out the purpose of regulations relating to the C-S Zoning District.

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8. The plan shall show that the proposed shopping center would conform with the requirements of regulations for the C-S Zoning District, and development of the shopping center shall be according to these requirements and the approved plan.

9. Amendments shall be processed in the same manner as the initial plan to develop a site as a Planned Shopping Center.

Date of Revisions			
*1	Revised 4-2-84	**5	Added 2-20-94
**2	Added 10-15-84	*6	Revised 6-5-96
*4	Revised 4-3-91	*7	Effective 5-16-98
*5	Revised 2-20-94	*8	Effective 9-21-07
*9	Effective x-x-08		

SECTION 802. C-O (Commercial Office Zoning District) ^{*1}

ARTICLE 802.1. PURPOSE: The principal purpose of this zoning district is to provide for well designed and attractive business and professional office facilities on sites in appropriate locations. This zoning district would constitute a transition between other commercial land uses and residential neighborhoods. Principal uses in this zoning district include professional, semi-professional and business office uses.

ARTICLE 802.2. USE REGULATIONS: A building or premise shall be used only for the following purposes:

1. Any business office in which chattels or goods, wares or merchandise are not commercially created, repaired, sold or exchanged.
2. Offices for accountant, architect, chiropodist, chiropractor, dentist, engineer, lawyer, minister, naturopath, osteopath, physician, surgeon, surveyor, optometrist, geologist, insurance broker, public stenographer, real estate broker, stock broker, advertising agency, talent agency, private employment agency, labor union, marriage counselor, private detective, telephone message service, professional membership organization, business association, collection agency and other similar professional and semi-professional work.
3. Banks, building and loan associations, savings and loan associations, title insurance companies, trust companies, credit unions, finance companies and investment companies.

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4. Studios for photography, fine or commercial arts or other professional work.
5. Medical and clinical laboratories.
6. Post office.
7. Pharmacy, when in conjunction with a medical center consisting of offices occupied by **five or more doctors** provided that there shall be no outside entrance for business purposes, and that no sign or display be located so as to be visible from a public thoroughfare or adjacent property.
8. Service to the public of water, gas, electricity, telephone and cable television and sewage including wastewater treatment plants. The foregoing shall be deemed to include attendant facilities and appurtenances to these uses, including without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines. ^{*6}
9. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. ^{*4, *5}
10. Deleted 07-07-2006 (TA2003005)
11. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302. ^{*4}
12. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301. ^{*4}
13. Temporary construction office/yard complex – construction yard and construction office complex which may include a security office or residence for a security guard provided that the following conditions are met:
 - A. The uses are only associated with the developer/owner and subdivision or project in which they are located. Off-site construction office/yard complexes may be allowed subject to approval by the Board of Adjustment.
 - B. Upon sale of the development, cessation of the need for the use (**95% buildout**), or cessation of the use, all structures,

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modifications to structures and uses related to the construction office/yard complex are removed.

- C. Those uses of structures allowed shall meet all building code requirements.
- D. All items stored on site shall only be those required for the construction on site.
- E. The allowed uses may encroach into setback areas.
- F. All necessary permits must be issued prior to placement on the site.
- G. If these requirements cannot be met, the request shall be processed through the Board of Adjustment as a Temporary Use Permit.*7

ARTICLE 802.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **30 feet** or **two stories** except that within **20 feet** of any rural or residential zoning district, no building shall exceed **15 feet** in height.

ARTICLE 802.4. YARD REGULATIONS: The required yards are as follows:

1. ***Front Yard:***

- a. There shall be a front yard having a depth of not less than **ten feet**.
- b. Where the frontage between **two intersecting streets** is located partly in the C-0 Zoning District and partly in a rural or residential zoning district, there shall be a front yard equal to the front yard required in the adjoining rural or residential zoning district but such yard need not exceed **25 feet** in depth.

2. ***Side Yard:***

- a. There shall be a side yard on each side of a building of not less than **five feet** unless otherwise provided herein.
- b. Where the lot is adjacent to a rural or residential zoning district, there shall be a side yard on the side of the lot

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adjacent to such rural or residential zoning district having a width of not less than **ten feet**.

- c. Where a corner lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than **15 feet**.

3. **Rear Yard:**

- a. There shall be a rear yard having a depth of not less than **five feet**.

ARTICLE 802.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:

1. **Lot Area:** The minimum lot area shall be **12,000 square feet**.
2. **Lot Coverage:** The maximum lot coverage shall be **35%** of the lot area.
3. **Lot Width:** Each lot shall have a minimum width of **60 feet**.

ARTICLE 802.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. hereof.

ARTICLE 802.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1404. hereof.

ARTICLE 802.8. LOADING AND UNLOADING REGULATIONS: The loading and unloading regulations are as provided in Chapter 11, Section 1103. hereof.

ARTICLE 802.9. ADDITIONAL REGULATIONS: The additional regulations are as follows:

1. All refuse collection areas shall be screened from view from all public streets.
2. There shall be a solid fence, wall and suitable planting **six feet** in height where the side or rear lot lines or boundaries of the lot area adjacent to a rural or residential zoning district.
 - a. A solid wall, not less than **six feet** in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting

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such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening. ^{*3}

- b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted, shall be enclosed to a height of not less than **six feet** in height by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.
3. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. ^{*2}
4. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development. ^{*4}
5. ALL COMMERCIAL DEVELOPMENT SHALL BE SUBJECT TO A PLAN OF DEVELOPMENT APPROVAL AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE. ^{*8}
6. FOR COMMERCIAL USES, WHICH WERE DEVELOPED PRIOR TO **X-X-2008**, AN AS-BUILT PLAN MAY SERVE AS THE PLAN OF DEVELOPMENT. WHEN THE OWNER OR AUTHORIZED AGENT WANTS TO MAKE A CHANGE ON THE PROPERTY, THIS AS-BUILT PLAN INDICATING THE CHANGES MAY BE SUBMITTED. THE ZONING INSPECTOR MAY APPROVE CHANGES AS LONG AS ANY EXPANSION IS PART OF THE EXISTING LAND USE, DOES NOT CONFLICT WITH EXISTING CODES, DOES NOT EXCEED ONE HUNDRED PERCENT OF THE AREA OF THE ORIGINAL DEVELOPMENT, AND DOES NOT ADVERSELY IMPACT THE SURROUNDING AREAS OR DRAINAGE CONDITIONS. THESE CHANGES MAY INCLUDE, BUT ARE NOT LIMITED TO PARKING COVERS, INTERIOR REMODELING, ADDITIONS TO THE BUILDINGS OR NEW BUILDINGS. ^{*8}

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ARTICLE 802.10. LANDSCAPING REGULATIONS:

1. The required front yard of the lot shall be landscaped.
2. The required side yards shall be landscaped.
3. **Four percent** of the gross parking area shall be landscaped with grass, trees, shrubs, or natural vegetation.
4. Any part of the lot not used for buildings, other structures, parking and vehicular and pedestrian access shall be landscaped with grass, trees, shrubs or natural vegetation.
7. All landscaped areas shall be provided with water bibs or an automatic sprinkler system.

Date of Revisions	
*1	Added 12-12-77
*2	Revised 4-2-84
*3	Added 10-15-84
*4	Added 2-20-94
*5	Revised 6-5-96
*6	Effective 11-19-99
*7	Effective 07-07-06
*8	Effective x-x-08

SECTION 803. C-1 (Neighborhood Commercial Zoning District) ^{*1}

ARTICLE 803.1. PURPOSE: The principal purpose of this zoning district is to provide for smaller shops and services in convenient locations to meet the daily needs of families in the immediate residential neighborhoods. Principal uses permitted in this zoning district include food markets, drugstores and personal service shops.

ARTICLE 803.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

1. Antique shops
2. Art galleries
3. Automobile parts and supplies
4. Bakery shops, including baking on the premises for on-site sales only.

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5. Banks
6. Barber and beauty shops
7. Book, stationery and gift shops except adult oriented facilities as defined under Chapter 2.^{*2}
8. Business schools (such as: real estate, secretarial, data processing), but not including trade schools.
9. Candy shops, including manufacturing of candy on the premises for on-site sales only.
10. Churches, including accessory columbariums provided that the building area of the columbarium shall not exceed **10%** of the total building area of the church building(s).^{*6}
11. Cleaning agencies, laundry agencies, pressing establishments and self-service laundries, including self-service dry cleaning machines, provided there is no cleaning of clothes on the premises.
12. Clock and watch repair shops
13. Clothing and dry good shops, including clothing and costume rental.
14. Craft and hobby shops, with incidental craft or hobby instruction only.
15. Day nurseries and nursery schools, including a playground and playground equipment which shall be screened from any adjoining rural or residential zoning district.
16. Delicatessen shops
17. Dress shops
18. Drugstores and soda fountains
19. Fire stations, publicly or privately owned or operated
20. Florist shops
21. Gasoline service stations, provided all incidental repair work is conducted wholly within a completely enclosed building and space

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- required for such repair work does not constitute more than **60%** of the floor area.
22. Grocery stores and meat markets, provided there is no slaughtering of animals or poultry on the premises.
 23. Hardware shops
 24. Household appliance shops
 25. Ice cream shops, including manufacturing of ice cream on the premises for on-site sales only.
 26. Interior decorator shops
 27. Jewelry shops
 28. Key, locksmith or gun shops
 29. Liquor stores limited to retail sales of package goods for off-site consumption.
 30. Offices
 31. Photographer's and artist's studios
 32. Precision, optical and musical instrument repair shops
 33. Private schools operated as a commercial enterprise, except trade schools.
 34. Public facilities such as libraries, museums, parks, playgrounds, community buildings including police stations, post offices and other community service buildings used for non-commercial non-profit purposes.
 35. Public schools; elementary, high school and college
 36. Radio and television shops, including repair
 37. Restaurants and cafes, including drive-through service with no outside eating facilities, but not including those having dancing or shows, or drive-in car service. The sale of alcoholic beverages for

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on-site consumption only may be permitted as an accessory use subject to the following requirements:

- a. The kitchen facilities in the restaurant shall be no less than **20%** of the floor area.
 - b. The floor plan of the restaurant shall be approved by the Planning and Development Department.*13
38. Secretarial or answering services
 39. Service to the public of water, gas, electricity, telephone, cable television and sewage including wastewater treatment plants. The foregoing shall be deemed to include attendant facilities and appurtenances to these uses, including, without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines.*12
 40. Shoe repair shops
 41. Tailor shops
 42. Variety or notion stores
 43. Videotape rental stores*8
 44. Accessory buildings and uses customarily incidental to the above uses.
 45. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. *9, *11
 46. Deleted 07-07-06 (TA2003005)
 47. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302.*9
 48. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301.*9
 49. Temporary construction office/yard complex – construction yard and construction office complex which may include a security office or

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residence for a security guard provided that the following conditions are met:

- A. The uses are only associated with the developer/owner and subdivision or project in which they are located. Off-site construction office/yard complexes may be allowed subject to approval by the Board of Adjustment.
- b. Upon sale of the development, cessation of the need for the use (**95% buildout**), or cessation of the use, all structures, modifications to structures and uses related to the construction office/yard complex are removed.
- c. Those uses of structures allowed shall meet all building code requirements.
- d. All items stored on site shall only be those required for the construction on site.
- e. The allowed uses may encroach into setback areas.
- F. All necessary permits must be issued prior to placement on the site.
- G. If these requirements cannot be met, the request shall be processed through the board of adjustment as a Temporary Use Permit.*13

ARTICLE 803.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **30 feet** or **two stories**, except that the height of any building or structure closer than **30 feet** to any rural or residential zone boundary shall not exceed the distance from said building or structure to the zone boundaries. Streets or alleys may be included in calculating distance.

ARTICLE 803.4. YARD REGULATIONS:

1. **Front Yard:** A minimum of **ten feet**, and further that where the frontage between **two intersecting streets** is located partly in the C-1 Zoning District, and partly in a rural or residential zoning district, there shall be a front yard equal to the front yard required in the adjoining rural or residential zoning district but such yard need not exceed **25 feet** in depth.

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2. **Side Yard:** None required (see Chapter 8, Section 803., Article 803.3. - Height Regulations), except that:
 - a. Where a lot is adjacent to a rural or residential zoning district, there shall be a side yard on the side of the lot adjacent to such rural or residential zoning district having a width of not less than **ten feet**.
 - b. Where a corner lot abuts a rural or residential zoning district, whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than **ten feet**.
 - c. If a side yard is otherwise provided, it shall have a width of not less than **three feet**.
3. **Rear Yard:** None required (see Chapter 8, Section 803., Article 803.3. - Height Regulations), except that where a lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.
 - a. If a rear yard is otherwise provided, it shall have a depth of not less than **three feet**.

ARTICLE 803.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:

1. **Lot Area:** Each lot shall have a minimum area of **6,000 square feet**.
2. **Lot Width:** Each lot shall have a minimum width of **60 feet**.
3. **Lot Coverage:** The maximum lot coverage shall be **60%** of the lot area.

ARTICLE 803.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. hereof.

ARTICLE 803.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1404. hereof.

ARTICLE 803.8. LOADING AND UNLOADING REGULATIONS: The loading and unloading regulations are as provided in Chapter 11, Section 1103. hereof.

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ARTICLE 803.9. ADDITIONAL REGULATIONS: The additional regulations are as follows:

1. All activity (except required on-site parking, loading or unloading) including incidental or accessory storage and display area shall be within a completely enclosed building, unless otherwise specifically noted herein.
2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. ^{*3}
3. A building other than the residence of the family of the operator or caretaker employed on the premises of a commercial use shall not be used for dwellings unless approved as a Special Use by the Board of Supervisors. ^{*5, *10}
4. ***Walls and Screening:***
 - a. A solid wall, not less than **six feet** in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening. ^{*4}
 - b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.
5. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development. ^{*9}

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6. ALL COMMERCIAL DEVELOPMENT SHALL BE SUBJECT TO A PLAN OF DEVELOPMENT APPROVAL AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE. ^{*14}
7. FOR COMMERCIAL USES, WHICH WERE DEVELOPED PRIOR TO X-X-2008, AN AS-BUILT PLAN MAY SERVE AS THE PLAN OF DEVELOPMENT. WHEN THE OWNER OR AUTHORIZED AGENT WANTS TO MAKE A CHANGE ON THE PROPERTY, THIS AS-BUILT PLAN INDICATING THE CHANGES MAY BE SUBMITTED. THE ZONING INSPECTOR MAY APPROVE CHANGES AS LONG AS ANY EXPANSION IS PART OF THE EXISTING LAND USE, DOES NOT CONFLICT WITH EXISTING CODES, DOES NOT EXCEED ONE HUNDRED PERCENT OF THE AREA OF THE ORIGINAL DEVELOPMENT, AND DOES NOT ADVERSELY IMPACT THE SURROUNDING AREAS OR DRAINAGE CONDITIONS. THESE CHANGES MAY INCLUDE, BUT ARE NOT LIMITED TO PARKING COVERS, INTERIOR REMODELING, ADDITIONS TO THE BUILDINGS OR NEW BUILDINGS. ^{*14}

Date of Revisions			
*1	Revised 5-11-81	*8	Added and renumbered after subparagraph Ch. 8, Section 803.2.43
*2	Revised 6-1-81	*9	Added 2-20-94
*3	Revised 4-2-84	*10	Revised 5-6-94
*4	Added 10-15-84	*11	Revised 6-5-96
*5	Renumbered 1-7-85	*12	Effective 11-19-99
*6	Revised 4-10-89	*13	Effective 07-07-06
*14	Effective x-x-08		

SECTION 804. C-2 (Intermediate Commercial Zoning District) ^{*1}

ARTICLE 804.1. PURPOSE: The principal purpose of this zoning district is to provide for the sale of commodities and the performance of services and other activities in locations for which the market area extends beyond the immediate residential neighborhoods. Principal uses permitted in this zoning district include automobile sales and services, furniture stores, hotels and motels, travel trailer parks, restaurants, and some commercial recreation and cultural facilities such as movies and instruction in art and music. This zoning district is designed for application at major street intersections.

ARTICLE 804.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

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1. Any use permitted in the C-1 Zoning District, subject to all the regulations specified in the use regulations for such C-1 Zoning District unless the use is otherwise regulated in this Section.
2. Adult oriented facilities as defined under Chapter 2, subject to the following conditions: ^{*11}
 - a. Adult oriented facilities shall not be located within **1,500 feet** of any other adult oriented facility.
 - b. Adult oriented facilities shall not be located within **1,500 feet** of:
 1. A church; or
 2. A public or private elementary or secondary school; or
 3. A public or private day care center, preschool, nursery, kindergarten, or similar use; or
 4. A public park or playground
 - c. For purposes of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior walls of any affected structures without regard to intervening structures or objects or political boundaries.
 - d. An adult oriented business lawfully operating is not rendered in violation of these provisions by the subsequent location of a church, public or private elementary or secondary school, or public park within **1,500 feet** of the adult oriented business.
 - e. This provision shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.
3. Art metal and ornamental iron shops.
4. Automobile laundries, provided steam cleaning is confined to a building.
5. Automobile repair shops and garages, including an outside vehicle storage area to be used for vehicles under repair which shall be

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completely screened from any street or surrounding property, and further provided all repair operations are conducted within a building.

