

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 2 - Definitions

### SECTION 201. DEFINITIONS<sup>\*1</sup>

*For the purpose of this Ordinance, certain words are hereby defined:*

#### **ADULT ORIENTED FACILITIES:**<sup>\*6</sup>

Which shall include the following:

1. **Adult Arcade** (also known as "peep show"): Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas."<sup>\*24</sup>
2. **Adult Bookstore or Adult Video Store:** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:<sup>\*24</sup>
  - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified service activities" or "specified anatomical areas" and still be categorized as "adult book store" or "adult video store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult book store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

3. **Adult Live Entertainment Establishment:**<sup>\*24</sup> An establishment, which features:
  - a. Persons who appear in a state of nudity; or
  - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

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- c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
4. **"Adult" Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are predominantly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."<sup>\*24</sup>
5. **"Adult" Theater:** A theater, concert hall, auditorium, or similar commercial establishment which predominantly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."<sup>\*24</sup>
6. **Massage Establishment:**<sup>\*24</sup> Any establishment having its place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any massage activities defined as: Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol. This definition shall not apply to:
- a. Persons authorized by the laws of this state to practice medicine, osteopathy, chiropractic, podiatry, or naturopathy;
  - b. Registered nurses, licensed practical nurses or technicians, when acting under the supervision of a licensed physician or osteopath;
  - c. Persons employed or acting as trainees for any bona fide amateur, semiprofessional or athlete or athletic team;
  - d. Persons authorized by the laws of this state as barbers or cosmetologists, provided their activity is limited to the head, face, or neck;
7. **Nude Model Studio:** Any place where a person who appears in a state of nudity, or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Arizona or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates education programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:<sup>\*24</sup>

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- a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- b. Where in order to participate in a class a student must enroll at least **three days** in advance of the class; and
- c. Where no more than **one** nude or semi-nude model is on the premises at any **one** time.

### **AIRPORT:**

A landing area used regularly by aircraft for receiving or discharging passengers or cargo.

1. **Helipad:** An area on a heliport established for the landing or takeoff of helicopters.
2. **Heliport:** A landing area solely for the use of helicopters. A heliport may include more than one helipad.
3. **Landing Area:** Any locality, either land or water, including airports and landing fields, which is used or intended to be used for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft or for receiving or discharging passengers or cargo.
4. **Landing Area Boundary:** The outer limit of the land or water of a landing area.

### **ALLEY:**

A passage or way open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

### **ALLEY LINE:**

The boundary which separates the right-of-way of an alley from the abutting property.

### **AMATEUR RADIO ANTENNA:**

The arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves by amateur radio operators. <sup>\*29</sup>

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### **AMATEUR RADIO ANTENNA SUPPORT STRUCTURE:**

Any structure, mast, pole, tripod, or tower utilized for the purpose of supporting amateur radio antennas for the purpose of transmission or reception of electromagnetic waves by amateur radio operators. <sup>\*29</sup>

### **AREA OF JURISDICTION:**

That part of the County without the corporate limits of any municipality.

### **AREA PLAN:**

A land use plan adopted by the Board of Supervisors for a portion of the County. <sup>\*17</sup>

### **AUTOMOBILE GRAVEYARD:**

Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. An automobile graveyard may include repair facilities as an ancillary use. <sup>\*12</sup>

### **BASEMENT:**

That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.

### **BLADE SWEEP: <sup>\*41</sup>**

THE CIRCUMFERENCE OF THE OUTERMOST TIP OF A BLADE OR SET OF BLADES THAT A WIND TURBINE TRACES WHILE THE BLADES ARE IN MOTION.



PHOTO CREDIT:  
NATIONAL RENEWABLE ENERGY LABORATORY

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### **BOARD OF SUPERVISORS:**

The Board of Supervisors of Maricopa County.

### **BOARDING HOUSE:**

A building where, for compensation and by prearrangement for definite periods, meals or lodging and meals, are provided for **three or more persons**, but not exceeding **20 persons**.

### **BUILDABLE AREA:**

The portion of a lot which is within the envelope formed by the required yards. See "YARD, REQUIRED".

### **BUILDING:**

A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, chattels or property of any kind.

### **BUILDING, ACCESSORY:**

A building or structure which is subordinate to, and the use of which is incidental to that of the principal building, structure or use on the same lot. (SEE STRUCTURE, ACCESSORY). <sup>\*41</sup>

### **BUILDING, COMMUNITY:**

A public building designed or used for community activities of an educational, recreational or public service nature.

### **BUILDING HEIGHT:**

The vertical distance from grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof or the height of the highest gable, hip or gambrel roof. <sup>\*10</sup>

### **BUILDING, PRINCIPAL:**

A building in which is conducted the principal use of the lot on which it is situated. In a residential zoning district any dwelling is deemed to be the principal building on the lot on which it is situated.

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### **CARETAKER:**

A person whose assigned duties may include maintaining property, caring for farm animals, providing security, or providing care for a person having a documented medical condition.<sup>\*25</sup>

### **CARPORT:**

A roofed structure with **two** or **more** open sides under which a vehicle may be driven.

### **CELLAR:**

That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

### **COMMISSION:**

The County Planning and Zoning Commission of Maricopa County.

### **COMPREHENSIVE PLAN:**

The plan adopted by the Board of Supervisors which meets the requirements of Title 11, Section 821 of Arizona Revised Statutes governing County Planning and Zoning.<sup>\*17</sup>

### **CORRAL:**

A pen or enclosure for confining animals.

### **DEVELOPMENT MASTER PLAN:**

A plan approved by Maricopa County in accordance with Section 206 of the county's subdivision regulations which establishes the future development patterns for an area (usually one or more square miles).<sup>\*25</sup>

### **DEVELOPMENT STANDARDS:**

Regulations pertaining to setbacks, building height, building separation, lot coverage, lot area and lot width.<sup>\*38</sup>

### **DIRECTOR:**

The Director of the Maricopa County Department of Planning and Development.<sup>\*4</sup>

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### **DWELLING:**

A building or portion thereof designed or used exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings, but not including hotels, boarding and lodging houses.

### **DWELLING GROUP:**

A group of **three** or **more** buildings which occupy a parcel of land in **one** ownership and have a yard in common.

### **DWELLING, MULTIPLE:**

A building or portion thereof designed for occupancy by **three** or **more** families.

### **DWELLING, SINGLE-FAMILY:**

A building designed for occupancy by **one family**.

### **DWELLING, TWO-FAMILY:**

A building designed for occupancy by **two families**.

### **DWELLING UNIT:**

One or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

### **DWELLING UNIT, ACCESSORY:**

A habitable space either within or added to an existing primary dwelling unit, or within a separate structure on the same lot as the primary dwelling unit used to house family or guests of the occupants of the primary dwelling unit without compensation.<sup>\*36, \*39</sup>

### **EASEMENT, NON-ACCESS:**

An easement prohibiting vehicular access from a public street.<sup>\*\*9</sup>

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### **EASEMENT, SOLAR ACCESS:** <sup>\*41</sup>

AN EASEMENT IN WHICH THE OWNER OF A PROPERTY (GRANTOR) AGREES TO MAINTAIN THE AIRSPACE ABOVE THE GRANTOR'S PROPEPTY IN SUCH A MANNER AS TO NOT INHIBIT THE ABILITY OF THE GRANTEE'S PROPERTY TO RECEIVE THE SUNLIGHT THAT WOULD NORMALLY PASS THROUGH THE GRANTOR'S AIRSPACE IN THE ABSENCE OF ANY STRUCTURES OR LANDSCAPING.

### **EMERGENCY HOUSING:**

Temporary shelter required due to a natural disaster or fire. <sup>\*25</sup>

### **FARM:**

An area of not less than **two contiguous acres** which is used for the commercial production of farm crops such as vegetables, fruit trees, cotton, grain and other crops and their storage on the area, as well as the raising thereon of farm poultry and farm animals, such as horses, cattle, sheep and swine for commercial purposes. The term "farm" includes the operating of such an area for **one** or **more** of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce, provided that the operation of any such accessory use is secondary to that of the farm activities, and provided further that the farm activities do not include commercial pen feeding or commercial feed lots or the commercial feeding of garbage or offal to swine or other animals.

### **FEED LOT, COMMERCIAL:**

A livestock feeding or handling facility operated for the purpose of accommodating the needs of others in whole or in part for a fee or fees paid to the operator or owners for the accommodations, materials and services received.

### **FLOOR AREA:**

For purposes of computing off-street parking requirements, floor area shall mean the gross floor area of an enclosed building or buildings. <sup>\*5, \*19, \*37</sup>

### **GARAGE, PRIVATE:**

An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of **10,000 lbs. gross vehicle weight.** <sup>\*26</sup>

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### **GARAGE, PUBLIC:**

A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor vehicles.

### **GRID-CONNECTED:** <sup>\*41</sup>

A RENEWABLE ENERGY SYSTEM WHEREBY ELECTRICITY IS ALLOWED TO ENTER INTO THE ELECTRICAL UTILITY GRID SOLELY THROUGH A BI-DIRECTIONAL REVENUE METER.

### **GOVERNMENT ACTION:**

An action by the government, defined as federal, state, county or municipal agencies only, including but not limited to, a government's acquisition of real property by purchase, eminent domain, or government error, which results in a building, lot, parcel or tract of land not meeting the requirements of this ordinance.<sup>\*38</sup>

### **GRADE:**

The lowest point of elevation of the surface of the ground, paving or sidewalk at any point adjacent to a structure or fence/wall. For purposes of calculating structure, building or fence/wall heights, existing established grade shall be utilized on subdivision land and natural, undisturbed grade shall be utilized on unsubdivided land.<sup>\*16</sup>

### **GROUP HOME FOR THE HANDICAPPED AND ADULT CARE:**

A dwelling unit shared as their primary residence by handicapped or elderly persons, living together as a single housekeeping unit, in a long term, family-like environment in which staff persons provide on-site care, training, or support for the residents. Such homes or services provided therein shall be licensed by, certified by, approved by, registered with, funded by or through, or under contract with the State. Group homes shall not include homes for the developmentally disabled, defined as persons afflicted with autism, cerebral palsy, epilepsy or mental retardation, as regulated by Arizona Revised Statutes, §36-582.<sup>\*23</sup>

### **GUEST:**

Any transient person who rents or occupies a room for sleeping purposes.

### **GUEST HOUSE:**

A habitable space within a separate structure on the same lot as the primary dwelling unit used to house family or guests without compensation.<sup>\*39</sup>

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### **GUEST RANCH:**

A building or group of buildings containing **two** or **more** guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational facilities such as, but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the use primarily by guests of the guest ranch, but not including bars and restaurants which cater primarily to other than guests of the guest ranch.

### **GUEST ROOM:**

A room which is designed for occupancy by **one** or **more** guests for sleeping purposes, but having no cooking facilities and not including dormitories.

### **HANDICAPPED:**

*A person who:* 1) Has a physical or mental impairment which substantially limits **one** or **more** of such person's major life activities. 2) Has a record of having impairment. However, "Handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in § 102 of the Controlled Substance Act [21 United States Code 802]).<sup>\*23</sup>

### **HILLSIDE LOT OR PARCEL:**

A lot or parcel of land which is required to comply with Maricopa County Zoning Ordinance, Chapter 12, Section 1201, Hillside Development Standards.<sup>\*32</sup>

### **HOME OCCUPATION, RESIDENTIAL:**

An accessory use of a dwelling that involves very limited manufacture, provision, or sale of goods and/or services. Garage/yard sales or home parties, that are held for the sale of goods or services, are not considered a home occupation provided these sales do not exceed **six** in **one year**. A residential home occupation is only permitted per the standards contained in the Rural and Single-Family Zoning Districts.<sup>\*18</sup>

### **HOME OCCUPATION, COTTAGE INDUSTRY:**

An accessory use of a dwelling that involves limited manufacture, provision or sale of goods and/or services. Garage/yard sales or home parties that are held for the sale of goods or services are not considered a home occupation provided these sales do not exceed **six** in **one year**. A cottage industry is a more intense use than a residential home occupation and is only permitted per the standards contained in the Special Use Section in Rural Zoning Districts.<sup>\*18</sup>

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### **HOSPITAL:**

An institution for the diagnosis, treatment, or other care of human ailments. The term hospital is deemed to include sanitarium, preventorium, clinic, rest home, nursing home, convalescent home and maternity home.

### **HOTEL:**

A building in which lodging or boarding and lodging are provided for more than **20 persons** and offered to the public for compensation and in which ingress and egress to and from all guest rooms are made through an inside lobby or office.

### **HOTEL, RESORT:**

A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms, suites of guest rooms, and dwelling units, and which furnish services customarily provided by hotels.

### **JUNK:**

Any old or scrap copper, brass, rope, rags, batteries, paper, trash, wood and rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

### **JUNKYARD:**

An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. The term "junkyard" includes garbage dumps and sanitary fills.

### **KENNEL:**

Any premises that are used for the commercial breeding, boarding, training, grooming or bathing of dogs, cats, and/or other small domesticated household pets (not farm animals), or for the breeding or keeping of dogs for racing purposes. <sup>\*13</sup>

### **LABOR CAMP:**

Any camp or similar place of temporary abode, established by or for the care of workmen engaged in construction, repair or alteration work on roads or highways, railroads, or in lumbering or agricultural operations, or in other industrial activities.

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### LAUNDRY, SELF-SERVICE:

A building within which clothes washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals for doing their own laundry and dry cleaning. Self-service laundry does not include outdoor drying facilities.

### LOADING AND UNLOADING SPACES:

A permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than **ten feet** in width, **20 feet** in length, and **14 feet** in height.

### LODGING HOUSE:

A building where lodging only is provided for compensation to **three or more** persons, but not exceeding **20** persons.

### LOT:

Any lot, parcel, tract of land, or combination thereof, shown on a plat of record or recorded by metes and bounds that is occupied or intended for occupancy by a use permitted in this Ordinance, including **one principal building** together with its accessory buildings, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place.

### LOT AREA:

The area of a horizontal plane within the lot lines of a lot.

### LOT, CORNER:

A lot which has an interior angle of **135 degrees or less** at the intersection of **two** street lines. A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of **135 degrees or less**.

### LOT COVERAGE:

The percentage of the area of a lot which is occupied by all buildings ~~or other covered structures~~. The first two (2) feet of roof(s) overhang from the exterior walls of all THE PRIMARY structures BUILDING, AND THE FIRST ONE (1) FOOT OF ROOF OVERGANG FROM THE EXTERIOR WALLS OF ALL ACCESSORY BUILDINGS, shall not be included in the lot coverage. <sup>\*33</sup> <sup>\*41</sup>

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### LOT DEPTH:

For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot parallel to and at a maximum distance from the front lot line, having a length of not less than **ten feet**.

### LOT, INTERIOR:

A lot other than a corner lot.

### LOT, KEY:

A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

### LOT LINE:

Any line bounding a lot.

### LOT LINE, FRONT:

The boundary of a lot which separates the lot from the street; and in the case of the corner lot, the front lot line is the shorter of the **two lot lines** separating the lot from the street except that where these lot lines are equal or within **15 feet** of being equal, either lot line may be designated the front lot line but not both. In the case of residential lots located within a tract or a commercial pad located within a parking lot which have no direct street frontage, the front lot line must be designated by the applicant at the time of subdivision approval or prior to zoning clearance if no subdivision is required.<sup>\*26, \*30</sup>

### LOT LINE, REAR:

The boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than **ten feet**.

### LOT LINE, SIDE:

The boundary of a lot which is not a front lot line or a rear lot line.

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### LOT OF RECORD:

A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Maricopa County; or a lot, parcel or tract of land, the deed of which has been recorded in the office of the County Recorder of Maricopa County.

### LOT THROUGH:

A lot having a pair of opposite lot lines abutting **two streets**, and which is not a corner lot. On such lot, both lot lines are front lot lines, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant from the lot line containing the non-access easement.\*<sup>9</sup>

### LOT WIDTH:

For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured **30 feet** behind the required minimum front yard line on a line parallel to the street or street chord.

### MANUFACTURED HOME:

A structure, manufactured after **June 15, 1976**, transportable in one or more sections, which in the traveling mode, is **eight body feet or more** in width and **40 body feet or more** in length, and when erected on site, is **320 square feet or more** in size, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a manufactured home will be based on the exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. The term "manufactured home" does not include recreational vehicles or factory built buildings (including modular) or mobile homes.\*<sup>27</sup>

### MANUFACTURED HOME, MULTI-SECTIONAL:

A multi-sectional manufactured home not exceeding **two stories** in height and manufactured after **June 15, 1976**, to standards established by the U.S. Department of Housing Urban Development that when joined forms a residence for human occupancy that measures **16 feet** by **40 feet** or **larger** and which is designed to be installed on a permanent foundation system when located on an individual lot of record in a rural or residential zoning district. A multi-

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sectional manufactured home shall have roofing and siding materials similar in appearance and kind to those used in site built homes.<sup>\*27</sup>

### **MOBILE HOME:**

A dwelling unit built prior to **June 15, 1976**, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling in approved locations when connected to on-site utilities. The term "mobile home" does not include recreational vehicles or factory built buildings.<sup>3, \*8, \*11</sup>

### **MCDOT:**

Maricopa County Department of Transportation.<sup>\*25</sup>

### **MOBILE HOME PARK:**

Any parcel of land upon which **two or more** mobile homes occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodations.

### **MOBILE HOME SPACE:**

A plot of ground within a mobile home park or travel trailer park designed for the accommodation of **one mobile home or travel trailer** together with its accessory structures including carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings and similar appurtenances.

### **MOBILE HOME SUBDIVISION:**

A subdivision designed and intended for residential use where residence allows housing choice that may include site-built homes, manufactured homes and mobile homes.<sup>\*35</sup>

### **MOTEL:**

A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or travel trailer parks.

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### **NONCONFORMING USE:**

The lawful use of any building, lot, parcel or tract of land existing at the time this Ordinance, or amendments thereto, become effective which does not conform with the use regulations of the zoning district in which it is located.

### **NUDITY OR A STATE OF NUDITY:** <sup>\*24</sup> means:

1. The appearance of a human anus, male genitals, female genitals, or female breast; or
2. A state of dress which fails to opaquely cover a human anus, male genitals, female genitals, or areola of the female breast.

### **OFF-GRID:** <sup>\*41</sup>

A RENEWABLE ENERGY SYSTEM WHEREBY ELECTRICITY IS NOT ALLOWED TO ENTER INTO THE ELECTRICAL UTILITY GRID BY ANY MEANS.

### **PARK:**

Any public or private non-commercial, not-for-profit land established and intended for recreational, educational, cultural, natural area or wildlife preservation, scenic or aesthetic use intended for leisure time enjoyment. This definition shall not be construed to include entry features of landscape buffers around the perimeter of a subdivision that serve no other active or passive recreational purpose. This definition shall not be construed to include recreational facilities where activity takes place completely indoors. <sup>\*40</sup>

### **PARKING LOT:**

An area, other than a street or alley, devoted to unenclosed parking spaces.

### **PARKING SPACE, STANDARD:**

A rectangular area of not less than **nine feet** in width and not less than **18 feet** in length, together with independent access from an aisle or driveway to be used by automobiles. <sup>\*5, \*19</sup>

### **PARKING SPACE, HANDICAPPED:**

A rectangular area of not less than **12 feet** in width and **18 feet** in length, together with independent access from an aisle or driveway. <sup>\*20</sup>

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### **PARKING SPACE/LOT, PAVING:**

The material used for permanently surfacing a parking space and/or lot which may include any of the following: asphaltic concrete; cement concrete; penetration treatment of bituminous material and a seal coat of bituminous and mineral aggregate; or the equivalent of the above as approved by the Department of Planning and Development.<sup>\*20</sup>

### **PLACES OF PUBLIC ASSEMBLY:**

For purposes of establishing parking requirements, the following uses shall be considered places of public assembly uses: churches, elementary, junior high and high schools both public and private, colleges and university, both public and private, funeral homes, museums, libraries, private clubs, lodges, community buildings, theaters, auditoriums, arenas, indoor and outdoor stadiums, health spas, gyms, tennis/handball court facilities, hospitals, rest homes, orphanages, nursing homes and institutions of a religious, charitable or philanthropic nature and uses similar to the above uses.<sup>\*20</sup>

### **PLANNING AND ZONING COMMISSION:**

The Planning and Zoning Commission of Maricopa County.<sup>\*21</sup>

### **PRIVATE HILLSIDE ROAD:**

A thoroughfare providing recorded vehicular access to more than one property, in which any or all properties over which the access traverses, falls within the purview of the Hillside Development Standards. (This does not apply to roadways under the jurisdiction of the Maricopa County Department of Transportation).<sup>\*32</sup>

### **RECREATION VEHICLE:**

A vehicular or portable unit mounted on a chassis and wheels, designed and constructed to be installed with or without a permanent foundation for human occupancy as a residence, not more than **12 feet** in width, nor more than **40 feet** in length and containing no more than **400 square feet** in total floor area. Total width of said unit including all tip-outs, slide-outs, hinged extensions, or solid frames shall not exceed **12 feet**. For purposes of measuring length, the recreation vehicle hitch and/or tongue shall be excluded. The term "recreation vehicle" shall include travel trailers, camping trailers, truck campers, and motor homes.<sup>\*\*11</sup>

### **RECREATION VEHICLE (OVERNIGHT):**

A recreation vehicle which is not designed for, or to be used for, permanent residential use in a travel trailer/recreation vehicle park or at other approved locations.<sup>\*\*11</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 2 - Definitions

### **RECREATION VEHICLE (DESTINATION):**

A recreation vehicle which is designed for, and is to be used for, permanent residential use in a travel trailer/recreation vehicle park or at other approved locations. The term recreation vehicle (destination) includes park model travel trailers.\*\*11

### **RECREATION VEHICLE PARK:**

Any parcel of land upon which **two** or **more** recreation vehicles for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.\*\*11

### **RENEWABLE ENERGY: \*41**

ELECTRICAL ENERGY DERIVED PRIMARILY FROM SOURCES OTHER THAN FOSSIL FUELS OR NUCLEAR FISSION.

### **RENEWABLE ENERGY SYSTEM: \*41**

SOLAR GENERATING SYSTEMS AND WIND GENERATING SYSTEMS AS DEFINED BY THIS ORDINANCE.

### **RENEWABLE WATER SOURCE: \*41**

WATER THAT IS DERIVED FROM SOURCES OTHER THAN GROUNDWATER AS DEFINED BY THE ARIZONA DEPARTMENT OF WATER RESOURCES.

### **REVENUE METER: \*41**

A DEVICE THAT MEASURES THE FLOW OF ELECTRICITY FOR THE PURPOSE OF ALLOWING THE ELECTRICAL UTILITY PROVIDER TO DETERMINE THE AMOUNT OF ELECTRICITY CONSUMED BY A RETAIL CUSTOMER. THIS DEVICE IS TYPICALLY OWNED BY THE ELECTRICAL UTILITY PROVIDER AND IS LOCATED AT THE SERVICE PANEL LOCATED AT THE CUSTOMER END OF THE SERVICE ENTRANCE SECTION.

### **REVENUE METER, BI-DIRECTIONAL: \*41**

A REVENUE METER THAT MEASURES THE FLOW OF ELECTRICITY IN BOTH DIRECTIONS AS WOULD BE THE CASE IN A RENEWABLE ENERGY SYSTEM WHERE THE ELECTRICAL UTILITY PROVIDER IS PURCHASING EXCESS ELECTRICITY FROM THE RETAIL CUSTOMER (SEE REVENUE METER).

