Maricopa County Zoning Ordinance

Maricopa County Planning and Development Department
501 N. 44th Street, Suite 200
Phoenix, AZ 85008-6526

May 2017

Maricopa County

MARICOPA COUNTY ZONING ORDINANCE

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MARICOPA COUNTY ZONING ORDINANCE

Chapter 1 – Introductory Provisions

SECTION 101. SHORT TITLE*1

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

Date of Revisions			
*1	Revised 4-01-85		

SECTION 102. DECLARATION

An Amended Zoning Ordinance for the Unincorporated Area of Maricopa County, Arizona, dividing the unincorporated area of said county into zoning districts appropriate for various classes of residential, business and industrial uses; providing for the establishment of setback lines; providing for adequate light, air, and parking facilities; providing for expediting traffic within the zoning districts; establishing the percentage of a lot or parcel which may be covered by buildings, and the size of yards and other open spaces.

SECTION 103. EFFECTIVE DATE

This Ordinance shall become effective on **May 29, 1969**.

SECTION 104. PURPOSE*2,*3

This Amended Zoning Ordinance is designed to promote the public health, peace, safety, comfort, convenience and general welfare of the citizens of Maricopa County; to guide, control and regulate the future growth and development in order to promote orderly and appropriate use of land in the entire unincorporated area of said county; to protect the character and the stability of residential, business and industrial areas of Maricopa County; to facilitate existing or potential traffic movements; to provide adequate light, air and parking facilities; to secure safety from fire and other dangers; and to prevent overcrowding of land and undue congestion of population; and to prevent the concentration of adult oriented facilities which has been determined to be a cause to neighborhood deterioration and blight through an increase in crime and diminution of property values. The provisions of this Ordinance should have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent or effect of the Ordinance to restrict or deny access to materials protected by the First Amendment. In preparation of this Ordinance consideration has been given to Sections 11-801 through 11-808 and 11-821 through 11-830 of the Arizona Revised Statutes, and to all studies and surveys made in the past in connection therewith, including, but not limited to, the following reports and studies of present conditions and prospective future growth:

1. Part I of Comprehensive Plan for Maricopa County - History, Economics, Physical Features;

2. Part II of the Comprehensive Plan for Maricopa County - Population, Community Growth, Existing Land Use;

3. Part III of the Comprehensive Plan for Maricopa County - A Report Upon Future General Land Use;

4. Major Street and Highway Plan;

5. Present and Future Water Use and its Effect on Planning in Maricopa County;

6. The Economy of Maricopa County;

7. Area Plans.

Date of Revisions			
*2	Revised 8-23-90	*3	Revised 8-21-93

SECTION 105. INTERPRETATION

In interpreting and applying the regulations of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the regulations of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall regulate.

SECTION 106. SEPARABILITY CLAUSE

Should any chapter, 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 chapter, section or regulation so declared to be unconstitutional or invalid.

SECTION 107. REPEAL OF CONFLICTING ORDINANCES

All ordinances or portions of ordinances in conflict with this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 108. GENERAL RULES FOR CONSTRUCTION OF LANGUAGE*4

All words used in the present tense shall include the future tense. All words in the singular number shall include the plural number, and all words in the plural number shall include the singular number. The word "structure" includes the word "building", the word "shall" is mandatory and not directory, and the word "may" is permissive.

Date of Revisions			
*4	Revised 10-3-77		

SECTION 201. DEFINITIONS*[1]

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

ACCESSORY BUILDING:

A building or manufactured/mobile home which is subordinate to, and the use of which is incidental to, that of the principal building or use on the same lot.*[46]

ADULT ORIENTED FACILITIES:

Any use of land or building/structure subject to the Maricopa County Ordinance for Adult Oriented Businesses and Adult Service Providers.*[58]

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.

ADJUDICATED PERSON:

A person who is actively on parole or probation and ordered by court or regulatory agency to reside at a specific address. Two or more such persons (who are not spouses or minor children related by blood or adoption) at the same address shall be considered a Group Care Facility.*[56]

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.*[29]

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.*[29]

AMBIENT LIGHT:

The existing light condition surrounding an area. The light source may be sunlight or artificial light or a combination of both.

