

*The 1978
Military Airport Zoning Ordinance
for the
Unincorporated Area
of
Maricopa County*



PUBLISHED BY

MARICOPA COUNTY PLANNING DEPARTMENT

**501 N. 44TH STREET PHOENIX,
AZ 85008**

FIRST PRINTING, JANUARY 1979
AMENDED DECEMBER 7, 1987
AMENDED MAY 26, 2017

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ARTICLE I. TITLE AND PURPOSE

Section 101. Title

This Ordinance may be cited as "The 1978 Military Airport Zoning Ordinance for the Unincorporated Area of Maricopa County".

Section 102. Purpose

The purpose of this Ordinance is to promote the public health and safety in the vicinity of military airports by minimizing exposure to crash hazards and high noise levels generated by military airport operations and to encourage future development which is compatible with the continued operation of military airports. These regulations are adopted pursuant to the authority conferred in ARS § 2-335, Added Laws, 1978.

ARTICLE II. RULES AND DEFINITIONS

Section 201. General Rules for Construction of Language

All words and terms in this Ordinance shall have their common and ordinary usage, except that certain words and terms shall have the meaning expressly stated below.

Section 202. Definitions

For the purpose of this Ordinance, certain words are defined as follows:

1. Accident Potential Zone One: means that the area within a three thousand by five thousand foot rectangle having two of its sides parallel with, and one thousand five hundred feet from either side of, an extension of the center line of a runway running from three thousand to eight thousand feet from the midpoint of the end of the runway, as defined in the Air Installation Compatible Use Zone Report.
2. Accident Potential Zone Two: means the area within a three thousand by seven thousand foot rectangle having two of its sides parallel with, and one thousand five hundred feet from either side of, an extension of the center line of a runway running from eight thousand to fifteen thousand feet from the midpoint of the end of the runway, as defined in the Air Installation Compatible Use Zone Report.
3. Agricultural Uses: shall include the production of farm crops such as vegetables, fruit trees, cotton and grain, and crop and equipment storage on the area as well as the raising thereon of farm poultry and farm animals, such as chickens, horses, cattle, sheep, and swine. It shall not include commercial feedlot or commercial dairy operations.

4. Air Installation Compatible Use Zone Report: Those published reports prepared by the Department of the Air Force examining, evaluating, and summarizing the aircraft operations at U.S. Air Force Bases with respect to the effects of noise and accident hazards.
5. Airport District One (AD I): means the area within a two thousand by three thousand foot rectangle having two of its sides parallel with, and one thousand feet from either side of, an extension of the center line of a runway running three thousand feet from the midpoint of the end of the runway.
6. Airport District Two (AD II): means the area within a three thousand by five thousand foot rectangle having two of its sides parallel with, and one thousand five hundred feet from either side, an extension of the center line of a runway running from three thousand to eight thousand feet from the midpoint of the end of the runway, but not within Airport District I.
7. Airport District Three (AD III): means the area within a three thousand by seven thousand foot rectangle having two of its sides parallel with, and one thousand five hundred feet from either side of, an extension of the center line of a runway running from eight thousand to fifteen thousand feet from the midpoint of the end of the runway, but not within Airport District I or Airport District II.
8. Airport District Four (AD IV): means the area within the 75 Ldn noise contour line developed by the application of the day-night average sound level methodology of sound measurement (Ldn), but not within any other Airport District as defined herein.
9. Airport District Five (AD V): means that the area between 70 Ldn and 75 Ldn noise contour lines developed by the application of the day-night average sound level methodology of sound measurement (Ldn), but not within any other Airport District as defined therein.
10. Airport District Six (AD VI): means that the area between the 65 Ldn and 70 Ldn noise contour lines developed by the application of the day-night average sound level methodology of sound measurement (Ldn), but not within any other Airport District as defined herein.
11. Board of Supervisors: The Board of Supervisors of Maricopa County.
12. Clear Zone: means the area within a two thousand by three thousand foot rectangle having two of its sides parallel with, and one thousand feet from either side of, an extension of the center line of a runway running three thousand feet from the midpoint of the end of the runway as defined by the Air Installation Compatible Use Zone Report.
13. Commission: The Planning and Zoning Commission of Maricopa County.

14. Day-Night Sound Level (Ldn): means the sound level during a twenty four (24) hour time period with a ten (10) decibel penalty applied to the equivalent sound level during the nighttime hours of ten o'clock pm to seven o'clock am.
15. Decibel: means the physical unit commonly used to describe noise levels.
16. Depth, Lot: 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 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 lines and the midpoint of the rear lot line; and for triangular shaped lots, the shortest horizontal distance between the front lot line and the line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.
17. Director: The Director of the Maricopa County Planning Department.
18. Floor Area: The sum of the gross horizontal areas of every floor of all buildings on the lot measured from the exterior faces of the exterior walls or from the center line of walls separating the buildings, including basement floor area, elevator shafts and stairwells at each floor, floor space used for mechanical equipment, penthouses, attic space whether or not a floor actually been laid and having headroom of seven (7) feet or more, interior balconies and mezzanines, and enclosed porches, but not including any space devoted to parking, or to loading and unloading.
19. Front Yard: 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 an unenclosed lot is the yard adjacent to the designated front lot line.
20. Grade:
 - a) For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street, or if there be no sidewalk, then the elevation of the roadway at the center of the wall adjoining the street.
 - b) For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets, or if there be no sidewalks, then the average of the elevation of the roadway at the centers of all walls adjoining the street.
 - c) For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.
 - d) Any wall parallel or nearly parallel to and not more than five (5) feet from the street line is to be considered as adjoining the street.