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 2 - Definitions

### **SCHOOL:**

An institution of learning, such as preschools, day nurseries, nursery schools, charter schools, elementary and secondary schools, colleges and universities, which offer instruction in several branches of learning and study, but not including business colleges, dancing schools, riding academies, or trade or vocational schools.<sup>\*31</sup>

### **SEMI-NUDE:**

Means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.<sup>\*24</sup>

### **SERVANT:**

A person who is paid for performing household duties such as cooking, cleaning, chauffeuring, nursing, caring for children, or similar activities.<sup>\*25</sup>

### **SERVICE STATION:**

A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.

### **SETBACK LINE:**

A line measured from the future right-of-way line of a street or property line, as applicable.<sup>\*14</sup>

### **SIGN:**

Any device for visual communication, including any structure or natural object or part thereof, that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

### **SIGN, MONUMENT:**<sup>\*15</sup>

A freestanding on-site advertising sign which meets the following requirements:

1. The base of the sign must be equal to or greater than **one half** the width of the sign.
2. Maximum sign area of **32 square feet**.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 2 - Definitions

3. Maximum sign height of **six feet**.
4. The sign is no closer than **three feet** from any property line and is also no closer than **30 feet** from any rural or residential zone boundary.
5. The sign must allow clear unobstructed vision at corners of streets and at driveway entrances/exits to the property. The sign must be placed in accordance with Chapter 14, Section 1404. located herein as applied to corners of intersecting streets and at driveway entrances/exits to streets.
6. The sign must meet all other standards for on-site advertising signs not specified above.

### **SIGN, ROOF:**

A sign affixed on, above, or over the roof of a building so that it projects above the eave line of a roof. The top of the parapet wall shall be considered the eave line. The lowest point of a mansard style roof shall be considered the eave line. Where a parapet wall is combined with a mansard roof, the eave line shall be the top of the parapet.<sup>\*15</sup>

### **SINGLE-FAMILY RESIDENTIAL COMPLEX:**

A group of single-family dwellings designed for individual separate ownership with unified management that provides common services and outdoor recreational facilities, but not including public bars, public restaurants or any commercial activity in connection therewith.

### **SOLAR GENERATING SYSTEM, CONCENTRATING: <sup>\*41</sup>**

A RENEWABLE ENERGY TECHNOLOGY THAT FOCUSES AND COLLECTS HEAT ENERGY FROM THE SUN AND UTILIZES THAT HEAT ENERGY FOR THE PURPOSE OF EITHER CREATING STEAM THROUGH A HEAT TRANSFER PROCESS FOR USE IN A STEAM-POWERED ELECTRICAL GENERATING STATION, OR FOR THE PURPOSE OF CREATING MECHANICAL ENERGY WHICH IS USED TO GENERATE ELECTRICITY AS IN A STERLING ENGINE. CONCENTRATING SOLAR DOES NOT INCLUDE DEVICES WHICH CONCENTRATE PHOTONS OF LIGHT ONTO A PHOTO-VOLTAIC CELL FOR THE PURPOSE OF REDUCING THE NUMBER OF PHOTO-VOLTAIC CELLS IN THE SYSTEM.

### **SOLAR GENERATING SYSTEM, PHOTO-VOLTAIC: <sup>\*41</sup>**

A RENEWABLE ENERGY TECHNOLOGY THAT CONVERTS PHOTONS OF LIGHT DIRECTLY INTO ELECTRICAL ENERGY. FOR PURPOSES OF THIS ORDINANCE, TECHNOLOGIES THAT CONCENTRATE PHOTONS OF LIGHT FOR THE PURPOSE OF REDUCING THE NUMBER OF PHOTO-VOLTAIC CELLS IS CONSIDERED A PHOTO-VOLTAIC SOLAR GENERATING SYSTEM AND NOT A CONCENTRATING SOLAR GENERATING SYSTEM.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 2 - Definitions

### **SPECIAL USE:**

A use of property whose characteristics or impacts do not allow the use to be permitted in a zoning district without approval by the Board of Supervisors in accordance with the provisions of Chapter 13, Section 1301.<sup>\*25</sup>

### **SPECIAL USE PERMIT:**

The permit issued for a special use in accordance with the provisions of Chapter 13.<sup>\*25</sup>

### **SPECIFIED SEXUAL ACTIVITIES:** <sup>\*24</sup>

Means and includes any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
4. Excretory functions as part of or in connection with any of the activities set forth in 1. through 3. above.

### **SPECIFIED ANATOMICAL AREAS:** <sup>\*24</sup>

The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals, and may include:

1. Less than completely and opaquely covered:
  - a. Human genitals, pubic region;
  - b. Breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 2 - Definitions

### STORY:

That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

### STREET:

All property dedicated or otherwise reserved for public or private street uses, or having thereon a public easement for such use. A street shall not include commercial/industrial parking lots or single family/multi-family common tract areas used for ingress/egress. These parking lots and common tract areas shall be deemed to meet the legal access requirements of this Ordinance.<sup>\*26</sup>

### STREET LINE:

The boundary which separates the right-of-way of a street from the abutting property.

### STRUCTURAL ALTERATION:

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

### STRUCTURE:

1) Anything MANUFACTURED OR constructed BY HUMANS ~~or erected~~, AS OPPOSED TO THAT OCCURRING IN NATURE, which requires location on IS AFFIXED, ANCHORED, OR OTHERWISE ATTACHED TO OR BELOW THE SURFACE OF the ground;<sup>\*27 \*41</sup>

2) ANYTHING MANUFACTURED OR CONSTRUCTED BY HUMANS, AS OPPOSED TO THAT OCCURRING IN NATURE, WHICH IS ~~or attached to something having location on the ground~~ BEEN AFFIXED, ANCHORED, OR OTHERWISE ATTACHED TO OR BELOW THE SURFACE OF THE GROUND, including multi-sectional manufactured homes, but not including other types of mobile homes, tents, recreational vehicles or travel trailers.<sup>\*27 \*41</sup>

### STRUCTURE, ACCESSORY:

A STRUCTURE WHICH IS SUBORDINATE TO, AND THE USE OF WHICH IS INCIDENTAL TO THAT OF THE PRINCIPAL BUILDING, STRUCTURE OR USE ON THE SAME LOT-(SEE BUILDING, ACCESSORY).<sup>\*41</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 2 - Definitions

### **SUSTAINABLE DEVELOPMENT:** <sup>\*41</sup>

USES OF PROPERTIES THAT MAINTAIN OR ENHANCE ECONOMIC OPPORTUNITY AND COMMUNITY WELL-BEING WHILE PROTECTING AND RESTORING THE NATURAL ENVIRONMENT UPON WHICH PEOPLE AND ECONOMIES DEPEND. SUSTAINABLE DEVELOPMENT MEETS THE NEEDS OF THE PRESENT WITHOUT COMPROMISING THE ABILITY OF FUTURE GENERATIONS TO MEET THEIR OWN NEEDS AT THE SAME LEVEL OF CONSUMPTION.

### **TEMPORARY USE:**

A use of property permitted on a temporary basis within a zoning district as long as required conditions are met.<sup>\*34</sup>

### **TEMPORARY USE PERMIT:**

The permit issued for a temporary use in accordance with the provisions of Chapter 13, Section 1302.<sup>\*34</sup>

### **TRAVEL TRAILER PARK:**

Any parcel of land upon which **two** or **more** travel trailers for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.

### **TRAVEL TRAILER SPACE:**

A plot of ground within a mobile home park or travel trailer park designed for the accommodation of **one** travel trailer together with its accessory structures including carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings and similar appurtenances.

### **USE:**

The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

### **USE, ACCESSORY:**

A use which is customarily incidental and subordinate to the principal use of a lot or a building, including bona fide servant quarters, or accessory vehicle parking or storage and located on the same lot therewith.<sup>\*26</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 2 - Definitions

### **USE, PRINCIPAL:**

The main use of land or a building as distinguished from an accessory use.

### **UTILITY-SCALE: <sup>\*41</sup>**

A RENEWABLE ENERGY SYSTEM WHEREBY ELECTRICITY IS ALLOWED TO ENTER INTO THE ELECTRICAL UTILITY GRID BY MEANS OTHER THAN A BI-DIRECTIONAL REVENUE METER.

### **WAREHOUSING AND STORAGE:**

Buildings used for the rental of space to the public for the storage of merchandise, commodities or personal property and where access is under the control of the building management, but excluding the warehousing and storage of explosive, corrosive or noxious materials, such as dust, fumes or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties.<sup>\*2</sup>

### **WAREHOUSES, MINI:**

Buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials, such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man, other organisms or properties; and further excluding any other use otherwise permitted in the zoning district in which the mini-warehouse is located.<sup>\*2</sup>

### **WIND GENERATING SYSTEM, LARGE: <sup>\*41</sup>**

A RENEWABLE ENERGY TECHNOLOGY THAT UTILIZES A WIND TURBINE GENERATOR WITH AN ELECTRICAL OUTPUT GREATER THAN 100 KILOWATTS.

### **WIND GENERATING SYSTEM, SMALL: <sup>\*41</sup>**

A RENEWABLE ENERGY TECHNOLOGY THAT UTILIZES A WIND TURBINE GENERATOR WITH AN ELECTRICAL OUTPUT OF 100 KILOWATTS OR LESS.

### **WIRELESS COMMUNICATION FACILITIES:**

Either a structure composed of a monopole; or a structure mounted on a building; either of which is maintained by a public service corporation, and which supports microwave antennae and dishes and other necessary attachments used exclusively for cellular communication purposes, all of which are used as part of a cellular mobile telephone communications system.<sup>\*22</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 2 - Definitions

### **YARD:**

The open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building is to be used; however, on any lot wherein a setback line has been established by the regulations of this Ordinance for any street abutting the lot, such measurement is to be taken from the principal building to the setback line (see "YARD, REQUIRED").

### **YARD, FRONT:**

A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

### **YARD, REAR:**

A yard extending between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots, the rear yard is in all cases at the opposite end of the lot from the front yard.<sup>\*28</sup>

### **YARD, REQUIRED:**

The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required (see "BUILD-ABLE AREA").

### **YARD, SIDE:**

A yard between the building and the side lot line of a lot and extending from the front yard to the rear yard and being the minimum horizontal distance between a side lot line and the side of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line.<sup>\*28</sup>

### **ZONING DISTRICT:**

Any portion of the unincorporated area of Maricopa County in which the same zoning regulations apply.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 2 - Definitions

### ZONING CLEARANCE:

The issuance of a permit or authorization by the Zoning Inspector indicating that a proposed building, structure or use of land meets all the standards contained in this Ordinance.<sup>\*1, \*4</sup>

### ZONING INSPECTOR:

The Director of the Maricopa County Department of Planning and Development or his duly authorized representative.<sup>\*1, \*4</sup>

Date of Revisions			
*1	Revised 12-30-74	*21	Renumbered after subparagraph 202.71 4-3-91
*2	Added 5-2-77	*22	Added 4-5-92
*3	Revised 6-6-77	*23	Added 4-15-93
*4	Revised 10-3-77	*24	Revised 8-21-93
*5	Revised 5-11-81	*25	Added 2-20-94
*6	Revised 6-1-81	*26	Revised 5-6-94
*8	Revised 3-15-82	*27	Revised 7-23-94
*9	Revised 8-15-83	*28	Revised 6-5-96
**9	Added 8-15-83	*29	Effective 1-17-98
*10	Revised 4-1-85	*30	Effective 7-2-99
*11	Revised 4-7-86	*31	Effective 11-19-99
**11	Added 4-7-86	*32	Effective 10-4-01
*12	Revised 5-18-87	*33	Effective 05-05-06
*13	Revised 10-19-87	*34	Effective 07-07-06
*14	Revised 2-6-89	*35	Effective 09-15-06
*15	Added 11-02-89	*36	Effective 01-19-2007
*16	Revised 5-16-90	*37	Effective 01-19-2007
*17	Added 8-23-90	*38	Effective 02-16-2007
*18	Revised 9-12-90	*39	Effective 11-14-2008
*19	Revised 4-3-91	*40	Added 8-19-09 – TA2009007
*20	Added 4-3-91	*41	EFFECTIVE XX-XX-XX – TA2009014

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

### SECTION 501. RURAL-190 (Rural Zoning District - 190,000 Square Feet Per Dwelling Unit)

**ARTICLE 501.1. PURPOSE:** The principal purpose of this zoning district is to conserve and protect farms and other open land uses, foster orderly growth in rural areas, ~~and~~ prevent urban and agricultural land use conflicts, AND ENCOURAGE SUSTAINABLE DEVELOPMENT. The primary purpose of requiring large minimum lots of not less than **190,000 square feet** in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not reasonably be made available. Principal uses permitted in this zoning district include both farm and non-farm residential uses, farms, and recreational and institutional uses. <sup>\*26</sup>

**ARTICLE 501.2. USE REGULATIONS:** A building or premises shall be used only for the following purposes:

1. **One single-family dwelling** per lot of record. <sup>\*5</sup>
2. One multi-sectional manufactured home per lot of record with the following standards: <sup>\*12, \*20</sup>
  - a. If a permanent foundation wall is not installed, all sides of the multi-sectional manufactured home shall extend to meet the surrounding ground, or a facade shall be used on all sides of the manufactured home that would appear to have a foundation wall similar in appearance and kind to those used in conventional site built homes.
  - b. Re-roofing, residing and structural additions shall conform to the Maricopa County Comprehensive Building Codes.
3. 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). <sup>\*8</sup>
4. Farms, as defined in Chapter 2.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

5. Group homes for not more than **ten persons**, subject to the following performance criteria: <sup>\*11, \*16</sup>
  - a. Dispersal: No such home shall be located on a lot with a property line within **1,320 feet**, measured in a straight line in any direction, of the lot line of another such group home.
  - b. 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.
6. Public schools, elementary and high <sup>\*19</sup>
7. Private and charter schools as long as the following standards are met:
  - a. The lot shall be a minimum of **five acres** in size or larger.
  - b. All structures must setback a minimum of **100 feet** from all property lines and shall be screened from adjacent rural and residential zoned properties by a **six foot** high fence.
  - c. The lot shall have frontage along a paved road that has been accepted as a public right-of-way by the Maricopa County Department of Transportation.
  - d. The site shall include on-site drop-off and pick-up of students. All on-site drop-off and pick-up and other parking must be setback at least **50 feet** from all property lines, excluding ingress and egress, and meet requirements as outline in Chapter 11, Section 1102.1.2.1.
  - e. All other standards of the Zoning District shall apply. A zoning clearance must be obtained prior to construction of any school.

If these standards cannot be met, a Special Use Permit may be applied for.

8. Public and private forests and wildlife reservations.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

9. Service to the public of water, gas, electricity, telephone and cable television. The foregoing shall be deemed to include without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines. Public utility treatment and generating plants, offices and attendant facilities to the above uses may be allowed with a Special Use Permit.<sup>\*5, \*18</sup>
10. Publicly or privately owned or operated fire stations, and publically owned or operated police stations and post offices.<sup>\*4</sup>
11. Golf courses including clubhouses located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.
12. Libraries, museums, parks, playgrounds and community buildings, provided such uses are conducted on a nonprofit basis.<sup>\*1</sup>
13. Home occupations, residential, subject to the following:<sup>\*10</sup>
  - a. The entrepreneur of a home occupation shall reside in the dwelling in which the business operates.
  - b. No one other than the residents of the dwelling shall be employed in the conduct of the home occupation.
  - c. The business shall be conducted entirely within a completely enclosed dwelling.
  - d. The total area used in the conduct of the business shall not exceed **15%** or **250 square feet** of the habitable dwelling area, whichever is less.
  - e. There shall be no signs, advertising, display or other indications of the home occupation on the premises.
  - f. The residential address of the business shall not be listed in any business directory or in any advertising.
  - g. Direct sales of products, from display shelves or racks, is prohibited. However, a customer may pick up an order previously made by telephone or at a sales meeting.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

- h. The home occupation shall not interfere with the delivery of utilities or other services to the area.
- i. The business shall not generate any noise, vibration, smoke, dust, odors, heat, glare, or electrical interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit in a zoning district used solely for residential purposes.
- j. No mechanical equipment or power tools shall be used, except that used for normal household purposes.
- k. No toxic, explosive, flammable, radioactive, or other similar material shall be used, sold, or stored on the site.
- l. There shall be no change to the residential appearance of the premises, including the creation of separate or exclusive business entrance(s).
- m. No more than **one vehicle** used in commerce shall be permitted in connection with the home occupation. Said vehicle shall be stored in an enclosed garage at all times and shall have no more than **two axles**.
- n. The number of clients or students on the premises shall not exceed **one** at any time.
- o. No clients or students shall be permitted on the premises for business purposes between the hours of **10:00 p.m.** and **7:00 a.m.**
- p. Deliveries from commercial suppliers shall not occur more than once a month, shall not restrict traffic circulation, and shall occur between **8:00 a.m.** and **5:00 p.m.**, Monday through Friday.
- q. Any outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.
- r. If the home occupation requires that any clients or students visit the property, **one parking space** shall be provided per Chapter 11, Section 1102. of this Ordinance. For the purpose

# MARICOPA COUNTY ZONING ORDINANCE

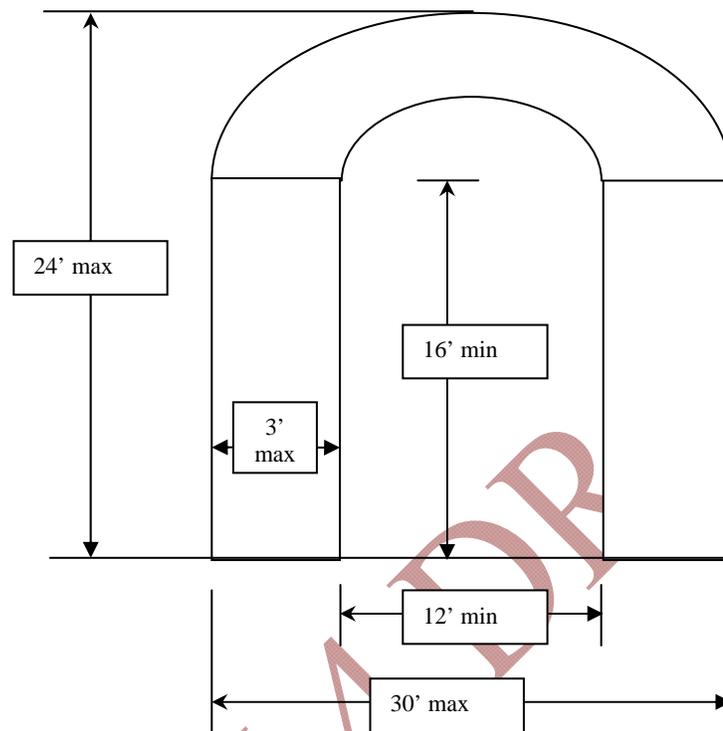
## Chapter 5 – Rural Zoning Districts

of providing said parking space, tandem parking is permissible.

14. Home occupations, cottage industry subject to securing a Special Use Permit. <sup>\*\*10</sup>
15. Roadside stands offering for sale only farm products produced on the premises. <sup>\*\*\*10</sup>
16. DELETED – Public riding stables and boarding stables. (See Chapter 13, Section 1301.1., Article 1301.1., Item 1301.1.20. <sup>\*\*3</sup>
17. Plant nurseries and greenhouses for the propagation, cultivation and wholesale distribution of plants produced on the premises, provided such uses do not include retail sales. Open storage is limited to plants or packaged fertilizer, and the buildings and structures used in connection therewith set back from all lot lines a distance of not less than **50 feet**.
18. Corrals for the keeping of horses.
19. Fences or freestanding walls not to exceed a height of **six feet** outside of the lot's buildable area, except for entry feature structures to a residence, ranch or farm, subject to the following: <sup>\*24</sup>
  1. The entry feature shall be over a driveway, and limited to one entry feature per parcel;
  2. The entry feature shall not contain lighting fixtures.
  3. The entry feature shall observe a maximum height of 24', a maximum width of 30', and the structural support components shall be no greater than 3' in diameter or 3' square.
  4. The entry feature shall observe a minimum opening of 12' in width and 16' in height;
  5. Any signage incorporated into the entry feature shall be a maximum of 24 square feet, shall be contained within the exterior dimensions of the entry feature, and shall not obstruct the minimum opening dimensions prescribed in Article 501.2.19.4 above.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts



Note: Those utility companies which are regulated by the Arizona Corporation Commission may be allowed increased fence heights due to national, state or local safety standards.<sup>\*7</sup>

### 20. Accessory dwelling unit (ADU)/Guest House.<sup>\*22,\*23</sup>

- a. Only one ADU/guest house shall be permitted where at least one, but no more than one, single family residence exists on the property.<sup>\*23</sup>
- b. An ADU/guest house may not be rented or leased separate from the primary structure.<sup>\*23</sup>
- c. The addition of an ADU/guest house shall not cause the property to exceed the allowed maximum lot coverage.<sup>\*23</sup>
- d. New construction of a detached ADU/guest house or conversion of an existing detached structure to an ADU/guest house shall not encroach into the approved front, side, or rear yard setback. An ADU/guest house shall not be allowed in the required rear yard.<sup>\*23</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

- e. An ADU/guest house shall not have a separate address or mailbox from the principal dwelling.<sup>\*23</sup>
21. Accessory buildings and uses customarily incidental to the above uses, including:<sup>\*11</sup>
- a. Private swimming pool along with incidental installations, such as pumps and filters, provided the following standards, and those in the current County Building Code<sup>\*21</sup>, are met and maintained:
    - 1. Such pool and incidental installations are located in other than the required front yard.
    - 2. Such pools are set back from all lot lines a distance of not less than **three feet**.
    - 3. All fish ponds and other contained bodies of water, either above or below ground level, with the container being **18 inches** or more in depth and/or wider than **eight feet** at any point measured on the long axis shall conform to the location and enclosure requirements for swimming pools as provided in the current County Building Code.<sup>\*21</sup>
    - 4. Irrigation and storm water retention facilities and the water features in public parks and golf courses are exempt from the fencing requirements for swimming pool barriers as provided in the current County Building Code.<sup>\*21</sup>
    - 5. It is the responsibility of the property owner to ensure that any pool enclosure fence and its appurtenances (e.g., gates, latching devices, locks, etc.) are maintained in safe and good working order. No person shall alter or remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with provisions of swimming pool barriers as provided in the current County Building Code.<sup>\*6,\*7,\*9,\*11,\*12,\*17\*21</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

- b. Private tennis court, provided that such court is 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.<sup>\*2</sup>
- c. Servant's quarters with kitchen facilities provided that the servant's quarters are integral to the primary dwelling unit and does not exceed **35%** of its area.<sup>\*\*11</sup>
- d. Accessory use lights provided that a permitted accessory use exists. The lights must be located on the property so as not to direct or reflect light upon adjoining land, shall not be constructed within **20 feet** of any adjoining property under other ownership, and shall not exceed **20 feet** in height.
- e. Public equestrian uses accessory to a single-family residence limited to the following:<sup>\*25</sup>
1. The boarding of up to five (5) horses and/or other equine not owned by the private property owner and/or resident. Documentation of ownership shall be maintained when more than five (5) horses and/or other equine are kept on the property.
  2. Non-commercial public activities (no admission fee shall be charged) involving up to a maximum of 24 persons (including staff, participants and spectators).
  3. All structures shall meet minimum setback requirements and the maximum lot coverage requirement. All parcels must meet minimum lot area and width requirements.
  4. Any public equestrian use that cannot meet these conditions will require a Special Use Permit in accordance with Article 1301.1.20 of this ordinance.
- F. GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS AS SET FORTH IN SECTION 1206 OF THIS ORDINANCE.<sup>\*26</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

22. Emergency housing: Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. <sup>\*\*11, \*15</sup>
23. Deleted 07-07-06. (TA2003005)
24. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302. <sup>\*\*11\*21</sup>
25. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301. <sup>\*\*11</sup>
26. Temporary model home sales complex - a model home sales complex as part of an approved, recorded subdivision 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. Model homes must be located on-site.
  - 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 model home sales complex shall be removed. Cessation of use shall be deemed to have occurred if there have been no active building permits for a one (1) year period of time.
  - C. Those uses of structures allowed shall meet all building code requirements.
  - D. All necessary permits must be issued prior to placement on the site.
  - E. Temporary flagpoles of up to 60 feet in height are allowed for model home sales complexes. These temporary flagpoles must be removed at the cessation of use as outlined in 501.2.24.b above.
  - F. If these requirements cannot be met, the request shall be processed through the board of adjustment as a temporary use permit.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

27. 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 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.<sup>\*21</sup>

**ARTICLE 501.3. HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet** or **two stories**.

**ARTICLE 501.4. 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 **60 feet**.
  - b. For through lots, a front yard shall be provided along both front lot lines.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

- c. Yards along each street side of corner lots shall have a width equal to not less than **one 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 **30 feet**.
3. **Rear Yard:** There shall be a rear yard having a depth of not less than **60 feet**.