APPEAL:

A request for review of the Drainage Administrator's interpretation or application of the provisions of this Regulation.*[46]

AREA DRAINAGE MASTER STUDY:

A study to develop stormwater hydrology for a watershed, to define drainage systems, identify potential flood hazard areas, drainage problems and recommend solutions and standards for sound floodplain and stormwater management. The ADMS identifies alternative solutions to a given flooding or drainage problem. An Area Drainage Master Plan (ADMP) identifies the preferred alternative. An ADMP, unique to the subject watershed provides minimum criteria and standards (for flood control and drainage) for land use and development.*[46]

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.*[17]

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.*[12]

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:

The circumference of the outermost tip of a blade or set of blades that a wind turbine traces while the blades are in motion.*[41]

PHOTO CREDIT: NATIONAL RENEWABLE ENERGY LABORATORY

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 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). *41

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.*10

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.

BUILDING SITE:

The area extending laterally a minimum distance of 10 feet beyond the foundation or support of a building.*46

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.*25

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.

CHARTER SCHOOL:

A primary, elementary, or secondary school established by contract with a district governing board, the State Board of Education or the State Board for Charter Schools or University or Community College District pursuant to A.R.S. Article 8, Chapter 15, to provide learning that will improve pupil achievement and receives a predominant amount of its financing from public funds.*[42]

COMMERCIAL CENTER:

A development on a single parcel or multiple contiguous parcels containing a common commercial zoning district designation and served by common driveways, parking areas and/or amenities.

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 805 of Arizona Revised Statutes governing County Planning and Zoning.*[17]

CONDITIONAL USE:
A use of property permitted on a permanent basis within a zoning district as long as required conditions are met.*[55]

CONDITIONAL USE PERMIT:
The permit issued for a conditional use in accordance with the provisions of Chapter 13, Section 1303. *[55]

CORRAL:

A pen or enclosure for confining animals.

DESIGN FLOW:

The peak flow and peak volume of rainfall resulting from the design storm generated within a defined area.*[46]

DESIGN STORM:

The 100-year rainfall event that produces the design flow.*[46]

DESIGN STORM/RETENTION:

The 100-year, 2-hour rainfall event.*[46]

DEVELOPMENT:

Any man-made change to property, including but not limited to, buildings or other structures, mining, dredging, filling, grading, landscaping, paving, excavation or drilling operations.*[46]

DEVELOPMENT MASTER PLAN:

A plan approved by Maricopa County in accordance with Section 207 of the County's Subdivision Regulations which establishes the future development patterns for an area (usually one or more square miles).*[25]

DEVELOPMENT STANDARDS:

Regulations pertaining to setbacks, building height, building separation, lot coverage, lot area and lot width.*[38]

DILAPIDATED BUILDING OR STRUCTURE:*[54]

Means any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its conditions endangers the life, health, safety, or property of the public. The Building Official shall determine whether a building or structure is dilapidated. Dilapidated buildings or structures as determined by the Building Official shall include, but not be limited to, those buildings or structures that meet any or all of the following criteria:

a) The building or structure's interior walls or other vertical structural members, list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

b) The building or structure, exclusive of the foundation, has thirty-three percent (33%) or more damage or deterioration to the supporting member or member's structural assembly, or fifty-five percent (55%) damage or deterioration to the non-supporting enclosing our outside walls or covering.

c) The building or structure is infested by rodents, insects or other noxious pests, rendering it uninhabitable.

d) The building or structure exhibits conditions that present actual hazards or dangers.

e) The building or structure has been vacant and unsecured for more than forty-eight (48) hours, on more than one (1) occasion, during a previous twelve (12) month period.

f) The building or structure or their contents represents an imminent health or fire hazard.