21. Height of Buildings: The vertical distance from grade to the highest point of a flat, mansard, hip, gable or gambrel roof, or fixture thereto.
22. High Noise Levels: means sound levels which equal or exceed that within the 65 Ldn noise contour line developed by the application of the day-night average sound level methodology of sound measurement (Ldn).
23. Human Occupancy: shall mean and refer to any building or structure having overnight or longer living accommodations or that is intended for such use.
24. Labor Extensive: means a low ratio of employees per acre. Maintaining 3,500 square feet or more of net lot area per employee shall be considered labor extensive.
25. Ldn: means the Day-Night Sound Level.
26. 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 (2) lot lines separating the lot from the street except that where these lot lines are equal or within fifteen (15) feet of being equal, either lot line may be designated the front lot line, but not both.
27. 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 (10) feet.
28. 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.
29. Military Airport: means an airport operated by the United States and primarily used for military fixed-wing jet aircraft operations. Military Airport does not include any runway or airstrip not immediately adjacent to facilities primarily used for operational control, maintenance and permanent parking of aircraft.
30. Military Airport Zoning Clearance: means the issuance of a permit or authorization by the Zoning Inspector indicating that a proposed building, structure, or use of land meets all the regulations contained in this Ordinance.
31. Net Lot Area: means the total lot area minus that area indicated for public right-of-way.

32. Parking Space: A permanently surfaced area, enclosed or unenclosed, of not less than nine (9) feet in width and having an area of not less than one hundred eighty (180) square feet, together with a driveway connecting the parking space with a street or alley and permitting ingress of an automobile.
33. Planning and Zoning Commission: The Planning and Zoning Commission of Maricopa County.
34. Rear Yard: A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principle 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.
35. Runway: means an artificially surfaced strip of ground designated and actively used at a military airport for the landing and takeoff of aircraft.
36. Severe Accident Potential: refers to the level of crash hazard risk associated with the Clear Zone identified in the United States Air Force Air Installation Compatible Use Zone Report for the respective military airport.
37. Side Yard: A yard between the building and the side lot line of a lot and extending from the front yard to the rear lot line as defined or along the full depth in absence of front and rear yards and being the minimum horizontal distance between a side lot line and the side of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line.
38. Significant Accident Potential: refers to the level of crash hazard risk associated with the Accident Potential Zone Two identified in the United States Air Force Air Installation Compatible Use Zone Report for the respective military airport.
39. Substantial Accident Potential: refers to the level of crash hazard risk associated with the Accident Potential Zone One identified in the United States Air Force Air Installation Compatible Use Zone Report for the respective military airport.
40. Through Lot: A lot having a pair of opposite lot lines abutting two (2) streets, and which is not a corner lot. On such lot, both lot lines are front lot lines.
41. Width, Lot: For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of the 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 thirty (30) feet behind the required minimum front yard on a line parallel to the street or street chord.

42. Zoning Clearance: means Military Airport Zoning Clearance.
43. Zoning Inspector: means the Director of Maricopa County Planning Department or his authorized representative.

ARTICLE III. DISTRICTS

Section 301. Boundaries

For the purpose of this Ordinance six Airport Districts are hereby designated. The boundaries of these districts shall be delineated on official zoning maps maintained by Maricopa County according to the defined standards of each district. These districts are as follows:

1. (AD I) Airport District One
2. (AD II) Airport District Two
3. (AD III) Airport District Three
4. (AD IV) Airport District Four
5. (AD V) Airport District Five
6. (AD VI) Airport District Six

ARTICLE IV. APPLICABILITY

Section 401. General

Nothing contained herein shall require any change or alteration in a lawfully constructed or established building, structure, or use in existence at the time of the adoption or amendment of these regulations. These regulations are intended to regulate only the following action:

1. The erection or establishment of any new building or use.
2. The moving or relocation of any building, structure, or use to a new site or new relocation.
3. The operation or continuance, at any time following the effective date of these regulations, of any building, structure or use which has been unlawfully established, erected, remodeled, or rehabilitated.
4. The change from one use to another of any building, structure, or land, or the reestablishment of a use after its discontinuance for a period of three (3) years or more.

Section 402. Applicability to Non-Military Airports

When a military airbase is decommissioned to a non-military airport for municipal, public or private operations the purpose of this ordinance is no longer applicable. In such event an owner of property subject to an Airport District zoning designation may seek an amendment, or a zone change, as outlined in Section 304 of the Zoning Ordinance for the Unincorporated Area of Maricopa County (Maricopa County Zoning Ordinance).¹

ARTICLE V. SPECIAL USE PERMITS

Section 501. Authority

Except for agricultural uses including buildings and structures not more than thirty (30) feet in height and not intended for human occupancy, a Special Use Permit shall be required for all development in AD I, AD II, and AD III.

Section 502. General Requirements for Special Use Permit

A Special Use Permit shall be granted only when specific evidence is presented which indicates that the proposed use complies with the following regulations in addition to those set forth elsewhere in this Ordinance:

1. All uses shall be compatible with the continued operation of the military airport. Uses shall not be allowed which:
 - a. release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft;
 - b. produce light emissions, either direct or indirect (reflective) which would interfere with pilot vision;
 - c. produce emissions which would interfere with aircraft communication systems or navigational equipment;
 - d. attract birds or water fowl in such numbers as would create a hazard to aircraft operations.
2. All development intended for human occupancy, whether on a temporary or permanent basis, shall be prohibited in AD I, AD II, AD III.
3. Uses shall not cause or produce objectionable effects which would impose a hazard or nuisance to adjacent or other properties by reason of smoke, soot, dust, radiation, odor, noises, vibrations, heat, glare, toxic fumes, or other conditions that would affect adversely the public health, safety, and general welfare.
4. Uses which require the use or storage of materials which are explosive, flammable, toxic, corrosive, or otherwise exhibit hazardous characteristics shall be prohibited.