**ARTICLE 501.5. INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. **Lot Area:** Each lot shall have a minimum lot area of **190,000** square feet.
2. **Lot Width:** Each lot shall have a minimum width of **300 feet**.
3. **Lot Area Per Dwelling Unit:** The minimum lot area per dwelling unit shall be **190,000 square feet**.
4. **Lot Coverage:** The maximum lot coverage shall be **5%** of the lot area.
5. **Distance Between Buildings:** The minimum distance between buildings on the same lot shall be **15 feet**.

**ARTICLE 501.6. PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102.—hereof. <sup>\*26</sup>

**ARTICLE 501.7. SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1401.—hereof. <sup>\*26</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

Date of Revisions			
*1	Revised 1-24-72	**11	Added 2-20-94
*2	Added 4-07-75	*15	Revised 6-5-96
**3	Deleted 8-11-75	*16	Effective 5-16-98
*4	Revised 1-03-77	*17	Effective 8-6-99
*5	Revised 11-8-82	*18	Effective 11-19-99
*6	Revised 8-15-83	*19	Effective 11-19-99
*7	Revised 4-1-85	*20	Deleted 11-19-99
*8	Revised 4-10-89	*21	Effective 07-07-06
*9	Revised 1-04-90	*22	Effective 01-19-2007
*10	Revised 9-12-90	*23	Effective 11-14-2008
**10	New 9-12-90	*24	Effective 7-17-09 – TA2009008
**10	Renumbered 9-12-90	*25	Effective 9-18-09 – TA2008006
*11	Revised 2-20-94	*26	EFFECTIVE XX-XX-XX – TA2009014

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# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

### SECTION 502. RURAL-70 (Rural Zoning District - 70,000 Square Feet Per Dwelling Unit)

**ARTICLE 502.1. PURPOSE:** The principal purpose of this zoning district is to conserve and protect farms and other open land uses, foster orderly growth in rural areas, ~~and~~ prevent urban and agricultural land use conflicts, AND ENCOURAGE SUSTAINABLE DEVELOPMENT. The primary purpose of requiring large minimum lots of not less than **70,000 square feet** in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not reasonably be made available. Principal uses permitted in this zoning district include both farm and nonfarm residential uses, farms and recreational institutional uses. <sup>\*2</sup>

**ARTICLE 502.2. USE REGULATIONS:** The use regulations are the same as those in the Rural-190 Zoning District.

**ARTICLE 502.3. HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet** or **two stories**.

**ARTICLE 502.4. 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 **60 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 **one 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 **30 feet**.

3. ***Rear Yard:*** There shall be a rear yard having a depth of not less than **60 feet**.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

**ARTICLE 502.5. INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. ***Lot Area:*** Each lot shall have a minimum lot area of **70,000 square feet**.
2. ***Lot Width:*** Each lot shall have a minimum width of **250 feet**.
3. ***Lot Area per Dwelling Unit:*** This minimum lot area per dwelling unit shall be **70,000 square feet**.
4. ***Lot Coverage:*** The maximum lot coverage shall be **10%** of the lot area.
5. ***Distance between Buildings:*** The minimum distance between buildings on the same lot shall be **15 feet**.

**ARTICLE 502.6. PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. ~~hereof.~~<sup>\*2</sup>

**ARTICLE 502.7. SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1401. ~~hereof.~~<sup>\*2</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

### SECTION 503. RURAL-43 (Rural Zoning District - One Acre Per Dwelling Unit)

**ARTICLE 503.1.** PURPOSE: The principal purpose of this zoning district is to conserve and protect farms and other open land uses, foster orderly growth in rural and agricultural areas, ~~and prevent urban and agricultural land use conflicts,~~ AND ENCOURAGE SUSTAINABLE DEVELOPMENT; but when governmental facilities and services, public utilities and street access are available, or can reasonably be made available, applications for change of this zoning district to any single-family residential zoning district will be given favorable consideration. Principal uses permitted in this zoning district include both farm and non-farm residential uses, farms and recreational and institutional uses. <sup>\*2</sup>

**ARTICLE 503.2. USE REGULATIONS:** The use regulations are the same as those in the Rural-190 Zoning District.

**ARTICLE 503.3. HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet** or **two stories**.

**ARTICLE 503.4. 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 **40 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 **one 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 **30 feet**.

3. **Rear Yard:** There shall be a rear yard having a depth of not less than **40 feet**.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 5 – Rural Zoning Districts

**ARTICLE 503.5. INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. **Lot Area:** Each lot shall have a minimum lot area of **one acre**.
2. **Lot Width:** Each lot shall have a minimum width of **145 feet**.
3. **Lot Area per Dwelling Unit:** This minimum lot area per dwelling unit shall be **one acre**.
4. **Lot Coverage:** The maximum lot coverage shall be **15%** of the lot area.
5. **Distance Between Buildings:** The minimum distance between buildings on the same lot shall be **15 feet**.

**ARTICLE 503.6. PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. ~~hereof.~~<sup>\*2</sup>

**ARTICLE 503.7. SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1401. ~~hereof.~~<sup>\*2</sup>

Date of Revisions			
*1	Revised 10-13-70	*2	EFFECTIVE XX-XX-XX – TA2009014

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

### SECTION 601. R1-35 (Single-Family Residential Zoning District - 35,000 Square Feet Per Dwelling Unit)

**ARTICLE 601.1. PURPOSE:** The principal purpose of this zoning district is to conserve, ~~and~~ protect, AND ENCOURAGE SUSTAINABLE single-family residential development where minimum lots of not less than **35,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks, playgrounds and other community facilities. <sup>\*25</sup>

**ARTICLE 601.2. USE REGULATIONS:** A building or premises shall be used only for the following purposes:

1. **One single-family dwelling** per lot of record. <sup>\*6</sup>
2. **One multi-sectional manufactured home** per lot of record. <sup>\*14, \*22</sup>
  - a. If a permanent foundation wall is not installed, all sides of the multi-sectional manufactured home shall extend to meet the surrounding ground, or a facade shall be used on all sides of the manufactured home that would appear to have a foundation wall similar in appearance and kind to those used in conventional site built homes.
  - b. Re-roofing, residing and structural additions shall conform to the Maricopa County Comprehensive Building Codes.
3. Churches, including accessory columbaria ~~iums~~ provided that the building area of the columbarium shall not exceed **10%** of the total building area of the church building(s). <sup>\*9 \*25</sup>
4. Group homes for not more than **ten** persons, subject to the following performance criteria: <sup>\*13, \*18</sup>
  - a. Dispersal: No such home shall be located on a lot with a property line within **1,320 feet**, measured in a straight line in any direction, of the lot line of another such group home.
  - b. 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.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

5. Public schools, elementary and high. <sup>\*21</sup>
6. Private and charter schools as long as the following standards are met:
  - a. The lot shall be a minimum of **five acres** in size or larger.
  - b. All structures must setback a minimum of **100 feet** from all property lines and shall be screened from adjacent rural and residential zoned properties by a **six foot** high fence.
  - c. The lot shall have frontage along a paved road that has been accepted as a public right-of-way by the Maricopa County Department of Transportation.
  - d. The site shall include on-site drop-off and pick-up of students. All on-site drop-off and pick-up and other parking must be setback at least **50 feet** from all property lines, excluding ingress and egress, and meet requirements as outline in Chapter 10, Section 10010.
  - e. All other standards of the Zoning District shall apply. A zoning clearance must be obtained prior to construction of any school.

If these standards cannot be met, a Special Use Permit may be applied for.

7. Service to the public of water, gas, electricity, telephone and cable television. The foregoing shall be deemed to include without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines. Public utility treatment and generation plants, offices and attendant facilities to the above uses may be allowed with a Special Use Permit. <sup>\*6, \*20</sup>
8. Publicly or privately owned or operated fire stations, and publicly owned or operated police stations and post offices. <sup>\*4</sup>
9. Golf courses including clubhouses located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

10. Libraries, museums, parks, playgrounds, and community buildings, provided such uses are conducted on a nonprofit basis. <sup>\*2</sup>
11. Home occupations, residential, subject to the following: <sup>\*11</sup>
  - a. The entrepreneur of a home occupation shall reside in the dwelling in which the business operates.
  - b. No one other than the residents of the dwelling shall be employed in the conduct of the home occupation.
  - c. The business shall be conducted entirely within a completely enclosed dwelling.
  - d. The total area used in the conduct of the business shall not exceed **15%** or **250 square feet** of the habitable dwelling area, whichever is less.
  - e. There shall be no signs, advertising, display or other indications of the home occupation on the premises.
  - f. The residential address of the business shall not be listed in any business directory or in any advertising.
  - g. Direct sales of products from display shelves or racks is prohibited. However, a customer may pick up an order previously made by telephone or at a sales meeting.
  - h. The home occupation shall not interfere with the delivery of utilities or other services to the area.
  - i. The business shall not generate any noise, vibration, smoke, dust, odors, heat, glare, or electrical interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit in a zoning district used solely for residential purposes.
  - j. No mechanical equipment or power tools shall be used except that used for normal household purposes.
  - k. No toxic, explosive, flammable, radioactive, or other similar material shall be used, sold, or stored on the site.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

- l. There shall be no change to the residential appearance of the premises, including the creation of separate or exclusive business entrance(s).
  - m. No more than **one vehicle** used in commerce shall be permitted in connection with the home occupation. Said vehicle shall be stored in an enclosed garage at all times and shall have no more than **two axles**.
  - n. The number of clients or students on the premises shall not exceed **one** at any time.
  - o. No clients or students shall be permitted on the premises for business purposes between the hours of **10:00 p.m. and 7:00 a.m.**
  - p. Deliveries from commercial suppliers shall not occur more than once a month, shall not restrict traffic circulation and shall occur between **8:00 a.m. and 5:00 p.m.**, Monday through Friday.
  - q. Any outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.
  - r. If the home occupation requires that any clients or students visit the property, **one parking space** shall be provided per Chapter 11, Section 1102. of this Ordinance. For the purpose of providing said parking space, tandem parking is permissible.
12. Fences or freestanding walls not to exceed a height of **three feet six inches** in any required front yard, and not to exceed a height of **six feet** in required side or rear yards on the lot, except that when a corner lot abuts a key lot, the fence or freestanding wall over **three feet six inches**, but not more than **six feet** in height on the corner lot, shall set back from the street side property line not less than **half** the depth of the required front yard. Note: Those utility companies which are regulated by the Arizona Corporation Commission may be allowed increased fence heights due to national, state or local standards. <sup>\*5, \*6, \*8</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

13. Accessory dwelling unit (ADU)/guest house.\*<sup>24</sup>
  - a. Only one ADU/guest house shall be permitted where at least one, but no more than one, single-family residence exists on the property.\*<sup>24</sup>
  - b. An ADU/guest house may not be rented or leased separate from the primary structure.\*<sup>24</sup>
  - c. The addition of an ADU/guest house shall not cause the property to exceed the allowed maximum lot coverage.\*<sup>24</sup>
  - d. New construction of a detached ADU/guest house or conversion of an existing detached structure to an ADU/guest house shall not encroach into the approved front, side, or rear yard setback. An ADU/guest house shall not be allowed in the required rear yard.\*<sup>24</sup>
  - e. An ADU/guest house shall not have a separate address or mailbox from the principal dwelling.\*<sup>24</sup>
14. Accessory buildings and uses customarily incidental to the above uses, including:
  - a. Corrals for the keeping of horses, provided such corrals are located in the rear yard, set back from all lot lines a distance of not less than **40 feet** and contain at least **1,200 square feet** of area for each horse kept therein. The keeping of horses on properties located in residential zoning districts in other than permitted corral areas is prohibited.
  - b. Private swimming pool along with incidental installations, such as pumps and filters, provided the following standards, and those in the current County Building Code, are met and maintained:\*<sup>23</sup>
    1. Such pool and incidental installations are located in other than the required front yard.
    2. Such pools are set back from all lot lines a distance of not less than **three feet**.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

3. All fish ponds and other contained bodies of water, either above or below ground level, with the container being **18 inches** or more in depth and/or wider than **eight feet** at any point measured on the long axis shall conform to the location and enclosure requirements for swimming pools as provided in the current County Building Code.<sup>\*23</sup>
  4. Irrigation and storm water retention facilities and the water features in public parks and golf courses are exempt from the fencing requirements for swimming pools as provided in the current County Building Code.<sup>\*23</sup>
  5. It is the responsibility of the property owner to ensure that any pool enclosure fence and its appurtenances (e.g., gates, latching devices, locks, etc.) are maintained in safe and good working order. No person shall alter or remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with provisions of swimming pool barriers as provided in the current County Building Code.<sup>\*6, \*7, \*9, \*11, \*12, \*19</sup><sup>\*23</sup>
- c. Private tennis court, provided that such court is 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.<sup>\*3, \*13</sup>
  - d. Servant's quarters with kitchen facilities provided that the servant's quarters are integral to the primary dwelling unit and does not exceed **35%** of its area.<sup>\*\*13</sup>
  - e. Accessory use lights provided that a permitted accessory use exists. The lights must be located on the property so as not to direct or reflect light upon adjoining land, shall not be constructed within **20 feet** of any adjoining property under other ownership, and shall not exceed **20 feet** in height.<sup>\*\*13</sup>
- F. GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS AS SET FORTH IN SECTION 1206 OF THIS ORDINANCE.<sup>\*25</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

15. Emergency housing: Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. <sup>\*\*13, \*17</sup>
16. Deleted 07-07-2006 (TA2003005)
17. Temporary uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1302. <sup>\*\*13</sup>
18. Special uses may be allowed on any lot in the district as authorized in Chapter 13, Section 1301. <sup>\*\*13</sup>
19. Model home sales complex - A model home sales complex as part of an approved, recorded subdivision 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. Model homes must be located on site.
  - 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 model home sales complex shall be removed.
  - c. Those uses of structures allowed shall meet all building code requirements.
  - d. All necessary permits must be issued prior to placement on the site.
  - e. Temporary flagpoles of up to 60 feet in height are allowed for model home sales complexes. These temporary flagpoles must be removed at the cessation of use as outlined in 601.2.17.b above.
  - f. If these requirements cannot be met, the request shall be processed through the Board of Adjustment as a Temporary Use Permit.
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:

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

- 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 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.\*23

**ARTICLE 601.3. HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet** or **two stories**.

**ARTICLE 601.4. 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 **40 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.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

2. **Side Yard:** There shall be a side yard on each side of a building having a width of not less than **20 feet**.
3. **Rear Yard:** There shall be a rear yard having a depth of not less than **40 feet**.

**ARTICLE 601.5. INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. **Lot Area:** Each lot shall have a minimum lot area of **35,000 square feet**.
2. **Lot Width:** Each lot shall have a minimum width of **145 feet**.<sup>\*1</sup>
3. **Lot Area Per Dwelling Unit:** The minimum lot area per dwelling unit shall be **35,000 square feet**.
4. **Lot Coverage:** The maximum lot coverage shall be **20%** of the lot area.
5. **Distance Between Buildings:** The minimum distance between buildings on the same lot shall be **15 feet**.

**ARTICLE 601.6. PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. ~~hereof.~~<sup>\*25</sup>

**ARTICLE 601.7. SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1402. ~~hereof.~~<sup>\*25</sup>

Date of Revisions			
*1	Revised 10-13-70	*13	Revised 2-20-94
*2	Revised 1-24-72	**13	Added 2-20-94
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*4	Revised 1-3-77	*17	Revised 6-5-96
*5	Revised 6-6-77	*18	Effective 5-16-98
*6	Revised 11-8-82	*19	Effective 8-6-99
*7	Revised 8-15-83	*20	Effective 11-19-99
*8	Revised 4-1-85	*21	Effective 11-19-99
*9	Revised 4-10-89	*22	Deleted 11-19-99
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		*25	EFFECTIVE XX-XX-XX – TA20090014

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

### SECTION 602. R1-18 (Single-Family Residential Zoning District - 18,000 Square Feet Per Dwelling Unit)

**ARTICLE 602.1. PURPOSE:** The principal purpose of this zoning district is to conserve, ~~and~~ protect, AND ENCOURAGE SUSTAINABLE single-family residential development where minimum lots of not less than **18,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks and playgrounds and other community facilities. <sup>\*2</sup>

**ARTICLE 602.2. USE REGULATIONS:** The use regulations are the same as those in the R1-35 Zoning District.

**ARTICLE 602.3. HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet** or **two stories**.

**ARTICLE 602.4. 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 **30 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 **ten feet**.

3. **Rear Yard:** There shall be a rear yard having a depth of not less than **30 feet**.

**ARTICLE 602.5. INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. **Lot Area:** Each lot shall have a minimum lot area of **18,000 square feet**.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

2. **Lot Width:** Each lot shall have a minimum width of **120 feet**.
3. **Lot Area Per Dwelling Unit:** This minimum lot area per dwelling unit shall be **18,000 square feet**.
4. **Lot Coverage:** The maximum lot coverage shall be **25%** of the lot area.
5. **Distance Between Buildings:** The minimum distance between buildings on the same lot shall be **15 feet**.

**ARTICLE 602.6. PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. ~~hereof.~~<sup>\*2</sup>

**ARTICLE 602.7. SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1402. ~~hereof.~~<sup>\*2</sup>

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# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

### SECTION 603. R1-10 (Single-Family Residential Zoning District 10,000 Square Feet Per Dwelling Unit)

**ARTICLE 603.1. PURPOSE:** The principal purpose of this zoning district is to conserve, ~~and~~ protect, AND ENCOURAGE SUSTAINABLE single-family residential development where minimum lots of not less than **10,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks and playgrounds and other community facilities. <sup>\*2</sup>

**ARTICLE 603.2. USE REGULATIONS:** The use regulations are the same as those in the R1-35 Zoning District.

**ARTICLE 603.3. HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet** or **two stories**.

**ARTICLE 603.4. 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 **seven feet**.

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

**ARTICLE 603.5. INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. **Lot Area:** Each lot shall have a minimum lot area of **10,000 square feet**.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

2. **Lot Width:** Each lot shall have a minimum width of **80 feet**.
3. **Lot Area Per Dwelling Unit:** This minimum lot area per dwelling unit shall be **10,000 square feet**.
4. **Lot Coverage:** The maximum lot coverage shall be **30%** of the lot area.
5. **Distance Between Buildings:** The minimum distance between buildings on the same lot shall be **15 feet**.

**ARTICLE 603.6. PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. ~~hereof.~~ <sup>\*2</sup>

**ARTICLE 603.7. SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1402. ~~hereof.~~ <sup>\*2</sup>

Date of Revisions			
*1	Revised 11-7-83	*2	EFFECTIVE XX-XX-XX – TA2009014

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

### SECTION 604. R1-8 (Single-Family Residential Zoning District - 8,000 Square Feet Per Dwelling Unit)

**ARTICLE 604.1. PURPOSE:** The principal purpose of this zoning district is to conserve, ~~and~~ protect, AND ENCOURAGE SUSTAINABLE single-family residential development where minimum lots of not less than **8,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks and playgrounds and other community facilities. <sup>\*2</sup>

**ARTICLE 604.2. USE REGULATIONS:** The use regulations are the same as those in the **R1-35** Zoning District.

**ARTICLE 604.3. HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet** or **two stories**.

**ARTICLE 604.4. 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 **seven feet**.

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

**ARTICLE 604.5. INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. **Lot Area:** Each lot shall have a minimum lot area of **8,000 square feet**.

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2. ***Lot Width:*** Each lot shall have a minimum width of **80 feet**.
3. ***Lot Area Per Dwelling Unit:*** The minimum lot area per dwelling unit shall be **8,000 square feet**.
4. ***Lot Coverage:*** The maximum lot coverage shall be **35%** of the lot area.
5. ***Distance Between Buildings:*** The minimum distance between buildings on the same lot shall be **15 feet**.

**ARTICLE 604.6. PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. ~~hereof.~~<sup>\*2</sup>

**ARTICLE 604.7. SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1402. ~~hereof.~~<sup>\*2</sup>

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# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

### SECTION 605. R1-7 (Single-Family Residential Zoning District - 7,000 Square Feet Per Dwelling Unit)

**ARTICLE 605.1. PURPOSE:** The principal purpose of this zoning district is to conserve ~~and~~ protect, AND ENCOURAGE SUSTAINABLE single-family residential development where minimum lots of not less than **7,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks and playgrounds and other community facilities. <sup>\*2</sup>

**ARTICLE 605.2. USE REGULATIONS:** The use regulations are the same as those in the R1-35 Zoning District.

**ARTICLE 605.3. HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet** or **two stories**.

**ARTICLE 605.4. 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 605.5. INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:

1. **Lot Area:** Each lot shall have a minimum lot area of **7,000 square feet**.

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## Chapter 6 – Single Family Residential Zoning Districts

2. **Lot Width:** Each lot shall have a minimum width of **70 feet**.
3. **Lot Area Per Dwelling Unit:** This minimum lot area per dwelling unit shall be **7,000 square feet**.
4. **Lot Coverage:** The maximum lot coverage shall be **35%** of the lot area.
5. **Distance Between Buildings:** The minimum distance between buildings on the same lot shall be **15 feet**.

**ARTICLE 605.6. PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. ~~hereof.~~ <sup>\*2</sup>

**ARTICLE 605.7. SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1402. ~~hereof.~~ <sup>\*2</sup>

Date of Revisions			
*1	Revised 11-3-75	*2	EFFECTIVE XX-XX-XX – TA2009014

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 6 – Single Family Residential Zoning Districts

### SECTION 606. R1-6 (Single-Family Residential Zoning District - 6,000 Square Feet Per Dwelling Unit)

**ARTICLE 606.1. PURPOSE:** The principal purpose of this zoning district is to conserve, ~~and~~ protect, AND ENCOURAGE SUSTAINABLE single-family residential development where minimum lots of not less than **6,000 square feet** in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks and playgrounds and other community facilities. <sup>\*1</sup>

**ARTICLE 606.2. USE REGULATIONS:** The use regulations are the same as those in the R1-35 Zoning District.

**ARTICLE 606.3. HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet** or **two stories**.

**ARTICLE 606.4. 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 606.5. 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**.