DIRECTOR:

The Director of the Maricopa County Department of Planning and Development.*4

DRAINAGE:

Runoff which flows over land as a result of precipitation. This shall include sheetflow and flows, which may concentrate in local drainage systems with or without defined channels.*46

DRAINAGE ADMINISTRATOR:

The Director of the Maricopa County Planning and Development Department or his duly authorized representative.*46

DRAINAGE CLEARANCE:

The approval by the Drainage Administrator of a grading and drainage plan to develop a site. This plan may be a site plan, or engineered grading and drainage plan.*46

DRAINAGE CLEARANCE (FINAL):

A document issued by the Drainage Administrator when a final inspection has been completed which indicates that the site was developed in accordance with the approved plan.*46

DRAINAGE DESIGN MANUAL:

Drainage Design Manual for Maricopa County: Volume I - Hydrology, Volume II - Hydraulics, and Volume III - Best Management Practices and Erosion Control.*46

DRAINAGE EASEMENT:

A legal right or privilege to use an area defined and established to receive or convey runoff.*46

DRAINAGE REPORT/PLAN (CONCEPTUAL):

An overview drainage plan providing a minimum of drainage information with order of magnitude value for peak flows and retention requirements. Requirements shall be determined by the topography and proposed use of the site.*46

DRAINAGE REPORT/PLAN (AREA):

A drainage plan based on a defined watershed which may include more than one political jurisdiction.*[46]

DRAINAGE REPORT/PLAN (MASTER):

A preliminary drainage plan encompassing all future phases or units within a development. A report/plan generally of greater detail and encompassing a smaller geographic area than a Drainage Report/Plan (Area).*[46]

DRAINAGE REPORT/PLAN (DEVELOPMENT):

A drainage plan which may cover all or a portion of a development. A report/plan generally of greater detail and encompassing a smaller area than a Drainage Report/Plan (Master).*[46]

DRAINAGE REPORT/PLAN (SITE):

A drainage plan for a single lot or the smallest increment of development. A report/plan generally of greater detail than a Drainage Report/Plan (Development).*[46]

DRAINAGE SYSTEM:

A system of lakes, rivers, creeks, streams, washes, arroyos, channels, closed conduits, or other topographic features on, through, or over which stormwaters flow at least periodically.*[46]

DRAINAGE WAIVER:

A grant of relief from the requirements of this Regulation which permits construction or other uses of property in a manner that would otherwise be prohibited or restricted by this Regulation.*[46]

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**, including factory-built dwellings, site-built dwellings, modular homes, manufactured homes and mobile homes. A mobile home shall be permitted provided it shall be permanently affixed to the property and further provided it has been rehabilitated and approved by the State of Arizona Office of Manufactured Housing.*47

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.*36, *39

EASEMENT, NON-ACCESS:

An easement prohibiting vehicular access from a public street.**9

EASEMENT, SOLAR ACCESS:*41

An easement in which the owner of a property (grantor) agrees to maintain the airspace above the grantor's property in such a manner s 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.*25

EROSION:

The wearing away of the ground surface as a result of the movement of wind, water, ice and other geologic agents.*46

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.*48

FAMILY:

An individual or two (2) or more persons related by blood, marriage, or adoption, and usual servants, living together as a single housekeeping unit in a dwelling unit, or a group of not more than five (5) persons, who need not be related, living together as a single housekeeping unit in a dwelling unit. (This definition shall also 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.)*56

FARM:

An area 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.*46

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.

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.*48

FLOOR AREA:

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

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.***26

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.

GARDEN:

A private facility for the cultivation of fruits, vegetables, flowers and ornamental plants by one person. Accessory sales of products cultivated on site are permissible.*51

GARDEN, COMMUNITY:

A private or public facility for the cultivation of fruits, vegetables, flowers and ornamental plants by more than one person. Accessory sales of products cultivated on site are permissible.*51

GRID-CONNECTED:

An electrical generating system whereby electricity is allowed to enter into the electrical utility grid solely through a bi-directional revenue meter.*41

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.*38

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.*16

GROUP CARE FACILITY:

A dwelling unit shared by any class of patient residents under supervised care who do not qualify as a Group Home.*56

GROUP HOME:

A dwelling unit shared as their primary residence by minors, 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.)*23, *56

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.*39

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]).*[23]

HILLSIDE DISTRICT

That area within the defined as County hillside in the Maricopa County Zoning Ordinance.*[46]

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.*[32]

HOME DAYCARE:

The care, supervision and guidance of a child or children, unaccompanied by a parent, guardian or custodian, on a regular basis, for periods of less than twenty-four hours per day, in a place other than the child's or the children's own home or homes.*[44]

HOME OCCUPATION, RESIDENTIAL:

An accessory use of a property that involves limited manufacture, provision, or sale of goods and/or services, as outlined in the Use Regulations of the Rural and Single Family Residential Zoning Districts. This use may be administratively approved subject to conditions.*[57]

HOME OCCUPATION, COTTAGE INDUSTRY:

An accessory use of a property that involves manufacture, provision or sale of goods and/or services. This is a use that does not meet the conditions of Residential Home Occupation and this requires legislative approval of a Special Use Permit by the Board of Supervisors.*[57]

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.