¹ Effective 5-26-17 – TA2016010

5. Uses which are non-labor extensive or promote the concentration of people for extended periods of time shall be prohibited, except as expressly authorized in this Ordinance.
6. A building or structure or any portion thereof on the premises of a permitted use shall not be used for a residential dwelling by the owner, operator, or caretaker, their family members, or others.
7. It is suggested that a Noise Level Reduction (NLR) of 30 decibels from exterior to interior should be incorporated into the design and construction of those portions of buildings where the public is regularly received and into office areas.

Section 503. Special Use Permit Procedures

The Board of Supervisors shall regulate the issuance of Special Use Permits. Applications for such permits shall first be referred to the Planning and Zoning Commission for its consideration of the Commission before acting on a special use application. The following actions shall be required prior to the issuance of a Special Use Permit:

1. Plans, together with a supporting statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Board of Supervisors along with any petitions required pursuant to Section 1403 of this Ordinance. The Board of Supervisors shall refer these plans, petitions, and supporting statements to the Planning and Zoning Commission for its review and recommendation after public hearing. All requirements, including those for notice and procedure, for public hearing shall be in accordance with that set out in Article XIV of this Ordinance.
2. After having reviewed and considered the plans, petitions, and supporting statements submitted by the applicant, and having held a public hearing or hearings, the Commission shall make its recommendation to the Board of Supervisors.
3. The Board of Supervisors shall also hold a public hearing. All requirements, including those for notice and procedure for public hearing, shall be in accordance with that set out in Article XIV of this Ordinance.
4. After having reviewed and considered the plans, petitions, and supporting statements submitted by the applicant together with the Commission's recommendation, and having held a public hearing or hearings, the Board of Supervisors shall either grant or deny the application for a Special Use Permit.

Section 504. Recommendation of the Commission

1. The recommendation of the Commission shall include a statement of the basis for its decision, and in the event that approval is recommended, a finding should be made

that the stated purpose of this Ordinance has been preserved.

2. The recommendation of the Commission may include reasonable requirements deemed necessary to promote the purpose of this Ordinance as well as that of the 1969 Amended Zoning Ordinance for the Unincorporated Area of Maricopa County. Said requirements may include, but are not limited to the following:
 - a. yards and open spaces;
 - b. fences and walls, or other screening;
 - c. surfacing of parking spaces and specifications thereof;
 - d. street improvements, including provision of service roads or alleys when practical and necessary;
 - e. regulation of points of vehicular ingress and egress;
 - f. regulation of signs;
 - g. landscaping and maintenance thereof;
 - h. maintenance of grounds;
 - i. control of noise, vibration, odor, and other potentially dangerous or objectionable elements;
 - j. intensity of use;
 - k. lot coverage;
 - l. lot size;
 - m. height restrictions;
 - n. restrictions on accessory buildings or structures;
 - o. time limit which 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 Special Use Permit shall cease to exist.

Section 505. Amendment to a Special Use Permit

Amendments to a Special Use Permit shall be processed in the same manner as the initial application for a special use.

Section 506. Fees

Fees for filing of an application for a Special Use Permit shall be in accordance with that prescribed in Article XXVIII, Amendments, of The 1969 Amended Zoning Ordinance for the Unincorporated Area of Maricopa County.

ARTICLE VI. (AD I) AIRPORT DISTRICT ONE

Section 601. Purpose

This district is designed to regulate land use and reduce hazards in an area characterized by high noise levels and a severe accident potential resulting from military aircraft operations. Only those types of activities authorized by this Article may be permitted, and permitted uses

shall be subject to the requirements for a Special Use Permit contained in Article V.

Section 602. Industrial Use Regulations

Uses Prohibited - All industrial uses shall be prohibited in AD I.

Section 603. Commercial Use Regulations

Uses Prohibited - All commercial uses shall be prohibited in AD I.

Section 604. Personal and Business Service Use Regulations

Uses Prohibited-All personal and business service uses shall be prohibited in AD I.

Section 605. Public and Quasi-Public Use Regulations

Uses Prohibited - All public and quasi-public uses shall be prohibited in AD I.

Section 606. Outdoor Recreation Use Regulations

Uses Prohibited – All outdoor recreation uses shall be prohibited in AD I.

Section 607. Resource Production Use Regulations

1. Uses Permitted – The following types of resource production uses, exclusive of buildings or structures, may be allowed in AD I:
 - a. agricultural uses.
2. Uses Prohibited – The following resource production activities shall be prohibited in AD I:
 - a. commercial feedlots;
 - b. commercial dairies;
 - c. mining.

ARTICLE VII. (AD II) AIRPORT DISTRICT TWO

Section 701. Purpose

This district is designed to regulate land use and reduce hazards in an area characterized by high noise levels and a substantial accident potential resulting from military aircraft operations. Only those types of activities authorized by this Article may be permitted, and permitted uses shall be subject to the requirements for a Special Use Permit contained in Article V, as well as the applicable standards established herein.

Section 702. Industrial Use Regulations

1. Uses Permitted. Permitted industrial uses within AD II include, but are not limited to, the following types of labor extensive activities provided they comply with the standards prescribed by this section:
 - a. warehousing and storage;
 - b. manufacture of stone, clays, leather, glass and similar products;
 - c. manufacture of lumber and wood products;
 - d. printing and publishing;
 - e. outside storage activities.