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## Chapter 6 – Single Family Residential Zoning Districts

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 **6,000 square feet**.
4. **Lot Coverage:** The maximum lot coverage shall be **40%** of the lot area.
5. **Distance Between Buildings:** The minimum distance between buildings on the same lot shall be **ten feet**.

**ARTICLE 606.6. PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. ~~hereof.~~ <sup>\*1</sup>

**ARTICLE 606.7. SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1402. ~~hereof.~~ <sup>\*1</sup>

Date of Revisions	
*1	EFFECTIVE XX-XX-XX – TA2009014

# 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 SUSTAINABLE DEVELOPMENT PRACTICES, AND 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. <sup>\*6</sup>

**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 multiple-family dwellings. <sup>\*4</sup>
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

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 7 – Multiple Family Residential Zoning Districts

meet all barrier requirements as provided in the current U.B.C.<sup>\*3</sup>

C. GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS AS SET FORTH IN SECTION 1206 OF THIS ORDINANCE. \*6

**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.

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## Chapter 7 – Multiple Family Residential Zoning Districts

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

**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:** <sup>\*4</sup>

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 ~~E~~ this Ordinance.
2. Two-family or multi-family uses, which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all two-family or multi-family structures located on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development. <sup>\*5</sup>

Date of Revisions			
*1	Revised 2-4-85	*3	Effective 8-6-99
*2	Revised 4-1-85	*4	Effective 9-22-08
*5	Effective 12-17-08	*6	EFFECTIVE XX-XX-XX – TA2009014

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 7 – Multiple Family Residential Zoning Districts

**SECTION 702. R-3 (Multiple-Family Residential Zoning District),  
R-4 (Multiple-Family Residential Zoning District) &  
R-5 (Multiple-Family Residential Zoning District)<sup>\*2</sup>**

**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 appropriate taking into consideration existing conditions, SUSTAINABLE DEVELOPMENT PRACTICES, AND 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.<sup>\*9</sup>

**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:<sup>\*4 \*5</sup>
  - 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

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 7 – Multiple Family Residential Zoning Districts

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. <sup>\*1</sup>

- 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. <sup>\*6</sup>

C. GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS AS SET FORTH IN SECTION 1206 OF THIS ORDINANCE.<sup>\*9</sup>

**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**.

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## Chapter 7 – Multiple Family Residential Zoning Districts

**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
  - 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:** <sup>\*7</sup>

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. Two-family or multi-family uses, which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all two-family or multi-family structures located on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development. <sup>\*8</sup>

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## Chapter 7 – Multiple Family Residential Zoning Districts

Date of Revisions			
*1	Revised 4-1-85	*5	Revised 1-20-94
*2	Revised 4-7-86 Effective 1-1-88	*6	Effective 8-6-99
*4	Added 4-15-93	*7	Effective 9-22-08
*8	Effective 12-17-08	*9	<u>EFFECTIVE XX-XX-XX – TA2009014</u>

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# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 8 – Commercial Zoning Districts

### 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- WHILE ENCOURAGING SUSTAINABLE BUILDING PRACTICES. Permitted uses in this zoning district include the retail sale of merchandise and services customarily considered as shopping center uses.<sup>\*11</sup>

**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. <sup>\*\*5, \*6</sup>
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. <sup>\*\*5</sup>
6. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301. <sup>\*\*5</sup>
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:

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## Chapter 8 – Commercial Zoning Districts

- 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 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.<sup>\*8</sup>

8. GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS AS SET FORTH IN SECTION 1206 OF THIS ORDINANCE ARE NOT PERMITTED AS A PRIMARY USE BUT MAY BE PERMITTED AS AN ACCESSORY USE. <sup>\*11</sup>

**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.<sup>\*4</sup>

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## Chapter 8 – Commercial Zoning Districts

**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

**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.

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## Chapter 8 – Commercial Zoning Districts

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.<sup>\*5</sup>
6. 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 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.<sup>\*9</sup>
8. Commercial uses which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all commercial structures on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development.<sup>\*10</sup>

**ARTICLE 801.10.** DELETED WITH TA2007016 EFFECTIVE 9-19-08

**ARTICLE 801.11.** DELETED WITH TA2007016 EFFECTIVE 9-19-08

Date of Revisions			
*1	Revised 4-2-84	*6	Revised 6-5-96
**2	Added 10-15-84	*7	Effective 5-16-98
*4	Revised 4-3-91	*8	Effective 9-21-07
*5	Revised 2-20-94	*9	Effective 9-22-08
**5	Added 2-20-94	*10	Effective 12-17-08
		*11	EFFECTIVE XX-XX-XX TA2009014

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 8 – Commercial Zoning Districts

### SECTION 802. C-O (Commercial Office Zoning District) <sup>\*1</sup>

**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. WHILE ENCOURAGING SUSTAINABLE BUILDING PRACTICES. 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. <sup>\*10</sup>

**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, chiropractist, 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.
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.

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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. <sup>\*6</sup>
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. <sup>\*4, \*5</sup>
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. <sup>\*4</sup>
12. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301. <sup>\*4</sup>
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, 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.

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- G. If these requirements cannot be met, the request shall be processed through the Board of Adjustment as a Temporary Use Permit.\*7

14. GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS AS SET FORTH IN SECTION 1206 OF THIS ORDINANCE ARE NOT PERMITTED AS A PRIMARY USE BUT MAY BE PERMITTED AS AN ACCESSORY USE.\*10

**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 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**.

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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 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. <sup>\*3</sup>
  - 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

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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. <sup>\*2</sup>
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. <sup>\*4</sup>
5. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. <sup>\*8</sup>
6. Commercial uses which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all commercial structures on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development. <sup>\*9</sup>

### 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.

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Date of Revisions			
*1	Added 12-12-77	*5	Revised 6-5-96
*2	Revised 4-2-84	*6	Effective 11-19-99
*3	Added 10-15-84	*7	Effective 07-07-06
*4	Added 2-20-94	*8	Effective 9-22-08
*9	Effective 1-16-09	*10	EFFECTIVE XX-XX-XX TA2009014

### SECTION 803. C-1 (Neighborhood Commercial Zoning District) <sup>\*1</sup>

**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, WHILE ENCOURAGING SUSTAINABLE BUILDING PRACTICES. Principal uses permitted in this zoning district include food markets, drugstores and personal service shops. <sup>\*16</sup>

**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.
5. Banks
6. Barber and beauty shops
7. Book, stationery and gift shops except adult oriented facilities as defined under Chapter 2. <sup>\*2</sup>
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.

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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).<sup>\*6</sup>
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 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

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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 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,

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distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines.<sup>\*12</sup>

40. Shoe repair shops
41. Tailor shops
42. Variety or notion stores
43. Videotape rental stores<sup>\*8</sup>
44. Accessory buildings and uses customarily incidental to the above uses. GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS AS SET FORTH IN SECTION 1206 OF THIS ORDINANCE ARE NOT PERMITTED AS A PRIMARY USE BUT MAY BE PERMITTED AS AN ACCESSORY USE.<sup>\*16</sup>
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.<sup>\*9, \*11</sup>
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.<sup>\*9</sup>
48. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301.<sup>\*9</sup>
49. 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.

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- 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.
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**.

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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 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.~~

**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. <sup>\*3</sup>

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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. <sup>\*5, \*10</sup>
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. <sup>\*4</sup>
  - 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. <sup>\*9</sup>
6. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. <sup>\*14</sup>
7. Commercial uses which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all commercial structures on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development. <sup>\*15</sup>

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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 9-22-08	*15	Effective 1-16-09
		*16	EFFECTIVE XX-XX-XX TA2009014

### 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- WHILE ENCOURAGING SUSTAINABLE BUILDING PRACTICES. 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.<sup>16</sup>

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

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

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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 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.  
\*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. <sup>\*2</sup>
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. <sup>\*15</sup>
12. Cabinet and carpenter shops.

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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.\*<sup>6</sup>
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.

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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.  
<sup>\*14</sup>
35. Retail stores.
36. Taxidermists.
37. Theaters, but not including a drive-in theater and adult oriented facilities as defined under Chapter 2.  
<sup>\*2</sup>
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.

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**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 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**.

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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 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. <sup>\*3</sup>
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. <sup>\*5, \*13</sup>
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. <sup>\*4</sup>
  - 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

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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. <sup>\*12</sup>
6. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. <sup>\*15</sup>
7. Commercial uses which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all commercial structures on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development. <sup>\*16</sup>

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 9-22-08
*16	Effective 1-16-2009	*16	EFFECTIVE XX-XX-XX TA2009014

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### SECTION 805. C-3 (General Commercial Zoning District) \*<sup>1</sup>

**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- WHILE ENCOURAGING SUSTAINABLE BUILDING PRACTICES. Principal uses permitted in this zoning district include retail and wholesale commerce and commercial entertainment.<sup>14</sup>

**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.
6. Bowling alleys.
7. Bus depots.
8. Dance halls and nightclubs, except adult oriented facilities as defined under Chapter 2. \*<sup>2</sup>
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.

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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.**<sup>\*5-11</sup>
21. Truck stops, with customary accessory facilities including but not limited to restaurant, convenience retail, motel, truck wash, and minor repair facilities but not including major repair, freight storage, freight handling, warehousing or distribution facilities.<sup>\*\*7</sup>
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 ad-

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joining 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**.
  - 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.

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**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 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. <sup>\*3</sup>
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. <sup>\*4,\*10</sup>
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. <sup>\*9</sup>

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5. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. <sup>\*12</sup>
6. Commercial uses which were developed prior to September 22, 2008 shall be exempt from the Plan of Development process; provided, however, that in the event all commercial structures on the property are removed or destroyed in excess of 75% of value, the property shall, without regard to the original date of development, require a Plan of Development. <sup>\*13</sup>

Date of Revisions			
*1	Revised 5-11-81	*11	Effective 09-15-06
*2	Revised 6-1-81	*12	Effective 9-22-08
*3	Revised 4-2-84	*13	Effective 1-16-09
*4	Renumbered 1-7-85	*14	EFFECTIVE XX-XX-XX TA2009014
*5	Revised 4-1-85		
**7	Added 4-10-89		
*9	Added 2-20-94		
*10	Revised 5-6-94		

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## Chapter 9 – Industrial Zoning Districts

### SECTION 901. IND-1 (Planned Industrial Zoning District)<sup>\*1</sup>

**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. WHILE ENCOURAGING SUSTAINABLE DEVELOPMENT PRACTICES.<sup>\*6 \*13</sup>

**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:~~<sup>\*4</sup>

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. GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS AS SET FORTH IN SECTION 1206 OF THIS ORDINANCE ARE NOT PERMITTED AS A PRIMARY USE BUT MAY BE PERMITTED AS AN ACCESSORY USE.<sup>\*13</sup>
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.<sup>\*\*7, \*9</sup>
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.<sup>\*\*7</sup>
19. Special uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301.<sup>\*\*7</sup>
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.

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- 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.\*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

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3. Abutting local streets and interior streets of industrial subdivisions not less than **ten feet**.
- 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.<sup>\*7</sup>
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).<sup>\*7</sup>
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).<sup>\*6</sup>

**ARTICLE 901.5. INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:<sup>\*5</sup>

1. **Lot Area:** Each lot shall have a minimum lot area of **35,000 square feet**.<sup>\*6</sup>
2. **Lot Width:** Each lot shall have a minimum width of **150 feet**.<sup>\*6</sup>
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**.<sup>\*6</sup>

**ARTICLE 901.6. PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102: hereof except as provided herein.<sup>\*4, \*6</sup>

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

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**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. <sup>\*4, \*6</sup>

**ARTICLE 901.9. ADDITIONAL REGULATIONS:** The additional regulations are as follows: <sup>\*5</sup>

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. <sup>\*2</sup>
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. <sup>\*6</sup>
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: <sup>\*6</sup>
  - 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. <sup>\*6</sup>
  - 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

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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 listed above shall be by the Board of Supervisors upon recommendation of the Commission. <sup>\*6</sup>

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.) <sup>\*6</sup>

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. <sup>\*6</sup>
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. <sup>\*6</sup>

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. <sup>\*7</sup>

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6. All industrial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. <sup>\*12</sup>
7. For industrial uses, which were developed prior to October 15, 1984, an as-built plan which requires a zoning clearance may serve as the plan of development. When the owner or authorized agent wants to make a change to 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. <sup>\*8</sup>

**ARTICLE 901.10.** DELETED WITH TA2007016 EFFECTIVE 9-22-08

**ARTICLE 901.11.** DELETED WITH TA2007016 EFFECTIVE 9-22-08

Date of Revisions			
*1	Revised 4-9-79	**7	Added 2-20-94
*2	Revised 4-2-84	*8	Added 5-3-95
*3	Revised 10-15-84	*9	Revised 6-5-96
*4	Revised/Renumbered 10-15-84	*10	Effective 11-19-99
*5	Renumbered 10-15-84	*11	Effective 07-07-06
*6	Revised 1-25-88	*12	Effective 9-22-08
*7	Revised 2-20-94	*13	EFFECTIVE XX-XX-XX TA2009014

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## Chapter 9 – Industrial Zoning Districts

### SECTION 902. IND-2 (Light Industrial Zoning District) <sup>\*2</sup>

**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. WHILE ENCOURAGING SUSTAINABLE DEVELOPMENT PRACTICES. 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. <sup>\*8</sup>

**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.~~ <sup>\*5</sup>

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. <sup>\*1, \*8</sup>
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. GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS AS SET FORTH IN SECTION 1206 OF THIS ORDINANCE ARE NOT PERMITTED AS A PRIMARY USE BUT MAY BE PERMITTED AS AN ACCESSORY USE. \*8

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**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 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

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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 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. <sup>\*4</sup>

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:

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- 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 an 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. All uses shall be maintained in such a manner that they are neither obnoxious nor offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, electromagnetic disturbance, radiation or other similar causes detrimental to the public health, safety or general welfare.
  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. <sup>\*9</sup>
  6. All industrial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. <sup>\*11</sup>
  7. For industrial uses, which were developed prior to October 15, 1984, an as-built plan which requires a zoning clearance may serve as the plan of development. When the owner or authorized agent wants to make a change to 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.

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These changes may include, but are not limited to parking covers, interior remodeling, additions to the buildings or new building. <sup>\*10</sup>

**ARTICLE 902.10.** DELETED WITH TA2007016 EFFECTIVE 9-22-08

**ARTICLE 902.11.** DELETED WITH TA2007016 EFFECTIVE 9-22-08

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**5	Added 10-15-84	*12	EFFECTIVE XX-XX-XX TA2009014

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# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 9 – Industrial Zoning Districts

### SECTION 903. IND-3 (Heavy Industrial Zoning District) <sup>\*2</sup>

**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. WHILE ENCOURAGING SUSTAINABLE DEVELOPMENT PRACTICES. Principal uses permitted in this zoning district include the industrial uses that are not permitted in any other zoning district. <sup>\*8</sup>

**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.~~ GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS AS SET FORTH IN SECTION 1206 OF THIS ORDINANCE MAY BE PERMITTED AS EITHER A PRIMARY OR AN ACCESSORY USE. <sup>\*4,\*8</sup>

**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**.

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## Chapter 9 – Industrial Zoning Districts

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 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~~.

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**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: <sup>\*1</sup>

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. <sup>\*3</sup>
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.

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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. <sup>\*5</sup>
6. All industrial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. <sup>\*7</sup>
7. For industrial uses, which were developed prior to October 15, 1984, an as-built plan which requires a zoning clearance may serve as the plan of development. When the owner or authorized agent wants to make a change to 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. <sup>\*6</sup>

**ARTICLE 903.10.** DELETED WITH TA2007016 EFFECTIVE 9-22-08

**ARTICLE 903.11.** DELETED WITH TA2007016 EFFECTIVE 9-22-08

Date of Revisions			
*1	Revised 3-29-70	*5	Added 2-20-94
*2	Revised 4-9-79	*6	Added 5-3-95
*3	Revised 4-2-84	*7	Effective 9-22-08
*4	Revised 10-15-84	*8	EFFECTIVE XX-XX-XX TA2009014
**4	Added 10-15-84		

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

### SECTION 1001. PAD (Planned Area of Development) <sup>\*1</sup>

**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.
4. PROMOTE SUSTAINABLE DEVELOPMENT PRACTICES. <sup>\*2</sup>

### 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.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

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 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.

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- b. Development narrative including at least the following:
  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.

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## Chapter 10 – Overlay Zoning Districts

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 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.

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## Chapter 10 – Overlay Zoning Districts

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.
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	*2	EFFECTIVE XX-XX-XX – TA2009014
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### SECTION 1002. RUPD (Residential Unit Plan of Development) <sup>\*21</sup>

**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 OR SUSTAINABLE project design, or other considerations. <sup>\*25</sup>

**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. <sup>\*1</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

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.<sup>\*1</sup>
3. The proposed development will not adversely affect adjacent properties or the permitted uses thereof.
4. THE PROPOSED DEVELOPMENT WAS DESIGNED, AND WILL BE CONSTRUCTED, IN A MANNER CONSISTENT WITH SUSTAINABLE DEVELOPMENT PRACTICES.<sup>\*25</sup>

**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.

**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.<sup>\*23</sup>

**ARTICLE 1002.9.** An accessory dwelling unit/guest house, with or without additional kitchen facilities, may be permitted as an accessory use, if specifically set forth in the plan. An accessory dwelling unit/guest house shall be developed in accordance with Article 501.2.20 if in a Rural zoning district or in accordance

# MARICOPA COUNTY ZONING ORDINANCE

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with Article 601.2.13 if in a Residential zoning district unless different standards are specifically set forth in the plan.\*22, \*24

Date of Revisions			
*1	Revised 6-22-81	*23	Effective 9-22-08
*21	Effective 5-16-98	*24	Effective 11-14-2008
*22	Effective 01-19-2007	*25	EFFECTIVE XX-XX-XXXX – TA2009014

### 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 OR SUSTAINABLE project design, or other considerations.\*23

**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.

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4. THE PROPOSED DEVELOPMENT WAS DESIGNED, AND WILL BE CONSTRUCTED, IN A MANNER CONSISTENT WITH SUSTAINABLE DEVELOPMENT PRACTICES.<sup>\*23</sup>

**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:

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.

**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.<sup>\*22</sup>

Date of Revisions			
*21	Effective 5-16-98	*22	Effective 9-19-08
*23	EFFECTIVE XX-XX-XX – TA2009014		

# MARICOPA COUNTY ZONING ORDINANCE

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### SECTION 1004. IUPD (Industrial Unit Plan of Development)<sup>\*4, \*21</sup>

- 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 techniques or flexibility due to topography, innovative OR SUSTAINABLE project design, or other considerations. <sup>\*23</sup>
- 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.
  4. THE PROPOSED DEVELOPMENT WAS DESIGNED, AND WILL BE CONSTRUCTED, IN A MANNER CONSISTENT WITH SUSTAINABLE DEVELOPMENT PRACTICES. <sup>\*23</sup>

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

**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.
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.

**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. <sup>\*22</sup>

Date of Revisions			
*4	Added 10-15-84	*21	Effective 5-16-98
*22	Effective 9-22-08	*23	EFFECTIVE XX-XX-XX TA2009014

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

### SECTION 1005. PD (Planned Development) <sup>\*1</sup>

**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 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: <sup>\*2</sup>

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. <sup>\*5</sup>

**ARTICLE 1005.6. DELETED WITH TA2007016 EFFECTIVE 9-22-08**

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Date of Revisions			
*1	Added 7-1-85	*3	Revised 7-18-90
*2	Revised 6-30-86	*4	Revised 7-18-90
*5	Effective 9-22-08		

### SECTION 1006. SC (Senior Citizen)<sup>\*1</sup>

**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.<sup>\*3</sup>

**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.

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## Chapter 10 – Overlay Zoning Districts

**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.

**ARTICLE 1006.6. ADDITIONAL REGULATIONS:** <sup>\*\*3</sup>

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**. <sup>\*2, \*3</sup>
2. The following criteria shall be met and maintained for each planned residential development: <sup>\*3, \*4</sup>
  - 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		

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## Chapter 10 – Overlay Zoning Districts

### SECTION 1007. WESTSIDE MILITARY AIRBASE<sup>\*1\*2</sup>

THIS SECTION HAS BEEN REPEALED

Date of Revisions			
*1	Added 1-9-92	*2	Repealed 3-17-2010

### 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.
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.
5. TO ENCOURAGE SUSTAINABLE DEVELOPMENT PRACTICES.<sup>\*3</sup>

#### **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.

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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.
  - 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**                      **2**  
(Arterial Intersections)

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

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: <sup>\*2</sup>

1. **CLASS 1:**

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

2. **CLASS 2:**

- a. **Land Use Plan:** Rezoning shall be consistent with the Scenic Corridor Plan (Goals and Policies and Land Use Plan).
- 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. **Building Height:** Building heights for new development shall be limited to **33 feet** above road grade.
- 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.

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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.
- d. **Signs:** The sign regulations are as provided in Chapter 14, Section 1406. hereof.
- 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.
- 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.
- g. **Slope:** Development on steep slopes within Class 3 shall be regulated by the following provisions:
1. Maricopa County Zoning Ordinance, Chapter 12, Section 1201., Hillside Development Standards, shall apply to all development of slopes greater than **15%**.

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2. The *existing natural slope* of property for all new development shall be maintained according to the following schedule:

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

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

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

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

Date of Revisions			
*1	Added 8-1-91	*2	Effective 9-2208
*3	EFFECTIVE XX-XX-XX – TA2009014		

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

### SECTION 1009. HWY 74 SCENIC CORRIDOR<sup>\*1</sup>

**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.
7. TO ENCOURAGE SUSTAINABLE DEVELOPMENT PRACTICES.<sup>\*3</sup>

### 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 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.

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**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: <sup>\*2</sup>

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.

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.

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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.
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.

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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. **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.
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.
13. **Utilities:** Utility lines shall be located underground.

Date of Revisions			
*1	6-6-94	*2	9-22-08
*3	XX-XX-XXXX – TA2009014		

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

### SECTION 1010 MILITARY AIRPORT AND ANCILLARY MILITARY FACILITY<sup>\*1</sup>

**ARTICLE 1010.1. AUTHORITY:** The Military Airport and Ancillary Military Facility Overlay Zoning District is enacted pursuant to authority granted by Arizona Revised Statutes §11-821.

**ARTICLE 1010.2. PURPOSE:** The purpose of the Military Airport and Ancillary Military Facility Overlay Zoning District is to adopt and enforce zoning regulations for property in the high noise or accident potential zone to assure development compatible with the high noise or accident potential generated by military airport and ancillary military facility operations that have or may have an adverse effect on public health and safety in compliance with Arizona Revised Statutes §28-8461 and §28-8481 as ordered by the Superior Court of Arizona in the case of Arizona State, et al. v. Maricopa County, et al. (case no. CV 2008-091301). In all cases where there is or may be a conflict between this Military Airport and Ancillary Military Facility Overlay Zone and the underlying zone, the terms of this Military Airport and Ancillary Military Facility Overlay Zone shall control.

**ARTICLE 1010.3. LOCATION:** The Military Airport and Ancillary Military Facility Zoning Overlay District is defined as those areas located within the High Noise or Accident Potential Zone as defined in Arizona Revised Statutes §28-8461.

**ARTICLE 1010.3. DEFINITIONS:**

*For the purpose of this Section, the following are hereby defined:*

**USE COMPATIBILITY AND CONSISTENCY DETERMINATION (UCCD):**

A determination by Luke Air Force Base that a proposed use not specifically identified pursuant to Article 1010.6.1 of this Ordinance is compatible and consistent with the high noise or accident potential of a military airport or ancillary military facility.