6. New and used, automobile and golf cart sales, and rentals provided all sales, service, and repair activities are conducted within a building. ~~If any outside display areas are provided, the site shall be subject to site plan approval by the Planning and Zoning Commission and Board of Supervisors.~~ ^{*10, *13 *15}
7. Awning and canvas stores.
8. Bars, including retail sales of package goods for off-site consumption, provided that there is no entertainment or music audible offsite.
9. Health spas and public gyms. ^{*2}
10. Blueprint, photostat and reproduction (copy) services.
11. Boat sales, including an outside display area, providing all sales and repair activities are conducted within a building. ~~and subject to site plan approval of the Planning and Zoning Commission and Board of Supervisors.~~ ^{*15}
12. Cabinet and carpenter shops.
13. Catering establishments not utilizing any manufacturing process or outside storage of materials or vehicles.
14. Conservatories or studios: Art, dancing or music.
15. Department stores.
16. Drive-in restaurants and refreshment stands.
17. Electrical fixtures and appliance sales, repair and service.
18. Feed stores, inside storage only.
19. Funeral homes, mortuaries and chapels.
20. Furniture stores including: New, used, finished or unfinished merchandise.
21. Gas (butane or propane), retail sales of. ^{*6}

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22. Hotels.
23. Laboratories, medical or dental.
24. Liquor stores.
25. Motels.
26. Nurseries, flower and plant sales, provided all incidental equipment and supplies including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least **six feet** in height and no goods, materials or objects are stacked higher than the fence or wall so erected.
27. Paint and wall paper stores.
28. Parking lots and public garages, subject to parking standards in Chapter 11, Section 1102.
29. Pet shops, not involving the treatment or boarding of cats, dogs or other small animals.
30. Plumbing shops.
31. Pool halls or billiard centers.
32. Radio and television broadcasting stations and studios, but not including transmitter towers and stations.
33. Rental services: Household, lawn, garden, sickroom or office equipment.
34. Restaurants and cafes, including patios, with or without cocktail lounges, provided there is no entertainment or music audible off-site.
*14
35. Retail stores.
36. Taxidermists.
37. Theaters, but not including a drive-in theater and adult oriented facilities as defined under Chapter 2. *2

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38. Tinsmith shops.
39. Trade schools.
40. Deleted 2-20-94
41. Upholstery shops.
42. Veterinary hospitals and clinics for animals, subject to:
 - a. Animals shall not be boarded or lodged except for short periods of observation incidental to care or treatment.
 - b. Animals shall be kept within a completely enclosed building, which shall be constructed and maintained as to prevent objectionable noise and odor outside the walls of the building.
 - c. No open kennels or exercise runs will be permitted.
 - d. All refuse shall be stored within the enclosed building or within odor proof containers.
43. Accessory buildings and uses customarily incidental to the above.

ARTICLE 804.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet** or **three stories**, except that the height of any building or structure closer than **40 feet** to any rural or residential zone boundary shall not exceed that distance from said building or structure to the zone boundaries. Streets or alleys may be included in calculating distance.

ARTICLE 804.4. YARD REGULATIONS:

1. **Front Yard:** A minimum of **10 feet**, and further that where the frontage between **two intersecting streets** is located partly in the C-2 Zoning District and partly in a rural or residential zoning district there shall be a front yard equal to the front yard required in the adjoining rural or residential zoning district but such yard need not exceed **25 feet** in depth.
2. **Side Yard:** None required (see Chapter 8, Section 804., Article 804.3. - Height Regulations) except that:
 - a. Where a lot is adjacent to a rural or residential zoning district, there shall be a side yard on the side of a lot adjacent to such

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rural or residential zoning district having a width of not less than **ten feet**.

- b. Where a corner lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than **ten feet**.
 - c. If a side yard is otherwise provided, it shall have a width of not less than **three feet**.
3. **Rear Yard:** None required (see Chapter 8, Section 804., Article 804.3. - Height Regulations) except that where a lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.
- a. If a rear yard is otherwise provided, it shall have a depth of not less than **three feet**.

ARTICLE 804.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:

1. **Lot Area:** Each lot shall have a minimum area of **6,000 square feet**.
2. **Lot Width:** Each lot shall have a minimum width of **60 feet**.
3. **Lot Coverage:** The maximum lot coverage shall be **60%** of the lot area.

ARTICLE 804.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. hereof.

ARTICLE 804.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1404. hereof.

ARTICLE 804.8. LOADING AND UNLOADING REGULATIONS: The loading and unloading regulations are as provided in Chapter 11, Section 1103. hereof.

ARTICLE 804.9. ADDITIONAL REGULATIONS: The additional regulations are as follows:

1. All activity (except required on-site parking, including loading and unloading areas), incidental or accessory storage and display areas

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shall be within a completely enclosed building unless otherwise specifically noted herein.

2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. ^{*3}
3. A building other than the residence of the family of the operator or caretaker employed on the premises of a commercial use shall not be used for dwellings, unless approved as a Special Use by the Board of Supervisors. ^{*5, *13}
4. ***Walls and Screening:***
 - a. A solid wall, not less than **six feet** in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening. ^{*4}
 - b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.
5. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development. ^{*12}
6. ALL COMMERCIAL DEVELOPMENT SHALL BE SUBJECT TO A PLAN OF DEVELOPMENT APPROVAL AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE. ^{*15}

7. FOR COMMERCIAL USES, WHICH WERE DEVELOPED PRIOR TO X-X-2008, AN AS-BUILT PLAN MAY SERVE AS THE PLAN OF

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DEVELOPMENT. WHEN THE OWNER OR AUTHORIZED AGENT WANTS TO MAKE A CHANGE ON THE PROPERTY, THIS AS-BUILT PLAN INDICATING THE CHANGES MAY BE SUBMITTED. THE ZONING INSPECTOR MAY APPROVE CHANGES AS LONG AS ANY EXPANSION IS PART OF THE EXISTING LAND USE, DOES NOT CONFLICT WITH EXISTING CODES, DOES NOT EXCEED ONE HUNDRED PERCENT OF THE AREA OF THE ORIGINAL DEVELOPMENT, AND DOES NOT ADVERSELY IMPACT THE SURROUNDING AREAS OR DRAINAGE CONDITIONS. THESE CHANGES MAY INCLUDE, BUT ARE NOT LIMITED TO PARKING COVERS, INTERIOR REMODELING, ADDITIONS TO THE BUILDINGS OR NEW BUILDINGS. ^{*15}

Date of Revisions			
*1	Revised 5-11-81	*10	Revised 5-16-90
*2	Revised 6-1-81	*11	Added 8-21-93
*3	Revised 4-2-84	*12	Added 2-20-94
*4	Added 10-15-84	*13	Revised 5-6-94
*5	Renumbered 1-7-85	*14	Effective 5-9-97
*6	Revised 4-1-85	*15	Effective x-x-08

SECTION 805. C-3 (General Commercial Zoning District) ^{*1}

ARTICLE 805.1. PURPOSE: The principal purpose of this zoning district is to provide for commercial uses concerned with wholesale or distribution activities in locations where there is adequate access to major streets or highways. Principal uses permitted in this zoning district include retail and wholesale commerce and commercial entertainment.

ARTICLE 805.2. USE REGULATIONS: A building or premise shall be used only for the following:

1. Any use permitted in the C-2 Zoning District, subject to all the regulations specified in the use regulations for such C-2 Zoning District unless the use is otherwise regulated in this Section.
2. Amusement enterprises.
3. Auction sales, including swap meet operations.
4. Automobile sales, service and rental.
5. Boat sales, service and rental.

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6. Bowling alleys.
7. Bus depots.
8. Dance halls and nightclubs, except adult oriented facilities as defined under Chapter 2. ^{*2}
9. Drive-in theaters.
10. Equipment rentals and sales, but not including equipment customarily used for heavy construction.
11. Frozen food lockers, including processing but not slaughtering of animals.
12. Hospitals and clinics for animals, provided animals are not boarded or lodged other than those being treated.
13. Wholesale ice distributing stations.
14. Landscape material sales provided all incidental equipment and supplies, including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least **six feet** in height, and no goods, materials or objects are stacked higher than the fence or wall so erected.
15. Lumber yards not including industrial milling or planning operations.
16. Miniature golf courses and driving ranges.
17. Mobile home, travel trailer and recreation vehicle sales and service.
18. Printing, lithography and publishing establishments.
19. Stone monument sales.
20. Commercial storage of mobile homes, manufactured homes, travel trailers, recreation vehicles, boats and aircraft on sites of no less than **one acre**. ^{*5-11}
21. Truck stops, with customary accessory facilities including but not limited to restaurant, convenience retail, motel, truck wash, and

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minor repair facilities but not including major repair, freight storage, freight handling, warehousing or distribution facilities.^{**7}

22. Wholesale stores.
23. Accessory buildings and uses customarily incidental to the above uses.

ARTICLE 805.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet** or **three stories**, except that the height of any building or structure closer than **40 feet** to any rural or residential zone boundary shall not exceed the distance from said building or structure to the zone boundaries. Streets or alleys may be included in calculating distance.

ARTICLE 805.4. YARD REGULATIONS:

1. **Front Yard:** A minimum of **ten feet**, and further that where the frontage between **two intersecting streets** is located partly in the C-3 Zoning District and partly in a rural or residential zoning district, there shall be a front yard equal to the front yard required in the adjoining rural or residential zoning district but such yard need not exceed **25 feet** in depth.
2. **Side Yard:** None required (see Chapter 8, Section 805., Article 805.3. - Height Regulations) except that:
 - a. Where a lot is adjacent to a rural or residential zoning district there shall be a side yard on the side of the lot adjacent to such rural or residential zoning district having a width of not less than **ten feet**.
 - b. Where a corner lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than **ten feet**.
 - c. If a side yard is otherwise provided, it shall have a width of not less than **three feet**.
3. **Rear Yard:** None required (see Chapter 8, Section 805., Article 805.3. - Height Regulations) except that where a lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.

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- a. If a rear yard is otherwise provided, it shall have a depth of not less than **three feet**.

ARTICLE 805.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:

1. **Lot Area:** Each lot shall have a minimum area of **6,000 square feet**.
2. **Lot Width:** Each lot shall have a minimum width of **60 feet**.
3. **Lot Coverage:** The maximum lot coverage shall be **60%** of the lot area.

ARTICLE 805.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. hereof.

ARTICLE 805.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1404. hereof.

ARTICLE 805.8. LOADING AND UNLOADING REGULATIONS: The loading and unloading regulations are as provided in Chapter 11, Section 1103. hereof.

ARTICLE 805.9. ADDITIONAL REGULATIONS: The additional regulations are as follows:

1. Site Enclosure and Screening Requirements: Commercial site and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets as follows:
 - a. A solid wall, not less than **six feet** in height shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening.
 - b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback

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area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. ^{*3}
3. A building other than the residence of the family of the operator or caretaker employed on the premises of a commercial use shall not be used for dwelling purposes unless approved as a Special Use by the Board of Supervisors. ^{*4,*10}
4. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development. ^{*9}
5. ALL COMMERCIAL DEVELOPMENT SHALL BE SUBJECT TO A PLAN OF DEVELOPMENT APPROVAL AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE. ^{*12}
6. FOR COMMERCIAL USES, WHICH WERE DEVELOPED PRIOR TO **X-X-2008**, AN AS-BUILT PLAN MAY SERVE AS THE PLAN OF DEVELOPMENT. WHEN THE OWNER OR AUTHORIZED AGENT WANTS TO MAKE A CHANGE ON THE PROPERTY, THIS AS-BUILT PLAN INDICATING THE CHANGES MAY BE SUBMITTED. THE ZONING INSPECTOR MAY APPROVE CHANGES AS LONG AS ANY EXPANSION IS PART OF THE EXISTING LAND USE, DOES NOT CONFLICT WITH EXISTING CODES, DOES NOT EXCEED ONE HUNDRED PERCENT OF THE AREA OF THE ORIGINAL DEVELOPMENT, AND DOES NOT ADVERSELY IMPACT THE SURROUNDING AREAS OR DRAINAGE CONDITIONS. THESE CHANGES MAY INCLUDE, BUT ARE NOT LIMITED TO PARKING COVERS, INTERIOR REMODELING, ADDITIONS TO THE BUILDINGS OR NEW BUILDINGS. ^{*12}

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Date of Revisions			
*1	Revised 5-11-81	*11	Effective 09-15-06
*2	Revised 6-1-81	*12	Effective x-x-08
*3	Revised 4-2-84		
*4	Renumbered 1-7-85		
*5	Revised 4-1-85		
**7	Added 4-10-89		
*9	Added 2-20-94		
*10	Revised 5-6-94		

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SECTION 901. IND-1 (Planned Industrial Zoning District)^{*1}

ARTICLE 901.1. PURPOSE: The principal purpose of this zoning district is to provide sufficient space in appropriate locations for certain types of business and manufacturing uses that are quiet, attractive and well designed including appropriate screening and/or landscape buffers to afford locations close to existing residential uses, so that people can live and work in the same neighborhood.^{*6}

ARTICLE 901.2. USE REGULATIONS: A building or premise shall be used only for the following purposes, and subject to procedural regulations as listed in Chapter 9, Section 901., Article 901.11. herein:^{*4}

1. Art needlework, handweaving and tapestries.
2. Books, hand binding and tooling.
3. Compounding of cosmetics and pharmaceutical products.
4. Jewelry, manufacture from precious metals and minerals.
5. Laboratories, research, experimental and testing.
6. Manufacture and assembly of clay, leather, metal and glass products of a handicraft nature.
7. Manufacture and assembly of medical, dental and drafting instruments.
8. Manufacture and assembly of optical goods and equipment, watches, clocks and other similar precision instruments.
9. Manufacture and assembly of electrical or electronic apparatus, musical instruments, games and toys.
10. Motion picture producing.
11. Offices.
12. Radio and television broadcasting stations and studios, but not including transmitter towers and transmitter stations.
13. Warehousing, storage and wholesale distribution facilities.

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14. Any other office, laboratory, manufacturing and assembling uses similar to those uses enumerated herein which do not create any danger to the public health, safety and general welfare in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat or glare and which, by reason of high value in relation to size and weight of merchandise received and shipped create very little truck traffic.
15. Accessory buildings and uses customarily incidental to the above uses.
16. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. ^{**7, *9}
17. Deleted 07-07-06 (TA2003005)
18. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302. ^{**7}
19. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301. ^{**7}
20. Temporary construction office/yard complex – construction yard and construction office complex which may include a security office or residence for a security guard provided that the following conditions are met:
 - A. The uses are only associated with the developer/owner and subdivision or project in which they are located. Off-site construction office/yard complexes may be allowed subject to approval by the Board of Adjustment.
 - B. Upon sale of the development, cessation of the need for the use (**95% buildout**), or cessation of the use, all structures, modifications to structures and uses related to the construction office/yard complex are removed.
 - C. Those uses of structures allowed shall meet all building code requirements.
 - D. All items stored on site shall only be those required for the construction on site.

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- E. The allowed uses may encroach into setback areas.
 - F. All necessary permits must be issued prior to placement on the site.
 - G. If these requirements cannot be met, the request shall be processed through the board of adjustment as a Temporary Use Permit.*11
21. Service to the public of water, gas, electricity, telephone and cable television and sewage including wastewater treatment plants. The foregoing shall be deemed to include attendant facilities and appurtenances to these uses, including without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines. *10

ARTICLE 901.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet** or **three stories**, except that the height of any building or structure closer than **40 feet** to any rural or residential zone boundary shall not exceed the distance from said building or structure to the zone boundary, except that no building need be less than **ten feet** in height. Streets or alleys may be included in calculating distance.

ARTICLE 901.4. YARD REGULATIONS: The required yards are as follows: *5

1. **Front Yard:** *6

- a. All properties abutting a public street shall have an open setback area which shall be landscaped extending for the full width of the property. This setback shall be parallel to the centerline of the street and shall be measured from the setback line or the ultimate right-of-way line of a local street, and shall be of a depth as indicated as follows:
 - 1. Abutting any major street, section line road, State or Federal Highway not less than **20 feet**.
 - 2. Abutting collector streets and midsection line roads and roads adjoining rural or residential zoning districts not less than **15 feet**. *7
 - 3. Abutting local streets and interior streets of industrial subdivisions not less than **ten feet**.

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- b. For through lots, a front yard shall be provided along both front lot lines.
 - c. For corner lots the yard along each street side of such corner lot shall conform with the front yard regulations.^{*7}
2. **Side Yard:** Where the side of a lot is adjacent to a rural or residential zoning district, there shall be a side yard having a width of not less than **30 feet**, of which a minimum of **10 feet** shall be landscaped and continuously maintained. (see Chapter 9, Section 901., Article 901.3. - Height Regulations).^{*7}
 3. **Rear Yard:** Where the rear of a lot is adjacent to a rural or residential zoning district there shall be a rear yard having a depth of not less than **30 feet**, of which a minimum of **10 feet** shall be landscaped and continuously maintained. (See Chapter 9, Section 901., Article 901.3. - Height Regulations).^{*6}

ARTICLE 901.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:^{*5}

1. **Lot Area:** Each lot shall have a minimum lot area of **35,000 square feet**.^{*6}
2. **Lot Width:** Each lot shall have a minimum width of **150 feet**.^{*6}
3. **Lot Coverage:** The maximum lot coverage shall be **60%** of the lot area.
4. **Volume Ratio:** The volume of all structures on a lot shall not exceed the product of the lot area in square feet multiplied by **nine feet**.^{*6}

ARTICLE 901.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. hereof except as provided herein.^{*4, *6}

ARTICLE 901.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1405. hereof.