2. Standards. The following regulations shall apply to all industrial uses permitted in AD II in addition to those regulations in other Articles of this Ordinance:
 - a. Intensity of Use – A maximum of one (1) employee per 5,000 square feet of net lot area shall be allowed.
 - b. Lot Coverage – The maximum lot coverage shall be twenty-five (25%) percent of the net lot area.
 - c. Lot Size – The minimum net lot area shall be 35,000 square feet.
 - d. Height Restrictions – The height of the buildings shall not exceed thirty (30) feet.
 - e. Parking Regulations – For all buildings erected there shall be one parking space per three (3) employees on the largest working shift, or one parking space per 1,000 square feet of floor area, or fraction thereof in the building, whichever is greater.
 - f. Yard Regulations – Yards are required as follows:
 - i. Front Yard – There shall be a front yard having a depth of not less than thirty (30) feet from the ultimate public right-of-way line.
 - ii. Side Yard – There shall be a side yard having a width of not less than thirty (30) feet on each side of any building.
 - iii. Rear Yard – There shall be a rear yard having a depth of not less than forty (40) feet.
 - g. Signs – Signs are permitted in this district subject to the same requirements as provided in Article XX (IND-I), Planned Industrial Zoning District of The Zoning Ordinance for the Unincorporated Area of Maricopa County except that signs shall not be illuminated.

Section 703. Commercial Use Regulations

1. Uses Permitted – Permitted commercial uses within AD II include, but are not limited to, the following types of non-intensive activities, provided they comply with the standards prescribed by this section:
 - a. groceries and related wholesale;
 - b. machinery, equipment, supplies, wholesale;
 - c. hardware and metals, wholesale;
 - d. other wholesale trade activities.

2. Uses Prohibited – Within AD II, no building or premise shall be used for retail commercial activities including, but not limited to the following:
 - a. grocery stores;
 - b. automotive sales;
 - c. eating and drinking establishments;
 - d. other retail activities.

3. Standards – The following regulations shall apply to all commercial activities permitted in AD II in addition to those regulations contained in other Articles of this Ordinance:
 - a. Intensity of Use – A maximum of one (1) employee per 5,000 square feet of net lot area shall be allowed.
 - b. Lot Coverage – The maximum lot coverage shall be twenty-five (25%) percent of the net lot area.
 - c. Lot Size – The minimum net lot area shall be 35,000 square feet.
 - d. Height Restrictions – The height of the buildings shall not exceed thirty (30) feet.
 - e. Parking Regulations – For all buildings erected their shall be one parking space per three (3) employees on the largest working shift, or one parking space per 1,000 square feet of floor area, or fraction thereof in the building, whichever is greater.
 - f. Yard Regulations – Yards are required as follows:
 - i. Front Yard – There shall be a front yard having a depth of not less than thirty (30) feet from the ultimate public right-of-way line.
 - ii. Side Yard – There shall be a side yard having a width of not less than twenty (20) feet on each side of any building.
 - iii. Rear Yard – There shall be a rear yard having a depth of not less than thirty (30) feet.
 - g. Signs – Signs are permitted in this district subject to the same requirements as provided in Article XVII (C-1), Neighborhood Commercial Zoning District in The Zoning Ordinance for the Unincorporated Area of Maricopa County, except that signs shall not be illuminated.

Section 704. Personal and Business Service Use Regulations

Uses Prohibited – All personal and business service uses shall be prohibited in AD II.

Section 705. Public and Quasi-Public Use Regulations

Uses Prohibited – All public and quasi-public uses shall be prohibited in AD II.

Section 706. Outdoor Recreation Use Regulations

1. Permitted uses shall be limited to the following:
 - a. golf courses (excluding clubhouses);
 - b. horseback riding stables and trails (except that public shows and public events

shall be prohibited).

Section 707. Resource Production Use Regulations

1. All resource production uses may be permitted in AD II including, but not limited to the following activities:
 - a. agricultural uses;
 - b. commercial feedlots;
 - c. commercial dairies;
 - d. mining.

ARTICLE VIII. (AD III) AIRPORT DISTRICT THREE

Section 801. Purpose

This district is designed to regulate land use and reduce hazards in an area characterized by high noise levels and a significant accident potential resulting from military aircraft operations. Only those types of activities authorized by this Article may be permitted, and permitted uses shall be subject to the requirements for a Special Use Permit contained in Article V, as well as the applicable standards established herein.

Section 802. Industrial Use Regulations

1. Uses Permitted – All industrial uses permitted in AD II may be allowed in AD III.
2. Standards – The following regulations shall apply to all industrial uses permitted in AD III in addition to those regulations contained in other Articles of this Ordinance:
 - a. Intensity of Use – A maximum of one (1) employee per 3,500 square feet of net lot area shall be allowed.
 - b. Lot Coverage – The maximum lot coverage shall be thirty (30%) percent of the net lot area.
 - c. Lot Size – The minimum net lot area shall be 35,000 square feet.
 - d. Height Restrictions – The height of buildings shall not exceed thirty (30) feet.
 - e. Parking Regulations – For all buildings erected there shall be one parking space per three (3) employees on the largest working shift, or one parking space per 1,000 square feet of floor area, or fraction thereof in the building, whichever is greater.
 - f. Yard Regulations – Yards are required as follows:
 - i. Front Yard – There shall be a front yard having a depth of not less than thirty (30) feet from the ultimate public right-of-way line.
 - ii. Side Yard – There shall be a side yard having a width of not less than twenty- five (25) feet on each side on any building.
 - iii. Rear Yard – There shall be a rear yard having a depth of not less than

thirty
(30) feet.