**DAY/NIGHT NOISE LEVEL (LDN):**

A 24 hour, time-weighted annual average noise level. It is a measure of the overall noise experienced during an entire day.

# MARICOPA COUNTY ZONING ORDINANCE

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### **MILITARY COMPATIBILITY PERMIT:**

The permit approved by the Board of Supervisors in accordance with this Section, and which allows for the development of uses that are consistent and compatible with the high noise or accident potential of a military airport or ancillary military facility.

### **PLAN OF DEVELOPMENT:**

A precise plan that establishes and identifies specific and detailed parameters for the phased or non-phased development of land and supporting infrastructure to be carried out at the time of actual development.

### **ARTICLE 1010.5 MILITARY COMPATIBILITY DETERMINATION:**

- 1010.5.1 Any proposed land use not specifically identified as consistent and compatible with the high noise or accident potential of the military airport or ancillary military facility pursuant to Article 1010.6.1 of this Military Airport and Ancillary Military Facility Overlay Zone shall, as a pre-condition to the filing of an application for a Military Compatibility Permit and Plan of Development, require an individual Use Compatibility and Consistency Determination (UCCD) by Luke Air Force Base.
- 1010.5.2 A UCCD may be obtained on a form provided by the Department, or by any signed document by an authorized representative of Luke Air Force Base that states the proposed use on the specific property is "consistent and compatible with the high noise or accident potential of the military airport or ancillary military facility." All requests for UCCD shall be directed through the Planning and Development Department who will forward the appropriate UCCD form to Luke Air Force Base for review and determination prior to application for a Military Compatibility Permit and Plan of Development. The applicant shall pay the appropriate UCCD processing fees at the time of submittal of the UCCD request to the Planning and Development Department.

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### ARTICLE 1010.6 USE COMPATIBILITY AND CONSISTENCY:

1010.6.1 Before any proposed use of property can be considered for approval, a determination of land use compatibility and consistency must be made in accordance with the following:

	<u>Ldn</u> <u>65-69</u>	<u>Ldn</u> <u>70-74</u>	<u>Ldn</u> <u>75-79</u>	<u>Ldn</u> <u>80-84</u>	<u>Ldn</u> <u>85+</u>	<u>APZ 1</u>	<u>APZ 2</u>
<b><u>Residential</u></b>							
Residential uses other than the residential uses listed below	No <sup>(13)</sup>	No <sup>(13)</sup>	No <sup>(13)</sup>	No <sup>(13)</sup>	No	No	No
Single family residential that is the subject of zoning approved on or before December 31, 2000, or on or before December 31 of the year in which the property becomes territory in the vicinity of a military airport, that permits one dwelling unit per acre or less	Yes <sup>(9,19)</sup>	Yes <sup>(10,19)</sup>	Yes <sup>(11,19)</sup>	No <sup>(13)</sup>	No <sup>(13)</sup>	No	No <sup>(13)</sup>
Single family residential that is the primary residence for persons engaging in agricultural use and ancillary residential buildings incident to the primary agricultural use	Yes <sup>(9,19)</sup>	Yes <sup>(10,19)</sup>	Yes <sup>(11,19)</sup>	Yes <sup>(12,19)</sup>	No <sup>(13)</sup>	No	No <sup>(13)</sup>

	<u>Ldn</u> <u>65-69</u>	<u>Ldn</u> <u>70-74</u>	<u>Ldn</u> <u>75-79</u>	<u>Ldn</u> <u>80-84</u>	<u>Ldn</u> <u>85+</u>	<u>APZ 1</u>	<u>APZ 2</u>
<b><u>Transportation, communications, and utilities</u></b>							
Railroad and rapid rail transit	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(15)</sup>
Highway and street right-of-way	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Motor vehicle parking	Yes	Yes	Yes	Yes	Yes	Yes <sup>(15)</sup>	Yes <sup>(15)</sup>
Communications (noise sensitive)	Yes	Yes <sup>(2)</sup>	Yes <sup>(3)</sup>	No	No	Yes <sup>(15)</sup>	Yes <sup>(16)</sup>
Utilities	Yes	Yes	Yes	No	No	Yes <sup>(15)</sup>	Yes <sup>(16)</sup>
Other transportation, communications, and utilities	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	Yes <sup>(8)</sup>	Yes <sup>(15)</sup>	Yes <sup>(16)</sup>

<b><u>Commercial/retail trade</u></b>							
Wholesale trade	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes
Building materials-retail	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes
General merchandise-retail	Yes	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No
Food-retail	Yes	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No

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Automotive and marine	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	No	No	No	No/Yes <sup>(17)</sup>
Apparel and accessories-retail	Yes	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No
Eating and drinking places	Yes	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No
Furniture and home furnishings-retail	Yes	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No/Yes <sup>(17)</sup>
Other retail trade	Yes	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No

### Personal & business services

Finance, insurance, real estate	Yes	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	Yes
Personal services	Yes	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	Yes
Business services	Yes	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	Yes
Repair services	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes
Contract construction services	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	No	No	No	Yes
Indoor recreation services	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	No	No	No	Yes
Other services	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	No	No	No	Yes

### Industrial/manufacturing

Food and kindred products	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>
Textile mill products	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>
Apparel	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>
Lumber and wood products	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>
Furniture and fixtures	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>
Paper and allied products	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>
Printing and publishing	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>
Chemicals and allied products	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	No
Petroleum refining, and related industries	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	No

	<u>Ldn</u>	<u>Ldn</u>	<u>Ldn</u>	<u>Ldn</u>	<u>Ldn</u>	<u>APZ 1</u>	<u>APZ 2</u>
	<u>65-69</u>	<u>70-74</u>	<u>75-79</u>	<u>80-84</u>	<u>85+</u>		
Rubber and miscellaneous plastic	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>
Stone, clay and glass products	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>
Primary metal industries	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>
Fabricated metal products	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>
Professional, scientific, and controlling instruments	Yes	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No
Miscellaneous manufacturing	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	Yes <sup>(16)</sup>

### Public and quasi-public services

Government services	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	Yes <sup>(2)</sup>	No	No	No	Yes <sup>(16)</sup>
Cultural activities, including churches	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No	No
Medical and other health services	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No	No

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Cemeteries	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	No	Yes
Nonprofit organizations	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No	Yes
Correctional facilities	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	Yes <sup>(3)</sup>	Yes <sup>(4)</sup>	No	No	Yes
Other public and quasi-public Services	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No	Yes <sup>(16)</sup>

### Outdoor recreation

Playgrounds and neighborhood parks	Yes	Yes	No	No	No	Yes <sup>(15)</sup>	Yes
Community and regional Nature exhibits	Yes	Yes	No	No	No	Yes <sup>(15)</sup>	Yes
Spectator sports, incl. arenas	Yes <sup>(14)</sup>	Yes <sup>(14)</sup>	No	No	No	No	No
Golf courses and riding stables	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	No	No	Yes <sup>(15)</sup>	Yes
Water based recreational areas	Yes	Yes <sup>(5)</sup>	Yes <sup>(6)</sup>	No	No	No	No
Resort and group camps	Yes <sup>(1)</sup>	Yes <sup>(2)</sup>	No	No	No	No	No
Auditoriums and concert halls	Yes <sup>(6)</sup>	Yes <sup>(7)</sup>	No	No	No	No	No
Outdoor amphitheaters and music shells	Yes <sup>(14)</sup>	Yes <sup>(14)</sup>	Yes <sup>(14)</sup>	No	No	No	No
Other outdoor recreation	Yes	Yes <sup>(14)</sup>	Yes <sup>(14)</sup>	No	No	No	No

### Resource production, extraction and open space

Agriculture (except livestock)	Yes <sup>(9)</sup>	Yes <sup>(10)</sup>	Yes <sup>(11)</sup>	Yes <sup>(12)</sup>	Yes <sup>(13)</sup>	Yes <sup>(13)</sup>	Yes <sup>(13)</sup>
Livestock farming and animal breeding	Yes <sup>(9)</sup>	Yes <sup>(10)</sup>	Yes <sup>(11)</sup>	Yes <sup>(12)</sup>	Yes <sup>(13)</sup>	Yes <sup>(13)</sup>	Yes <sup>(13)</sup>
Forestry activities	Yes <sup>(9)</sup>	Yes <sup>(10)</sup>	Yes <sup>(13)</sup>	Yes <sup>(13)</sup>	Yes <sup>(13)</sup>	No	Yes
Fishing activities and related Services	Yes	Yes	No	No	No	No	No

	<u>Ldn</u> <u>65-69</u>	<u>Ldn</u> <u>70-74</u>	<u>Ldn</u> <u>75-79</u>	<u>Ldn</u> <u>80-84</u>	<u>Ldn</u> <u>85+</u>	<u>APZ 1</u>	<u>APZ 2</u>
Mining activities	Yes	Yes	Yes	Yes	Yes	No	Yes <sup>(16)</sup>
Permanent open space	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Water areas (not incidental to farming)	Yes	Yes	No	No	No	No	No

Subject to the restrictions in this ordinance, land Uses identified as “yes” have been found to be consistent and compatible with the high noise or accident potential of the military airport or ancillary military facility, and a Military Compatibility Permit and Plan of Development may be considered by the Board of Supervisors.

Land Uses identified as “no” have been found to be inconsistent and incompatible with the high noise or accident potential of the military airport or ancillary military facility. However, if Maricopa County and the military airport mutually agree that such use or uses is/are compatible and consistent with the high noise or accident potential of the military airport or ancillary military facility, the use or uses can be allowed. A UCCD will be required to make such a determination.

(1) Measures to achieve an outdoor to indoor noise reduction level of twenty-five decibels pursuant to this Ordinance must be incorporated into the design and construction of all buildings and Maricopa County must make an express finding, as part of approval, that use of noise reduction level criteria will not alleviate outdoor noise.

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- (2) Measures to achieve an outdoor to indoor noise reduction level of thirty decibels pursuant to this Ordinance must be incorporated into the design and construction of all buildings and Maricopa County must make an express finding, as part of approval, that use of noise reduction level criteria will not alleviate outdoor noise.
- (3) Measures to achieve an outdoor to indoor noise reduction level of thirty-five decibels pursuant to this Ordinance must be incorporated into the design and construction of all buildings and Maricopa County must make an express finding, as part of the approval, that use of noise reduction level criteria will not alleviate outdoor noise.
- (4) Measures to achieve an outdoor to indoor noise reduction level of forty decibels pursuant to this Ordinance must be incorporated into the design and construction of all buildings and Maricopa County must make an express finding, as part of the approval, that use of noise reduction level criteria will not alleviate outdoor noise.
- (5) Measures to achieve an outdoor to indoor noise reduction level of twenty-five decibels must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low.
- (6) Measures to achieve an outdoor to indoor noise reduction level of thirty decibels must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low.
- (7) Measures to achieve an outdoor to indoor noise reduction level of thirty-five decibels must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low.
- (8) Measures to achieve an outdoor to indoor noise reduction level of forty decibels must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low.
- (9) Measures to achieve an outdoor to indoor noise reduction level of twenty-five decibels must be incorporated into the design and construction of new residential buildings or expansions of existing residential buildings.
- (10) Measures to achieve an outdoor to indoor noise reduction level of thirty decibels must be incorporated into the design and construction of new residential buildings or expansions of existing residential buildings.
- (11) Measures to achieve an outdoor to indoor noise reduction level of thirty-five decibels must be incorporated into the design and construction of new residential buildings or expansions of existing residential buildings.
- (12) Measures to achieve an outdoor to indoor noise reduction level of forty decibels must be incorporated into the design and construction of new residential buildings or expansions of existing residential buildings.
- (13) No new residential buildings or expansions of existing residential buildings are permitted.
- (14) Compatible if special sound reinforcement systems are installed.
- (15) No aboveground buildings or structures.
- (16) No new buildings or improvements or expansion of nonagriculture buildings or improvements for uses that result in the release of any substance into the air that would impair visibility or otherwise interfere with operating aircraft, such as any of the following:
  - (a) Steam, dust and smoke.
  - (b) Direct or indirect reflective light emissions.
  - (c) Electrical emissions that would interfere with aircraft and air force communications or navigational aid systems or aircraft navigational equipment.
  - (d) The attraction of birds or waterfowl such as operation of sanitary landfills or maintenance of feeding stations.
  - (e) Explosives facilities or similar activities.
- (17) If located in the extended portion of accident potential zone two in territory of Maricopa County described in section 28-8461, paragraph 9, subdivision (a).
- (18) Uses not listed are presumed to not be compatible. If Maricopa County and the military airport mutually agree that an individual use is compatible and consistent with the high noise or accident potential of the military airport or ancillary military facility, the use shall be presumed to be compatible.
- (19) Building permits for new residences and expansions of existing residences are only allowed if 1) the landowner acquired a "vested" property right on or before January 1, 2010; or 2) if Maricopa County and the military airport mutually agree that an individual use is compatible and consistent with the high noise or accident potential of the military airport or ancillary military facility pursuant to A.R.S. §28-8481(J); or 3) pursuant to a military land use variance granted pursuant to Article 1010.10 of this ordinance. For the purposes of this section, A landowner will be deemed to have a "vested" property right only if the landowner (a) had a building permit or special use permit for a residential use, and (b) undertook substantial physical construction on the site pursuant to that building permit, or incurred substantial monetary expenditures for construction on the site pursuant to that building permit, or made considerable contractual commitments pursuant to that building permit.

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### **For residential land uses:**

1010.6.2 For proposed residential land uses identified with a “yes” in paragraph 1010.6.1 that do not require approval of a preliminary and final plat, the applicant shall proceed forward to apply for building permits pursuant to the rules and requirements of this Ordinance.

### **For non-residential land uses:**

1010.6.3 For proposed non-residential land uses identified with a “yes” in paragraph 1010.6.1 the applicant shall apply for a Military Compatibility Permit and Plan of Development pursuant to Article 1010.7 and other applicable requirements of this Ordinance.

1010.6.4 For proposed non-residential land uses that are not specifically identified in paragraph 1010.6.1, a UCCD shall be required pursuant to Article 1010.5. Upon receipt of a UCCD, the applicant shall apply for a Military Compatibility Permit and Plan of Development pursuant to Article 1010.7 and other applicable requirements of this Ordinance.

### **Other Requirements**

1010.6.5 Approval of a Military Compatibility Permit also requires approval of a Plan of Development pursuant to Section 306 of this Ordinance. At the discretion of the applicant, the required Plan of Development may be filed concurrently with or separately from the application for a Military Compatibility Permit. If filed concurrently, a single application covering both cases is required. If filed separately, then separate applications are required.

1010.6.6 A determination of compatibility and consistency pursuant to Article 1010.6.1 or by UCCD does not guarantee approval of a Military Compatibility Permit or a Plan of Development, such approval shall be at the discretion of the Board of Supervisors pursuant to Article 1010.7 of this Ordinance.

### **ARTICLE 1010.7: MILITARY COMPATIBILITY PERMIT PROCEDURES:**

If the required application for Plan of Development is submitted concurrent with the application for Military Compatibility Permit, the following procedures shall apply:

1010.7.1 The applicant shall apply for a Military Compatibility Permit with Plan of Development together as a single application, with supporting statements, identifying the proposed use of the buildings, structures, and premises, to the Board of Supervisors. These applications and supporting statements shall be

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referred to the Commission for its review, report, recommendation, and public hearing.

- 1010.7.2 The Commission, having held a public hearing, shall then present its report, recommendation, and the plans, together with the supporting statement, to the Board of Supervisors for consideration and public hearing. Notice and procedure for public hearing shall conform to the procedures prescribed in Section 304 of this Ordinance.
- 1010.7.3 The recommendation of the Commission shall include its reasons for approval or disapproval of such plans and supporting statement, and if recommended for approval, specific evidence and facts showing that the use is compatible and consistent with the high noise or accident potential of a military airport or ancillary military facility, that all county standards and requirements will be followed, and that necessary safeguards will be provided for the protection of adjacent property or the permitted uses thereof.
- 1010.7.4 The recommendation of the Commission may include variations of the standards and requirements of the underlying zoning district including, but not limited to the following:
- Yards and open spaces.
  - Fences and walls, or other screening.
  - Parking areas, street improvements, including provision of service roads or alleys when practical and necessary, except for paving requirements unless it can be shown that the paving alternative will comply with the **Maricopa Association of Government's Particulate Plan for PM-10** by reducing particulate pollution.
  - Regulation of points of vehicular ingress and egress.
  - Regulation of signs.
  - Landscaping and maintenance thereof.
  - Maintenance of grounds.
  - Control of noise, vibration, odor and other potentially dangerous or objectionable elements.
  - Time limits may be imposed for the commencement of construction and/or review and further action by the Commission; and/or a time limit within which the Military Compatibility Permit and Plan of Development shall cease to exist.
- 1010.7.5 The Commission shall not vary any standard or requirement without a specific finding that military airport or ancillary military facility compatibility is preserved pursuant to Arizona Revised Statutes.

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- 1010.7.6 The Board of Supervisors shall not approve any application unless it finds that the proposed use on the specific property is consistent and compatible with the high noise or accident potential of the military airport or ancillary military facility.
- 1010.7.7 Amendments shall be processed in the same manner as the initial plans and supporting statement of proposed use.
- 1010.7.8 Non-compliance with the stipulations of the Military Compatibility Permit or Plan of Development approval shall be considered a zoning violation.

If the required application for Plan of Development is submitted separately from the application for Military Compatibility Permit, the following procedures shall apply:

### Military Compatibility Permit:

- 1010.7.9 Upon receipt of an application for a Military Compatibility permit, 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 Military Compatibility Permit. 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.
- 1010.7.10 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 Military Compatibility Permit and each county or municipality which is contiguous to the area of the Military Compatibility Permit. The notice sent by mail shall include, at a minimum, the date, time, and place of the hearing on the Military Compatibility Permit including a general explanation of the matter to be considered, a general description of the area of the Military Compatibility Permit, and notification that if **20%** of the property owners by area and number within the Military Compatibility Permit area file protests, an affirmative vote of **three-fourths** of all members of the Board will be required to approve the Military Compatibility Permit.
- 1010.7.11 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 a 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

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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 Military Compatibility Permit provided that if **20%** of the owners, by number and by area of all property within **300 feet** of the proposed Military Compatibility Permit, file a protest such Military Compatibility Permit shall not be approved 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.

- 1010.7.12 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 subject to the Military Compatibility Permit shall be included. In calculating the owner by number or area, County property and public rights-of-way shall not be included.
- 1010.7.13 A decision by the Board of Supervisors involving a Military Compatibility Permit shall not be effective until the dedication of required right-of-way, but not prior to **31 days** after final approval of the Military Compatibility Permit by the Board. Unless a resident files a written objection with the Board of Supervisors, the Military Compatibility Permit may be enacted as an emergency measure that becomes effective immediately by a **four-fifths** majority vote of the board.
- 1010.7.14 The Board of Supervisors shall not approve any application unless it finds that the proposed use on the specific property is consistent and compatible with the high noise or accident potential of the military airport or ancillary military facility.
- 1010.7.15 If a petition for Military Compatibility Permit 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 Military Compatibility Permit for the same parcel(s) within a period of **one year** unless in the opinion of the Commission there is a change of circumstances warranting such filing.
- 1010.7.16 Non-compliance with the stipulations of Military Compatibility Permit approval shall be considered a zoning violation.
- 1010.7.17 Any change or modification to an approved Military Compatibility Permit shall be considered an amendment to the approved Military Compatibility Permit, and shall be processed accordingly pursuant to the provisions of this Ordinance. Staff shall determine whether the change constitutes a Minor or Major Amendment according to the provisions set forth in this Ordinance.

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### Plan of Development:

- 1010.7.18 All development that requires a Military Compatibility Permit pursuant to this Ordinance shall be subject to Plan of Development approval as set forth in the provisions of this Ordinance. A preliminary plat shall serve as a Plan of Development for applicable residential projects. For industrial and commercial projects, a separate plan of development shall be approved, along with preliminary and final plat approval as applicable, which shall be subject to the Maricopa County Subdivision Regulations, the Military Airport and Ancillary Military Facility Overlay Zoning District and other provisions of this Ordinance, and other applicable county regulations and ordinances.
- 1010.7.19 A Plan of Development that is required as part of a Military Compatibility Permit shall be processed through the Planning and Zoning Commission and Board of Supervisors for approval in the manner outlined in this Ordinance.
- 1010.7.20 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.
- 1010.7.21 A Plan of Development is a precise plan in which the standards and regulations of the underlying zoning district shall remain the same unless otherwise modified by the Board of Supervisors. However, the Board of Supervisors shall not vary any standard or regulation without a specific finding that the military airport or ancillary military facility compatibility is preserved pursuant to Arizona Revised Statutes.
- 1010.7.22 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 are 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 via a Minor Amendment application 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.
- 1010.7.23 Any change or modification to an approved Plan of Development shall be considered an amendment to the Plan of Development, and shall be processed accordingly pursuant to the provisions of this Ordinance. Staff shall determine

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whether the change constitutes a Minor or Major Amendment according to the provisions set forth in this Ordinance.

- 1010.7.24 Non-compliance with the stipulations of Plan of Development approval shall be considered a zoning violation.

### ARTICLE 1010.8 CITIZEN REVIEW PROCESS:

- 1010.8.1 Upon application for a Military Compatibility Permit and/or Plan of Development, a citizen review process shall be conducted. The purposes of the citizen review process shall be the following:
- A. Adjacent landowners and other potentially affected citizens will be notified of the application and substance of the proposed Military Compatibility Permit and/or Plan of Development.
  - B. Adjacent landowners and other potentially affected citizens will be provided an opportunity to express any issues or concerns they may have with the proposed Military Compatibility Permit and/or Plan of Development before any public hearing required as set forth in this Ordinance.
- 1010.8.2 Prior to any application for a Military Compatibility Permit and/or Plan of Development, the applicant shall conduct a preapplication meeting with the Planning and Development Department.
- 1010.8.3 Within 30 days upon submitting an application for a Military Compatibility Permit and/or Plan of Development, the applicant shall post the property included in the proposed development. 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 Military Compatibility Permit and/or Plan of Development, a general explanation of the nature of the proposed Military Compatibility Permit and/or Plan of Development, 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.
- 1010.8.4 Within 30 days of submitting an application for a Military Compatibility Permit and/or Plan of Development 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 Military Compatibility Permit and/or Plan of Development. The notice by mail shall include, at a minimum, description of the area of the proposed Military Compatibility Permit and/or Plan

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of Development, a general explanation of the nature of the proposed Military Compatibility Permit and/or Plan of Development, 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.

1010.8.5 Every application for a Military Compatibility Permit and/or Plan of Development shall include a citizen participation plan. The citizen participation plan, at a minimum, shall include the following information:

- A. Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application.
- B. How those interested in and potentially affected by an application will be notified that an application has been made.
- C. How those interested and potentially affected parties will be informed of the substance of the proposed Military Compatibility Permit and/or Plan of Development.
- D. 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.
- E. The applicant's schedule for completion of the citizen participation plan.
- F. How the applicant will keep the Planning Department informed on the status of their citizen participation efforts.

1010.8.6 The level of citizen interest and area of 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:

- A. Real property owners within the noticing area set forth in Article 1010.8.4 herein;
- B. The head of any homeowners association within the noticing area set forth in Article 1010.8.4 herein;
- C. Other potentially affected citizens in the target area who have requested that they be placed on the routing list maintained by the Planning Department.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

- 1010.8.7 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.
- 1010.8.8 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 this Ordinance. At a minimum the citizen participation report shall include the following information:
- A. Details and techniques the applicant used to involve the public, including:
    - 1. Dates and locations of any and all meetings where citizens were invited to discuss the applicant's proposal;
    - 2. Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters and other publications;
    - 3. The location of residents, property owners, and interested parties receiving notices, newsletters or other written materials;
    - 4. The number of people that participated in the process.
  - B. A summary of perceived or real concerns, issues and problems expressed during the process, including:
    - 1. The substance of the concerns, issues, and problems;
    - 2. How the applicant has addressed or intends to address perceived or real concerns, issues, and problems expressed during the process; and,
    - 3. 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.