INDUSTRIAL CENTER:

A development on a single parcel or multiple contiguous parcels containing common industrial zoning district designation and served by common driveways, parking areas and/or amenities.

JUNKYARD:[*54]

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 “junk” includes 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 materials. 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.[*13]

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.

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. The first two (2) feet of roof overhang from the exterior walls of the primary building, and the first one (1) foot of roof overhang from the exterior walls of all accessory buildings, shall not be included in the lot coverage.[*33, *41]

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.*26, *30

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.

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.*9

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.

MEDICAL MARIJUANA DISPENSARY:

An entity defined in A.R.S. §36-2801(11) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials.*43, *49, *52

MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION:

The additional location where marijuana is cultivated by a Medical Marijuana Dispensary as referenced in A.R.S. §36-2804(B)(1)(b)(ii).*43, *49, *52

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.*3, *8, *11

MCDOT:

Maricopa County Department of Transportation.*25

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.

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.

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.

NON-LIVABLE BUILDING:

A building on a residential lot used solely for the parking of vehicles, workshop, the storage of equipment or material, the keeping of livestock and other similar uses but not designed, constructed or utilized for human habitation. Open metal patio covers shall also be considered non-livable.*46 *50

NUDITY OR A STATE OF NUDITY:*24 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:

An electrical generating system whereby electricity is not allowed to enter into the electrical utility grid by any means.*41

OFF-SITE RUNNOFF:

Runoff produced from precipitation which falls outside the limits of a development and which drains through a development or the site of proposed development.*46

ON-SITE RUNNOFF:

Runoff produced from precipitation which falls within the limits of a development including easements and dedicated rights-of-way.*45

OPEN METAL PATIO COVER:

An attached one story metal framed structure, for recreational uses, not exceeding 12 feet in height and not an integral part of the principal residence. The open or glazed area of the longer wall and one additional wall must be equal to at least 65 percent of the area below a minimum height of 6 feet 8 inches measured from the floor.*50

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 or 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.*40

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.*5, *19

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.*20

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.*[20]

PERSON:

An individual, developer or his agent, firm, partnership, association, corporation, municipality, or agent of the aforementioned groups, or its agencies or political subdivisions.*[45]

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.*[20]

PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission of Maricopa County.*[21]

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).*[32]

PRIVATE SCHOOL:

A primary, elementary, secondary school, college, or university established and controlled privately and supported by endowment and tuition.*[42]

PUBLIC SCHOOL:

A primary, elementary, secondary school, college, or university that is directly administered under the authority of a governmental body and that receives a predominant amount of its financing from public funds.*42

RAINFALL EVENT:

The amount of rain falling in a specified period of time.*45

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.**11

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.**11

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:

Energy derived primarily from sources other than fossil fuels or nuclear fission.*41

RENEWABLE ENERGY SYSTEM:

A device or assemblage of devices which create, capture and/or store renewable energy.*41

RENEWABLE WATER SOURCE:

Water that is derived from sources other than groundwater as defined by the Arizona Department of Water Resources.*41

RETENTION SYSTEM:*45

A system which retains runoff in a controlled manner through the use of storage facilities. Stored runoff is either evacuated by percolation or released to the downstream drainage system after the storm event.

REVENUE METER:

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.*41

REVENUE METER, BI-DIRECTIONAL:

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).*41

ROAD OR ROADWAY:

That area, whether public or private, between right-of-way lines, dedicated, reserved or provided for roadway purposes and other uses not inconsistent therewith. *45

RUBBISH, JUNK, TRASH, DEBRIS AND FILTH: *54

Shall include, but not be limited to: ordinary litter, refuse, waste, or rubble and remains thereof and similar material including the waste or rubble of any dilapidated building.