- g. Signs – Signs are permitted in this district subject to the same requirements as provided in Article XX (IND-1), Planned Industrial Zoning District of the 1969 Amended Zoning Ordinance for the Unincorporated Area of Maricopa County, except that signs shall not be illuminated.

Section 803. Commercial Use Regulations

1. Uses Permitted – All commercial uses permitted in AD II may be allowed in AD III. In addition, the following types of retail activities may be permitted in AD III:
 - a. lumberyards and other building material dealers;
 - b. hardware and farm equipment stores;
 - c. furniture stores.
2. Uses Prohibited – Within AD III, no buildings or premise shall be used for people intensive commercial activities including, but not limited to the following:
 - a. eating and drinking establishments;
 - b. grocery stores;
 - c. clothing stores.
3. Standards – The following regulations shall apply to all commercial activities permitted in AD III in addition to those regulations contained in other Articles of this Ordinance:
 - a. Intensity of Use – A maximum of one (1) employee per 3,500 square feet of net lot area shall be allowed.
 - b. Lot Coverage – The maximum lot coverage shall be thirty (30%) percent of the net lot area.
 - c. Lot Size – The minimum net lot area shall be 35,000 square feet.
 - d. Height Restrictions – The height of buildings shall not exceed thirty (30) feet.
 - e. Parking Regulations – For all buildings erected there shall be one parking space per each five hundred (500) square feet of floor area, or fraction thereof.
 - f. Yard Regulations – Yards are required as follows:
 - i. Front Yard – There shall be a front yard having a depth of not less than twenty-five (25) feet from the ultimate public right-of-way line.
 - ii. Side Yard – There shall be a side yard having a width of not less than ten (10) feet.
 - iii. Rear Yard – There shall be a rear yard having a depth of not less than twenty- five (25) feet.
 - g. Signs – Signs are permitted in this district subject to the same requirements as provided in Article SVII (C-1), Neighborhood Commercial Zoning District of the Zoning Ordinance for the Unincorporated Area of Maricopa County, except that

signs shall not be illuminated.

Section 804. Personal and Business Service Use Regulations

1. Uses Permitted – The following types of personal and business service uses may be allowed in AD III including, but not limited to:
 - a. professional offices;
 - b. banks and other financial institutions;
 - c. electrical repair shops;
 - d. dry-cleaning establishments.

2. Standards – The following regulations shall apply to all personal and business service activities in addition to those appearing elsewhere in this Ordinance.
 - a. Intensity of Use – A maximum of one (1) employee per 3,500 square feet of net lot area shall be allowed.
 - b. Lot Coverage – The maximum lot coverage shall be twenty-five (25%) percent of the net lot area.
 - c. Lot Size – The minimum net lot area shall be 35,000 square feet.
 - d. Height Restrictions – The height of buildings shall not exceed thirty (30) feet.
 - e. Parking Regulations – For all buildings erected there shall be one (1) parking space per each two hundred fifty (250) square feet of floor area, or fraction thereof, in the ground level of the building, and one (1) parking space per each three hundred (300) square feet of floor area, or fraction thereof, in other than the ground level floor of the building.
 - f. Yard Regulations – Yards are required as follows:
 - i. Front Yard – There shall be a front yard having a depth of not less than twenty-five (25) feet from the ultimate public right-of-way line.
 - ii. Side Yard – There shall be a side yard having a depth of not less than ten (10) feet on each side of any building.
 - iii. Rear Yard – There shall be a rear yard having a depth of not less than twenty- five (25) feet.
 - g. Signs – Signs are permitted in this zoning district subject to the same requirements as provided in Article XVI-A (C-0), Commercial Office Zoning District of the Zoning Ordinance for the Unincorporated Area of Maricopa County, except that signs shall not be illuminated.

Section 805. Public and Quasi-Public Use Regulations

Uses Prohibited – All public and quasi-public uses shall be prohibited in AD III.

Section 806. Outdoor Recreation Use Regulations

Uses Permitted – Permitted uses shall be limited to the following:

1. golf courses (excluding clubhouses);

2. horseback riding stables and trails (except that public shows and public events shall be prohibited).

Section 807. Resource Production Use Regulations

Uses Permitted – The following resource production uses may be permitted in AD III:

1. agricultural uses;
2. commercial feedlots;
3. commercial dairies;
4. mining.

ARTICLE IX. VARIANCE AND TEMPORARY USE PERMIT PROCEDURE

Section 901. Application for a Variance or Temporary Use Permit

Application for any variance to the regulations of this Ordinance or for any temporary use permit shall be made to the Board of Adjustment. Variances or temporary use permits shall not be granted authorizing any residential uses or development intended for human occupancy. Permitted variances or temporary use permits may be granted only upon a specific finding that the purpose of military airport compatibility and of this Ordinance is preserved. Applications shall be made on forms prescribed by the Board of Adjustment, shall be filed with the Director, and shall be accompanied by:

1. Accurate plot plans and description of the property involved, description of the proposed uses, preliminary floor plans and elevations of all proposed buildings, and an estimate of the valuation of the proposed construction.
2. Evidence satisfactory to the Board of Adjustment of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within 120 days after allowing any variance or granting of any temporary use permit.
3. Reasons for requesting the variance or temporary use permit.

ARTICLE X. TEMPORARY BUILDINGS AND USES

Section 1001. Temporary Buildings and Uses Permitted

1. Temporary buildings, mobile homes, and travel trailers used for office or storage in conjunction with construction work may be permitted only during the period of such construction, subject to securing a temporary use permit and the following:
 - a. Any temporary use permit approved for such temporary building, mobile home, or travel trailer shall be limited to a period of time not to exceed one (1) year from the date of such approval. Said permit may be renewed by the Board of

Adjustment for like periods upon the submittal of satisfactory evidence by the applicant indicating that the need for such temporary building, mobile home, or travel trailer continues to exist.