### ARTICLE 1010.9 COMPATIBLE USES:

- 1010.9.1 Maricopa County and Luke Air Force Base mutually agree that the following uses are compatible and consistent with the high noise or accident potential of the military airport or ancillary military facility on any property and do not require an individual Use Consistency and Compatibility Determination or a Military Compatibility Permit:
- A. Non-habitable accessory uses to an existing and properly permitted primary use, defined as an accessory structure not occupied by people and not provided with mechanical means of air, ventilation, and/or heat. No accessory structure or building appurtenance may exceed 30 feet in height.

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 10 – Overlay Zoning Districts

### ARTICLE 1010.10 MILITARY LAND USE VARIANCE; PROCESS

- 1010.10.1 Upon written request of the Attorney General of Arizona only, the Board of Supervisors shall consider granting a military land use variance pursuant to A.R.S. §28-8481(C) that would permit a variation from the land use regulations outlined in A.R.S. §28-8481(J) and Article 1010.6, Section 1010.6.1 of this ordinance.
- 1010.10.2 Upon the written request pursuant to Section 1010.10.1 of this ordinance, the military land use variance shall be scheduled for consideration by the Board of Supervisors at a public meeting. Should the Board of Supervisors approve the military land use variance request, notice of such approval shall be sent to the Attorney General of Arizona within three business days after such approval. Notice of such approval shall also be sent to the affected property owner(s) which shall also include a detailed explanation of the implications of the military land use variance.

### ARTICLE 1010.11 GENERAL PROVISIONS:

- 1010.11.1 Persons with property divided by the Military Airport and Ancillary Military Facility Overlay Zoning District are required to comply with the provisions of this Section only for that segment of the property within the overlay zoning district. Where the Military Airport and Ancillary Military Facility Overlay Zoning District divides a lot or parcel of land, the Military Airport and Ancillary Military Facility Overlay Zoning District line shall be treated as a property line for applying all provisions of this Section.
- 1010.11.2 When standards and requirements differ between the Military Airport and Ancillary Military Facility Overlay Zoning District and the existing zoning district classification, the more restrictive regulation shall apply.
- 1010.11.3 All new uses of land shall be required to conform with the Military Airport and Ancillary Military Facility Overlay Zoning District. Existing uses of land and buildings shall be governed as follow:
- A. Any use of land, buildings, or structures, lawfully existing at the time this Section or amendments thereto become effective, may be continued even though such use does not conform with the regulations of this Section or amendments thereto.
  - B. In the event that a nonconforming use of land, building, or structure is discontinued for a period of **12 consecutive months**, any future use thereof shall be in conformity with the regulations of this Section.

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- C. In the event that a nonconforming use of land, building or structure is destroyed by fire, explosion, act of God, or act of the public enemy to the extent of **75%** of its value, according to the appraisal thereof by competent appraisers, then and without further action by the Board of Supervisors, the future use thereof shall from and after the date of such destruction be subject to all the regulations of this Section or amendments thereto.
- D. A nonconforming use of land, building, or structure shall not be enlarged, extended, reconstructed, or altered unless such enlargement, extension, reconstruction, or alteration conforms with the regulations of this Section.

Date of Revisions			
*1	Added 3-17-10 TA2009012		

VERSION 4 DRAFT

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 11 – General Regulations

### SECTION 1101. APPLYING GENERAL PROVISIONS

The regulations set forth in this Chapter qualify or supplement, as the case may be, the zoning district regulations appearing elsewhere in this Ordinance.

### SECTION 1102. PARKING REGULATIONS<sup>\*20, \*31</sup>

**ARTICLE 1102.1. MINIMUM REQUIREMENTS:** There shall be provided parking spaces for each use on a lot based on the following chart: <sup>\*8</sup>

USE	MINIMUM PARKING SPACES
1102.1.1. - <i>Residential Uses:</i>	
1. Mobile Home and Travel Trailer/RV Park	<b>One</b> per approved space + spaces to meet the needs of any commercial, office or public assembly
2. Single-family (includes mobile homes on owned lots)	<b>Two</b> per dwelling unit
3. Multiple-family	<b>Two</b> per dwelling unit <sup>1 &amp; 2</sup>
4. Fraternities and Sororities	<b>One</b> and one-half per each sleeping room <sup>2</sup>
1102.1.2. - <i>Public Assembly Uses:</i> <sup>2</sup>	
1. Schools, public, private and charter <sup>*31</sup>	<b>One</b> per 400 square feet of floor area
2. All other public assembly uses	<b>One</b> per 200 square feet of floor area
1102.1.3. - <i>Hotels, Motels, Guest Ranches and Resort Hotels:</i>	<b>One</b> per sleeping room + spaces to meet the needs of any commercial, office or public assembly <sup>2</sup>
1102.1.4. - <i>Office and Commercial Uses:</i>	<b>One</b> per 250 square feet of floor area + <b>one</b> per 5,000 square feet of outside display area; and + <b>one</b> per 100 square feet of outdoor seating area; and + <b>four</b> per golf course green <sup>2</sup>
1102.1.5. - <i>Industrial, Wholesale and Manufacturing Uses:</i>	<b>One</b> per 600 square feet of floor area <sup>2</sup>

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## Chapter 11 – General Regulations

1102.1.6. - *Warehouse Uses:*

**One** per 900 square feet of floor area <sup>2</sup>

<sup>1</sup> **20%** of parking spaces shall be reserved for guest parking spaces.

<sup>2</sup> **5%** of parking spaces shall be handicapped parking spaces.

**ARTICLE 1102.2. FRACTIONAL MEASUREMENTS:** **One** additional parking space shall be required if the number of required parking spaces results in a fractional number.

**ARTICLE 1102.3. LOCATION:** <sup>\*18</sup>

1102.3.1. Parking spaces shall be located on the same lot as the use they are intended to serve, or within **600 feet** of the use to be served provided assurances are supplied to the Zoning Administrator that the off-site parking will be continuously available during normal business hours of the use to be served.

1102.3.2. Parking spaces shall be located such that each space has access to the use to be served without crossing a public or private street, or a railroad right-of-way.

**ARTICLE 1102.4. MIXED USES:** The required parking spaces shall be the sum of the required parking spaces for the individual uses.

**ARTICLE 1102.5. JOINT USE:** This Ordinance allows the joint use of parking spaces for **two or more** buildings or uses if the total spaces equals the spaces required for the individual buildings or uses during their normal hours of operation.

**ARTICLE 1102.6 HANDICAPPED PARKING:**

1102.6.1. Such spaces shall be located on the shortest accessible route to building entrances.

1102.6.2. Such spaces shall show the international handicapped symbol and say "Reserved". Such signs shall be exempted from the Sign Regulations of this Ordinance.

1102.6.3. Such space shall have a handicapped symbol painted on the ground to the rear of the parking space.

**ARTICLE 1102.7. DESIGN STANDARDS:** <sup>\*9, \*12</sup> The following parking space/lot design standards shall be complied with:

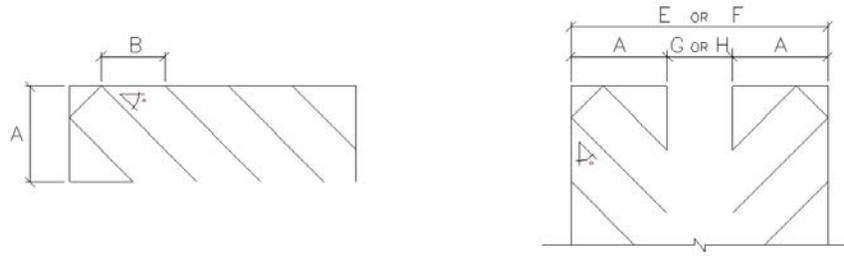
1102.7.1. For other than **one** single-family dwelling unit or **one** mobile home on a lot of record, any parking area shall be paved.

- 1102.7.2. For **one** single-family dwelling unit or **one** mobile home on a lot of record, any parking area must be paved or in the alternative surfaced with ABC material.
- 1102.7.3. Parking spaces, aisles, and driveways shall be so arranged as to require ingress and egress from the lot to a street by forward motion of the vehicle. <sup>3</sup>
- 1102.7.4. Parking spaces shall be designed so that vehicles exiting there from will not be required to back onto or across any sidewalk or street. <sup>3</sup>
- 1102.7.5. Adjacent to any rural or residential zone parking areas shall be screened from view, except when separated by a public street. <sup>3</sup>
- 1102.7.6. Any lights used to illuminate parking spaces shall be so arranged and screened as to reflect the light away from adjoining lots in rural or residential districts and from streets or from any residential use in commercial zoned districts. Such lights shall be in accordance with any adopted County Outdoor Lighting Ordinance and shall have a maximum height of **18 feet**.
- 1102.7.7. Parking areas shall be visually screened from abutting road right-of-way (excluding alleys) by a building or structure or a strip of landscaping at least **five feet** in width.\*<sup>3</sup>
- 1102.7.8. Either a wall or a minimum **six inches** high curb or bumper guard shall be installed to ensure that no part of a parked vehicle shall extend past any property line.\* <sup>3</sup>
- 1102.7.9. Parking spaces shall be designated by striping. <sup>3</sup>
- 1102.7.10. The design of roads, pedestrian walks, and open spaces within parking areas are subject to approval by the Zoning Administrator and shall be arranged so that pedestrians are not unnecessarily exposed to vehicular traffic.<sup>3</sup>
- 1102.7.11. Paved and comfortably graded pedestrian walks shall be provided along lines of the most intense pedestrian use, particularly from building entrances to streets, parking areas, and adjacent buildings. <sup>3</sup>
- 1102.7.12. Only **one** parking area entrance and **one** parking area exit; or **one** combined parking area entrance and exit is allowed for a lot or parcel along any **one** street unless otherwise approved by the County Engineer.

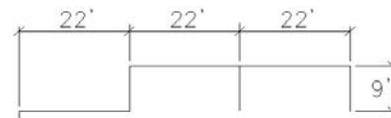
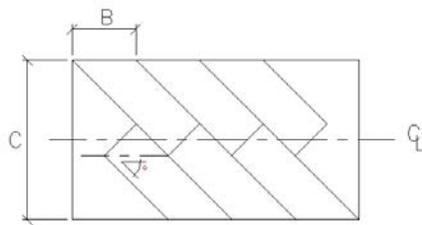
\*<sup>3</sup> Requirement applies except for single-family dwellings, two-family dwellings, and individual mobile homes on a lot of record.

**ARTICLE 1102.8. PARKING AREA DIMENSIONS<sup>\*34</sup>:** Dimensions of parking spaces and access areas shall be in accordance with the following:

**SEE PARKING LAYOUT GRAPHIC**



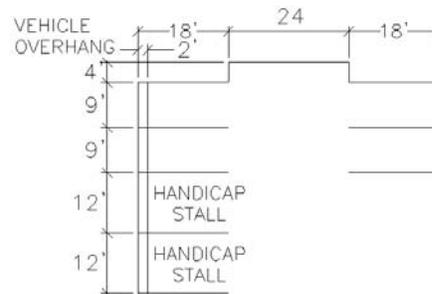
ANGULAR PARKING PATTERNS



PARALLEL PARKING

ANGLE PARKING

$\Delta^\circ$	A	B	C	D	E ONE WAY AISLE	F TWO WAY AISLE	G ONE WAY AISLE	H TWO WAY AISLE
30	16.8	18.0	25.8	12.9	45.6	51.6	12.0	18.0
45	19.1	12.7	31.8	15.9	51.2	58.2	13.0	20.0
60	20.1	10.4	35.7	17.8	58.2	62.2	18.0	22.0



90 DEGREE PARKING

**ARTICLE 1102.9. ADDITIONAL PARKING REGULATIONS:** In addition to the above parking requirements, the following requirements must be met:

- 1102.9.1. No Zoning Clearance shall be issued unless the required parking as indicated in this section is provided.
- 1102.9.2. Whenever a Zoning Clearance has been granted, the subsequent use of the property is conditioned upon the provision of the parking spaces contained in the approved plans.

- 1102.9.3. No addition or enlargement of an existing building or use shall be permitted unless the parking requirements of this Ordinance are met for the entire building or use.
- 1102.9.4. The parking or storage of a non-accessory vehicle except for normal deliveries having a gross vehicle weight greater than **10,000 lbs.** on any lot in any rural or residential zoning district is prohibited. <sup>\*24</sup>
- 1102.9.5. Not more than **one** unregistered or inoperable motor vehicle shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicle shall be stored such that it cannot be seen from any public or private street right-of-way.
- 1102.9.6. The use of any required parking area for motor vehicle repair work, or display, or sales of any kind is prohibited, and any required parking area shall be available for customer, patron, and employee parking at all time during normal business hours.
- 1102.9.7. Parking structures, which have no portion above grade, shall not be included in the calculation of lot coverage for the site.
- 1102.9.8. Off-street parking provided for employees of office or commercial or industrial uses requiring **50** or more spaces shall designate at least **10%** of the total number of parking spaces for use by car and/or van pools, and be clearly signed, reserved, and managed to that end.
- 1102.9.9. Off-street parking provided for employees of office or commercial or industrial uses requiring **100** or more spaces shall designate at least **15%** of the total number of parking spaces for use by car and/or van pools and be clearly signed, reserved, and managed to that end; and shall design and construct convenient facilities in order to secure bicycles; and shall design and provide for needed transit facilities, such as, but not limited to, park and ride parking spaces and transit stops and shelters as determined by the Regional Public Transit Authority; and shall provide to the Maricopa County Trip Reduction Office, plans and programs to reduce total vehicle trips in conformance with the State of Arizona and Maricopa County goals, policies, regulations, and plans.
- 1102.9.10. For those large scale developments that include one or more regulation golf courses and which propose to use golf carts to meet some of the transportation needs, **one** of the **two** required parking spaces for single-family and multiple-family dwellings may be a golf cart parking space. Such golf cart parking space shall be a maximum size of **six feet** in width and **12** feet in depth and shall not be used for any purpose other than golf cart parking. Up to **10%** of the required parking spaces at regulation golf courses in the above large scale developments may be golf cart parking spaces.

Date of Revisions			
*1	Revised 7-17-72	*18	Revised 8-5-85, Effective 1-1-86
*2	Added 12-30-74	*20	Revised 4-3-91
*3	Revised 8-11-75	*24	Revised 5-6-94
*8	Revised 10-1-79	*31	Effective 11-19-99
*9	Revised 5-11-81	*34	Correction 2-25-00
*12	Revised 8-15-83		

## SECTION 1103. LOADING AND UNLOADING REGULATIONS

- ARTICLE 1103.1. COMMERCIAL BUILDINGS:** For all commercial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided **one** loading and unloading space for each **25,000 square feet** of floor area, or fraction thereof, devoted to such use in the building.
- ARTICLE 1103.2. WHOLESALE, MANUFACTURING AND INDUSTRIAL BUILDINGS:** For all wholesale, manufacturing and industrial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided **one** loading and unloading space for each **10,000 square feet** of floor area, or fraction thereof, devoted to such use in the building.
- ARTICLE 1103.3. LOCATION:** The required loading and unloading spaces shall in all cases be on the same lot as the use they are intended to serve. In no case shall required loading and unloading spaces be part of the area used to satisfy the parking requirement.
- ARTICLE 1103.4. COLLECTIVE ACTION:** This Ordinance shall not be construed to prevent the joint use of loading and unloading spaces for **two** or more buildings or used if the total of such spaces when used together is not less than the sum of the spaces required for the various individual buildings or uses computed separately.
- ARTICLE 1103.5. MIXED USES:** In the case of mixed uses, the required loading and unloading spaces shall be the sum of the required loading and unloading spaces for the various uses computed separately, and such spaces for one use shall not be considered as providing required loading and unloading for any other use.

## SECTION 1104. RIGHT-OF-WAY ACQUISITION

The recommendation of the Commission on a proposed zoning district boundary or application for a Special Use Permit may include appropriate provision for acquiring right-of-way for street widening purposes. The amount of land recommended for such acquisition, however, shall not extend beyond the setback lines set forth in Chapter 11, Section 1105. hereof. <sup>\*\*7, \*\*9, \*\*10, \*\*11</sup>

Date of Revisions			
**7	Added 4-1-85	***10	Renumbered 12-7-87
***9	Renumbered 8-4-86	***11	Renumbered 2-6-89

## SECTION 1105. SETBACK LINES

**ARTICLE 1105.1. ESTABLISHMENT:** The following setback lines are hereby established:

- 1105.1.1. ***Cave Creek Road:*** **105 feet** from and on both sides of the centerline of Cave Creek Road; from the northwest corner of the SW 1/4, Section 14, T4N, R3E, G&SRB&M, to the southerly line of Section 33, T6N, R4E, G&SRB&M.
- 1105.1.2. ***Scottsdale Road:*** **105 feet** from and on both sides of the centerline of Scottsdale Road; from the northeast corner of Section 10, T4N, R4E, G&SRB&M, to the southerly line of Section 3, T5N, R4E, G&SRB&M.
- 1105.1.3. ***Major Streets, Section Line Roads, State and Federal Highways:***
1. **75 feet** from and on both sides of the centerline of all existing or proposed major streets, section line roads, State and Federal Highways, where service roads are required.
  2. **55 feet** from and on both sides of the centerline of all existing or proposed major streets, section line roads, State and Federal Highways, where service roads are not required.
- 1105.1.4. ***Collector Streets and Mid-Section Line Roads:*** **40 feet** from and on both sides of the centerline of all existing or proposed collector streets and mid-section line roads.
- 1105.1.5. ***Local Streets:*** **25 feet** from and on both sides of the centerline of all existing or proposed local streets, except that this requirements shall be increased to **30 feet** for local streets abutting properties in multiple-family residential, commercial and industrial zoning districts.

**ARTICLE 1105.2. MEASUREMENT:** On any lot wherein a setback line has been established, yards required by the regulations for the zoning district in which such lot is located shall be measured from the setback line. The setback line that includes the future right-of-way shall be enforced unless a written report is received from the County Highway Department stating no future street is recommended along the subject setback line on the subject property. <sup>\*19</sup>

**ARTICLE 1105.3 BUILDINGS AND STRUCTURES:** Buildings or structures hereafter erected, altered or relocated shall not be placed within the aforementioned setback lines. The setback line that includes the future right-of-way shall be enforced unless a written report is received from the County Highway Department stating no future street is recommended along the subject setback line on the subject property. <sup>\*19</sup>

Date of Revisions			
*19	Revised 2-6-89		

**SECTION 1106. ACCESSORY BUILDINGS AND USES** <sup>\*17, \*22</sup>

**ARTICLE 1106.1. CONSTRUCTION AND USE:** Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has been actually commenced or the primary use established. Accessory buildings shall not be used for dwelling purposes, except if specifically approved in a Residential Unit Plan of Development, pursuant to the provisions of Chapter 10, Section 1002., Article 1002.9, if approved as an accessory dwelling unit/guest house, pursuant to the provisions of Chapter 5, Section 501.2.20, or Chapter 6, Section 601.2.13 if approved for occupancy by caretakers employed on the premises or if occupied pursuant to a Temporary Use Permit. <sup>\*27, \*29, \*30, \*31</sup>

**ARTICLE 1106.2. LOCATION:** Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than **30%** of the required rear yard and shall not be nearer than **three feet** to any side or rear lot line or setback line. Should the accessory building be located partially within the required rear yard and partially within the buildable area, that portion within the buildable area shall meet all side yard regulations of the applicable zoning district. In the case of corner lots, accessory buildings shall not be nearer to the street than a distance equal to not less than **one half** the depth of the required front yard of the corner lot; and when a garage is entered from an alley, it shall not be located nearer than **ten feet** to the alley line. <sup>\*11</sup>

**ARTICLE 1106.3. LOCATION ON THROUGH LOTS:** Accessory buildings on through lots shall be no nearer to either street than a distance equal to the required front yard of such lot.

Date of Revisions			
*11	Revised 3-21-83	*29	Effective 5-16-98
*17	Revised 4-1-85	*30	Effective 01-19-2007
*22	Revised 2-20-94	*31	Effective 11-14-08
*27	Effective 10-10-97		

## SECTION 1107. NUMBER OF PRINCIPAL BUILDINGS ON A LOT

Where a lot is located in a multiple-family residential, commercial or industrial zoning district, more than **one** principal building may be located on the lot but only when the locations of such buildings conform to all the open space requirements around the lot for the zoning district in which the lot is located. Yard regulations in such case may be applied around the principal buildings as though there were only one principal building on the lot.

## SECTION 1108. ADJUSTMENT PERMITTING AN ADDITIONAL DWELLING UNIT

In zoning districts permitting multiple-family dwellings, if an amount of lot area not allocated to a dwelling unit is more than **80%** of that required for one dwelling unit, such remaining lot area may be used to satisfy the lot area requirement for an additional dwelling unit.

## SECTION 1109. ADDITIONAL LOT AREA AND DIMENSION REGULATIONS

**ARTICLE 1109.1. PRE-EXISTING NON-CONFORMING LOTS:** Any lot of record existing at the time this Ordinance or amendments thereto become effective, which does not conform with the lot area or width requirements for the zoning district in which it is located may be used for any use permitted in that zoning district provided other applicable regulations of this Ordinance are complied with.

**ARTICLE 1109.2. LOT AREA AND DIMENSION:** Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension requirements of this Ordinance for the zoning district in which it is located, or if a lot is already less than the minimums so required, such lot area or dimension shall not be further reduced.

**ARTICLE 1109.3. YARD, COVERAGE AND OPEN SPACE:** Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced or diminished so as to cause the yards, lot coverage or other open spaces to be less than that required by this Ordinance, or to decrease the lot area per dwelling unit except in conformity with this Ordinance.

## SECTION 1110. ADDITIONAL YARD AND OPEN SPACE REGULATIONS

**ARTICLE 1110.1 MULTIPLE BUILDINGS:** Required yard or other open space around any existing buildings, or which is hereafter provided around any building for the purpose of complying with this Ordinance shall not be construed as providing a yard or open space for any other building.

**ARTICLE 1110.2. MULTIPLE STORY BUILDINGS:** When an open space is more than **50%** surrounded by a building which is **two stories** or more in height, the minimum width of the open space shall be at least **30 feet** for two-story buildings, and **40 feet** for three-story buildings.

**ARTICLE 1110.3. MIXED USE BUILDINGS:** Side yards for dwelling units erected above other uses conducted in the same building are not required in excess of the side yards that would be required for such building were it not to contain the dwelling units.

**ARTICLE 1110.4. AVERAGE SETBACKS:** Deleted <sup>\*16</sup>

**ARTICLE 1110.5. MOBILE HOME SUBDIVISIONS:** Porches, ramadas or awnings that are open on two or more sides and attached to a mobile home shall be excluded from maximum lot coverage regulations for existing mobile homes that are located in mobile home subdivisions, provided a mobile home subdivision plat in connection therewith has been recorded on or before the effective date of this paragraph and further provided there shall be a minimum distance of **ten feet** between structures on adjoining lots. <sup>\*4</sup>

**ARTICLE 1110.6. EXCEPTIONS:** Every part of a required yard shall be open to the sky, unobstructed, except as enumerated in the following:

1110.6.1. Accessory buildings, GRID-CONNECTED RENEWABLE ENERGY SYSTEMS AND OFF-GRID RENEWABLE ENERGY SYSTEMS may locate in the required rear yard subject to applicable regulations elsewhere in this Ordinance. <sup>\*18</sup>

1110.6.2. Ordinary projections of window sills, cornices, eaves and other ornamental features may project a distance not exceeding **two feet** into any required yard, except that in the case of accessory buildings in the required rear yard this projection shall not exceed **one foot** beyond the walls of such accessory buildings.