ARTICLE 901.8. LOADING AND UNLOADING REGULATIONS: The loading and unloading regulations are as provided in Chapter 11, Section 1103. hereof except as provided herein.^{*4, *6}

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ARTICLE 901.9. ADDITIONAL REGULATIONS: The additional regulations are as follows:
^{*5}

1. All uses except for parking, loading, unloading and storage shall be conducted within a completely enclosed building.
2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. ^{*2}
3. Required yards adjacent to any street shall be landscaped and shall not be occupied by any use or structure including parking or loading spaces except for drives and roadways, signs and lighting as permitted in this Ordinance. ^{*6}
4. Site Enclosure and Screening Requirements: Industrial sites and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets by the use of walls, berms and landscape plantings or combinations thereof as follows: ^{*6}
 - a. Adjacent to any rural or residential zone, automobile parking shall be screened from view.
 - b. A solid masonry, concrete or earthen product wall not less than **six feet** in height or approved landscaped berms, landscape screening or combinations thereof shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods listed above shall be by the Board of Supervisors upon recommendation of the Commission. ^{*6}
 - c. The perimeter of any portion of a site not adjacent to a rural or residential zoning boundary upon which any outdoor use of an industrial nature is permitted, shall be screened to a height of not less than **six feet** in height by building walls, walls or fences of any view obscuring material, approved landscaped berms, landscape screening or combinations thereof. No outdoor industrial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure. Approval of the alternative screening methods

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listed above shall be by the Board of Supervisors upon recommendation of the Commission. ^{*6}

- d. Landscape Requirements: Minimum site landscape requirements are as follows: (Note: The Board of Supervisors or the Planning and Zoning Commission may include additional landscape requirements.) ^{*6}
1. Any part of a site not used for buildings, parking, driveways, storage, loading, sidewalks, etc. shall be landscaped and maintained.
 2. Not less than **2%** of all vehicle storage or parking areas, nor less than **8%** of the total net lot area, shall be landscaped and continuously maintained in a healthy condition. The landscaped area within the storage and parking areas shall not be included in the calculation for the minimum **8%** landscaping requirement for the total net lot area.
 3. Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and non-organic ground cover materials. The approval of the above mixture of landscape materials shall be by the Board of Supervisors upon recommendation of the Commission.
 4. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water. ^{*6}
 5. All landscaped areas adjacent to vehicular parking and access areas shall be protected by **six inch** vertical concrete curbing in order to control storm water flows and minimize damage by vehicular traffic. ^{*6}
 5. In any multi-phase industrial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development. ^{*7}
 6. **ALL INDUSTRIAL DEVELOPMENT SHALL BE SUBJECT TO A PLAN OF DEVELOPMENT APPROVAL AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE.** ^{*12}

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7. FOR INDUSTRIAL USES, WHICH WERE DEVELOPED PRIOR TO **OCTOBER 15, 1984**, AN AS-BUILT PLAN MAY SERVE AS THE PLAN OF DEVELOPMENT. WHEN THE OWNER OR AUTHORIZED AGENT WANTS TO MAKE A CHANGE ON THE PROPERTY, THIS AS-BUILT PLAN INDICATING THE CHANGES MAY BE SUBMITTED. THE ZONING INSPECTOR MAY APPROVE CHANGES AS LONG AS ANY EXPANSION IS PART OF THE EXISTING LAND USE, DOES NOT CONFLICT WITH EXISTING CODES, DOES NOT EXCEED ONE HUNDRED PERCENT OF THE AREA OF THE ORIGINAL DEVELOPMENT, AND DOES NOT ADVERSELY IMPACT THE SURROUNDING AREAS OR DRAINAGE CONDITIONS. THESE CHANGES MAY INCLUDE, BUT ARE NOT LIMITED TO PARKING COVERS, INTERIOR REMODELING, ADDITIONS TO THE BUILDINGS OR NEW BUILDINGS. ^{*8}

ARTICLE 901.10. DELETED WITH TA2007016 EFFECTIVE X-X-08

~~**EXPIRATION OF APPROVAL:** Approval of a Plan of Development by the Board of Supervisors shall be valid for **two years**, in which time construction of the project shall commence or the use authorized shall be initiated. Prior to the expiration of the approval, the developer may request an extension of time for the Commission to initiate the project. The Commission upon a finding of substantial grounds may grant an extension of time up to **one year**.~~^{*3}

ARTICLE 901.11. DELETED WITH TA2007016 EFFECTIVE X-X-08

~~**PROCEDURAL REGULATIONS:** The IND-1 Zoning District may be established and made a part of the zoning district maps prior to approving a Plan of Development, however, before Zoning Clearances are issued, a Plan of Development shall be submitted to and approved by the Board of Supervisors, after first referring same to the Commission for review and report in accordance with the following procedures:~~^{*4}

1. ~~The owners or authorized agents of all or part of the land in the IND-1 Zoning District shall submit prior to the issuance of a building permit a Plan of Development to the Board of Supervisors showing the location and arrangement of the buildings, structures and other improvements upon the land, including but not limited to, preliminary grading and drainage plans, walks, roadways, interior and boundary streets, vehicle parking areas, outside storage areas, perimeter screening, lighting, landscaping areas and signs.~~^{*6}

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2. The plan shall be referred to the Commission for its review, report and recommendation to the Board of Supervisors.
3. After review of the plan, the Commission shall present its report and recommendation to the Board of Supervisors for consideration and action.
4. The recommendation of the Commission shall include its reasons for approval or disapproval of the plan, and if recommended for approval, specific evidence and facts showing that the plan meets the requirements of the regulations for the IND-1 Zoning District.
5. The recommendation of the Commission shall include reasonable additional plan requirements, including but not limited to grading plans, landscape plans and landscaping treatments, vehicular ingress/egress and parking, off-site improvements (such as street, curbs and sidewalks, screening of outside storage areas, lighting, utility services and setbacks of buildings or structures).^{*6}
6. The plan shall show that the proposed use or uses would conform with the requirements of regulations for the IND-1 Zoning District, and development of the subject parcel of land shall be according to these requirements and the approved plan.
7. For Industrial Uses, which were developed prior to **October 15, 1984**, an as-built plan may serve as the plan of development. When the owner or authorized agent wants to make a change on the property, this as-built plan indicating the changes may be submitted. The Zoning Inspector may approve changes as long as any expansion is part of the existing land use, does not conflict with existing codes, does not exceed one hundred percent of the area of the original development, and does not adversely impact the surrounding areas or drainage conditions. These changes may include, but are not limited to parking covers, interior remodeling, additions to the buildings or new buildings.^{*8}

Date of Revisions			
*1	Revised 4-9-79	*7	Revised 2-20-94
*2	Revised 4-2-84	**7	Added 2-20-94
*3	Revised 10-15-84	*8	Added 5-3-95
*4	Revised/Renumbered 10-15-84	*9	Revised 6-5-96
*5	Renumbered 10-15-84	*10	Effective 11-19-99
*6	Revised 1-25-88	*11	Effective 07-07-06
*12	Effective x-x-08		

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SECTION 902. IND-2 (Light Industrial Zoning District) ^{*2}

ARTICLE 902.1. PURPOSE: The principal purpose of this zoning district is to provide for light industrial uses in locations which are suitable and appropriate taking into consideration the land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities. Principal uses permitted in this zoning district include the manufacture, compounding, processing, packaging or treatment of materials which do not cause or produce objectionable effects that would impose hazard to adjacent or other properties by reason of smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes, or other conditions that would affect adversely the public health, safety and general welfare.

ARTICLE 902.2. USE REGULATIONS: A building or premise shall be used only for the following purposes, and subject to procedural regulations as listed in Chapter 9, Section 902., Article 902.11. herein. ^{*5}

1. Any use permitted in the **IND-1** Zoning District. Any use permitted in the **C-3** Zoning District provided such use has a primary purpose of providing services for existing industrial uses in the area with only incidental sales/service provided for the general public, subject to all the regulations in the use regulations for the IND-2 Zoning District unless the use is otherwise regulated in this article except that the following uses shall be prohibited: mobile home parks, travel trailer parks, mobile home subdivisions, resort hotels, dwellings and mobile homes, other than the residence, or **one mobile home**, of the family of the operator or caretaker employed on the premise of a commercial or industrial use. ^{*1, *8}
2. Aircraft firms including sales, service and rental.
3. Bakeries, wholesale.
4. Bottling plants or breweries.
5. Cleaning plants, including carpets and dyeing.
6. Construction equipment, including sales, service, rental and storage.
7. Dairy products, processing of.
8. Farms as defined in Chapter 2.

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9. Laboratories, experimental, photo or motion picture, research or testing.
10. Manufacturing, compounding, assembling, processing, packaging or treatment of products such as candy, drugs, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries, but not including the refining or rendering of fats and oils.
11. Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, light sheet metal, shell, textiles, tobacco, wire, yarns, wood not involving planing mills, and paint not employing a boiling process.
12. Manufacturing or assembly of electrical appliances, electronic instruments and devices, optical goods, precision instruments, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders.
13. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay.
14. Packing houses, fruit or vegetable not including processing.
15. Training centers, industrial.
16. Truck terminals, including service and storage.
17. Warehousing, storage and wholesale distribution facilities.
18. Any other office, laboratory, manufacturing and assembly uses similar to those uses enumerated herein which do not create any danger to the public health, safety and general welfare in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat or glare, and which by reason of high value in relation to size and weight of merchandise received and shipped create very little truck traffic.
19. Accessory buildings and uses customarily incidental to the above uses.

ARTICLE 902.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet** or **three stories**, except that the height of any building or structure closer

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than **40 feet** to any rural or residential zone boundary shall not exceed the distance from said building or structure to the zone boundary except that no building need be less than **ten feet** in height. Streets or alleys may be included in calculating distance.

ARTICLE 902.4. YARD REGULATIONS: Yards are required as follows:

1. *Front Yard:*

- a. All properties abutting a public street shall have an open setback area extending for the full width of the property. This setback shall be parallel to the centerline of the street and shall be measured from the setback line or the ultimate right-of-way line of a local street, and shall be of a depth as indicated below:
 1. Abutting any major street, section line road, State or Federal highway not less than **20 feet**.
 2. Abutting collector streets and midsection line roads not less than **15 feet**.
 3. Abutting local streets and interior streets of industrial subdivision not less than **ten feet**.
- b. Where the frontage between **two** intersecting streets is located partly in the IND-2 Zoning District and partly in a rural, residential or commercial zoning district, there shall be a front yard equal to the front yard required in the adjoining rural, residential or commercial zoning district, but such yard need not exceed **25 feet** in depth.

2. *Side Yard:* None required (see Chapter 9, Section 902., Article 902.3. - Height Regulations) except that:

- a. Where a lot is adjacent to a rural or residential zoning district, there shall be a side yard on the side of the lot adjacent to such rural or residential zoning district having a width of not less than **five feet**.
- b. Where a corner lot abuts a rural or residential zoning district, whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than **ten feet**.

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c. If a side yard is otherwise provided it shall have a width of not less than **three feet**.

3. **Rear Yard:** None required (see Chapter 9, Section 902., Article 902.3. - Height Regulations) except that where a lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 902.5. INTENSITY OF USE REGULATIONS:

1. **Lot Area:** Each lot shall have a minimum area of **6,000 square feet**.

2. **Lot Width:** Each lot shall have a minimum width of **60 feet**.

3. **Lot Coverage:** The maximum lot coverage shall be **60%** of the lot area.

ARTICLE 902.6. **PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. hereof.

ARTICLE 902.7. **SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1405. hereof.

ARTICLE 902.8. **LOADING AND UNLOADING REGULATIONS:** The loading and unloading regulations are as provided in Chapter 11, Section 1103. hereof.

ARTICLE 902.9. **ADDITIONAL REGULATIONS:** The additional regulations are as follows:

1. All uses except for parking, loading, unloading or storage shall be conducted within a completely enclosed building.

2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. ^{*4}

3. Site Enclosure and Screening Requirements: Industrial sites and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets as follows:

a. Adjacent to any rural or residential zone automobile parking shall be screened from view.

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LIMITED TO PARKING COVERS, INTERIOR REMODELING,
ADDITIONS TO THE BUILDINGS OR NEW BUILDINGS. ^{*10}

ARTICLE 902.10. DELETED WITH TA2007016 EFFECTIVE X-X-2008

EXPIRATION OF APPROVAL: Approval of a Plan of Development by the Board of Supervisors shall be valid for **two years**, in which time construction of the project shall commence or the use authorized shall be initiated. Prior to expiration of the approval, the developer may request an extension of time from the Commission to initiate the project. The Commission upon a finding of substantial grounds may grant an extension of time up to **one year**. ^{*5}

ARTICLE 902.11. DELETED WITH TA2007016 EFFECTIVE X-X-2008

PROCEDURAL REGULATIONS: The IND-2 Zoning District may be established and made a part of the zoning district maps prior to approving a Plan of Development; however, before zoning clearances are issued, a Plan of Development shall be submitted to and approved by the Board of Supervisors after first referring same to the Commission for review and report in accordance with the following procedures: ^{*5}

1. The owners or authorized agents of all or part of the land in the IND-2 Zoning District shall submit, prior to the issuance of a building permit, a Plan of Development to the Board of Supervisors showing the location and arrangement of buildings, structures and other improvements upon the land, including but not limited to preliminary grading and drainage plans, walks, roadways, interior and boundary streets, vehicle parking areas, outside storage areas, perimeter screening, lighting, landscaping and signs.
2. The plan shall be referred to the Commission for its review, report and recommendation to the Board of Supervisors.
3. After review of the plan, the Commission shall present its report and recommendation to the Board of Supervisors for consideration and action.
4. The recommendation of the Commission shall include its reasons for approval or disapproval of the plan, and if recommended for approval, specific evidence and facts showing that the plan meets the requirements of the regulations for the IND-2 Zoning District.

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5. The recommendation of the Commission may include reasonable additional plan requirements, including but not limited to grading plans and planting plans, vehicular ingress/egress and parking, off-site improvements (such as streets, curbs and sidewalks), screening of outside storage areas, lighting and setbacks of buildings or structures.
6. The plan shall show that the proposed use or uses conform with the requirements of regulations for the IND-2 Zoning District, and development of the subject parcel of land shall be according to these requirements and the approved plan.
7. For Industrial Uses that were developed prior to October 15, 1984, an as-built plan may serve as the plan of development. When the owner or authorized agent wants to make a change on the property, this as-built plan indicating the changes may be submitted. The Zoning Inspector may approve changes as long as any expansion is part of the existing land use, does not conflict with existing codes, does not exceed 100% of the area of the original development, and does not adversely impact the surrounding areas or drainage conditions. These changes may include, but are not limited to parking covers, interior remodeling, additions to the buildings or new buildings.^{*10}

Date of Revisions			
*1	Revised 3-29-71	**5	Added 10-15-84
*2	Revised 4-9-79	*8	Revised 5-16-90
*4	Revised 4-2-84	*9	Added 2-20-94
*5	Revised 10-15-84	*10	Added 5-3-95
*11	Effective x-x-08		

SECTION 903. IND-3 (Heavy Industrial Zoning District) ^{*2}

ARTICLE 903.1. PURPOSE: The principal purpose of this zoning district is to provide for heavy industrial uses in locations which are suitable and appropriate, taking into consideration land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities. Principal uses permitted in this zoning district include the industrial uses that are not permitted in any other zoning district.

ARTICLE 903.2. USE REGULATIONS: A building or premise shall be used only for any industrial use not in conflict with any Ordinance of Maricopa County, and subject to procedural regulations as listed in Chapter 9, Section 903., Article 903.11. herein. ^{*4}

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ARTICLE 903.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet** or **three stories**, except that the height of any building or structure closer than **40 feet** to any rural or residential zone boundary shall not exceed the distance from said building or structure to the zone boundaries, except that no building need be less than **ten feet** in height. Streets or alleys may be included in calculating distance.

ARTICLE 903.4. YARD REGULATIONS: Yards are required as follows:

1. ***Front Yard:***

a. All properties abutting a public street shall have an open setback area extending for the full width of the property. This setback shall be parallel to the centerline of the street and shall be measured from the setback line or the ultimate right-of-way line of a local street, and shall be of a depth as indicated below:

1. Abutting any major street, section line road, State or Federal highway not less than **20 feet**.
2. Abutting collector streets and midsection line roads not less than **15 feet**.
3. Abutting local streets and interior streets of industrial subdivision not less than **ten feet**.

b. Where the frontage between **two intersecting streets** is located partly in the IND-3 Zoning District and partly in a rural, residential or commercial zoning district, there shall be a front yard equal to the front yard required in the adjoining rural, residential or commercial zoning district, but such yard need not exceed **25 feet** in depth.

2. ***Side Yard:*** None required (see Chapter 9, Section 903., Article 903.3. - Height Regulations) except that:

a. Where a lot is adjacent to a rural or residential zoning district, there shall be a side yard on the side of the lot adjacent to such rural or residential zoning district having a width of not less than **five feet**.

b. Where a corner lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a side

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yard on the street side of such corner lot having a width of not less than **ten feet**.

c. If a side yard is otherwise provided it shall have a width of not less than **three feet**.

3. **Rear Yard:** None required (see Chapter 9, Section 903., Article 903.3. - Height Regulations) except that where a lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.

ARTICLE 903.5. INTENSITY OF USE REGULATIONS:

1. **Lot Area:** Each lot shall have a minimum area of **6,000 square feet**.

2. **Lot Width:** Each lot shall have a minimum width of **60 feet**.

3. **Lot Coverage:** The maximum lot coverage shall be **60%** of the lot area.

ARTICLE 903.6. **PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. hereof.

ARTICLE 903.7. **SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1405. hereof.

ARTICLE 903.8. **LOADING AND UNLOADING REGULATIONS:** The loading and unloading regulations are as provided in Chapter 11, Section 1103. hereof.

ARTICLE 903.9. **ADDITIONAL REGULATIONS:** The additional regulations are as follows:

*1

1. A building or premise other than the residence, or **one** mobile home of the family of the operator or caretaker employed on the premise of a commercial or industrial use shall not be used for dwellings, mobile home parks, travel trailer parks, mobile home subdivisions and resort hotels.

2. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. *3

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3. Site Enclosure and Screening Requirements: Industrial sites and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets as follows:
 - a. Adjacent to any rural or residential zone, automobile parking shall be screened from view.
 - b. A solid masonry wall, not less than **six feet** in height shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary. Further, any access gates shall be constructed of view-obscuring material to provide effective site screening.
 - c. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of any industrial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor industrial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.
4. Signs shall be subject to the same provisions applying to signs when located in the **IND-2** Zoning District.
5. In any multi-phase industrial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a method or plan approved by the Department of Planning and Development. ^{*5}
6. **ALL INDUSTRIAL DEVELOPMENT SHALL BE SUBJECT TO A PLAN OF DEVELOPMENT APPROVAL AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE. ^{*7}**
7. **FOR INDUSTRIAL USES WHICH WERE DEVELOPED PRIOR TO OCTOBER 15, 1984, AN AS-BUILT PLAN MAY SERVE AS THE PLAN OF DEVELOPMENT. WHEN THE OWNER OR AUTHORIZED AGENT WANTS TO MAKE A CHANGE ON THE PROPERTY, THIS AS-BUILT PLAN INDICATING THE CHANGES MAY BE SUBMITTED. THE ZONING INSPECTOR MAY APPROVE CHANGES AS LONG AS ANY EXPANSION IS PART OF THE EXISTING LAND USE, DOES NOT CONFLICT WITH EXISTING CODES, DOES NOT EXCEED ONE**

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HUNDRED PERCENT OF THE AREA OF THE ORIGINAL DEVELOPMENT, AND DOES NOT ADVERSELY IMPACT THE SURROUNDING AREAS OR DRAINAGE CONDITIONS. THESE CHANGES MAY INCLUDE, BUT ARE NOT LIMITED TO PARKING COVERS, INTERIOR REMODELING, ADDITIONS TO THE BUILDINGS OR NEW BUILDINGS. ^{*6}

ARTICLE 903.10. DELETED WITH TA2007016 EFFECTIVE X-X-08

EXPIRATION OF APPROVAL: Approval of a plan of development by the Board of Supervisors shall be valid for **two years**, in which time construction of the project shall commence or the use authorized shall be initiated. Prior to expiration of the approval, the developer may request an extension of time from the Commission to initiate the project. The Commission upon a finding of substantial grounds may grant an extension of time up to **one year**. ^{*4}

ARTICLE 903.11. DELETED WITH TA2007016 EFFECTIVE X-X-08

PROCEDURAL REGULATIONS: ^{*4}

1. The owners or authorized agents of all or part of the land in the IND-3 Zoning District shall submit prior to the issuance of a building permit, a Plan of Development to the Board of Supervisors showing the location and arrangement of buildings, structures and other improvements upon the land, including but not limited to preliminary grading and drainage plans, walks, roadways, interior and boundary streets, vehicle parking areas, outside storage areas, perimeter screening, lighting, landscaping and signs.
2. The plan shall be referred to the Commission for its review, report and recommendation to the Board of Supervisors.
3. After review of the plan, the Commission shall present its report and recommendation to the Board of Supervisors for consideration and action.
4. The recommendation of the Commission shall include its reasons for approval or disapproval of the plan, and if recommended for approval, specific evidence and facts showing that the plan meets the requirements of the regulations for the IND-3 Zoning District.
5. The recommendation of the Commission may include reasonable, additional plan requirements, including but not limited to grading

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~~plans and planting plans, vehicular ingress/egress and parking, off-site improvements (such as streets, curbs and sidewalks), screening of outside storage areas, lighting and setbacks of buildings or structures.~~

~~6. The plan shall show that the proposed use or uses conform with the requirements of regulations for the IND-3 Zoning District, and development of the subject parcel of land shall be according to these requirements and the approved plan.~~

~~7. For Industrial Uses which were developed prior to **October 15, 1984**, an as-built plan may serve as the plan of development. When the owner or authorized agent wants to make a change on the property, this as-built plan indicating the changes may be submitted. The Zoning Inspector may approve changes as long as any expansion is part of the existing land use, does not conflict with existing codes, does not exceed one hundred percent of the area of the original development, and does not adversely impact the surrounding areas or drainage conditions. These changes may include, but are not limited to parking covers, interior remodeling, additions to the buildings or new buildings.^{*6}~~

Date of Revisions			
*1	Revised 3-29-70	**4	Added 10-15-84
*2	Revised 4-9-79	*5	Added 2-20-94
*3	Revised 4-2-84	*6	Added 5-3-95
*4	Revised 10-15-84	*7	Effective x-x-08

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SECTION 1001. PAD (Planned Area of Development) *¹

ARTICLE 1001.1. PURPOSE: The Planned Area Development (PAD) Overlay Zoning District is intended to accomplish the following:

1. Permit and encourage the unified planning of large areas in order to achieve the mixture, variety and cohesiveness of land uses and amenities that such large scale planning makes possible.
2. Establish development parameters for land uses, densities and intensities, and design standards, while allowing final detailed site plans and parcel descriptions to be deferred to the time of subdividing or site planning.
3. Assure both the County and the property owner that the development approved under a PAD may be carried out over a specified time.

ARTICLE 1001.2. GENERAL PROVISIONS:

1. The PAD District is an overlay zoning district which may be combined with any of the zoning districts set forth in this Ordinance, including Rural and Residential Districts, Commercial Districts, Industrial Districts, Unit Plans of Development (RUPD, CUPD and IUPD), and Special Uses (SUP).
2. The minimum site area for a PAD shall be **160 acres**.
3. Parameters for development are established through approval of a General Development Plan for the entire PAD site. Prior to development on any site within a PAD, approval of Specific Development Plans is required. Specific Development Plans provide the details of development for individual development parcels in the PAD.

ARTICLE 1001.3. USE REGULATIONS:

1. Uses permitted within the PAD District shall be limited to those permitted in the zoning districts with which the PAD District is combined, as set forth in the General Development Plan.
2. Height regulations, yard regulations, and intensity of use regulations shall be those required in the zoning districts with which the PAD District is combined, as set forth in the General

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Development Plan. Variations in these development standards may be approved through concurrent use of Unit Plans of Development (RUPD, CUPD and IUPD) in combination with the PAD and underlying zoning districts.

ARTICLE 1001.4. REQUIRED PLAN SUBMITTAL:

1. Applications for a PAD shall be filed and processed in the same manner as other amendments to the Zoning Ordinance. Notice and procedures for public hearings shall conform to the procedures prescribed in Chapter 3, Section 304.
2. The PAD application shall be accompanied by a General Development Plan which shall consist of the following:
 - a. Map(s) showing at least the following:
 1. Boundary of the proposed PAD District.
 2. General boundaries, approximate acreage, and proposed land use of each development parcel (including the different types and densities of residential use), and the corresponding zoning district for each land use.
 3. General location of any known public uses, such as schools, parks, recreational facilities and trails.
 4. Approximate location of all arterial and collector streets.
 5. Landscaping concept plan.
 6. Topographic character of the land, with identification of any areas in the Hillside District (see Chapter 12, Section 1201.).
 7. Conceptual/preliminary drainage plan.
 8. General phasing boundaries.
 - b. Development narrative including at least the following:

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1. Description of the proposed PAD and the nature of the development proposed.
 2. Discussion of the internal and external land use relationships and compatibility.
 3. Discussion of the proposed public features provided.
 4. Identification of utilities and services to be provided for the development.
 5. Schedule of development parcels listing land use, proposed underlying zoning district, approximate acreage, density or intensity limit, and applicable development standards.
 6. Overall density proposed.
 7. Landscaping concepts.
 8. Phasing plan and anticipated timing for implementation of the development.
 9. Master street plan, including street widths and cross-sections.
 10. Traffic report including information on trip generation for each development unit, traffic volumes and capacity analysis.
 11. Restrictive covenants (if applicable).
 12. Legal description of the PAD boundary.
3. Upon approval of the General Development Plan by the Board of Supervisors, the PAD Zoning District shall be established on the site in accordance with provisions of Chapter 3, Section 304. However, no development shall be permitted until a Specific Development Plan has been approved for the parcel to be developed.
 4. The Commission may recommend and the Board of Supervisors may approve conditions to the approval of a PAD including maximum density/intensity, maximum building heights, maximum lot coverage, minimum setbacks, timing and phasing, and other

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reasonable considerations deemed necessary to promote the purpose of this Ordinance.

5. Major changes to an approved PAD General Development Plan shall be processed in the same manner as the initial application. Minor amendments may be administratively approved by the Department of Planning and Development. For the purposes of this section the following shall be considered a major change to the approved PAD General Development Plan:
 - a. A change in individual zoning district category.
 - b. A change in individual zoning district area by **5%** or more.
 - c. A change in the number or a substantial change in the location of major streets.
 - d. Any change that is determined by the Planning Department Director to warrant review by the Planning Commission and Board of Supervisors.

ARTICLE 1001.5 SPECIFIC DEVELOPMENT PLAN:

1. Submittal and approval of a Specific Development Plan is required prior to development of any parcel within a PAD.
2. The Specific Development Plan shall be generally consistent with the development parameters set forth in the General Development Plan. Refinements in site configuration and development parcel size are allowable, as long as any limitations applied to the overall PAD are met. A legal description of the development parcel shall be included with application for the Specific Development Plan. Application for the Specific Development Plan shall include information showing the development parcel in the context of the approved PAD and in relation to any other approved Specific Development Plans in the PAD, along with an accounting of density or intensity if limits were stipulated in the PAD approval.
3. For residential parcels, the Specific Development Plan shall be a final plat or an approved Special Use Permit, processed in the same manner and with the same requirements set forth in the County Subdivision Regulations or this Ordinance.

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4. For non-residential parcels, the Specific Development Plan shall be a site plan processed in the same manner and with the same requirements set forth for a precise plan of development in Chapter 10, Section 1005.

Date of Revisions			
*1	Effective 3-31-00		

SECTION 1002. RUPD (Residential Unit Plan of Development) ^{*21}

- ARTICLE 1002.1.** The purpose of the Residential Unit Plan of Development is to allow large-scale residential development where variation in development standards is warranted due to topography, innovative project design, or other considerations.
- ARTICLE 1002.2.** The owners or authorized agents of a site may submit to the Board of Supervisors a plan to develop a Residential Unit Plan of Development. Plans, drawings and specifications shall be in sufficient detail so that reviewing bodies can fully evaluate the proposal and its effects.
- ARTICLE 1002.3.** The plan shall be referred to the Commission for its review, and recommendation at a public hearing. Notice and procedures for public hearings shall conform to the procedures prescribed in Chapter 3, Section 304.
- ARTICLE 1002.4.** The Commission having held a public hearing shall then present its recommendation and the plan to the Board of Supervisors for consideration and public hearing. Notice and procedures for public hearings shall conform to the procedures prescribed in Chapter 3, Section 304.
- ARTICLE 1002.5.** The recommendation of the Commission shall include the reasons for approval or disapproval of the plan, and if recommended for approval, specific evidence and facts showing the following:
1. The buildings shall be used only for single-family dwellings, two-family dwellings, multiple-family dwellings or manufactured houses, customary accessory uses, and community facilities.^{*1}
 2. The average lot area per dwelling unit or manufactured house, exclusive of the area occupied by streets, shall not be less than that required by the zoning district regulation otherwise applicable to the site.^{*1}

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3. The proposed development will not adversely affect adjacent properties or the permitted uses thereof.

ARTICLE 1002.6. The recommendation of the Commission may include reasonable conditions as deemed necessary to promote the purpose of the Ordinance including but not limited to specification or regulation of the following:

1. Yards and open spaces.
2. Fences, walls, or other types of site screening.
3. Points of vehicular and pedestrian ingress and egress.
4. Signs.
5. Landscaping and its maintenance.
6. Outdoor lighting.
7. Time limit for the start of construction.

ARTICLE 1002.7. A Residential Unit Plan of Development may be established in any rural or residential zoning district but not in any other zoning district. **A REQUEST FOR A RUPD SHALL BE PROCESSED CONCURRENTLY WITH A PRELIMINARY PLAT REQUEST.** ^{*23}

ARTICLE 1002.8. Major amendments to a Residential Unit Plan of Development shall be processed in the same manner as the initial plan. **IF, HOWEVER, THE AMENDMENT DOES NOT ALTER A DEVELOPMENT STANDARD OR STIPULATION OF APPROVAL, THEN IT MAY BE PROCESSED ADMINISTRATIVELY, EITHER AS A MAJOR OR MINOR AMENDMENT, AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE.** ~~Minor amendments may be administratively approved by the Department of Planning and Development.~~ ^{*23}

ARTICLE 1002.9. Accessory dwelling units, with or without additional kitchen facilities, may be permitted as an accessory use, if specifically set forth in the plan. Accessory dwelling units shall be developed in accordance with Article 501.2.20 if in a Rural zoning district or in accordance with Article 601.2.13 if in a Residential zoning district unless different standards are specifically set forth in the plan.^{*22}

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Date of Revisions			
*1	Revised 6-22-81	*22	Effective 01-19-2007
*21	Effective 5-16-98	*23	Effective x-x-08

SECTION 1003. CUPD (Commercial Unit Plan of Development) ^{*21}

ARTICLE 1003.1. The purpose of the Commercial Unit Plan of Development is to allow variations in development standards in commercial projects which require special design techniques or flexibility due to topography, innovative project design, or other considerations.

ARTICLE 1003.2. The owners or authorized agents of a site may submit to the Board of Supervisors a plan to develop a Commercial Unit Plan of Development. Plans, drawings and specifications shall be in sufficient detail so that reviewing bodies can fully evaluate the proposal and its effects.

ARTICLE 1003.3. The plan shall be referred to the Commission for its review and recommendation at a public hearing. Notice and procedures for public hearings shall conform to the procedures prescribed in Chapter 3, Section 304.

ARTICLE 1003.4. The Commission having held public hearing shall then present its recommendation and the plan to the Board of Supervisors for consideration and public hearing. Notice and procedures for public hearings shall conform to the procedures prescribed in Chapter 3, Section 304.

ARTICLE 1003.5. The recommendation of the Commission shall include the reasons for approval or disapproval of the plan, and if recommended for approval, specific evidence and facts showing the following:

1. The use(s) of the property will conform to the permitted uses as listed in the use regulations of the commercial zoning district in which it is located.
2. The project will have access to, and frontage along, a paved street of sufficient capacity for the proposed use(s).
3. The proposed development will not adversely affect adjacent properties or the permitted uses thereof.

ARTICLE 1003.6. The recommendation of the Commission may include reasonable conditions as deemed necessary to promote the purpose of this Ordinance including, but not limited to, specification or regulation of the following:

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1. Yards and open spaces.
2. Fences, walls, or other types of site screening.
3. The number of parking spaces required, and the surface of parking areas; however, parking space size and driveway design must meet standard requirements.
4. Noise, vibration, odor, and other potentially dangerous or objectionable elements.
5. Points of vehicular and pedestrian ingress and egress.
6. Signs.
7. Landscaping and its maintenance.
8. Outdoor lighting.
9. Time limit for the start of construction.

ARTICLE 1003.7. A Commercial Unit Plan of Development may be established in any commercial zoning district (C-S, C-O, C-1, C-2 or C-3) but not in any other zoning district. **A REQUEST FOR A CUPD SHALL BE PROCESSED CONCURRENTLY WITH A PLAN OF DEVELOPMENT REQUEST.** ^{*22}

ARTICLE 1003.8. Major amendments to a Commercial Unit Plan of Development shall be processed in the same manner as the initial plan. **IF, HOWEVER, THE AMENDMENT DOES NOT ALTER A DEVELOPMENT STANDARD OR STIPULATION OF APPROVAL, THEN IT MAY BE PROCESSED ADMINISTRATIVELY, EITHER AS A MAJOR OR MINOR AMENDMENT, AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE.** ~~Minor amendments may be administratively approved by the Department of Planning and Development.~~ ^{*22}

Date of Revisions

*21	Effective 5-16-98	*22	Effective x-x-08
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SECTION 1004. IUPD (Industrial Unit Plan of Development)^{*4, *21}

ARTICLE 1004.1. The purpose of the Industrial Unit Plan of Development is to allow variations in development standards in industrial projects that require special design

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techniques or flexibility due to topography, innovative project design, or other considerations.

ARTICLE 1004.2. The owners or authorized agents of a property may submit to the Board of Supervisors a plan to develop an Industrial Unit Plan of Development. Plans, drawings and specifications shall be in sufficient detail so that reviewing bodies can fully evaluate the proposal and its effects.

ARTICLE 1004.3. The plan shall be referred to the Commission for its review and recommendation at a public hearing. Notice and procedures for public hearings shall conform to the procedures prescribed in Chapter 3, Section 304.

ARTICLE 1004.4. The Commission having held a public hearing shall then present its recommendation and the plan to the Board of Supervisors for consideration and public hearing. Notice and procedures for public hearings shall conform to the procedures prescribed in Chapter 3, Section 304.

ARTICLE 1004.5. The recommendation of the Commission shall include the reasons for approval or disapproval of the plan, and if recommended for approval, specific evidence and facts showing the following:

1. The subject project will not adversely affect adjacent properties or the public health, safety, and general welfare by causing or producing objectionable effects that would impose hazard to adjacent or other properties by reason of smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes or other undesirable conditions.
2. The project will have access to a major street or highway, rail service or other means of transportation.
3. The use(s) of the property will conform to the permitted uses as listed in the use regulations of the industrial zoning district in which it is located.

ARTICLE 1004.6. The recommendation of the Commission may include reasonable conditions as deemed necessary to promote the purpose of the Ordinance, including but not limited to specification or regulation of the following:

1. Yards and open spaces.
2. Fences, walls, or other types of site screening.

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3. Points of vehicular and pedestrian ingress and egress.
4. Signs.
5. Outdoor lighting.
6. Landscaping and its maintenance.
7. The number of parking spaces required, and the surface of parking areas; however, parking space size and driveway design must meet standard requirements.
8. Noise, vibration, odor, and other potentially dangerous or objectionable elements.
9. Time limit for the start of construction.