- b. Unless such temporary use permit is renewed, the temporary building, mobile home, or travel trailer shall be removed from the property upon the expiration of the temporary use permit, or within ten (10) days after completion of the construction work, whichever occurs first.
2. Temporary uses such as the cutting and storage of lumber, or the storage of construction materials and equipment conducted or used in conjunction with construction work, may be permitted only during the period of such construction work, subject to securing a temporary use permit and the following:
 - a. Any temporary use permit approved for such temporary use shall be limited to a period of time not to exceed one (1) year from the date of such approval. Said permit may be renewed by the Board of Adjustment for like periods upon the submittal of satisfactory evidence by the applicant indicating that the need for such temporary use continues to exist.
 - b. Unless the temporary use permit is renewed, such temporary use shall cease and desist upon the expiration of the previously approved temporary use permit or within ten (10) days after completion of the construction work, whichever occurs first.

ARTICLE XI. NON-CONFORMING USES

Section 1101. Continuing Existing Uses

Any use of land, building or structure lawfully existing at the time this Ordinance or amendments thereto become effective shall be allowed to continue even though such use does not conform with the regulations of this Ordinance or amendments thereto for the Airport District in which it is located.

Section 1102. Discontinuance of Legal Non-Conforming Uses

1. In the event that a legal non-conforming use of land, building or structure is discontinued for a period of thirty-six (36) consecutive months, any future use thereof shall be in conformity with the regulations of this Ordinance.
2. In the event that a legal non-conforming non-residential use of land, building or structure is destroyed by fire, explosion, act of God or act of the public enemy to the extent of seventy- five (75%) percent 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 Ordinance, or amendments thereto for the Airport District in which such future use is located.

3. In the event that a legal non-conforming residential use of buildings or structures is destroyed to any extent by fire, explosion, act of God or act of the public enemy, it may be reconstructed. Such reconstruction shall be limited to one hundred (100%) percent of the destroyed structure's floor area.

Section 1103. Expansion of a Legal Non-Conforming Use

1. Non-Residential – A non-residential legal non-conforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration, and further use of such property conform with the regulations of this Ordinance for the Airport District in which such property is located. In the event that the above described non-conformity involves a building or structure, said building or structure shall not be permitted to be relocated elsewhere on the property or enlarged or extended by separate and detached construction.
2. Residential – A legal non-conforming residential structure may expand provided that the expansion is in conformance with the regulations of the zoning district applicable immediately prior to the effective date of this Ordinance. This provision shall not permit the construction of separate and detached residential structures, the relocation of such structures elsewhere on the property, or the creation of multi-family residential units.
3. Accessory Structures – The construction, expansion, and alteration of accessory structures, such as garages, barns, swimming pools, and fences shall be permitted, but may not exceed a height of thirty (30) feet. Said construction, expansion or alteration shall conform to the requirements of the previously applicable zoning district.

Section 1104. Change of Legal Non-Conforming Use

If no structural alterations are made, any legal non-conforming use of land, building or structure may be changed to another legal non-conforming use provided the proposed use is of the same or more restricted classification as evidenced by a finding and resolution of record by the Board of Adjustment. Under no circumstances shall a non-residential legal non-conforming use be converted to a residential non-conforming use.

ARTICLE XII. ADMINISTRATION AND ENFORCEMENT

Section 1201. Zoning Inspection and Enforcement

1. Duties – The enforcing officer of this Ordinance shall be the Zoning Inspector, and it shall be the duty of the Sheriff of Maricopa County and of all officers of said County

otherwise charged with the enforcement of law to enforce the provisions of this Ordinance. In addition, the Zoning Inspector:

- a. Shall receive applications for Military Airport Zoning Clearances and where the requirements of this Ordinance are met issue such clearance; and
 - b. May examine premises for which Military Airport Zoning Clearances have been requested; and
 - c. May make necessary inspections to secure compliance with the provisions of this Ordinance; and
 - d. Shall when requested by the Board of Supervisors, or when the interest of Maricopa County so requires, make investigations in connection with any matter referred to in this Ordinance and render written reports thereof; and
 - e. Shall further issue such notices or orders as may be necessary for the purpose of enforcing compliance with the provision of this Ordinance.
2. Implementation – The Zoning Inspector may adopt administrative rules and procedures consistent with this Ordinance for the implementation thereof.
 3. Records – The Zoning Inspector shall keep careful and comprehensive records of applications for Military Airport Zoning Clearances, of inspections made, of reports rendered, and of notices or orders issued. He shall further retain on file copies of all papers in connection with Military Airport Zoning Clearances for such time as may be required by law.
 4. Permits – Permits for uses, buildings or purposes where the same would be in conflict with the regulations of this Ordinance shall not be issued and any such permit, if issued in conflict with the regulations of this Ordinance, shall be null and void.

Section 1202. Military Airport Zoning Clearance

In Airport Districts I, II, and III, it shall be unlawful to construct, alter, repair or improve, remove or demolish, or to commence the creation, construction, alteration, removal or demolition of a building, structure, or use without filing with the Zoning Inspector an application in writing and obtaining a Military Airport Zoning Clearance, except that such clearance shall not be required for repairs or improvements of a value of less than five hundred dollars (\$500).