1110.6.3. Chimneys may project a distance not exceeding **two feet** into any required yard.

1110.6.4. Fire escapes may project a distance not exceeding **five feet** into any required yard provided such projection shall be distant at least **two feet** from any lot line or setback line.

- 1110.6.5. Bay windows and balconies may project a distance not exceeding **three feet** into the required front or rear yard, provided that such features shall not occupy, in the aggregate, more than **one-third** of the length of the wall of the building on which they are located.
- 1110.6.6. Uncovered stairs and necessary landings may project a distance not exceeding **six feet** into the required front or rear yard, provided that such stairs and landings shall not extend above the entrance floor of the building except for a railing not to exceed **three feet** in height.
- 1110.6.7. Terraces, patios, platforms and ornamental features which extend outward from a building and do not extend more than three (3) feet above grade may project into any required yard, provided such features shall be distant at least two (2) feet from any lot line or setback line.\*17

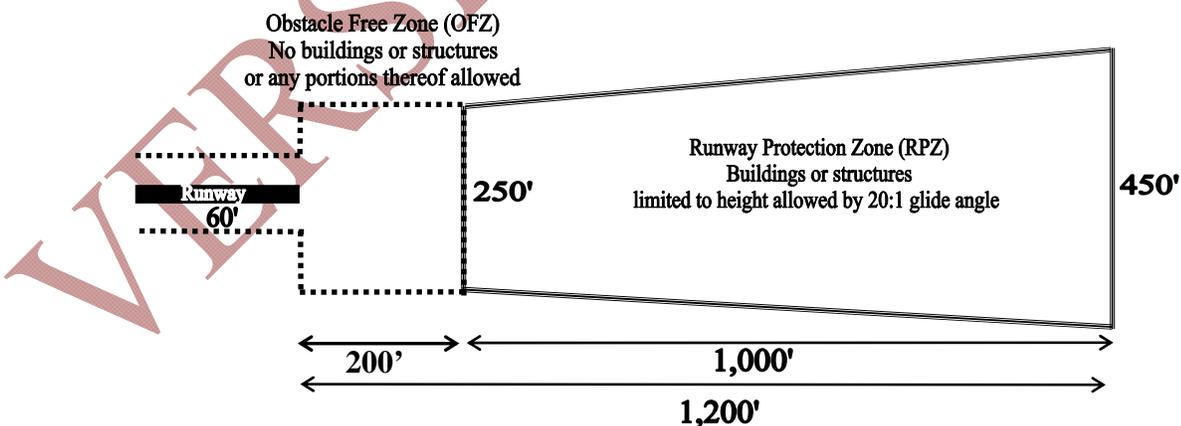
Date of Revisions			
*4	Added 3-22-76	*17	Effective 02-01-07
*16	Deleted 2-4-85	*18	EFFECTIVE XX-XX-XX – TA2009014

## SECTION 1111. ADDITIONAL HEIGHT REGULATIONS

**ARTICLE 1111.1. PUBLIC BUILDINGS:** Public or public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding **60 feet**, and churches may be erected to a height not exceeding **75 feet**, if the building is set back from each lot line at least **one foot** for each foot of additional building height above the height limit otherwise permitted in the zoning district in which the building is located.

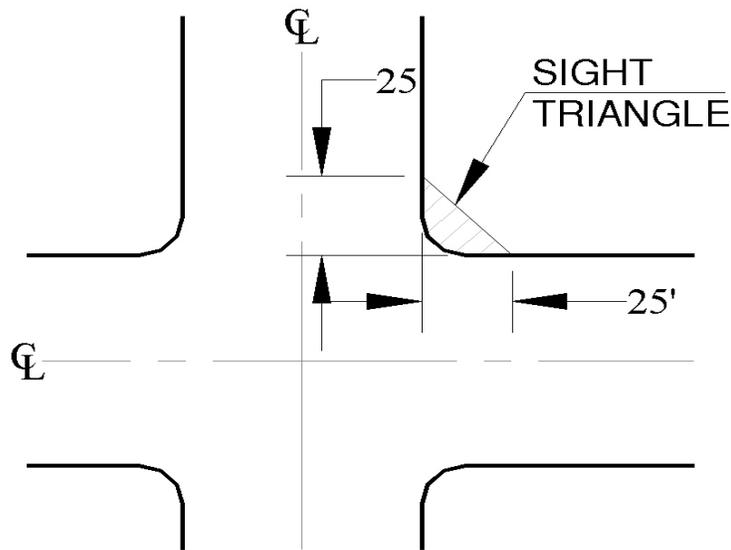
**ARTICLE 1111.2. BUILDING APPURTENANCES:** Chimneys, church steeples, refrigeration coolers, ventilating fans, elevator bulkheads, fire towers, ornamental towers or spires, and mechanical appurtenances, EXCEPT FOR GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS LOCATED IN SINGLE-FAMILY, TWO-FAMILY, AND MULTI-FAMILY ZONING DISTRICTS, necessary to operate and maintain the building, may be erected to a height not exceeding **100 feet**, if such structure is set back from each lot line at least **one foot** for each foot of additional height above the height limit otherwise permitted in the zoning district in which the structure is located. The above setbacks are measured from the lot line to the closest point (including overhangs or other projections) on the structures. GRID-CONNECTED OR OFF-GRID SOLAR OR WIND GENERATING SYSTEMS AS APPURTENANT STRUCTURES LOCATED WITHIN SINGLE-FAMILY, TWO-FAMILY, AND MULTI-FAMILY ZONING DISTRICTS SHALL BE SUBJECT TO THE HEIGHT REGULATIONS OF THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED. \*17,\*26,\*28,\*37

**ARTICLE 1111.3. RUNWAYS AND LANDING STRIPS:** Buildings or structures or any portions thereof, except for navigational aids, shall not be located in the obstacle free zone ("OFZ") which shall be defined as an area which is **60 feet wide** along each side of the edge of the runway of an existing or proposed runway or landing strip and **250 feet wide** centered along the projected runway center line at a distance of **200 feet** from the end or ends of an existing or proposed runway or landing strip where takeoff and landing is either executed or proposed. A runway protection zone ("RPZ") shall be located at the end or ends of the existing or proposed runway or landing strip where takeoff or landing is either executed or proposed which shall be a trapezoidal area which is **200 feet** beyond the ends of the runway and centered along the projected runway centerline. The RPZ shall be **1,000 feet long**. The width of the RPZ closest to the end of the runway or landing strip shall be **250 feet**. The width of the RPZ furthest from the end of the runway or landing strip shall be **450 feet**. Within the RPZ, buildings or structures or any portions thereof shall not be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of **one foot** vertical for every **20 feet** horizontal, such glide angle to be computed as beginning at the RPZ boundary which is closest to the end of the runway. The OFZ or RPZ should be located entirely on the same lot or parcel as the runway or landing strip. In any instance where any portion of the OFZ or RPZ of a runway or landing strip extends beyond the lot or parcel of property containing the runway or landing strip, written consent or avigation easements must be obtained from all property owners in which the OFZ or RPZ may wholly or partially lie. The provisions of this paragraph may be waived for any public or military airport subject to Federal Aviation Administration or Department of Defense requirements<sup>\*35</sup>



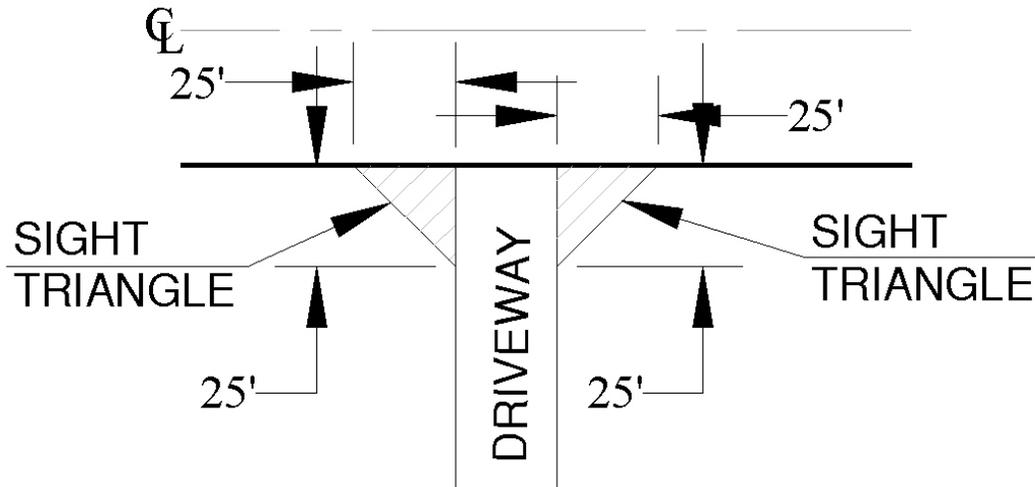
**ARTICLE 1111.4. CORNER LOTS:** The following limitations shall apply to corner lots in all zoning districts and to driveways in commercial and industrial zoning districts:

1111.4.1. In all zoning districts no structure, landscaping, fence, wall, terrace or other obstruction to view in excess of **two feet** in height, measured from the lowest established elevation of the nearest street centerline, shall be placed within the triangle formed by measuring along street-side and/or alley-side property lines a distance of **25 feet** from their point of intersection and by connecting the ends of the respective **25 feet** distances.<sup>\*32</sup>



1111.4.2. Further, in commercial and industrial zoning districts no structure, landscaping, fence, wall, terrace or other obstruction to view in excess of **two feet** in height, measured from the established elevation of the nearest street centerline, shall be placed within the triangle formed by measuring along street-side property line and driveway length a distance of **25 feet** from their point of intersection and by connecting the ends of the respective **25 feet** distances.<sup>\*32</sup>

1111.4.3. Within the said triangles, driveways and parking are prohibited.<sup>\*33</sup>



**ARTICLE 1111.5. FENCES, WALLS, AND RETAINING WALLS:** The following provisions apply to fences, walls, and retaining walls.

**1111.5.1. Definitions:** For purposes of Article 1111.5, the following definitions apply.

**Fall Protection:** A barrier constructed of metal pipe rail or wooden rail, metal view fence, or transparent sheeting used for the purpose of preventing a human being from falling from an elevated surface.

**Fence:** A vertical, linear, unroofed structure, usually constructed of wire, posts, boards, or rails, used for the purpose of delineating a boundary or functioning as a barrier.

**Wall:** A vertical, linear, unroofed structure, usually constructed of concrete or masonry, used for the purpose of delineating a boundary or functioning as a barrier.

**Wall, Retaining:** Any wall that is constructed for the purpose of holding back earth for the purpose of making a transition in elevation from one grade to another. Retaining walls located on lands not considered Hillside as defined by Article 1201.2.1 are subject to the provisions of Article 1111.5. Any retaining walls located on lands considered Hillside shall be subject to the provisions outlined in Section 1201.

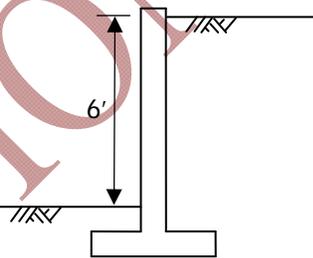
## 1111.5.2. Retaining walls

1111.5.2.1. Retaining walls shall meet the provisions of Article 1111.5 unless a variance to these standards is granted by the Maricopa County Board of Adjustment pursuant to Section 303, or through an approved Unit Plan of Development as set forth under Sections 1002, 1003, and 1004.

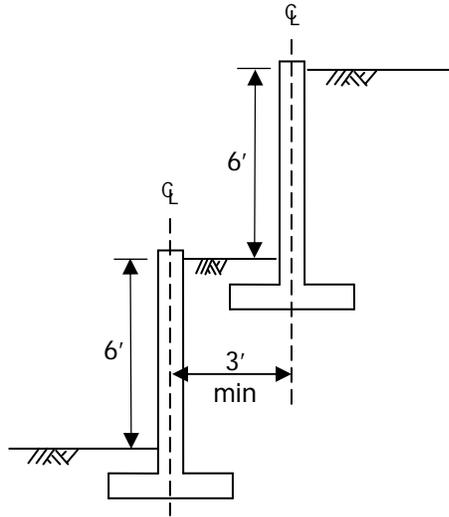
1111.5.2.2. All retaining walls shall be constructed such to include appropriate moisture barriers and weep holes.

1111.5.2.3. Where retaining walls are visible to the public, said retaining walls should be constructed of split-face concrete masonry unit (CMU), stucco, brick, tile, stone or other material such to minimize the visual impact of the wall. Further, the area in front of a retaining wall that is visible to the public should be suitably landscaped using low water use plants. If a tier is created by a series of retaining walls and is visible to the public, the plant species used should not have invasive root systems or generate severe point loads nor should any tree specimens used in the landscaping of a tier have a canopy that is wider than the separation distance between the walls at the tree's maturity.

1111.5.2.4. Retaining walls shall not exceed a height of **six (6) feet** as measured from the low side finished grade to the top of the earth being retained.

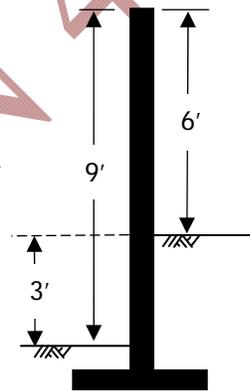


1111.5.2.5. Where more than one retaining wall is erected in a series such to serve as an integral retaining wall system, the height of an individual retaining wall section shall not exceed **six (6) feet** as measured from the low side finished grade of the retaining wall to the top of the earth being retained by that retaining wall section. The number of retaining walls is not limited, but where retaining walls are tiered, separation between retaining walls (centerline to centerline) shall be a minimum of **three (3) feet**. Two (2) or more retaining walls separated by a building shall not be considered a series.



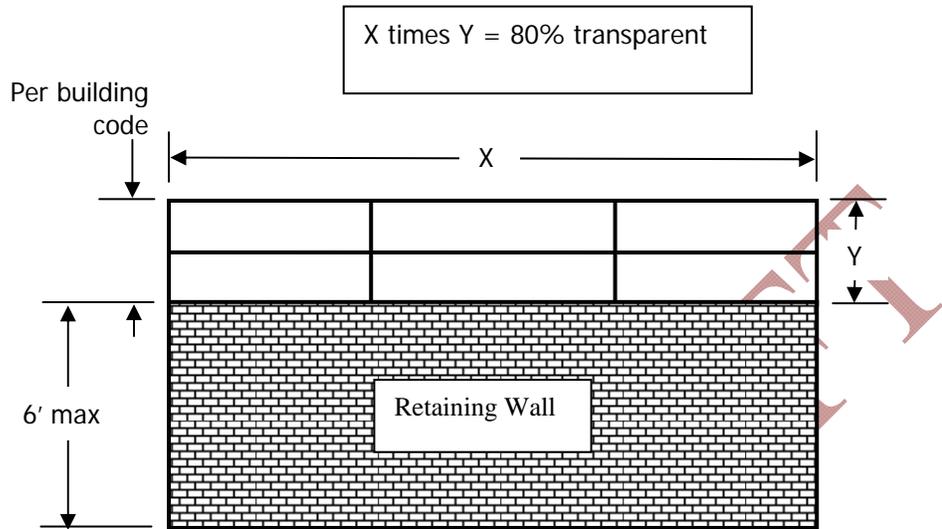
1111.5.2.6.

Where a wall or fence as defined by Article 1111.5.1 above is erected on top of a retaining wall, the maximum overall height of the retaining wall combination shall not exceed **nine (9) feet** as measured from the low side finished grade to the top of the wall or fence, except that in Single-family and Multi-family zoning districts, the maximum overall height of the retaining wall combination shall not exceed **three feet-six inches (3'-6")** when located in the required front yard. <sup>\*37</sup>



1111.5.2.7.

Additional fall protection where required by the applicable building code shall be allowed on top of a retaining wall without affecting the overall height of the wall, provided said fall protection is of a transparency of **80%** or greater and the height of the fall protection does not exceed what is required by the building code. Transparency shall be calculated by taking the area of the empty space between horizontal and vertical members divided by the outer dimensions of the fall protection system. Fall protection as provided for under this article shall be constructed of metal pipe rail or wooden rail, metal view fence, or transparent sheeting. Other construction materials shall not receive this exclusion. <sup>\*37</sup>



**1111.5.3. Rural, Commercial, and Industrial zoning districts:**

1111.5.3.1. Fences or walls located outside of the lot's buildable area shall not exceed a height of **six (6) feet** as measured from finished grade, or as measured from the top of an integral retaining wall.

**1111.5.4. Single-family and Multi-family zoning districts:**

1111.5.4.1. Fences, walls, or retaining walls, or any combination thereof located within the required front yard shall not exceed a height of **three feet-six inches (3'-6")** as measured from finished grade.

1111.5.4.2. Fences or walls located outside of the lot's buildable area, but not within the required front yard, shall not exceed a height of **six (6) feet** as measured from finished grade, or as measured from the top of an integral retaining wall.

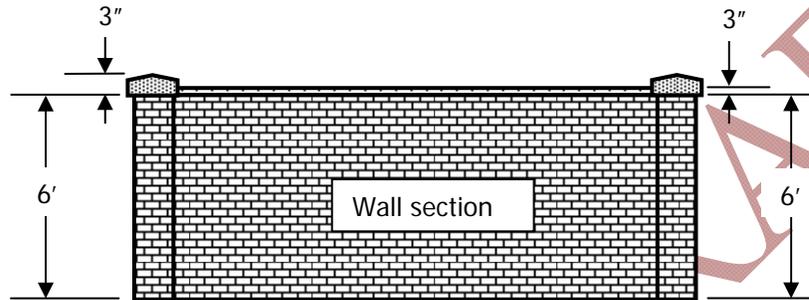
1111.5.4.3. When a corner lot abuts a key lot, a fence, wall, or retaining wall located along the street-side of the corner lot shall be setback from the street-side property line a distance of not less than half the distance of the required front yard setback.

**1111.5.5. Exceptions:**

1111.5.5.1. Utility companies that are regulated by the Arizona Corporation Commission may be allowed increased fence or wall heights due to national, state, or local standards.

111.5.5.2.

Wall panels which are constructed of masonry may be allowed to exceed the maximum allowed height through the use of decorative caps not to exceed **three (3) inches** in height. Masonry columns supporting any fence or wall may exceed the maximum allowed height through the use of decorative caps not to exceed **six (6) inches** in height. Any fence, wall, or supporting column, or portion thereof exceeding **six (6) feet** in height shall require a building permit pursuant to Article 1504.5. <sup>\*37</sup>



1111.5.5.3.

Fences, walls, or retaining walls located on a corner lot shall not exceed a height of **two (2) feet** within the required sight visibility triangle as provided in Article 1111.4. <sup>\*36</sup>

Date of Revisions			
*17	Revised 4-1-85	*36	Effective 02-01-07
*26	Effective 6-13-97	*37	EFFECTIVE XX-XX-XX – TA2009014
*28	Effective 1-17-98		
*32	Effective 2-4-00		
*33			
*35	Effective 9-7-01		

## SECTION 1112. OUTDOOR LIGHT CONTROL PROVISIONS<sup>\*13</sup>

**ARTICLE 1112.1. PURPOSE:** These provisions are intended to control the use of outdoor artificial illuminating devices emitting rays into the night sky which have a detrimental effect on astronomical observations. It is the intention of this Ordinance to encourage good lighting practices such that lighting systems are designed to conserve energy and money, while increasing nighttime safety, utility, security and productivity.

### ARTICLE 1112.2. CONFORMANCE WITH APPLICABLE CODES:

- 1112.2.1. All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this section and any building code now in effect or which may hereafter be enacted, as applicable.
- 1112.2.2. Where any provisions of the Arizona State Statutes, or any Federal law, or any companion Ordinance conflicts with the requirements of this outdoor light control provision, the most restrictive shall govern.
- 1112.2.3. The provisions of this section are not intended to prevent the use of any material or method of installation not specifically prescribed by this Ordinance.
- 1112.2.4. As new lighting technology develops which is useful in reducing light above the horizontal, consideration shall be given to use of state of the art technology in keeping with the intent of the Ordinance.

### ARTICLE 1112.3. DEFINITIONS:

- 1112.3.1. ***Outdoor Light Fixtures:*** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for:
1. Building and structures;
  2. Recreational areas;
  3. Parking lot lighting;
  4. Landscape lighting;
  5. Billboards and other signage (advertising or other);
  6. Street lighting.

- 1112.3.2. **Approved bottom-mounted outdoor advertising fixture(s):** An approved fixture design shall mean a system of lighting which is installed at the lower portion of an outdoor advertising sign board and consists of no more than **four** individual fixtures (or lamps) per sign face; produces a maximum of **40,000 lumens per fixture**; and spills or casts beyond the sign face no more than **1,017 lumens per fixture**. \*14
- 1112.3.3. **Individual:** Shall mean any private individual, tenant, lessee, owner or any commercial entity, including but not limited to companies, partnerships, joint ventures or corporations. \*14
- 1112.3.4. **Installed:** Shall mean the initial installation of outdoor light fixtures defined herein following the effective date of this Ordinance, but shall not apply to those outdoor light fixtures installed prior to such date, except as provided in Article 1112.6.1. below \*14

#### ARTICLE 1112.4. GENERAL REQUIREMENTS:

- 1112.4.1. **Shielding:** All exterior illuminating devices, except those exempt from this Ordinance and those regulated by Article 1112.5.3. shall be fully or partially shielded as required in Article 1112.4.2.
1. *"Fully Shielded"* shall mean that those fixtures so designated shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point of the fixture where light is emitted.
  2. *"Partially shielded"* shall mean that those fixtures so designated shall conform to the classification of *"Cutoff"*, defined as follows:
    - a. A luminaire light distribution is designated as cutoff when the candle-power per **1,000 lamp lumens** does not numerically exceed **25 lumens** (two and one-half percent) at an angle of **90 degrees** above Nadir (horizontal), and **100 lumens** (ten percent) at a vertical angle of **80 degrees** above Nadir. This applies to any lateral angle around the luminaire.
- 1112.4.1. **Filtration:** Those outdoor light fixtures requiring a filter in Article 1112.4.2. shall have glass, acrylic or translucent enclosures (Quartz Glass does not meet this requirement).
- 1112.4.2. **Requirements for Shielding and Filtering:** The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

FIXTURE LAMP TYPE	SHIELDED	FILTERED
Low pressure sodium <sup>1</sup>	None	None
High pressure sodium	Fully	None
Metal halide <sup>5</sup>	Fully	Yes
Fluorescent <sup>7</sup>	Fully <sup>4</sup>	Yes <sup>2</sup>
Quartz <sup>3</sup>	Fully	None
Incandescent greater than 150 watts	Fully	None
Incandescent, 150 watts or less	None	None
Mercury vapor	Fully <sup>6</sup>	Yes <sup>6</sup>
Fossil fuel	None	None
Glass tubes filled with neon, argon, and krypton	None	None
Other sources	As approved by the zoning inspector	

**Footnotes:**

1. *This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.*
2. *Warm white and natural lamps are preferred to minimize detrimental effects.*
3. *For the purposes of this ordinance, quartz lamps shall not be considered an incandescent light source.*
4. *Outdoor advertising signs of the type constructed of translucent material and wholly illuminated from within do not require shielding.*
5. *Metal Halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.) unless fully shielded. Metal Halide lamps shall be in enclosed luminaries.*
6. *Recommended for existing fixtures. The installation of Mercury Vapor Fixtures is prohibited effective ninety (90) days after the date of adoption of this Ordinance.*
7. *Outdoor advertising signs may use fluorescent fixtures. These fixtures must be mounted at the top of the sign structure and may be partially shielded, but not filtered.*

**ARTICLE 1112.5. PROHIBITION:**

- 1112.5.1. **Searchlights:** The operation of searchlights for advertising purposes is prohibited between the hours of **11:00 p.m.** and **sunrise.**
- 1112.5.2. **Recreational Facilities:** No outdoor recreational facility, public or private, shall be illuminated by non-conforming means after **11:00 p.m.**, except to conclude specific recreational or sporting event or any

other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to **11:00 p.m.**

1112.5.3. ***Outdoor Building or Landscaping Illumination:*** The unshielded outdoor illumination of any building, landscaping, signing or other purpose is prohibited, except with incandescent fixtures of **150 Watts** or less, or low pressure sodium fixtures.