SALES, GARAGE / YARD:

Garage/yard sales or home parties that are held for the sale of goods or services at a dwelling are not considered a home occupation provided these sales do not exceed **six individual days** in **one year**.*57

SCHOOL:

An institution of learning, such as preschools, day nurseries, nursery schools, charter schools, public and private schools, which offer instruction in several branches of learning and study, but not including business colleges, dancing schools, riding academies, or trade or vocational schools.*31*42

SERVANT:

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

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.*14

SIGN:

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, whether permanent or variable, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, product, or idea.

SIGN, AREA:

The total square footage or area of a sign mounted as individual letters and /or graphics against a wall or on other structure. For calculations purposes, the area shall be completely contained within a circle, square, or rectangle. The sign area shall be clearly defined by a boundary line, frame, contrasting colors, textures, materials and/or combination of materials designed to differentiate the sign area from the background against which it is placed. The area of any double-faced or “v” shaped sign shall be the area of the largest single face.

SIGN, CENTER IDENTIFICATION:

A freestanding sign which identifies users located within a commercial or industrial center.*59

SIGN, DIRECTORY:

A sign to identify the location of various buildings, offices, or businesses within a complex.

SIGN, ELECTRONIC MESSAGE DISPLAY (EMD):

The Board of Supervisors finds that Electronic Message Display (EMD) signs are a more intense sign than a static sign. EMD signs may display words, symbols, figures, and images. They may be light emitting diode (LED) displays digitally controlled by electronic communications or electronic changed by remote or automatic means. EMD's may also include recorded or televised video. EMD's are categorized by levels as follows:

1. Level 1 EMD's are all or part of a sign that contains static messages only or changes static copy no more frequently than once every eight (8) seconds and shall not have "fade" or "dissolve" transitions, or full animation or video, or similar subtle transitions or frame effects that have the appearance of moving text or images.

2. Level 2 EMD's are all or part of a sign that contains static messages with "fade" or "dissolve" transitions or similar subtle transitions or frame effects that do not have the appearance of moving text or images, full animation nor video.

3. Level 3 EMD's are all or part of a sign that contains messages with "travel" or "scrolling" transitions, or similar transitions and frame effects that have text or animated images that appear to move or change in size, or be revealed sequentially rather than all at once, but are not video or televised messages.

4. Level 4 EMDs are all or part of a sign that contains full animation, televised or video displays.

SIGN, FREESTANDING:

Freestanding signs are not wall signs, billboards, or freeway pylon signs, but a structure supported by a pole or architecturally designed base.

SIGN, FREEWAY PYLON:

An identification sign located on property abutting a freeway, or part of a complex or center abutting a freeway, that is oriented to and intended to be read from the freeway for the purpose of identifying an associated commercial, industrial, or mixed-use development and tenants within that integrated, planned development.

SIGN, HEIGHT:

The height of the sign shall be the vertical dimension from the highest point of the structure to the lowest finish grade adjacent to the sign.

SIGN, MENU BOARD:

A freestanding sign with or without a speaker box, displaying the bill of fare of a drive-in or drive-thru restaurant.

SIGN, OFF-SITE (BILLBOARD):

A sign portraying information which directs attention to an idea, issue, point of view, candidate, entity, business, commodity, service, entertainment, product or attraction sold, offered, or existing elsewhere than upon the property where the sign is located.

SIGN, PROJECTING:

A type of wall sign attached to a building or other structure and extending in whole or in part more than **fifteen (15)** inches beyond the building line including awnings and canopies extending from sides of buildings.

SIGN, ROOF:

A sign affixed on a structure mounted, above, or over the roof of a building or structure 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.*[15]

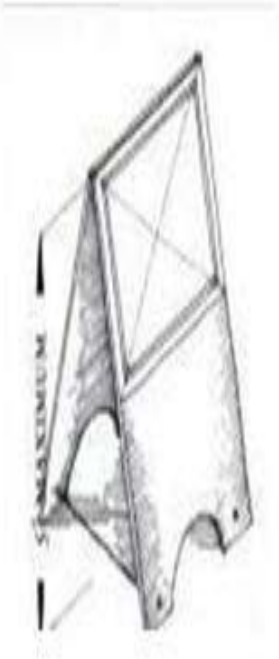
SIGN, RURAL OR RESIDENTIAL IDENTIFICATION:

Any on-site, non-commercial sign in a Rural or Residential zoning district intended to identify the name of the resident, and/or street number or apartment number of the dwelling unit.