ARTICLE 1004.7. An Industrial Unit Plan of Development may be established in any industrial zoning district (IND-1, IND-2, or IND-3) but not in any other zoning district. A REQUEST FOR AN IUPD SHALL BE PROCESSED CONCURRENTLY WITH A PLAN OF DEVELOPMENT REQUEST. ^{*22}

ARTICLE 1004.8. Major amendments to an Industrial Unit Plan of Development shall be processed in the same manner as the initial plan. IF, HOWEVER, THE AMENDMENT DOES NOT ALTER A DEVELOPMENT STANDARD OR STIPULATION OF APPROVAL, THEN IT MAY BE PROCESSED ADMINISTRATIVELY, EITHER AS A MAJOR OR MINOR AMENDMENT, AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE. ~~Minor amendments may be administratively approved by the Department of Planning and Development.~~ ^{*22}

Date of Revisions			
*4	Added 10-15-84	*21	Effective 5-16-98
*22	Effective x-x-08		

SECTION 1005. PD (Planned Development) ^{*1}

ARTICLE 1005.1. PURPOSE: The principal purpose of the Planned Development Overlay Zoning District is to establish a basic set of conceptual parameters for the development of land and supporting infrastructure, which is to be carried out and implemented by precise plans at the time of actual development. Conceptual plans for Planned Development Overlay Development should describe the general land use concept being proposed, along with

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information necessary to identify the nature, scale, intent and impact of development. Precise plans for actual development refine the concept proposal to a detail level.

ARTICLE 1005.2. GENERAL PROVISIONS: ^{*2}

1. The Planned Development Overlay Zoning District is an overlay zone and may be combined with any other zoning district or combination of districts listed in Chapter 4, Section 401.
2. All portions of a lot, parcel or combinations, thereof, within the Planned Development Overlay Zoning District as designated on the zoning district maps shall be subject to the regulations and procedures set forth in this Section, except as otherwise noted herein.

ARTICLE 1005.3. USE REGULATIONS: The use regulations which apply to property in any zoning district with which the Planned Development Overlay Zoning District has been combined shall remain the same as specified in the primary zoning district, except that development in accordance with these procedures shall apply in all cases.

ARTICLE 1005.4. OTHER REGULATIONS: The height, yard, intensity of use, parking, loading and unloading, and additional regulations which apply to property in any zone district with which the Planned Development Overlay Zoning District has been combined shall remain the same as specified in the primary zoning district unless otherwise specified herein.

ARTICLE 1005.5. PROCEDURAL REGULATIONS: The Planned Development Overlay Zoning District may be combined with any primary zone and made a part of the Zoning District maps prior to approval of plans herein specified. However, before any development of property so designated with the "PD" Overlay is authorized, A PLAN OF DEVELOPMENT IS REQUIRED AS SET FORTH IN THE PROVISIONS OF THIS ORDINANCE ~~concept and precise plans as further required below shall be submitted and approved by the Board of Supervisors after first referring same to the Commission for review and report in accordance with the following procedures:~~ ^{*5}

~~1. The owners or agents of property may submit to the Board of Supervisors a conceptual plan to develop the site as a Planned Development.~~ ^{*2}

~~2. The concept plan shall first be referred to the Commission for its review, report and recommendation.~~ ^{*3}

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3. After review of the Plan, the Commission shall present its report and recommendation and the concept plan to the Board of Supervisors for consideration and action.^{*3}
4. PD Overlay Zoning may be added to any application being heard by the Planning and Zoning Commission or the Board of Supervisors without a petition or other notice.^{*4}
5. The recommendation of the Commission shall include the reasons for approval or disapproval of the concept plan, and if recommended for approval, specific evidence and facts showing that the plan meets the requirements of the regulations for the primary zoning district, or such other requirements of a Special Use which is permitted in the primary zone district.
6. The recommendation of the Commission may include reasonable additional requirements as to the elements of the concept plan.
7. Upon approval of an overall concept plan, the owners or their agents of property may submit to the Board of Supervisors a precise plan of development consistent with that initial concept approval for an area or portion thereof so designated with the "PD" Overlay.^{*2}
8. A precise plan shall be processed in the same manner as concept plans. The owners or agents for development of a "PD" Overlay designation may elect to submit directly to the precise plan approval process.
9. A Special Use or Unit Plan of Development as specified in Chapter 13, Section 1301 or Chapter 10, Sections 1002, 1003, and 1004 of this Ordinance, or a preliminary plat for a conventional single family detached subdivision as specified in Article II of the Maricopa County Subdivision Regulations may be substituted for the precise plan herein required. In which case, the provisions of Chapter 13, Section 1301 or Chapter 10, Sections 1002, 1003, and 1004 of this Ordinance, or the provisions of Article II of the Maricopa County Subdivision Regulations shall be accepted as satisfying the requirements of this section.
10. Amendments shall be processed in the same manner as the plan sought to be changed.

ARTICLE 1005.6. DELETED WITH TA2007016 EFFECTIVE X-X-08

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REQUIRED PLAN SUBMITTAL:

1. Accompanying any request by an owner or agent for concept plan approval, there shall be provided a report consisting of maps, tables, and explanatory text. The Planned Development concept plan submittal shall be prepared to a scale and accuracy commensurate with its purpose and shall include the following information as a minimum:
 - a. Designation of the various categories of proposed land uses including designation of areas proposed for Unit Plan of Development and other Special Uses.
 - b. General arrangement of arterial streets and collector streets.
 - c. General location and size of proposed school sites, parks and common areas.
 - d. Methods proposed for water supply, sewage disposal, fire protection, drainage and protection from floods.
 - e. Sequential phasing of uses and major improvements.
 - f. Major geographical features including but not limited to mountains, valleys, rivers, major washes, major highways and railroads.
 - g. Any additional information that may be needed in order to carry out the purpose and intent of the Planned Development Overlay Zone District.
 - h. An owner or agent shall also submit a report in narrative form in support of the proposed concept plans.
2. Upon approval of a concept plan, and prior to development of the site, the owners or agents of property within "PD" Overlay designation shall submit a precise plan of development consistent with the concept plan approval and which includes all of the reports, information and exhibits required of the concept plan, but in a final precise form.

Date of Revisions

*1	Added 7-1-85	*3	Revised 7-18-90
*2	Revised 6-30-86	*4	Revised 7-18-90

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*5	Effective x-x-08		
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SECTION 1006. SC (Senior Citizen)^{*1}

ARTICLE 1006.1. PURPOSE: The SC (Senior Citizen Overlay) Zoning District is intended to provide for planned residential development, designed specifically for residency by persons of advanced age.

ARTICLE 1006.2. USE REGULATIONS:

1. The SC (Senior Citizen Overlay) Zoning District is an overlay zone and shall be combined with any rural or residential zoning district and not with any other zoning district, (e.g., Rural-190 (SC), R1-35 (SC), R-5 (SC), etc.).
2. The regulations which apply to property in any zone with which the SC Zoning District is combined shall remain the same, except as to the matters specified in this Section. This Section shall apply in lieu of or in addition to and shall supersede the corresponding regulations of such zone with which the SC Zoning District is combined.
3. Temporary use for underage occupancy. Continued occupancy in this district in the dwelling unit by an underage spouse, because of the death or long term medical relocation of the spouse meeting the age requirement, shall be exempt from this provision. This exemption shall continue only so long as the remaining spouse maintains a sole occupant status. Upon change from a sole occupant status, the age requirements of this district for occupancy shall be met. Otherwise, a Temporary Use Permit for underage occupancy shall be required for occupancy of any underage person beyond the **90 days** permitted in Article 1006.6.1.^{*3}

ARTICLE 1006.3. HEIGHT REGULATIONS: No building shall be constructed that exceeds **two stories** in height, unless it contains elevators for the use of the occupants.

ARTICLE 1006.4. INTENSITY OF USE REGULATIONS: The Senior Citizen Overlay Zoning District shall only be established on parcels of **five or more contiguous acres** which may include existing or proposed subdivided lots and public or private rights-of-way and easements.

ARTICLE 1006.5. PARKING REGULATIONS: The required parking spaces as delineated in the underlying zoning district shall be located within **200 feet** of the unit it is to serve.

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ARTICLE 1006.6. ADDITIONAL REGULATIONS: ^{**3}

1. Each dwelling unit, if occupied, shall be occupied by at least **one person** not less than **55 years of age** and no person **18 years of age** or under shall reside in any dwelling unit for a period of time exceeding **90 days**. ^{*2, *3}
2. The following criteria shall be met and maintained for each planned residential development: ^{*3, *4}
 - a. At least **80%** of the dwelling units shall be occupied by at least **one person 55 years of age or older** per unit.
 - b. Policies and procedures which demonstrate an intent to provide housing for persons **55 years of age or older** shall be published and adhered to.
 - c. It is the responsibility of the residents and/or owners of properties to provide evidence that the above criteria are met and will be maintained.

(NOTE: The above criteria are based on the requirements contained in Section 100.304 of the Rules and Regulations for implementation of the Federal Fair Housing Amendment Act of 1988).

ARTICLE 1006.7. PUBLIC HEARING NOTICE AND PROCEDURE: The use and application of this Overlay Zoning District shall be consistent with all other zoning districts in this Ordinance. Notice and procedure for public hearing shall conform to the procedures prescribed in Chapter 3, Section 304. hereof.

Date of Revisions			
*1	Added 5-30-79	**3	Revised 2-20-94
*2	Revised/Effective 8-10-89	*4	Revised 6-5-96
*3	Added 2-20-94		

SECTION 1007. WESTSIDE MILITARY AIRBASE ^{*1}

Note: The Airbase Overlay Zoning District is defined by the adopted noise contours with the **75 Ldn** noise contours being the outer limits of the Overlay Zoning District, as shown on the zoning map, which is attached hereto and made a part hereof.

ARTICLE 1007.1. PURPOSE: The principal purposes of the Military Airbase Overlay Zoning District are:

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1. To promote the public health and safety in the vicinity of military airports by minimizing exposure to crash hazards and high noise levels.
2. To create orderly, efficient and functional development patterns which are compatible with the continued operation of the military airbase.
3. To reduce the effect of aircraft generated noise intrusion.
4. To encourage safe and efficient traffic movement of goods and people surrounding the military airbase.

ARTICLE 1007.2. GENERAL PROVISIONS:

1. Persons with property divided by the Airbase Overlay Zoning District Boundary or Overlay Zones are required to comply with the district standards only for that segment of the property within the boundary.
2. When standards and requirements differ between the Airbase Overlay Zoning District and the existing zoning district classification, the more restrictive regulation shall apply.
3. All new uses of land, buildings, subdivisions and rezonings shall be required to conform with the Airbase Overlay Zoning District Regulations. Existing uses of land and buildings shall be governed as provided by Chapter 13, Section 1305., Nonconforming Uses, of the Maricopa County Zoning Ordinance.
4. The Board of Adjustment, according to Chapter 3, Section 303. of the Maricopa County Zoning Ordinance, shall have the power to allow variance from the standards and regulations contained herein. In granting any variance it must be shown where, by reason of any peculiar situation, surrounding or conditions of a specific property, or by reason of particular narrowness, shallowness or shape of a specific lot of record, or by reason of unusual topographical conditions, the strict application of any regulation of this Ordinance would result in practical difficulties or unnecessary hardship upon the owner of such property, provide such relief can be granted without substantially impairing the purpose of this Ordinance.
5. The Airbase Overlay Zoning District has been divided into **four overlay zones** according to the noise contours. These are as follows:

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- a. **Zone 1:** That area within the **80 and above Ldn** noise contour, but not within any other Airport District.
 - b. **Zone 2:** That area within the **75 to 80 Ldn** noise contour, but not within any other Airport District.
 - c. **Zone 3:** That area within the **70 to 75 Ldn** noise contour, but not within any other Airport District.
 - d. **Zone 4:** That area within the **65 to 70 Ldn** noise contour, but not within any other Airport District.
6. The Overlay Zones do not identify those uses that are permitted or prohibited. The underlying or existing zoning district identifies allowable uses. The Overlay Zones "overlay" the existing zoning, and set forth additional regulations that are necessary to promote the public health and safety.

ARTICLE 1007.3. STANDARDS: The following standards apply in the Airbase Overlay Zones:

1. **Subdivisions:** Any new subdivision shall include:
 - a. Public disclosure of noise levels through the provision of deed restrictions that shall run with the land.
 - b. A note stating high noise exposure shall be indicated on any subdivision plat.
 - c. The delineation of adopted noise contours on all subdivision plats.
2. **Comprehensive plan:** Any new land use designations shall be a land use category that is compatible with the noise level as determined by the Westside Joint Land Use Study adopted by MAG on **May 15, 1988**.
3. **Rezoning:** Any change of zoning (rezoning) shall be a zoning district compatible with the noise level determined by the Westside Joint Land Use Study adopted by MAG on **May 25, 1988**.
4. **Building permits:** Any new building shall have occupied areas noise attenuated to achieve:

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- a. **40 db** reduction in the **80 and above Ldn**.
 - b. **35 db** reduction in the **75 and above Ldn**.
 - c. **30 db** reduction in the **70 and above Ldn**.
 - d. **25 db** reduction in the **65 and above Ldn**.
5. **ZONE 1** (80 Ldn and above):
- a. **Prohibited:**
 1. New residential subdivisions.
 2. All uses requiring occupied building space except for agricultural activity.^{*1}
 3. Commercial Uses.^{*1}
 4. Industrial uses except when the number of employees are limited to a maximum of **one employee for each 3,500 square feet** of net lot area.^{*1}
 5. Residential density on contiguous land that is under one ownership on the effective date of this Ordinance and exceeds **80 acres** in area is limited to **one dwelling unit** for any acreage in excess of the minimum required acreage.
 6. Residential density on contiguous land under common ownership existing as of the effective date of this Ordinance, which is **less than 80 acres**, is limited to **one dwelling unit** per the total or combined ownership.
 - b. **Requirements:**
 1. All occupied building areas must be sound attenuated to achieve a **40 db** noise level reduction.
6. **ZONE 2** (75 to 80 Ldn):

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a. ***Prohibited:***

1. New residential subdivision.
2. All uses requiring occupied building space except for agricultural uses and industrial uses. ^{*1}
3. Noise sensitive commercial uses. ^{*1}
4. Other commercial uses unless approved as part of a Plan of Development. ^{*1}
5. Residential density on contiguous land that is under one ownership on the effective date of this Ordinance and exceeds **80 acres** in area is limited to **one dwelling unit** per each **80 acres** plus **one dwelling unit** for any acreage in excess of the minimum required acreage.
6. Residential density on contiguous land under common ownership existing as of the effective date of this Ordinance, which is **less than 80 acres**, is limited to **one dwelling unit** per the total or combined ownership.

b. ***Requirements:***

1. All occupied building areas shall be noise attenuated to achieve a **35 db** noise level reduction. ^{*1}
7. **ZONE 3** (70 to 75 Ldn): New Residential development shall be strongly discouraged within the **70 Ldn** and greater noise contour. If it is determined that there is need for residential, low density residential subdivisions not exceeding **two and one-half dwelling units** per acre within the **70-75 Ldn** could be allowed only if sound attenuated to achieve a **30 db** noise reduction in the construction of all buildings.

a. ***Prohibited:***

1. New residential subdivisions at a density greater than exceeding **two and one-half dwelling**

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units per acre. Community facilities such as auditoriums, concert halls, outdoor amphitheatres and music halls, schools and medical facilities.

b. **Requirements:**

1. All occupied building areas shall be noise attenuated to achieve a **30 db** noise level reduction.^{*1}

8. **ZONE 4** (65 to 70 Ldn): New residential development shall be strongly discouraged within the **65 Ldn** and greater noise contour. If it is determined there is a need for residential, low-density residential subdivisions not exceeding **three and one half dwelling units** per acre within the **65-70 Ldn** could be allowed only if sound attenuated to achieve a **25 db** noise reduction in the construction of all dwellings.

a. **Prohibited:**

1. New residential subdivisions at a density greater than **three and one half dwelling units** per acre. In addition, schools and hospitals are also prohibited.

b. **Requirements:**

1. All occupied buildings shall be noise attenuated to achieve a **25 db** noise level reduction.^{*1}

^{*1}Existing zoning, subdivisions and structures are exempt from this provision.

Date of Revisions			
*1	Added 1-9-92		

SECTION 1008 WICKENBURG SCENIC CORRIDOR

ARTICLE 1008.1. PURPOSE: The principal purposes of the Wickenburg Scenic Corridor Overlay Zoning District are:

1. To maintain the scenic beauty that now exists along the Wickenburg Highway.

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2. To encourage orderly and sensitive development within the scenic corridor.
3. To encourage safe and efficient traffic flow along the Wickenburg Highway.
4. To encourage and improve the economic, social and physical living environment for the residents within the Scenic Corridor.

ARTICLE 1008.2. GENERAL PROVISIONS:

1. The Wickenburg Highway Scenic Corridor Overlay Zoning District encompasses lands within **two miles** of the edge of the right-of-way of both sides of the Wickenburg Highway (U.S. Highway 60-89) extending from Bell Road (Surprise) to the Town of Wickenburg corporate limits.
2. Persons with property divided by the Scenic Corridor boundary or intensity levels (Class 1-4) are required to comply with the district standards only for that segment of the property within the boundary according to Chapter 4, Section 405. of the Maricopa County Zoning Ordinance.
3. When standards and requirements differ between the Scenic Corridor Overlay Zoning District and the existing primary zoning district classification, the more restrictive regulation shall apply.
4. All new development shall be required to conform with the Scenic Corridor Overlay Zoning District regulations. Existing uses shall be governed as provided by Chapter 13, Section 1305., Non-Conforming Uses, of the Maricopa County Zoning Ordinance.
5. The Wickenburg Scenic Overlay Zoning District is divided into **four** intensity levels according to location and physical features of the Scenic Corridor. These are as follows:
 - a. **Class 1: One-quarter miles to two miles** from Wickenburg Highway Right-of-way.
 - b. **Class 2: 300 feet to one-quarter mile** from Wickenburg Highway Right-of-way.