1112.5.4. ***Mercury Vapor:*** The installation of Mercury Vapor fixtures is prohibited effective **90 days** after the date of adoption of this Ordinance.

**ARTICLE 1112.6. PERMANENT EXEMPTIONS:**

1112.6.1. ***Non-Conforming Fixtures:*** All outdoor light fixtures installed prior to **January 1, 1985**, that are equipped with a permanent automatic shut-off device may remain unchanged, except that the subject light fixtures shall not be operated between the hours of **11:00 p.m.** and sunrise. All outdoor light fixtures installed prior to **January 1, 1985**, that are not equipped with an automatic shut-off device may remain unchanged. With respect to all outdoor light fixtures installed prior to **January 1, 1985**, whether with an automatic shut-off device or not, there shall be no change in use, replacement, structural alteration, or restoration after discontinuance of use for a period of **12** consecutive months, unless it thereafter conforms to the provisions of these regulations.

1112.6.2. ***Fossil Fuel Light:*** Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

**ARTICLE 1112.7 OTHER EXEMPTIONS FROM OUTDOOR LIGHTING PROVISIONS: <sup>\*14</sup>**

1112.7.1. ***Bottom-Mounted Outdoor Advertising Lighting:*** Outdoor advertising sign boards which exceed **301 square feet** per sign face and consist of panels which are designed to be removed from the top of the sign board are exempt from the provisions of this Ordinance if illuminated by an approved bottom-mounted outdoor advertising fixture equipped with an automatic device which shuts off the fixture between midnight and sunrise.

1112.7.2 ***Low Intensity Fixtures:*** Any outdoor lighting fixture which has a maximum candle power of less than **1,000 candelas** is exempt from these provisions, if equipped with an automatic device which shuts off the fixture between the hours of midnight and sunrise.

**ARTICLE 1112.8 PROCEDURES FOR COMPLIANCE:<sup>\*14</sup>**

1112.8.1. ***Applications:***

1. Any individual applying for a Zoning Clearance and intending to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed work will comply with provisions in this ordinance.
2. Utility companies providing a notarized affidavit in which they agree to comply with the provisions of these regulations shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.

1112.8.2. ***Contents of Application or Submission:*** The submission shall contain, but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the zoning regulations upon application for the required permit:

1. Plans indicating the location on the premises, the type of illuminating devices, fixtures, lamps, supports and other devices, etc.
2. Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include, but is not limited to, manufacturers' catalog cuts and/or drawings (including sections where required).
3. The above required plans and descriptions shall be sufficiently complete to enable the Zoning Inspector to readily determine whether compliance with the requirements of this Ordinance will be secured. If such plans and descriptions cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

Date of Revisions			
*13	Added 4-2-84	*14	Added 10-29-84

**SECTION 1113. FLOOD CONTROL REGULATIONS<sup>\*1</sup>**

This Zoning Ordinance and all amendments hereto shall be consistent with and subject to the regulations and provisions of the Floodplain Regulations of Maricopa County.

Date of Revisions			
*1	Added 2-4-74		

**SECTION 1114. LOCATION OF MOBILE HOMES, TRAVEL TRAILERS, AIRCRAFT, BOATS, CAMPING TRAILERS, TRUCK CAMPERS & MOTOR HOMES**

The location of mobile homes and travel trailers outside of mobile home parks, travel trailer parks and mobile home subdivisions, and the location of aircraft, boats, camping trailers, truck campers and motor homes shall be subject to the following:<sup>\*22</sup>

**ARTICLE 1114.1. REGULATIONS:** At no time shall the mobile home, travel trailer, aircraft, boat, camping trailer, truck camper or motor home be occupied or used for living, sleeping or housekeeping purposes, except as provided below:<sup>\*3, \*5, \*17</sup>

1114.1.1. Mobile homes and travel trailers intended for non-residential use shall be subject to securing a Temporary Use Permit; provided that mobile homes used for quarters for on duty personnel in connection with publicly or privately owned or operated fire stations shall be considered to be a non-residential use in any zoning district and be subject to securing a Temporary Use Permit.<sup>\*5, \*22</sup>

1114.1.2. If a travel trailer, aircraft, boat, camping trailer, truck camper or motor home is located or stored outside of a garage or carport it shall be placed in the rear yard of the lot, except that placement in other than the rear yard for loading and unloading purposes may be permitted for a period of time not to exceed **72 hours**.<sup>\*5, \*22</sup>

Date of Revisions			
*3	Revised 8-11-75	*17	Revised 4-1-85
*5	Revised 1-3-77	*22	Revised 2-20-94

**SECTION 1115. AMATEUR RADIO ANTENNAS AND ANTENNA SUPPORT STRUCTURES<sup>\*28</sup>**

**ARTICLE 1115.1. MAXIMUM HEIGHT:** Amateur radio antennas and amateur radio antenna support structures shall not exceed a maximum height of **120 feet** (inclusive of both the support structure and any attached antennas) in any district.

**ARTICLE 1115.2. LOCATION:** Amateur radio antennas and amateur radio antenna support structures shall be located in the rear yard, except in rural zoning districts on sites of **five acres** or larger where such antennas and support structures may be located anywhere on the buildable area of the lot.

**ARTICLE 1115.3. SETBACKS:** Amateur radio antennas and amateur radio antenna support structures must meet the yard requirements of primary buildings or structures of the zoning district in which they are located. Such setbacks shall be measured from the lot line to the closest horizontal extension of the antenna support structure or any attachment, including antennas.

**ARTICLE 1115.4. SUPPORT STRUCTURES:** Amateur radio antennas and amateur radio antenna support structures shall be set back an additional **one foot** (in addition to the yard requirements noted in Article 1115.3. above for every **one foot** in height which the antenna or support structure exceeds the height limitation of the zoning district in which it is located. Such additional setback shall be measured from the lot line to the closest point of the base of the antenna or support structure.

**ARTICLE 1115.5. GUY WIRE ANCHORS:** Guy wire anchors may be installed within a required setback, but shall not be placed within three feet of any lot line, or within any easement, sight distance triangle, runway or landing strip.

**ARTICLE 1115.6. NUMBER OF ALLOWED STRUCTURES:** Nothing in this section shall preclude the installation of **two** amateur radio antenna support structures on any lot in the rural zoning districts, provided the standards of this section are met and there is at least **20,000 square feet** of lot area for each antenna support structure.

**ARTICLE 1115.7. DEVIATION FROM STANDARDS:** No variances to the standards of this section shall be considered, and any amateur radio antenna or amateur radio antenna support structure requiring a deviation from the standards of this section shall require a Special Use Permit.

Date of Revisions			
*28	Effective 1-17-98		

# MARICOPA COUNTY ZONING ORDINANCE

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### SECTION 1201. HILLSIDE<sup>\*1, \*2</sup>

**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.<sup>\*3</sup>

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.\*<sup>2</sup>

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: \*<sup>3</sup>
  - 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. \*<sup>3</sup>
  - b. The coverage requirement shall exclude all areas used for sanitary systems such as septic tanks and leach fields. \*<sup>3</sup>

Allowable Lot Coverage by Zoning District in Hillside \*<sup>3</sup>

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.\*<sup>2</sup>
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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4. 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.

5. 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:<sup>\*3</sup>

1. The paved width of driveways shall not exceed **14 feet** except at parking and turnaround.
2. 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.<sup>\*3</sup>
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.<sup>\*2</sup>

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### 1201.6.4. *Slope Stabilization and Restoration:*

1. 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 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:<sup>\*3</sup>

- 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

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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. 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: <sup>\*4</sup>

1201.8.1. 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: <sup>\*2</sup>

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

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- 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'**).<sup>\*3</sup>
- 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:<sup>\*3</sup>
  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.)

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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 9-22-08

VERSION 4 DRAFT

# MARICOPA COUNTY ZONING ORDINANCE

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### SECTION 1202. WIRELESS COMMUNICATION FACILITIES<sup>\*1</sup>

**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<sup>\*1</sup>:

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.
  - 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<sup>\*1</sup>.
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<sup>\*1</sup>.
3. ***District 3:*** Those areas of unincorporated Maricopa County which are not within District 1, District 1-A or District 2<sup>\*1</sup>.

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<sup>\*1</sup>.

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<sup>\*1</sup>.

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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.<sup>\*1</sup>
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<sup>\*1</sup>.
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 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.<sup>\*1</sup>
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.<sup>\*1</sup>

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;

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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:
  - 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

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- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>

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- m. A solid screen wall of a maximum of **six feet high** shall be constructed around the facility and shall screen all equipment.<sup>\*1</sup>
  - n. All permanent generators associated with any wireless communication facility shall be contained in a completely enclosed building.<sup>\*1</sup>
2. In commercial or industrial zoning districts, wireless communication facilities are permitted subject to the following limitations:<sup>\*1</sup>
- 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.<sup>\*1</sup>
  - 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.<sup>\*1</sup>
  - 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.<sup>\*1</sup>
  - d. Any microwave dish antennae shall be clustered near the top of a wireless communication facility, unless otherwise approved by the Director.<sup>\*1</sup>
  - e. The color of a wireless communication facility shall be compatible with surrounding environment.<sup>\*1</sup>

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- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>
- 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.

### 1202.3.2. *District 1-A*<sup>\*1</sup>

- 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*<sup>\*1</sup>

- 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: <sup>\*1</sup>
  - 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. <sup>\*1</sup>
  - 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

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**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. <sup>\*1</sup>

- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>
- h. Radiation from the antennae shall not interfere with any existing communication sites.

### 1202.3.4. **District 3** <sup>\*1</sup>

- 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: <sup>\*1</sup>
  - a. The color of a wireless communication facility or structure or tower shall be compatible with the surrounding environment unless otherwise required for safety. <sup>\*1</sup>

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- 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. <sup>\*1</sup>
- 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. <sup>\*1</sup>
- 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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# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 12 – Development Regulations

### SECTION 1203. MOBILE HOME PARKS<sup>\*15</sup>

#### 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**.
- 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.<sup>\*25</sup>
- 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.<sup>\*25</sup>
- 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.

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- 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 the minimum distances or setbacks shall apply. No accessory storage structure shall be located so as to limit access to utility compartments and services.<sup>\*24</sup>
- 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.

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- 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.
- 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		

VERSION 4 DRAFT

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 12 – Development Regulations

### SECTION 1204. PROTECTED DEVELOPMENT RIGHTS\*<sup>1</sup>

**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. \*<sup>2</sup>

**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). \*<sup>2</sup> 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 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.

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- 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 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.

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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.\*<sup>2</sup>

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.  
\*1<sup>5</sup>

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

# MARICOPA COUNTY ZONING ORDINANCE

## Chapter 12 – Development Regulations

### SECTION 1206 – RENEWABLE ENERGY SYSTEMS \*1

**ARTICLE 1206.1**      **PURPOSE:** PROMOTE EFFICIENT IMPLEMENTATION OF SMALL-SCALE RENEWABLE ENERGY SYSTEMS, WHILE SETTING PRACTICAL GUIDELINES FOR SUCH IMPLEMENTATION THAT ARE RESPECTFUL OF THE NEIGHBORHOOD CONTEXT WITHIN WHICH SUCH SYSTEMS MAY OCCUR.

**ARTICLE 1206.2**      **GENERAL PROVISIONS:**

1206.2.1      OFF-GRID AND GRID-CONNECTED RENEWABLE ENERGY SYSTEMS ARE ALLOWED AS AN ACCESSORY USE WITHIN ANY ZONING DISTRICT, SUBJECT TO THE PROVISIONS OF ARTICLES 1206.3 AND 1206.4 AS APPLICABLE.

1206.2.2      OFF-GRID, GRID-CONNECTED, AND UTILITY-SCALE RENEWABLE ENERGY SYSTEMS SHALL MEET THE PROVISIONS OF THE CONSTRUCTION CODES IN EFFECT AT THE TIME THE SYSTEM IS APPROVED FOR PERMITTING.

1206.2.3      UTILITY-SCALE CONCENTRATING SOLAR OR PHOTO-VOLTAIC SOLAR GENERATING SYSTEMS OF ANY OUTPUT CAPACITY ARE ALLOWED AS EITHER A PRIMARY OR ACCESSORY USE WITHIN THE IND-3 ZONING DISTRICT, SUBJECT TO THE DEVELOPMENT STANDARDS OF THAT DISTRICT AND PROVIDED THAT ANY WATER CONSUMED DURING THE PRODUCTION OF ELECTRICITY BY THE GENERATING FACILITY IS SUPPLIED FROM A "RENEWABLE WATER SOURCE" AS DEFINED BY THIS ORDINANCE.

1206.2.4      UTILITY-SCALE CONCENTRATING SOLAR OR PHOTO-VOLTAIC SOLAR GENERATING SYSTEMS IN OTHER THAN THE IND-3 ZONING DISTRICT MAY BE APPROVED AS A SPECIAL USE AS SPECIFIED IN ARTICLE 1301.1.21 OF THIS ORDINANCE.

1206.2.5      UTILITY-SCALE LARGE WIND GENERATING SYSTEMS MAY ONLY BE APPROVED AS A SPECIAL USE AS SPECIFIED IN ARTICLE 1301.1.21 OF THIS ORDINANCE.

**ARTICLE 1206.3**      **PROVISIONS SPECIFIC TO GRID-CONNECTED OR OFF-GRID SOLAR GENERATING SYSTEMS:**

**1206.3.1**      **LOCATION ON THE LOT**

A) SOLAR GENERATING SYSTEMS ARE PERMITTED WITHIN THE LOT'S BUILDABLE AREA.

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- B) SOLAR GENERATING SYSTEMS ARE PERMITTED WITHIN THE REAR YARD PROVIDED THE SYSTEM IS SETBACK NOT LESS THAN THREE (3) FEET FROM THE SIDE OR REAR LOT LINES.
- C) IN THE CASE OF A CORNER LOT, A SOLAR GENERATING SYSTEM SHALL NOT BE NEARER TO THE STREET-SIDE PROPERTY LINE THAN ONE-HALF (½) THE DISTANCE OF THE REQUIRED FRONT SETBACK FOR THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED.

### **1206.3.2 LOT COVERAGE**

- A) PHOTO-VOLTAIC SOLAR GENERATING SYSTEMS SHALL NOT CONSTITUTE AN INCREASE TO LOT COVERAGE OR REAR YARD COVERAGE UNLESS THE SYSTEM AND SUPPORTING STRUCTURE(S) IN AND OF ITSELF CONSTITUTES A BUILDING AS DEFINED IN CHAPTER 2 HEREIN. IN WHICH CASE, THE SYSTEM SHALL CONTRIBUTE TO THE OVERALL LOT COVERAGE OF THE LOT, AND IF LOCATED IN THE REAR YARD, THE SYSTEM SHALL CONTRIBUTE TO THE REAR YARD COVERAGE OF THE LOT. LOT COVERAGE AND REAR YARD COVERAGE FOR PHOTO-VOLTAIC SOLAR GENERATING SYSTEMS SHALL BE CALCULATED AS ENUMERATED IN ARTICLE 1206.5.1 BELOW.
- B) TROUGH OR DISH-TYPE COLLECTORS AS TYPICALLY UTILIZED IN CONCENTRATING SOLAR TECHNOLOGIES SHALL NOT CONSTITUTE AN INCREASE TO LOT COVERAGE OR REAR YARD COVERAGE.

### **1206.3.3 HEIGHT LIMITATIONS**

- A) SOLAR GENERATING SYSTEMS LOCATED WITHIN SINGLE-FAMILY, TWO-FAMILY, AND MULTI-FAMILY ZONING DISTRICTS SHALL NOT EXCEED THE HEIGHT REGULATIONS OF THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED.
- B) SOLAR GENERATING SYSTEMS IN OTHER THAN SINGLE-FAMILY, TWO-FAMILY, AND MULTI-FAMILY ZONING DISTRICTS SHALL NOT EXCEED THE HEIGHT REGULATIONS FOR THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED UNLESS THE SYSTEM IS APPURTENANT TO A BUILDING, IN WHICH CASE THE PROVISIONS OF ARTICLE 1111.2 SHALL APPLY.

### **1206.3.4 EXEMPTION FOR CERTAIN OFF-GRID SOLAR PANELS**

OFF-GRID SOLAR PANELS WHICH SERVE ONLY A SINGLE ELECTRICAL FIXTURE OR APPLIANCE, SUCH AS LOW-VOLTAGE LANDSCAPE LIGHTING OR SIMILAR, ARE EXEMPT FROM THE PROVISIONS OF THIS ARTICLE. SOLAR PANELS THAT ARE NOT IN PROPER WORKING ORDER ARE SUBJECT TO THE PROVISION FO ARTICLE 1206.7 HEREIN.

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### ARTICLE 1206.4 PROVISIONS SPECIFIC TO GRID-CONNECTED OR OFF-GRID SMALL WIND GENERATING SYSTEMS:

#### 1206.4.1 LOCATION ON THE LOT

- A) SMALL WIND GENERATING SYSTEMS ARE PERMITTED WITHIN THE LOT'S BUILDABLE AREA.
- B) SMALL WIND SYSTEMS ARE PERMITTED WITHIN THE REAR YARD PROVIDED THE SYSTEM IS SETBACK NOT LESS THAN **THREE (3) FEET** FROM THE SIDE OR REAR LOT LINES.
- C) IN THE CASE OF A CORNER LOT, A SMALL WIND GENERATING SYSTEM SHALL NOT BE NEARER TO THE STREET-SIDE PROPERTY LINE THAN **ONE-HALF (½)** THE DISTANCE OF THE REQUIRED FRONT SETBACK FOR THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED.

#### 1206.4.2 LOT COVERAGE – SMALL WIND GENERATING SYSTEMS SHALL NOT CONSTITUTE AN INCREASE TO LOT COVERAGE.

#### 1206.4.3 HEIGHT LIMITATIONS AND REQUIREMENTS

- A) SMALL WIND GENERATING SYSTEMS LOCATED WITHIN SINGLE-FAMILY, TWO-FAMILY, AND MULTI-FAMILY ZONING DISTRICTS SHALL BE NOT EXCEED THE HEIGHT REGULATIONS OF THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED.
- B) SMALL WIND GENERATING SYSTEMS IN OTHER THAN SINGLE-FAMILY, TWO-FAMILY, AND MULTI-FAMILY ZONING DISTRICTS MAY BE ERECTED TO A HEIGHT NOT EXCEEDING **ONE- HUNDRED (100) FEET**, PROVIDED SUCH STRUCTURE IS SETBACK FROM EACH LOT LINE A DISTANCE OF AT LEAST **ONE (1) FOOT** FOR EACH ADDITIONAL FOOT OF HEIGHT ABOVE THE HEIGHT LIMIT OF THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED.

### ARTICLE 1206.5 MEASUREMENTS:

- 1206.5.1. IF A PHOTO-VOLTAIC SOLAR GENERATING SYSTEM IS DEEMED TO CONSTITUTE A BUILDING AS ARTICULATED IN ARTICLE 1206.3.2(A) ABOVE, THE LOT COVERAGE AND REAR YARD COVERAGE SHALL BE CALCULATED BASED ON THE AGGREGATE AREA OF THE SOLAR PANELS, REGARDLESS OF ANGLE TO THE SUN OR METHOD OF INSTALLATION.

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- 1206.5.2. THE HEIGHT OF A SOLAR GENERATING SYSTEM SHALL BE MEASURED RELATIVE TO THE HIGHEST POINT OF THE SYSTEM OR SUPPORTING STRUCTURE, WHICHEVER IS HIGHER. IN THE CASE WHERE A SOLAR ARRAY TRACKS THE SUN'S MOVEMENT ACROSS THE SKY, THE HEIGHT SHALL BE MEASURED RELATIVE TO THE ARRAY'S MOST VERTICAL POSITION.
- 1206.5.3. SETBACKS TO SOLAR GENERATING SYSTEMS SHALL BE MEASURED RELATIVE TO THE EDGE OF THE SOLAR PANEL OR SUPPORTING STRUCTURE, WHICHEVER IS CLOSEST TO THE PROPERTY LINE FROM WHICH THE SETBACK IS BEING MEASURED.
- 1206.5.4. THE HEIGHT OF A SMALL WIND SYSTEM SHALL BE MEASURED RELATIVE TO THE TOP OF THE BLADE SWEEP AT A POINT WHERE THE BLADE IS IN ITS MOST VERTICAL POSITION.
- 1206.5.5. SETBACKS TO SMALL WIND SYSTEMS SHALL BE MEASURED RELATIVE TO THE BLADE SWEEP AT A POINT WHERE THE BLADE IS CLOSEST TO THE PROPERTY LINE FROM WHICH THE SETBACK IS BEING CALCULATED.
- 1206.5.6. THE DEVELOPMENT STANDARDS IDENTIFIED IN ARTICLES 1206.3 AND 1206.4 OF THIS SECTION MAY ONLY BE VARIED BY THE BOARD OF ADJUSTMENT AS SPECIFIED UNDER SECTION 303 OF THIS ORDINANCE OR IN CONJUNCTION WITH A UNIT PLAN OF DEVELOPMENT AS SPECIFIED IN SECTIONS 1002, 1003, AND 1004 OF THIS ORDINANCE.

### **ARTICLE 1206.6 ACCESS TO SUNLIGHT AND WIND:**

THE OWNER OR FUTURE OWNERS OF A PROPERTY ONTO WHICH A RENEWABLE ENERGY SYSTEM IS INSTALLED ASSUMES ALL RISK ASSOCIATED WITH DIMINISHED PERFORMANCE OF SAID SYSTEM CAUSED BY ANY PRESENT OR FUTURE ADJACENT STRUCTURE OR LANDSCAPING THAT MAY INTERFERE WITH THE SYSTEM'S ABILITY TO PRODUCE POWER AT ITS RATED CAPACITY, REGARDLESS OF WHEN THAT ADJACENT STRUCTURE OR LANDSCAPING IS CONSTRUCTED OR INSTALLED.

### **ARTICLE 1206.7 DILAPIDATION:**

ANY RENEWABLE ENERGY SYSTEM WHICH BECOMES INOPERABLE SHALL, AT THE OWNER'S EXPENSE, BE MADE OPERATIONAL OR SHALL BE REMOVED FROM THE PROPERTY WITHIN **ONE (1) YEAR** OF THE DATE THE SYSTEM BECAME IN OPERABLE.

#### Date of Revisions

<u>*1</u>	EFFECTIVE XX-XX-XX – TA2009014		
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