SIGN, TEMPORARY:

Includes any sign not permanently attached to the ground or other permanent structure of a sign designed to be transported, including, but not limited to, signs made as A-frames or T-frames;

menu and sandwich board signs; flags, banners, balloons used as signs; umbrellas used for commercial messages; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle travels in the normal day-to-day operations of the business, whether containing a permanent message or a message that changes periodically.

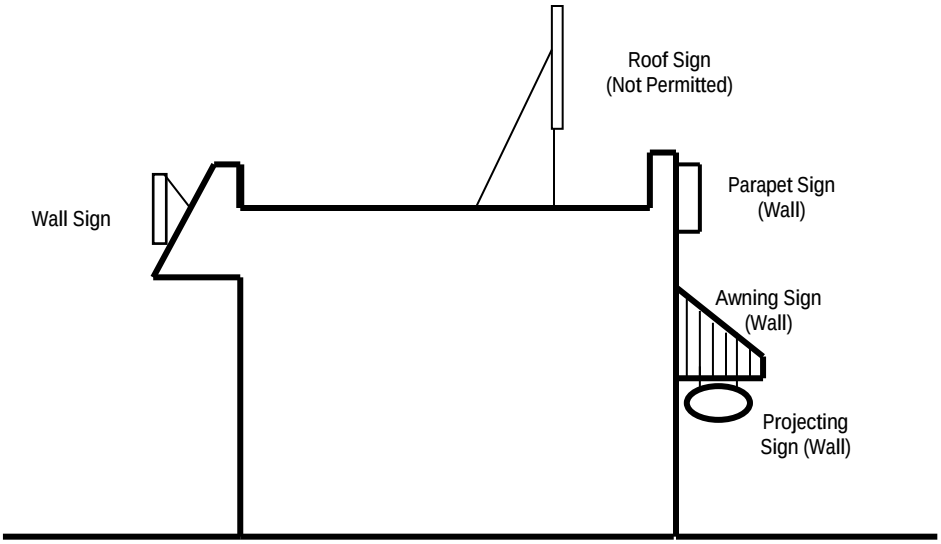


SIGN, VARIABLE:

A sign or portion of a sign designed to allow a change of copy manually, or by remote or by automatic means including tri-visions and electronic, digital, or video message displays.

SIGN, WALL:

A sign mounted flat against, projecting from or painted on the wall, awning, or parapet of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign.



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, CONCENTRATING:

A renewable energy technology that focuses and collects heat energy from the sun and utilizes that head energy for the purpose of doing work. Concentrating solar does not include devices which concentrate photons of light onto a photo-voltaic cell for the purpose of increasing photo-voltaic efficiency in a photo-voltaic solar generating system.*[41]

SOLAR GENERATING SYSTEM, PHOTO-VOLTAIC:

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 increasing photo-voltaic efficiency is considered a photo-voltaic solar generating system and not a concentrating solar generating system.*[41]

SOLAR POWER, CONCENTRATING (CSP):

Thermal-electric power generation that utilizes parabolic dish, parabolic trough, linear fresnell, or power technology as its mechanism for generating heat.*[41]

SPECIAL FLOOD HAZARD AREA:

The area included within the delineated floodplains of Maricopa County as adopted by the Federal Emergency Management Agency.*[45]

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.*[25]

SPECIAL USE PERMIT:

The permit issued for a special use in accordance with the provisions of Chapter 13.*[25]

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.*26

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, as opposed to that occurring in nature, which is affixed, anchored, or otherwise attached to or below the surface of the ground.*27 *41

2. Anything manufactured or constructed by humans, as opposed to that occurring in nature, which is attached to something having been affixed, anchored or otherwise attached to or below the surface of the ground.*27, *41

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).*41

SUSTAINABLE DEVELOPMENT:

Uses of properties that maintain of 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.*41

TEMPORARY USE:

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

TEMPORARY USE PERMIT:

The permit issued for a temporary use in accordance with the provisions of Chapter 13, Section 1302.*[34]

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.*[26]