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- c. **Class 3: Zero to 300 feet** from Wickenburg Highway Right-of-way; from Rocking Hills Drive alignment (Morristown) north to the Town of Wickenburg.
- d. **Class 4: Zero to 300 feet** from Wickenburg Highway Right-of-way; from Rocking Hills Drive alignment south to Bell Road (Surprise).

ARTICLE 1008.3. USE REGULATIONS:

- 1. Uses allowed within the Scenic Corridor Overlay District shall remain the same as specified in the primary district with which the Overlay District has been combined. However, because of the amount and proliferation of existing commercial zoning, additional commercial zoning (C-O, C-S, C-1, C-2, C-3) will be discouraged. To accommodate needed commercial uses, transfer of commercial zoning within the scenic corridor is allowed. Commercial Zoning may be changed to another commercial classification of equal or less intensity (where C-O is the least intense and C-3 is the most intense). To encourage commercial development in the appropriate areas, *bonus ratios* will be allowed in certain circumstances. Ratios vary according to class designation as follows:

TRANSFER OF COMMERCIAL ZONING BONUS RATIO*

- | | | |
|----|--|------------|
| 1. | Class 3 to Class 1 or 2
(Arterial Intersections) | 2 |
| 2. | Class 3 to Class 4
(Activity Centers) | 2 |
| 3. | Class 4 to Class 1 or 2
(Arterial Intersections) | 2 |
| 4. | Class 4 (Non-activity Center)
to Class 4 (Activity Centers) | 1.5 |

Note: ***Ten acres** of C-2 Zoning in Class 3 could be used to designate **20 acres** of C-2 Zoning (or C-1, C-O, C-S) in Classes 1, 2 or 4 at arterial intersection or activity centers.

ARTICLE 1008.4. STANDARDS: The following standards apply in each intensity level Class category: ^{*2}

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1. CLASS 1:

- a. **Land Use Plan:** Rezoning shall be consistent with the Scenic Corridor Plan (Goals and Policies and Land Use Plan).
- b. ~~**PD Overlay:** Rezoning shall comply with the procedural requirements of Chapter 10, Section 1005. (Planned Development (PD) Overlay Zoning District). When considering PD Overlay Zoning, the Planning Commission may include reasonable requirements deemed necessary to promote the purpose of the Scenic Corridor.~~

2. CLASS 2:

- a. **Land Use Plan:** Rezoning shall be consistent with the Scenic Corridor Plan (Goals and Policies and Land Use Plan).
- b. ~~**PD Overlay:** Rezoning shall comply with the procedural requirements of Chapter 10, Section 1005. (Planned Development (PD) Overlay Zoning District). When considering PD Overlay Zoning, the Planning Commission may include reasonable requirements deemed necessary to promote the purpose of the Scenic Corridor.~~
- e. b. **Building Height:** Building heights for new development shall be limited to **33 feet** above grade.

3. CLASS 3:

- a. **Land Use Plan:** Rezoning shall be consistent with the Scenic Corridor Plan (Goals and Policies and Land Use Plan).
- b. ~~**PD Overlay:** Rezoning shall comply with the procedural requirements of Chapter 10, Section 1005. (Planned Development (PD) Overlay Zoning District). When considering PD Overlay Zoning, the Planning Commission may include reasonable requirements deemed necessary to promote the purpose of the Scenic Corridor.~~
- e. b. **Building Height:** Building heights for new development shall be limited to **33 feet** above road grade.

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d. c. *Screening:* All non-residential uses shall comply with the following provisions regarding screening:

1. Outdoor storage of all items except display goods shall be located to the rear of the principal building, and screened with a solid fence.
2. Loading areas shall be screened and located to the rear of structures.
3. All parking areas shall be screened from the Wickenburg Highway.
4. Natural drought tolerant landscaping shall be placed in front of any wall facing the Wickenburg Highway.

e. d. *Signs:* The sign regulations are as provided in Chapter 14, Section 1406. hereof.

f. e. *Architecture:* All non-residential uses shall meet the following architectural standards:

1. A minimum of **80%** of surface material, excluding doors and windows, shall be made to appear as if natural materials were used in construction. The use of reflective glass shall be prohibited.
2. All accessory structures and improvements must be similar in style and appearance to the architecture of the principal building.

g. f. *Access:* The number of access points to the Wickenburg Highway shall be minimized. A minimum separation of **one half mile** between access points on either side of the highway is required unless otherwise approved by the Board of Supervisors after finding that no alternative is available. Common access points will be encouraged for all new development. All intersections of local roads shall be at **90 degrees** (right angle) with the Wickenburg Highway.

h. g. *Slope:* Development on steep slopes within Class 3 shall be regulated by the following provisions:

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1. Maricopa County Zoning Ordinance, Chapter 12, Section 1201., Hillside Development Standards, shall apply to all development of slopes greater than **15%**.
2. The *existing natural slope* of property for all new development shall be maintained according to the following schedule:

SLOPE GRADIENT	PERCENTAGE OF PROPERTY TO KEEP EXISTING NATURAL SLOPE
0 to 5 %	25%
5 to 15%	60%
15 to 25%	80%
25 % +	90%

3. ~~No cuts, fills or grading for development shall be made prior to final approval of a Precise Plan of Development by Maricopa County.~~

f. h. ***Landscape Setback:*** All structures, parking areas, and other improvements except driveways and free-standing signs, shall be setback a minimum of **25 feet** from the ultimate right-of-way line of the Wickenburg Highway (U.S. 60-89). For lots less than **250 feet** in depth, the minimum setback shall be **10%** of lot depth except that the minimum setback shall not be less than that required by the underlying zoning district. Existing natural vegetation within the required landscape setback shall be preserved. Additional natural desert vegetation shall be provided if there is insufficient existing vegetation.

f. i. ***Noise Abatement:*** Residential uses adjacent to the Wickenburg Highway or the Santa Fe Railroad shall include noise abatement improvements when warranted.

4. **CLASS 4:**

a. ***Land Use Plan:*** Rezoning shall be consistent with the Scenic Corridor Plan (Goals and Policies and Land Use Plan).

~~b. ***PD Overlay:*** Rezoning shall comply with the procedural requirements of Chapter 10, Section 1005. (Planned~~

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~~Development (PD) Overlay Zoning District). When considering the PD Overlay Zoning, the Planning Commission may include reasonable requirements as deemed necessary to promote the purpose of the Scenic Corridor.~~

e. b. *Building Height:* Building Heights for new development shall be limited to **33 feet** above road grade.

e. c. *Screening:* All non-residential uses shall comply with the following provisions in regard to screening:

1. Outdoor storage of all items except display goods shall be located to the rear of the principal building, and screened with a solid fence.
2. Loading areas shall be screened and located to the rear of structures.
3. All parking areas are to be screened from the Wickenburg Highway.
4. Natural drought tolerant landscaping shall be placed in front of any wall facing the Wickenburg Highway.

e. d. *Signs:* The sign regulations are as provided in Chapter 14, Section 1406. hereof.

f. e. *Architecture:* All non-residential uses shall meet the following architectural standards:

1. A minimum of **80%** of surface material, excluding doors and windows shall be made to appear as if natural materials were used in construction. The use of reflective glass shall be prohibited.
2. All accessory structures and improvements must be similar in style and appearance to the architecture of the principal building.

g. f. *Access:* Direct access to the Wickenburg highway from adjacent property shall be prohibited, except existing development will be allowed temporary access until an alternative method of access is in place. The following

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access controls shall be implemented as funding becomes available and/or development is approved.

1. Access points shall be limited to **one half mile** along the Wickenburg Highway.
2. All intersections of local roads shall be at ninety degrees (right angles) with the Wickenburg Highway.
3. An alternate internal circulation plan which uses existing access points at railroad crossings, shall be developed for that area *east* of the Wickenburg Highway.
4. A frontage road and/or an alternate internal circulation plan shall be developed for those areas *west* of the Wickenburg Highway which are undeveloped and have parcels of sufficient size to accommodate an internal traffic design.
5. Where property adjacent to the Wickenburg Highway (to the west) is developed or there are small parcels for which an alternate method of access cannot be developed, a frontage road shall be constructed on or within Arizona Department of Transportation right-of-way, where possible and necessary.
6. Improvements, and right-of-way dedications when necessary, for access including frontage roads, signalization and intersections shall be the responsibility of new development.

h.g. **Landscape Setback:** All structures, parking areas, other improvement except driveways and free-standing signs, shall be setback a minimum of **25 feet** from the ultimate right-of-way line of the Wickenburg Highway (U.S. 60-89). For lots less than **250 feet** in depth except that the minimum setback shall not be less than that required by the underlying zoning district. Existing natural vegetation within the required landscape setback shall be preserved. Additional natural desert vegetation shall be provided if there is insufficient existing vegetation.

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- i. h.** **Noise Abatement:** Residential uses adjacent to the Wickenburg Highway or the Santa Fe Railroad shall include noise abatement improvements when warranted.
- j. i.** If additional right-of-way acquisition is needed, the Railroad will be considered as a viable option.

Date of Revisions			
*1	Added 8-1-91	*2	Effective x-x-08

SECTION 1009. HWY 74 SCENIC CORRIDOR^{*1}

ARTICLE 1009.1. PURPOSE: The Highway 74 Scenic Corridor Overlay Zoning District establishes criteria that encourage preservation of the natural and cultural landscape and its scenic quality along Highway 74. The specific purpose of this Overlay Zoning District is to:

1. Protect scenic land and associated views and viewsheds of natural, cultural and visual resources along Highway 74, while also recognizing the legitimate expectations of property owners and the County's overall land use and economic needs and goals.
2. Preserve Upper Sonoran Desert and hillside landforms to the greatest extent feasible for the benefit of residents, visitors and as an economic resource to Maricopa County in tourism and recreation activities.
3. Protect designated recreational areas, such as regional parks, by minimizing any potentially negative impacts from adjacent development.
4. Encourage innovative and sensitive planning, high quality design and construction techniques for development along Highway 74.
5. Encourage safe and efficient traffic flow along Highway 74.
6. Enhance the economic, social and physical living environment for the residents.

ARTICLE 1009.2. GENERAL PROVISIONS:

1. The Highway 74 Scenic Overlay Zoning District is comprised of all land **500 feet** from each side of the centerline of the Highway 74

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right-of-way, from the east boundary line of Section 30, Township 6 North, Range 1 East, Gila and Salt River Base Meridian to the west boundary line of Section 17 of Township 6 North, Range 3 West, Gila and Salt River Base and Meridian.

2. Property divided by the Overlay Zone boundary is regulated by the district standards only for that segment of the property within the zone.

ARTICLE 1009.3. PERMITTED USES: Uses permitted are those allowed by the primary zoning district with which the Scenic Corridor Overlay Zoning District is combined unless prohibited herein.

ARTICLE 1009.4. STANDARDS: In addition to the standards of the underlying zone district, the following standards shall apply: ²

1. **Height Regulations:**
 - a. For residential uses, **20 feet** within **250 feet** of the centerline of Highway 74 and **30 feet** from **250-500 feet** of the centerline of Highway 74.
 - b. For nonresidential uses, **20 feet** within **250 feet** of the centerline of Highway 74 and **33 feet** from **250-500 feet** of the centerline of Highway 74.
2. **Slopes:** In addition to the standards in Chapter 12, Section 1201. (Hillside Development Standards), the following standards shall apply:

SLOPE GRADIENT	PERCENTAGE OF PROPERTY TO REMAIN NATURAL OR TO BE REVEGETATED
0 to 5 %	25%
5 to 15%	45%
15 % +	65%

- a. In locating required natural areas, attention shall be given to preservation of washes and significant natural features on the property and should be incorporated into the drainage plan.
- ~~b. No cuts, fills or grading for development shall be made prior to final approval of a Precise Plan with the exception of approved access roads.~~

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3. **Setback from Highway 74:** Within the Corridor area, all structures, fences, parking areas and other improvements except driveways and signs, shall be setback an average of **75 feet** and a minimum of **50 feet** from the property line to allow an undulating rather than a linear setback and to accommodate the unique terrain and natural features of the site. Existing vegetation within the required setback shall be preserved with the exception of the driveway. Additional vegetation, if provided, shall be native vegetation indigenous to the Upper Sonoran Desert.
4. **Screening:** All uses shall comply with the following screening standards:
 - a. All service and outside storage areas shall be screened from public rights-of-way not less than the height of equipment to be screened. Screening shall consist of a solid decorative wall **six feet** in height to conceal trash containers, loading docks, transformers and other mechanical and/or electrical equipment.
 - b. All mechanical rooftop equipment must be screened to the height of the tallest equipment and/or integrated with the building design.
5. **Access:** The number of access points to Highway 74 from any one development within the corridor zone shall be limited to one driveway except as follows:
 - a. A traffic impact study demonstrates the need for additional driveways due to traffic conditions, and
 - b. The governmental jurisdiction concurs with that study and then allows additional driveways as required.
6. **Signs:** The sign regulations are as provided in Chapter 14, Section 1406.2. hereof.
7. **Parking: 5%** of all surface parking area for non-residential development shall be landscaped with native vegetation indigenous to the Upper Sonoran Desert. Perimeter landscaping shall not be included in the **5 %** and shall not be counted towards the requirements of Chapter 11, Section 1102.

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8. **Archaeological Survey:** Prior to the issuance of Zoning Clearance, an archaeological survey shall be required for all development with exceptions granted by the State Historic Preservation Officer.
9. **Lighting:** Low level lighting is encouraged. All on-site lighting shall be shielded so as to not illuminate any area outside of the site. The source of light shall not exceed **18 feet** in height. All outdoor lighting shall conform to Chapter 11, Section 1112. of the Maricopa County Zoning Ordinance.
10. **Architectural Design:** All developments shall select materials and colors that are muted and compatible with the desert environment and help reduce visual contrast, heat gain and glare. Design features are to be included on all sides of a building.

- ~~11.~~ **Plan Approval:** Prior to the issuance of Zoning Clearance, a Plan of Development shall be submitted to and approved by the Board of Supervisors for all uses with one noted exception. This exception shall be for a individual single-family residence and its accessories, on slopes less than **15 %**.
- ~~12.~~ **11. Density Bonus:** To encourage areas of no development within the Corridor, a transfer of density for residential development equal to twice the base zoning will be allowed in property outside and adjacent to the non-developed portion of the property (when the development proposes no development within the Corridor). To receive the density bonus, a non-development easement agreement must be prepared and submitted as part of an accompanying rezoning request for increased density. Upon approval of the increased density request, the easement shall be recorded prior to zoning clearance.
- ~~13.~~ **12. Environmental Evaluation:** For those projects not guided by the National Environmental Policy Act of 1969, a request for a habitat and special status species evaluation shall be made by the developer to the Arizona Game and Fish Department with information forwarded within **45 days** to the appropriate County agency. Mitigation and protection measures based on the evaluation shall be reviewed by staff and incorporated into the recommendation to the Commission with final action by the Board of Supervisors.
- ~~14.~~ **13. Utilities:** Utility lines shall be located underground.

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Chapter 10 – Overlay Zoning Districts

Date of Revisions			
*1	6-6-94	*2	x-x-08

DRAFT

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SECTION 1201. HILLSIDE^{*1, *2}

ARTICLE 1201.1. PURPOSE: The principal purpose of the hillside development standards is to allow the reasonable use and development of hillside areas while promoting the public health, safety, convenience and general welfare of the citizens of Maricopa County and maintaining the character, identity, and image of hillside areas. The primary objectives of the hillside development standards are: to minimize the possible loss of life and property through the careful regulation of development; to protect watershed, natural waterways, and to minimize soil erosion; to ensure that all new development is free from adverse drainage conditions; to encourage the preservation of the existing landscape by maximum retention of natural topographic features; to minimize the scarring of hillside construction.

ARTICLE 1201.2. GENERAL PROVISIONS:

- 1201.2.1. All portions of a lot or parcel having a natural slope of **15% or greater** within any horizontal distance with a **five foot elevation change** shall be subject to the regulations set forth in this Section.^{*3}
- 1201.2.2. The issuance of grading permits, building permits, hillside development plan approvals, or other approvals of improvement work on any real property, subject to the regulations in this Section, shall not be conditioned on altering, modifying or not utilizing existing grading, construction or other improvements on such real property to conform to the regulations in this Section if such existing grading, construction or other improvement was completed in conformance with valid permits, issued prior to the adoption of this provision.

ARTICLE 1201.3. USE REGULATIONS: The use regulations which apply to property in any zoning district with which hillside development standards apply shall remain the same as specified in the primary zoning district unless otherwise specified herein.

ARTICLE 1201.4. HEIGHT REGULATIONS: The height of all structures on portions of property having a natural slope of **15% or greater** shall not exceed **30 feet** from original natural grade through any building cross section, measured vertically at any point along that cross section from original natural grade, provided this section shall not apply to transmission towers in excess of **30 feet** for which Special Use Permits have been issued.

ARTICLE 1201.5. OTHER REGULATIONS: The yard, intensity of use, parking, loading and unloading, and additional regulations which apply to property in any zoning

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district to which hillside development standards apply shall remain the same as specified in the primary zoning district unless otherwise specified herein.

ARTICLE 1201.6. DEVELOPMENT STANDARDS: Development standards shall apply only to development on those portions of a property having a natural slope of **15% or greater**. For purposes of this Article grading shall be defined as any excavation or filling or combination thereof.*²

1201.6.1. **Grading and Drainage Requirements:** There shall be no grading on or to any site other than percolation and test borings (**100 square feet maximum in size**) prior to the issuance of a Zoning Clearance and prior to final approval of complete plans by the Building Safety Division and the issuance of a Building (grading) Permit.