Limitation of the Military Airport Zoning Clearance – A Military Airport Zoning Clearance shall not be issued for any building or structure on any lot or parcel unless that lot or parcel has permanent access to a dedicated street which has been accepted for maintenance by the Board of Supervisors; further provided that said access shall not be less than twenty (20) feet in width throughout its entire length and shall adjoin the lot or parcel for a minimum distance of twenty (20) feet.

Section 1203. Concurrent or Conflicting Regulations

Where any action in regard to a structure or use is regulated or controlled by more than one provision of this Ordinance, such action shall comply with all applicable provisions of both regulations, except that if a conflict exists the limitation or requirement which is most restrictive shall govern.

ARTICLE XIII. BOARD OF ADJUSTMENT

Section 1301. Creation and Membership

There is hereby created one Board of Adjustment. For the purpose of this Ordinance the Board of Adjustment shall be that Board created pursuant to Article XXVII, Board of Adjustment, of The Zoning Ordinance for the Unincorporated Area of Maricopa County.

Section 1302. Powers and Duties

The powers and duties of the Board of Adjustment shall be as prescribed in Article XXVII, Board of Adjustment, of The Zoning Ordinance for the Unincorporated Area of Maricopa County. In addition, no variance or temporary use shall be granted except upon a specific finding stated on the record that such variance or temporary use is consistent with preserving the purpose of military airport compatibility and of this Ordinance.

Section 1303. Meeting and Rules

The provisions for meetings and rules of the Board of Adjustment shall be as prescribed in Article XXVII, Board of Adjustment, of The Zoning Ordinance for the Unincorporated Area of Maricopa County.

Section 1304. Appeals

An appeal to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken in the manner prescribed in Article XXVII, Board of Adjustment, of The Zoning Ordinance for the Unincorporated Area of Maricopa County.

Section 1305. Public Hearings

The requirements for public hearings by the Board of Adjustment shall be as prescribed in Article XXVII, Board of Adjustment, of The Zoning Ordinance for the Unincorporated Area of Maricopa County.

Section 1306. Limitations

Any variance or temporary use permit granted under the terms of this Ordinance shall expire by limitation if substantial construction in accordance with the plans for which such variance

or temporary use permit was granted has not been completed within one (1) year from the date of granting said variance or temporary use permit.

Section 1307. Fees

The fee schedule for applications to the Board of Adjustment shall be as prescribed in Article XXVII, Board of Adjustment, of The Zoning Ordinance for the Unincorporated Area of Maricopa County.

ARTICLE XIV. AMENDMENT

Section 1401. Authority

The Board of Supervisors, after receiving a recommendation thereon from the Commission and after a public hearing or hearings, may amend Airport District boundaries or the regulations herein or subsequently established. Amendments may be initiated either by petition or by the Commission on its own motion.

Section 1402. Criteria

The boundaries of an Airport District shall be amended as necessary to ensure that the application of these regulations remains in conformance with the purpose of this Ordinance. All amendments shall be shown on the official zoning map. Amendments may be considered whenever the following occurs:

1. Evidence shows that the operation of a military airport has or will change substantially and that such modifications will be permanent in nature;
2. Additional information concerning the health effects of high noise levels or the crash hazards associated with military aircraft operations becomes available;
3. New evidence is provided which indicates that modifications to any Airport District is otherwise required.

Section 1403. Amendments Initiated by Petition

Any owner or owners of property desiring an amendment to the boundaries of any Airport District may seek such an amendment and public hearings in accordance with that prescribed in Article XXVIII, Amendments, of The 1969 Amended Zoning Ordinance for the Unincorporated Area of Maricopa County.

Section 1404. Amendments Initiated by the Commission (amended 12/07/87)

Amendments initiated by the Commission shall be heard in accordance with that prescribed in Article XXVIII, Amendments, of The Zoning Ordinance for the Unincorporated Area of

Maricopa County, except Section 2803 (2) which is amended to read as follows: Notice by first class mail of proceedings that are not initiated by the property owner involving rezoning of land of a more restrictive zone shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners within three hundred (300) feet of property to be rezoned. "More restrictive zoning" shall be interpreted to mean 1) any request for a Special Use with the AD I, AD II, and AD III Zoning Districts or 2) zoning from a less restrictive zoning district to a more restrictive zoning district as shown below.

More Restrictive AD I
 AD II
 AD III

Section 1405. Right-of-Way Acquisition

The recommendation of the Commission concerning amendments changing Airport District boundaries may include appropriate provisions for acquiring right-of-way for street widening purposes if it appears that the adoption of such amendment would have the effect of increasing traffic congestion. The amount of land recommended for such acquisition, however, shall not extend beyond the minimum right-of-way for streets specified in the latest edition of the County Highway Department Design Standards.

Section 1406. Reconsideration of a Denied Petition

A denied petition for an amendment shall be accepted for reconsideration and reheard in accordance with that prescribed in Article XXVIII, Amendments, of The Zoning Ordinance for the Unincorporated Area of Maricopa County.

Section 1407. Fees

Fees for filing of an application for a change of airport districting and amendments to the Military Airport Zoning Regulations shall be in accordance with those prescribed in Article XXVIII, Amendments, of The Zoning Ordinance for the Unincorporated Area of Maricopa County.

ARTICLE XV. VIOLATION AND PENALTY

Section 1501. Rules and Procedures

Rules and procedures for violation and penalty for the Military Airport Zoning Ordinance shall be in accordance with that prescribed in Article XXIX, Violations and Penalty, of The Zoning Ordinance for the Unincorporated Area of Maricopa County.