USE, PRINCIPAL:

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

UTILITY-SCALE:

An electrical generating system whereby electricity is allowed to enter into the electrical utility grid by means other than a bi-directional revenue meter.*[41]

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.*[48]

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.*48

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.*2

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.*2

WEEDS:

Shall include any uncultivated vegetation of a combustible nature with an associated fire hazard which cannot be reasonably contained on the property where it exists and shall include, but not be limited to: dried grass higher than six inches (6”); or other dried vegetation higher than six inches (6”); tumbleweeds, branches or clippings; or dead trees, bushes or shrubs.*54

WIND GENERATING SYSTEM, LARGE:

A renewable energy technology that utilizes a wind turbine generator with an electrical output greater than 100 kilowatts.*41

WIND GENERATING SYSTEM, SMALL:

A renewable energy technology that utilizes a wind turbine generator with an electrical output of 100 kilowatts or less.*41

WIRELESS COMMUNICATION FACILITIES:

Facility composed of a support structure whether or not mounted on a building/structure and which supports antennae and other necessary attachments used exclusively for wireless transmission purposes, all of which are used as part of a communications or information system.*22, *55

WIRELESS COMMUNICATION FACILITY, CONCEALMENT ELEMENT:

Standards to limit height, diameter or design of a wireless communication facility in order to mitigate adverse visual impact.*55

WIRELESS COMMUNICATION FACILITY, MAXIMUM HEIGHT:

For a wireless communication facility tower mounted facility, the vertical distance from grade to the highest point of the support structure and all antennas and attachments excluding architectural features for stealth design. For a facility co-locating on a building/structure other than a wireless communication facility tower, the vertical distance from the point the facility is affixed to the structure to the highest point of the wireless communication facility including all attachments.*55

WIRELESS COMMUNICATION FACILITY, SETBACK:

For a wireless communication facility tower mounted facility, the horizontal distance from lot line to the outer plane extended to grade of all attachments excluding architectural features for stealth design.*55

YARD:

The open space at grade level between a building and the adjoining lot lines, 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").*53

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, 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.*53

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, 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.*28, *53

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 "BUILDABLE 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, other than steps, unenclosed balconies or unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line.*28, *53

ZONING DISTRICT:

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

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.*1, *4

ZONING INSPECTOR:

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

Date of Revisions			
*1	Revised 12-30-74	*30	Effective 7-2-99
*2	Added 5-2-77	*31	Effective 11-19-99
*3	Revised 6-6-77	*32	Effective 10-4-01 – TA2000010
*4	Revised 10-3-77	*33	Effective 5-5-06 – TA2006001
*5	Revised 5-11-81	*34	Effective 7-7-06 – TA2003005
*6	Revised 6-1-81	*35	Effective 9-15-06
*8	Revised 3-15-82	*36	Effective 1-19-07 – TA2003002
*9	Revised 8-15-83	*37	Effective 1-19-07 – TA2006007
**9	Added 8-15-83	*38	Effective 2-16-07 – TA2005001
*10	Revised 4-1-85	*39	Effective 11-14-08 – TA2008005
*11	Revised 4-7-86	*40	Added 8-19-09 – TA2009007
**11	Added 4-7-86	*41	Effective 11-19-10 – TA2009014
*12	Revised 5-18-87	*42	Effective 11-3-10 – TA2010013
*13	Revised 10-19-87	*43	Effective 12-28-10 – TA2010017
*14	Revised 2-6-89	*44	Effective 2-11-2011 – TA2010014
*15	Added 11-2-89	*45	Effective 10-19-11 – TA2011012
*16	Revised 5-16-90	*46	Effective 10-19-11 – TA2011017
*17	Added 8-23-90	*47	Effective 1-11-12 – TA2010012
*18	Revised 9-12-90	*48	Effective 8-22-12 – TA2012009
*19	Revised 4-3-91	*49	Effective 9-30-11 – TA2011001
*20	Added 4-3-91	*50	Effective 11-14-12 – TA2012023
*21	Renumbered 4-3-91	*51	Effective 7-17-13 – TA2012011
*22	Added 4-5-92	*52	Effective 1-29-14 – TA2013014
*23	Added 4-15-93	*53	Effective 5-29-14 – TA2013009
*24	Revised 8-21-93	*54	Approved 10-8-14 – TA2014008
*25	Added 2-20-94	*55	Approved 6-10-15 – TA2014001
*26	Revised 5-06-94	*56	Effective 5-26-17 – TA2016001
*27	Revised 7-23-94	*57	Effective 5-26-17 – TA2016004
*28	Revised 6-5-96	*58	Effective 5-26-17 – TA2016005
*29	Effective 1-17-98	*59	Effective 2-9-11 – TA2007006

SECTION 301. BOARD OF SUPERVISORS

Reserved.