1. In all rural and residential zoning districts the extent of grading on that portion of a lot which has a natural slope of **15% or greater**, shall be limited to a total area not to exceed the lot coverage limitations of the zoning district with the following exceptions:^{*3}
 - a. An area for construction purposes, to be reconstructed to original condition prior to certificate of occupancy, consisting of a band **seven feet wide** around the perimeter of all approved buildings and structures.^{*3}
 - b. The coverage requirement shall exclude all areas used for sanitary systems such as septic tanks and leach fields.^{*3}

Allowable Lot Coverage by Zoning District in Hillside^{*3}

ZONING DISTRICT	MINIMUM AREA REQUIRED PER LOT	MAXIMUM LOT COVERAGE
Rural-190	190,000-sq.ft.	5%
Rural-70	70,000-sq.ft.	10%
Rural-43	43,560-sq.ft.	15%
R1-35	35,000-sq.ft.	20%
R1-18	18,000-sq.ft.	25%
R1-10	10,000-sq.ft.	30%
R1-8	8,000-sq.ft.	35%
R1-7	7,000-sq.ft.	35%
R1-6	6,000-sq.ft.	40%
R-2	6,000-sq.ft.	50%
R-3	6,000-sq.ft.	50%
R-4	6,000-sq.ft.	50%
R-5	6,000-sq.ft.	50%

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2. ***Sewage Disposal System:*** Grading or disturbance of natural terrain and vegetation for the purpose of installing a sewage disposal system shall be confined to within **seven feet** of the outside edge of the elements of that system such as the leaching bed or pits, tank and distribution box, and connecting lines as required by the County Health Department.
3. All utility lines shall be located underground within the driveway graded area whenever possible. If this location is not possible, then disturbance of natural terrain for these lines shall be confined to within **four feet** of either side of the lines.
4. ***Drainage:*** The entrance and exit points and continuity of all natural drainage channels on a hillside site shall be preserved.
5. All cut and fill slopes shall be completely contained by retaining walls or by substitute materials acceptable under the provisions of the Uniform Building Code (including riprap materials) except for:
 - a. The minimum amount of swale grading necessary for drainage purposes; or,
 - b. The minimum required to establish a driveway with associated parking and turn around areas (see Driveway Requirements); or,
 - c. Pursuant to the requirements as listed in Chapter 12, Section 1201. Article 1201.6., subsections 1201.6.2., 1201.6.3., and 1201.6.4.

1201.6.2 ***Retaining Wall Requirements:***

1. For the purpose of this provision, a retaining wall is a wall or terraced combination of walls used to retain earth but not supporting a wall of a building.^{*2}
2. The height of a retaining wall is as measured from low side natural grade to the top of the wall, whether the top is retaining earth or not. Open railings on top of retaining walls are not included in height measurements. The height of the retaining wall shall be included in the permitted building height if the face of the building is within **15 feet** of the retaining wall.
3. The average height of a retaining wall shall be computed by taking the total vertical surface area of the wall above grade and dividing it by its length.

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- The maximum height and average height of a retaining wall shall not exceed the following:

AVERAGE PERCENTAGE OF SLOPE AT BUILDING*	MAXIMUM HEIGHT (FT.)	AVERAGE HEIGHT (FT.)
15% - 25%	10'	6'
25% - 30%	13'	8'
30% - 35%	13'	9'
35% - Over	18'	11'

*As determined by averaging percentage of slopes shown on sections through building on site plan submittal.

- The finished surfaces of any retaining wall shall blend into the natural setting.

1201.6.3. **Driveway Requirements:** The area of natural terrain and vegetation disturbed for the purpose of vehicle access to any portion of the lot or parcel shall be limited as follows:^{*3}

- The paved width of driveways shall not exceed **14 feet** except at parking and turnaround.
- Exposed cut or fill slopes are acceptable for driveway construction, but the height of these slopes shall be limited to an average of **four feet** on either side for the length of the driveway, but not to exceed **eight feet**, provided the combination does not exceed **12 feet**. A maximum of **one-third** of the cross sectional width of driveway at any point may be on fill material and a minimum of **two-thirds** of the cross sectional width shall be on cut material or natural grade. An exception to this provision for wash crossings may only be made with the approval of the Flood Control District.^{*3}
- At turn around areas adjacent to garages, exposed cut slopes or retaining walls shall be limited to heights for retaining walls as specified under "Retaining Walls" in this provision.^{*2}

1201.6.4. **Slope Stabilization and Restoration:**

- Vegetation shall be reestablished on all exposed fill slopes, cut slopes, and graded areas by means of a mixture of grasses, shrubs, trees or cacti to provide a basic ground cover which will prevent erosion and permit natural

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revegetation. In lieu of the reestablishment of vegetation, all exposed cut slopes shall be riprapped with stone or chemically stain treated with materials which blend in with the natural setting.

ARTICLE 1201.7. HILLSIDE ROADWAY STANDARDS:^{*3}

- 1201.7.1.
1. A permit from the Planning and Development Department shall be required to construct a private hillside road for each lot over which construction will occur. Said permit shall not be issued until plans have been approved by Maricopa County Department of Transportation.
 2. Those portions of private hillside roads, inclusive of cut and fill, that are **24 feet in width or less** shall be exempt from the disturbance calculations for hillside development.
 3. The applicant shall provide engineered plans, prepared by a registered civil engineer, licensed in the state of Arizona, for all private hillside roads to ensure compliance with the design criteria as set forth in a *Policy on Geometric Design of Highways and Streets*.
 4. The design of safe and efficient roads must carefully consider soil conditions. (Depending on soil conditions, it may be necessary to provide an engineered design for roadways with grades less than 15%).
 5. The site plan shall include a note stating who will maintain the road. The site plan shall also include a note indicating the approval of the appropriate fire agency.
 6. Wash crossings shall not impede or adversely alter drainage. Wash crossings shall be stabilized to minimize maintenance.
 7. The following criteria shall be considered the minimum design guidelines for private hillside roads and should not substitute for sound engineering judgment:
 - a. Roadway geometry: Design criteria as set forth in a *Policy on Geometric Design of Highways and Streets* for local service roads (adopted AASHTO* Standards) shall be used as a guideline. Note that these standards are primarily for paved roadways. The engineer may need to compensate for less stable roadway surfaces.
 - b. Roadway width (*w*): when determining the roadway width, consideration should be given to the typical vehicle types expected, the anticipated traffic volumes and minimizing hillside disturbance.

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Roadway widths shall be a minimum of **12 feet**. The applicable fire agency or other agencies may require more width. Where $w < 18$ **feet**, turnouts shall be provided at reasonable intervals to allow two-way traffic to pass. Widening on the inside of sharp curves or locations where safe stopping sight distance is not available should be provided. As a minimum, a “mh” design vehicle shall be used to accommodate fire protection apparatus.

- c. Roadway surface: surface material should consider roadway grades and drainage and should provide for a stable, low maintenance driving surface under wet and dry conditions.
8. A letter certifying completion of the roadway in conformance with the sealed as-built plans from an engineer shall be submitted prior to building permits being issued for a hillside lot or parcel that has access from said road.

ARTICLE 1201.8. PROCEDURAL REGULATIONS: ^{*4}

~~1201.8.1. Prior to the issuance of a Zoning Clearance, a Plan of Development shall be submitted to and approved by the Planning and Zoning Commission for all uses, except for single-family residential and their accessories, on those portions of properties having a natural slope of **15% or greater**.~~^{*2}

~~1. The Plan of Development shall be referred to the Planning and Zoning Commission upon report and recommendation from the Director and other county departments, and shall include those items which are required to obtain a Zoning Clearance as identified herein.~~

~~2. The approval of the Plan of Development by the Planning and Zoning Commission may include reasonable additional requirements as to grading, cut and fill, slope restoration, signs, vehicular ingress and egress, parking, lighting, setbacks of buildings, etc., to the extent that the noted purpose and objectives of this Section are maintained and ensured.~~

1201.8:2.1. In addition to the otherwise noted procedural and information requirements of this provision, all applications for a Zoning Clearance on those portions of properties having a natural slope of **15% or greater** (including single-family residential uses) shall contain the following materials and information:^{*2}

1. **Site Plan:**
 - a. Contour interval not exceeding **five foot** intervals.

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- b. Site plan must be submitted on/or along with a topographic survey prepared by a civil engineer or registered land surveyor.
- c. Scale of the site plan shall be not less than **1"=20'-0"**.
- d. At all structures show sections through site and building at **25'0"** intervals perpendicular to slope, giving percentage of slope at each, and showing exact heights of structures at each existing contour.
- e. Each flood level shall be shown with different shading with a legend giving grade or elevation of each level.
- f. Give proposed elevation or grade at garage floor and at existing street level at drive entry. Give percentage of total average slope, and percent and length of single steepest portion of driveway.
- g. Give square footage of building, garage, patios and pool area individually.
- h. Dot in all disturbed (or graded) areas and show the proposed method of final treatment. Dash in all retaining walls, showing the amount allowed (per regulations) and amount used.
- i. Show how drainage is altered, and if so, how it is redirected to original channel and show that the requirements regarding storm water runoff and drainage have been met.
- j. Show location of all proposed utility lines, and septic tank or sewage disposal areas.
- k. Give legal description, property dimensions and heading, name, address and telephone number of submitter.

2. ***Elevations:***

- a. Show all **four elevations**, giving accurate existing and proposed grade lines (**Scale 1"=10'**).^{*3}
- b. Show total height of building, and give height and square footage of all retaining walls.
- c. Provide a table on the plan which provides the following information:^{*3}

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1. Gross area of lot (sq.ft.)
2. Area of lot that is hillside (sq.ft.)
3. Area of hillside on lot that has been previously disturbed (if applicable). (sq.ft.)
4. Area of hillside on lot that is proposed to be disturbed. (sq.ft.)
5. Area of hillside in **seven foot band** around building perimeters. (sq.ft.)
6. Area of hillside on lot that is disturbed for septic tanks and leach fields. (sq.ft.)
7. Net hillside area disturbed (3+4-5-6) (sq.ft.)
8. Percent of hillside disturbed (7/2) (%)

Date of Revisions			
*1	Added 2-15-83	*3	Added 10-4-01
*2	Revised 1-4-89	*4	Effective x-x-08

SECTION 1202. WIRELESS COMMUNICATION FACILITIES^{*1}

ARTICLE 1202.1. PURPOSE: The principal purpose of this district is to establish the locations in unincorporated Maricopa County where communication facilities may be located and the regulations that apply to their placement. The regulations contained herein are designed to recognize the need to accommodate the approval of those types of public utility uses while still recognizing the need to promote the public health, safety and general welfare of the citizens of Maricopa County. These regulations establish zoning standards that will protect the integrity of single-family neighborhoods and maintain the character, identity, and image of hillside areas.

ARTICLE 1202.2. GENERAL PROVISIONS

1202.2.1. The Wireless Communication Facilities Use Districts are divided into **three use districts** (see attached Use Districts Map) according to the following criteria^{*1}:

1. ***District 1:*** The areas of unincorporated Maricopa County which are either planned or developed to an urban density and/or in designated scenic areas (e.g. scenic highways) in proximity to these urban areas.

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- a. **District 1-A:** Those areas within District 1 which are located along and within **one mile** of U.S. Interstate 17, U.S. 60-89 (exclusive of the Sun City and Sun City West developments), State Highway 71 and State Highway 87 east of the Fort McDowell Mohave/Apache Native American community^{*1}.
 2. **District 2:** Buffer areas or major highways (including I-10 but excluding Interstate 17, U.S. Highway 60-89, State Highway 87, Interstate 8 and State Highway 71) around urban/developed and/or scenic areas^{*1}.
 3. **District 3:** Those areas of unincorporated Maricopa County which are not within District 1, District 1-A or District 2^{*1}.
- 1202.2.2. Wireless communication facilities are permitted on individual lots of record, or on lease or easement areas described by metes and bounds of any size in Districts 1, 1a, 2 and 3^{*1}.
- 1202.2.3. The construction and location of cellular communication facilities shall be subject to the standards contained in this regulation, unless otherwise noted herein.
- 1202.2.4. Wireless communication structures in excess of **199 feet** in height and located within **three miles** of a military or municipal airport shall be required to obtain Special Use Permit approval of the Board of Supervisors^{*1}.
- 1202.2.5. The administrative approval process, as applied to this Section, shall involve the following procedure:
1. An application, together with supporting plans, documentation and fees shall be submitted to the Zoning Division of the Department. The names and addresses of all property owners of record as set forth in the records of the Maricopa County Assessor within **300 feet** of the metes and bounds description of the area on which the wireless communication facility is proposed shall be submitted by the applicant as a part of the application.^{*1}
 2. The Plan Review Division of the Department shall notify all property owners within **300 feet** of the metes and bounds description of the area on which the wireless communication facility is proposed, of the administrative approval request by first-class mail^{*1}.
 3. The Plan Review Division of the Department shall authorize administrative approval for the wireless communication structure if a written objection/protest is not received from any person notified pursuant to paragraph 1202.2.5.2. above within **14 days** from the date the notice is mailed. If a written objection/protest from any person notified pursuant to

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paragraph 1202.2.5.2. is received, the Director may withhold approval of the administrative approval request. If a written objection/protest is rescinded or withdrawn after the Plan Review Division of the Department has withheld approval, the Plan Review Division of the Department shall approve the administrative approval request.*¹

4. Provided, however, the Plan Review Division of the Department may authorize the administrative approval, even though a written protest has been received, if it is determined by the Plan Review Division of the Department that the public health, safety and general welfare will not be adversely affected, and that necessary safeguards will be provided for the protection of adjacent property or the permitted uses thereof; provided that the property owners and the applicant noted herein are notified of same and given an additional **14 days** to appeal to the Director of the Department, and if an appeal is made, shall make the final decision.*¹

1202.2.6 Any wireless communications facility proposed to be located on any property developed primarily as an electric utility station shall not be subject to this article and shall be permitted as a matter of right pursuant to this Section. Such properties include, but are not limited to:

1. Substations;
2. Receiving stations;
3. Generating stations;
4. Switching yards;
5. Storage yards; and
6. Communications facilities.

The overall height of proposed new structures, antennas, attachments and appurtenances are limited to 125' or the height of the tallest existing structure, whichever is less. Antennas proposed to be attached onto existing structure are limited to a maximum height of 15' above the height of the existing structure.*²

ARTICLE 1202.3. STANDARDS: The following standards shall apply in the Wireless Communication Facilities Use Districts*¹:

1202.3.1. ***District 1*** (Urban/Developed or Scenic):

1. In Rural, or Single-Family Residential Zoning Districts, land classified by the Assessor as Agricultural or Multiple-Family Zoning Districts, wireless communication facilities are allowed as accessory uses to nonresidential uses, subject to the following limitations*¹:

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- a. The wireless communication facility shall replace an existing pole, light standard, communication facility or other pole-like structure of the same or less height and similar circumference that has been in existence for at least **one year**, or the antennae shall be attached to an existing pole or structure that has been in existence for at least **one year**, that otherwise meets applicable provisions of this Ordinance. Existing poles and/or structures in existence for less than **one year**, including proposed facilities within Development Master Plan areas, may be approved at the discretion of the Director of the Department.*¹
- b. The maximum height of a wireless communications facility including the base, platform and attached antennae shall not exceed **80 feet** above grade or the height of the structure set forth in Section 1202.3.1.1.a. above, whichever is greater.*¹
- c. Up to **two wireless communication facilities** may be mounted on a building and may include not more than **two microwave antennae dishes** with diameters of not more than **one and one half meters** (4.9 feet) each, and each being **15 feet** or less in height as measured above the roofline so long as the supporting structure is screened.*¹
- d. Any microwave dish antennae shall be clustered near the top of a cellular communication facility, unless otherwise approved by the Director.
- e. The color of a wireless communication facility shall be compatible with the surrounding environment.*¹
- f. Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.*¹
- g. Wireless communication facilities which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.*¹
- h. Wireless communication facilities shall be setback **80 feet** from all property lines. Other yard requirements may be approved by the Planning Director subject to the requirements for administrative approval contained herein.*¹

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- i. Radiation from the antennae shall not interfere with any existing communication sites.
 - j. The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)** unless a larger size is approved by the Director as an administrative approval, subject to the requirements for administrative approval contained herein.
 - k. All ground-mounted equipment associated with a wireless communication facility shall be completely screened from public view by landscaping, natural features, or existing structures. To the extent possible, all structures and related equipment shall be screened and designed to blend in with the surrounding environment. All panel antennae and related hardware and cables that are mounted on an existing structure shall be painted to match that of the existing structure or camouflaged to reduce visual impacts.^{*1}
 - l. **One parking space** for the maintenance of the wireless communication facility must be provided. Said parking space must be paved to reduce the emission of dust.^{*1}
 - m. A solid screen wall of a maximum of **six feet high** shall be constructed around the facility and shall screen all equipment.^{*1}
 - n. All permanent generators associated with any wireless communication facility shall be contained in a completely enclosed building.^{*1}
2. In commercial or industrial zoning districts, wireless communication facilities are permitted subject to the following limitations:^{*1}
- a. The wireless communication facility, if exceeding the height requirements of the zoning district in which it is located, shall be set back from a property line that abuts land located in a Rural or Residential Zoning District **two feet** for every **one foot** in height of the wireless communication facility. Notwithstanding the foregoing, the wireless communication facility shall be permitted to be located in alignment with the front of the principal building on the lot or parcel on which the wireless communication facility is erected provided the wireless communication facility is located a minimum of **100 feet** from an adjacent single-family district property line.^{*1}

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- b. The maximum height of a wireless communications facility including the base, platform and attached antennae, shall not exceed **80 feet** above grade provided, however, the Director may administratively approve a maximum height not to exceed **110 feet above grade**, subject to the requirements for administrative approval contained herein. ^{*1}
- c. Up to **two** wireless communication facilities may be mounted on a building and may include not more than **two** microwave antennae dishes with diameters of not more than **one and one half meters (4.9 feet)** each, and each being **15 feet or less** in height as measured above the roofline so long as the supporting structure is screened. ^{*1}
- d. Any microwave dish antennae shall be clustered near the top of a wireless communication facility, unless otherwise approved by the Director. ^{*1}
- e. The color of a wireless communication facility shall be compatible with surrounding environment. ^{*1}
- f. Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department. ^{*1}
- g. Wireless communication facilities which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors. ^{*1}
- h. Wireless communication facilities shall be required to meet yard requirements of primary buildings or structures of the zoning district in which they are located, unless otherwise specified herein. ^{*1}
- i. Radiation from the antennae shall not interfere with any existing communication sites.
- j. The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)**, unless a larger size is approved by the Director as an administrative approval, subject to the requirements for administrative approval contained herein.