ARTICLE XVI. GENERAL PROVISIONS

Section 1601. Applying General Provisions

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

Section 1602. Additional Lot Area and Dimension Regulations

1. 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 Airport District in which it is located may be used for any use permitted in that Airport District provided other applicable regulations of this Ordinance are complied with.
2. Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension 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.
3. 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.

Section 1603. Additional Yard and Open Space Regulations

1. 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.
2. Every part of a required yard shall be open to the sky, unobstructed, except as enumerated in the following:
 - a. Accessory buildings may locate in the required rear yard subject to the following regulations:
 - i. Accessory buildings shall not be constructed upon a lot until the construction of the principal building has been actually commenced, and accessory buildings shall not be used for human occupancy;
 - ii. Accessory buildings may be built in the required rear yard, but such accessory buildings shall not occupy more than ten (10%) percent of the required rear yard and shall not be nearer than ten (10) feet to any side or rear lot line or ultimate public right-of-way line except that 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 ($\frac{1}{2}$) the depth of the required front yard of the corner lot;

- iii. Accessory buildings on through lots shall be no nearer to either street than a distance equal to the required front yard of such lot.
- b. Ordinary projections of window sills, cornices, eaves and other ornamental features may project a distance not exceeding two (2) feet into any required yard, except that in the case of accessory buildings in the required rear yard this projection shall not exceed one (1) foot beyond the walls of such accessory buildings.
- c. Chimneys may project a distance not exceeding two (2) feet into any required yard.
- d. Fire escapes may project a distance not exceeding five (5) feet into any required yard.
- e. Bay windows and balconies may project a distance not exceeding three (3) feet into the required front or rear yard, provided that such features shall not occupy, in the aggregate, more than one-third (1/3) of the length of the wall of the building on which they are located.
- f. Uncovered stairs and necessary landings may project a distance not exceeding six (6) 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 (3) feet in height.
- g. Terraces, patios, platforms and ornamental features which 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 ultimate public right-of-way line.

Section 1604. Additional Height Regulations

1. All buildings, structures, and fixtures necessary to operate and maintain the building shall have a maximum combined height of thirty (30) feet.
2. The following limitations shall apply to the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, construction and planting on corner lots in AD I, AD II, and AD III.
 - a. Such barriers to clear unobstructed vision at corners of intersecting streets shall be limited to a height of not over two (2) feet above the established elevation of the nearest street line, for a distance of twenty-five (25) feet along both the front and side lot lines, measured from the point of intersection of the said intersecting lot lines.
 - b. Within the isosceles triangle formed by measuring along both the front and side lot lines a distance of twenty-five (25) feet from their point of intersection and by connecting the ends of the respective twenty-five (25) feet distances, such barriers shall be limited to a height of not over two (2) feet about the elevation of the street line level at the said intersecting streets.
 - c. Within the said triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two (2) feet above the established street line elevation at said intersecting streets.

Section 1605. Additional Parking Regulations

1. Parking for Restaurants, Night Clubs, Bars and Dance Halls: For all restaurants, night clubs, bars and dance halls hereafter erected, or for any building converted to such use, there shall be provided one (1) parking space for each fifty (50) square feet of floor area, or fraction thereof in the building, exclusive of that area designed for kitchens, rest rooms, storage, service or for other non-public purposes.
2. Fractional Measurements Involving Parking Spaces: Unless otherwise provided for in the specific parking regulations one (1) additional parking space shall be required if the number of required parking spaces results in a fractional number of more than one-half (½).
3. Location of Required Parking Spaces: The required parking spaces shall be located as follows:
 - a. On the same lot as the use they are intended to serve, or
 - b. Within four hundred (400) feet of the premises they are intended to serve, if approved as a variance by the Board of Adjustment.
4. Collective Action Relative to Parking: This Ordinance shall not be construed to prevent the joint use of parking spaces for two (2) or more buildings or uses if the total of such spaces when used together is not less than the sum of spaces required for the various individual buildings or uses computed separately.
5. Mixed Uses: In the case of mixed uses, the required parking spaces shall be the sum of the required parking spaces for the various uses computed separately, and such spaces for one (1) use shall not be considered as provided required parking for any other use.

Section 1606. Loading and Unloading Regulations

1. Loading and Unloading Space: A permanently maintained space on the same lot as the principal building accessible to a street or alley not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height is required.
2. Loading and Unloading for Commercial Building: For all commercial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) loading and unloading space for each twenty-five thousand (25,000) square feet of floor area, or fraction thereof, devoted to such use in the building.
3. Loading and Unloading for 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 (1) loading and unloading space for each ten thousand (10,000) square feet of floor area, or

fraction thereof, devoted to such use in the building.

4. Location of Required Loading and Unloading Spaces: This Ordinance shall not be construed to prevent the joint use of loading and unloading spaces for two (2) or more buildings or uses 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.
5. Collective Action Relative to Loading and Unloading: This Ordinance shall not be construed to prevent the joint use of loading and unloading spaces for two (2) or more buildings or uses 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.
6. 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 1607. Lots Divided by Zoning District Boundaries

Whenever a lot of record existing at the effective date of this Ordinance or any applicable subsequent amendment thereto is divided by an Airport District boundary, the regulations of this Ordinance shall be applicable only to the portion of the lot which is located within the respective Airport District.

ARTICLE XVII. SEPERABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE

Section 1701. Separability Clause

Should any article, section or regulation of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the article, section or regulation so declared to be unconstitutional or invalid.

Section 1702. Priority of Military Airport Zoning Ordinance

All ordinances or portions of ordinances heretofore enacted which are in conflict with this Ordinance, are deemed not to apply to the extent necessary to give this Ordinance full force and effect.

Section 1703. Effective Date

This Ordinance shall become effective on December 11, 1978.