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1202.3.2. *District 1-A*^{*1}

1. Wireless communication facilities shall be allowed in any zoning district subject to the same standards and height applied in Chapter 12, Section 1201., Article 1202.3.1.2.

1202.3.3. *District 2*^{*1}

1. Wireless communication facilities plus structures or towers and related facilities used exclusively for wireless communication purposes shall be permitted in any zoning district, subject to the following limitations:^{*1}
 - a. The maximum height of a wireless communications facility or structure or towers including the base, platform and attached antennae shall not exceed **110 feet** above grade, except that along and within **one mile** of U.S. Interstate-10 (I-10) the height shall not exceed **250 feet** above grade.^{*1}
 - b. The wireless communication facility or structure or tower in item 1202.3.3.1.a. ,shall be set back from a property line that abuts land located in a Rural or Residential Zoning District, or along or within **one mile** of the right-of-way of U.S. Interstate-10 (I-10), **two feet** for every **one foot** in height of the wireless communication structure.^{*1}
 - c. Wireless communication facilities may be mounted on a building and may include any number of microwave antennae dishes each being **15 feet or less** in height as measured above the roofline so long as the supporting structure is screened.^{*1}
 - d. The color of a wireless communication facility or structure or tower shall be compatible with the surrounding environment unless otherwise required for safety purposes.^{*1}
 - e. Installation of a wireless communication facility or structure or tower shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*1}
 - f. Wireless communication facilities or structures or towers which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*1}

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- g. Except as specified in Chapter 12, Section 1202.3.3.1.b., wireless communication facilities or structures or towers shall be required to meet yard requirements of primary buildings or structures of the zoning district in which they are located, unless a lesser setback is approved as an administrative approval by the Director, subject to the requirements of administrative approval contained herein. ^{*1}
- h. Radiation from the antennae shall not interfere with any existing communication sites.

1202.3.4. *District 3*^{*1}

- 1. Wireless communication facilities plus structures including tower, and related facilities used exclusively for wireless communication purposes shall be permitted in any zoning district without limitation, subject to the following standards:^{*1}
 - a. The color of a wireless communication facility or structure or tower shall be compatible with the surrounding environment unless otherwise required for safety. ^{*1}
 - b. Installation of a wireless communication facility or structure or tower shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department. ^{*1}
 - c. Wireless communication facilities or structures or towers which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors. ^{*1}
 - d. Radiation from the antennae shall not interfere with any existing communication sites.

Date of Revisions

*1	Effective 10-4-01	*2	Effective 01-05-07
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SECTION 1203. MOBILE HOME PARKS^{*15}

ARTICLE 1203.1. STANDARDS:

- 1203.1.1. Each mobile home space shall have an area of not less than **3,000 square feet** and an average width of not less than **44 feet**.

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- 1203.1.2. Travel trailers or manufactured homes may be located on mobile home spaces but the minimum setbacks required of mobile homes shall be provided, and the appropriate sections of County plumbing and health codes must be complied with.^{*25}
- 1203.1.3. Mobile homes, travel trailers, manufactured homes or detached accessory structures shall be located on mobile home spaces so as to provide a minimum setback from any mobile home space boundary, including boundaries in common with the edge of any interior drive or roadway, of not less than **five feet**, unless otherwise specified herein. Each mobile home or travel trailer shall set back from lot lines or required park screening a distance of not less than **ten feet**.
- 1203.1.4. The minimum distance between mobile homes, travel trailers, manufactured homes or detached accessory structures, and the minimum distance between mobile homes or travel trailers and buildings in the same mobile home park shall be **ten feet**, unless otherwise specified herein.^{*25}
- 1203.1.5. A mobile home park shall provide a minimum **ten foot** clear unobstructed area from front lot lines and a minimum **ten foot** clear unobstructed area from street side lot lines. These areas shall be provided with appropriate landscaping, including necessary water maintenance facilities. These clear unobstructed areas shall not be utilized in determining space boundaries, dimensions or setbacks.
- 1203.1.6. Service buildings to house toilet, bathing and other sanitation facilities and utilities shall be provided as required by the Maricopa County Health Department.
- 1203.1.7. Street improvements to Maricopa County streets standards for any public roads bounding the mobile home park shall be made as required by the Maricopa County Highway Department at the time of development of the park.
- 1203.1.8. Provision for on-site storm water retention/drainage and off-site storm water drainage both entering and leaving the property shall be as required by the Maricopa County Department of Planning and Development and the Flood Control District.
- 1203.1.9. Each mobile home park shall provide fire protection facilities as required in the Uniform Fire Code.
- 1203.1.10. Minimum distance or setbacks required herein shall be the shortest of horizontal dimensions measured from the nearest portion of the side wall of a mobile home, manufactured home or travel trailer, or from any attached patio cover, carport, cabana, ramada or similar appurtenances. Detached accessory storage structures, containing a maximum area of **100 square feet** and located in the rear **one-third** of a mobile home space shall not be included in these distance or setback requirements, unless the mobile home space is adjacent to a lot line, in which case

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the minimum distances or setbacks shall apply. No accessory storage structure shall be located so as to limit access to utility compartments and services. ^{*24}

- 1203.1.11. All interior drives or roadways within the mobile home park shall be a minimum width of **26 feet**, exclusive of curbs and walkways, measured from edge of pavement to edge of pavement. The interior drives or roadways shall be paved with a minimum of **two inches of asphalt over four inches of A.B.C.** or its equivalent.
- 1203.1.12. The mobile home park shall be permanently screened from surrounding lots by a solid fence, wall, or suitable planting, **six feet** in height.
- 1203.1.13. The height, yard, and intensity of use regulations of the **R1-6 Zoning District** shall apply to buildings located in mobile home parks but not to the mobile homes or travel trailers or detached accessory buildings containing a maximum area of **100 square feet** located in the rear **one-third** of a mobile home space.
- 1203.1.14. No zoning clearance for the location of a mobile home or travel trailer on individual mobile home spaces shall be issued until such time as the requirements for mobile home park development as listed herein have been certified as being completed, in accordance with the approved plan of development, by a licensed engineer.
- 1203.1.15. Mobile home subdivision lots shall not be utilized for mobile home park purposes.
- 1203.1.16. Access to all mobile home spaces shall be from the interior of the park. There shall be no individual access to any mobile home space from a public street.
- 1203.1.17. In mobile home parks that contain **ten or more** mobile home spaces, there shall be provided a minimum of **100 square feet** of recreational open space and/or recreational facilities for each mobile home space. Public or private streets, vehicle storage areas and exterior boundary landscaping areas shall not be included in calculating recreational open space.
- 1203.1.18. The signs identifying mobile home parks shall be subject to the standards as set forth in Chapter 14, Article 1407.
- 1203.1.19. The parking regulations for mobile home parks are as provided in Chapter 11, Article 1102. hereof.
- 1203.1.20. Any outdoor mobile home park lighting shall be placed so as to reflect light away from adjoining rural or residential zoning district and shall be in accordance with any adopted County Outdoor Lighting Ordinance.

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- 1203.1.21. Mobile home parks that have been developed prior to the effective date of this Ordinance shall be permitted to meet the Zoning Ordinance setback requirements for mobile home parks in effect at the time of their development.

Date of Revisions			
*15	Revised 1-7-85	*25	Revised 7-23-94
*24	Revised 5-6-94		

SECTION 1204. PROTECTED DEVELOPMENT RIGHTS*¹

ARTICLE 1204.1. PURPOSE: This article implements Arizona Revised Statutes Section 11-1201 et seq., which allows a county to provide for protected development rights through approval of Protected Development Right Plans, as defined in Chapter 11, Section 1101., Article 1101.2. below. *²

ARTICLE 1204.2. PROTECTED DEVELOPMENT RIGHT PLANS: A "Protected Development Right Plan" means a plan for the development of property approved by Maricopa County pursuant to the Maricopa County Zoning Ordinance Chapter 9 (Industrial Zoning Districts), Articles 901.11.1, 902.11.1, and 903.11.1; Chapter 10, Article 1005.6 (Planned Development Overlay Plans); Chapter 10, Articles 1002.2, 1003.2, and 1004.2 (Plans of Development); and Maricopa County Subdivision Regulations, Article II, Section 206 (Development Master Plans), and Article II, Section 203 (Final Subdivision Plats). *² A phased plan for the development of property must indicate the type and intensity of uses for each development parcel within the phased project, and the landowner shall submit a more detailed plan for each phase of a phased development to obtain final site development approval to develop the property.

ARTICLE 1204.3. PROTECTED DEVELOPMENT RIGHT: The protected development right confers on the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the protected development right plan, and precludes enforcement against the property to which the protected development right applies of any legislative or administrative land use regulation that would change, alter, impair, prevent, diminish, delay, or otherwise impact the development or use of the property as set forth in the Protected Development Right Plan, except under the following circumstances:

- 1204.3.1. With the consent of the landowner.
- 1204.3.2. On findings, by ordinance or resolution and after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if

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uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as approved in the Protected Development Right Plan.

- 1204.3.3. On findings, by ordinance or resolution and after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval of the Protected Development Right Plan.
- 1204.3.4. On the enactment of a state or federal law or regulation that precludes development as approved in the Protected Development Right Plan, in which case the County Board of Supervisors, after notice and a hearing, may modify the affected provisions, on a finding that the change in state or federal law has a fundamental effect on the Protected Development Right Plan.

A protected development right does not preclude the enforcement of a subsequently adopted overlay zoning classification that imposes additional requirements and that does not affect the allowable type or density of use, or ordinances or regulations that are general in nature and that are applicable to all property subject to land use regulation by the county, such as building, fire, plumbing, electrical, and mechanical codes.

ARTICLE 1204.4. DURATION OF A PROTECTED DEVELOPMENT RIGHT: A protected development right established pursuant to a Protected Development Right Plan is valid for **three years** for a non-phased development, **five years** for a phased development, and **ten years** for a phased development that contains at least **one section** of land as defined by 43 United States Code 751 or has a gross acreage of more than **640 acres**.

The duration of a protected development right shall be extended for a maximum of **two additional years** for a non-phased or phased development, and **ten additional years** for a phased development that contains at least **one section** of land as defined above or has a gross acreage of more than **640 acres** if the landowner demonstrates that a longer time period is warranted by relevant circumstances, including the size, type and phasing of the development on the property, the level of investment of the landowner, economic cycles or market conditions.

A protected development right terminates at the end of the applicable period established under this section. If a building permit has been issued before the date of termination of a protected development right, the protected development right remains valid until the building permit expires, but in no event for longer than **one year**. On expiration, only principal structures for which footings or foundations have been completed may be finished under the protected development right. On the expiration of a

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protected development right, development may continue based on a valid building permit and according to standards in effect at that time. An unexpired building permit issued for a property with a protected development right does not expire or shall not be revoked merely because a protected development right expires under the time limitations specified in this section. Nothing in this Article precludes development based on common law principals vested rights or rights granted pursuant to a development agreement.

The commencement of a protected development right period shall be the effective date of valid approval of the Protected Development Right Plan or **July 17, 1994**, the effective date of the protected development right statute, whichever date is later. The protected development right period shall be noted on the Protected Development Right Plan. Protected Development Right Plans approved prior to the date of this Chapter may be resubmitted to the Department with the applicable protected development right period noted on the plan.

ARTICLE 1204.5. APPLICABILITY: This Chapter shall be applicable to all Protected Development Right Plans, as defined in Article 1204.4. above, approved by Maricopa County after **July 17, 1994**, the effective date of the protected development rights enabling statute, if approved and identified as a Protected Development Right Plan at the time of approval.*²

Date of Revisions	
*1	Added 11-20-95
*2	Effective 5-16-98

SECTION 1205. DRAINAGE PROVISIONS

Provisions for on-site storm water retention/drainage and off-site storm water drainage both entering and leaving the property shall be as required by the Maricopa County Department of Planning and Development and Flood Control District for all two-family, multiple-family, commercial, and industrial zoning districts, as well as special uses and unit plans of development.
*1⁵

Procedures for obtaining approval shall be adopted by the Maricopa County Board of Supervisors upon recommendation of the Planning and Zoning Commission.

Date of Revisions	
*15	Revised 1-7-85

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Chapter 16 – Fees

SECTION 1601. PURPOSE

ARTICLE 1601.1. PURPOSE: To consolidate in one location in the Ordinance all regulations relating to fees, fines and penalties. This Article establishes the amounts and types of fees, fines and penalties to be charged.

FEE TYPE	DESCRIPTION (per offense & conviction)	MINIMUM FEE BY USE	
		<i>SINGLE FAMILY</i>	<i>ALL OTHER USES</i>
Civil Fines	Initial	\$100	\$300
	Initial Non-compliance	\$200	\$500
	Daily Non-compliance	\$20	\$30
	Recurrence	\$300	\$500
Criminal Fines		Class 2 MISDEMEANOR	Class 2 MISDEMEANOR
Investigation Fee	Charged when compliance achieved by administrative means	Amount equal to permit or application fee	Amount equal to permit or application fee

SECTION 1602. FEES

ARTICLE 1602.1. FEES: *3, *4, *5, *6, *8, *7, ***9, ***10, ***11, **12, *13, *15, *16, *23, *24 *25 *26 The following fees shall be charged with no provision for refund:

FEE TYPE	FEE
Precise Plan of Development (after zone change) in existing PD or UPD overlay. Required for development in industrial zoning districts, C-S zoning district, non-residential hillside development and development within scenic corridors.	\$1,200 + \$100 per acre or portion there of Maximum Fee – \$50,000
Zoning Change ^{*23} with overlay	\$3,000 + \$100 per acre or portion there of Maximum fee - \$50,000
Zone Change	\$1,200 + \$100 per acre or portion there of Maximum Fee - \$50,000
Special Use Permit	\$3,000 + \$100 per acre or portion there of - Maximum fee - \$50,000
Special Use Permit for mobile home/manufactured home in rural zoning district	\$250
Text Amendments	\$1,000 per Section Maximum Fee - \$5,000
Change to zoning case in process	\$100 for each occurrence in process
Comprehensive Plan Amendments, Development Master Plans and major Development Master Plan amendments	\$2,000 + \$20 per acre or portion there of Maximum fee - \$100,000

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Minor Development Master Plan amendments	\$1,500 + \$10 per acre or portion thereof Maximum fee - \$30,000
Minor Amendments to approved site plans for Special Use Permits, Plans of Development, and Unit Plans of Development	\$750 + \$100 per acre or portion thereof Maximum fee - \$5,000
Modification of Stipulation	\$500 per stipulation Minimum fee - \$1,000 Maximum fee - \$5,000
Major Amendments	Charged same as original application fee
Zoning Clearance	Residential - \$100 Commercial - \$250
Continuance of public hearing An additional fee shall be charged for any continuance a public hearing granted by the Commission at the request of a petitioner or petitioner's representative.	\$250
Pre-application meeting fee	\$100

Date of Revisions			
*3	Revised 1-3-72	*15	Revised 8-21-94
*4	Revised 3-22-76	*16	Added 11-6-95
*5	Revised 3-12-84, Effective 4-1-84	*19	Effective 5-15-98
*6	Revised 1-7-85	*20	Effective 6-21-98
*7	Revised 4-1-85	*22	Effective 9-17-99
*8	Revised 7-1-85	*23	Effective 3-31-00
***9	Renumbered 8-4-86	*24	Deletion of Slight Refinements & revisions, effective 2-7-03
***10	Renumbered 12-7-87	*25	Effective 6-20-07
***11	Renumbered 2-6-89	*25	Effective x-x-08
**12	Renumbered 8-23-90		
*13	Revised 8-1-91		

SECTION 1603. FEES FOR APPEALS^{*2, *7}

ARTICLE 1603.1 APPEALS:^{*6} The following fees shall be charged for the filing of an appeal concerning the interpretation or administration of this Ordinance with no provision for refund:

FEE TYPE	FEE
Appeal of Determination of Zoning Inspector	\$300

Date of Revisions			
*2	Revised 3-22-76	*7	Revised 8-1-91
*6	Added 4-1-84		

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Chapter 16 – Fees

SECTION 1604. APPLICATION FEES FOR VARIANCE

ARTICLE 1604.1. APPLICATION FEES FOR VARIANCE: ^{*8, *9} The following fees shall be charged for the filing of an application for any Variance to the regulations of this Ordinance with no provision for refund:

FEE TYPE	FEE
Residential Variance	\$250 + \$50 for each additional request
Non-Residential Variance	\$750 + \$100 for each additional request
Blanket Variance	\$750 + \$100 for each additional request
Continuance of Public Hearing when requested by applicant prior to the hearing.	\$250

Date of Revisions

*8	Revised 2-20-94	*9	Revised 8-21-94
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SECTION 1605. TEMPORARY USE PERMITS

ARTICLE 1605.1. USE PERMITS: The following fees shall be charged with no provision for refund:

FEE TYPE	MIN FEE BY USE
Residential Temporary Use Permit	\$250
Non-residential Temporary Use Permit	\$750

Date of Revisions

Entire chapter	Revised & Effective 07-20-07		
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