SECTION 302. PLANNING AND ZONING COMMISSION

Reserved.

SECTION 303. BOARD OF ADJUSTMENT

ARTICLE 303.1. MEMBERSHIP:[*13] The Board of Adjustment is composed of five (5) members, one (1) member is appointed from each of the five (5) supervisor districts. Each member shall be a resident and taxpayer of the supervisor district from which he or she is appointed. The appointments shall be for staggered terms of four (4) years each. Members are appointed and/or removed by the Board of Supervisors.

ARTICLE 303.2. POWERS AND DUTIES:[*1, *3, *4, *5, *8, *10, *12, *13,] The Board of Adjustment shall have only the powers and duties prescribed by §A.R.S. 11-807, which are more particularly described as follows:

303.2.1. Interpret the Zoning Ordinance when the meaning of any word, phrase, or section is in doubt, when there is dispute between the appellant and the Zoning Inspector (Enforcing Officer), or when the location of a zoning district boundary is in doubt.

303.2.2. Allow a Variance from the terms of the Ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such Variance the general intent and purposes of the Zoning Ordinance will be preserved. Under no circumstances shall there be granted a Variance to allow a use of property not permitted by the regulations for the zoning district in which such property is located or where such Variance is specifically prohibited within this Ordinance. No variance to Chapter 13, Sections 1302 or Chapter 11, Section 1115 shall be considered.

303.2.3. Grant, upon application and filing of a letter of protest or request for extension or a Variance to the requirements for by-right temporary model home sales complexes and temporary construction office/yard complexes (all of which shall be considered appeals to the Board of Adjustment), for Temporary Use Permits as required by this Ordinance.

303.2.4 In addition to the Powers and Duties outlined in Article 303.2 of this Ordinance, the Board of Adjustment shall not modify, waive, or otherwise vary any standard or regulation identified in Chapter 10, Section 1010 of this Ordinance without a

specific finding that military airport or ancillary military facility compatibility is preserved pursuant to Arizona Revised Statute §28-8481C.*14

303.2.5 Code enforcement review as outlined in Articles 1504.3.7–1504.3.11 of this ordinance.*16

ARTICLE 303.3. MEETINGS AND RULES:[*1, *3, *4, *11, *13] Meetings of the Board of Adjustment shall be held at the call of the Chairman, regularly at least once a month and at such other times deemed necessary for the transaction of business. All such meetings shall be open to the public. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of member upon each request or if absent or failing to vote, indicating such facts, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every Variance and every order, requirement, decision or determination of the Board of Adjustment shall be filed with the Director and shall be a public record. The Board of Adjustment shall adopt its own rules of procedure and elect its own officers.

ARTICLE 303.4. APPEALS:[*3, *13] An appeal to the Board of Adjustment may be taken by any person who feels that there is an error or doubt in the interpretation of the Ordinance or that due to unusual circumstances attaching to the person's property an unnecessary hardship is being indicted on the person. The appeal shall state whether it is a plea for an interpretation or a Variance and the grounds for the appeal. Such appeal shall be taken within a reasonable time, not to exceed **60 days** or such lesser period as may be provided by the rules of the Board of Adjustment, by filing with the Director and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Director shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. Such an appeal shall stay all proceedings in the matter appealed from unless the Director certifies to the Board of Adjustment that, by reason of the facts stated in the certificate, the stay would in the opinion of the Director cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by said Board of Adjustment or by a court of record on application and notice to the Zoning Inspector from whom the appeal is taken. Said Board of Adjustment shall fix a time for hearing the appeal and give notice thereof to the parties in interest and the public as set forth herein.

ARTICLE 303.5. APPLICATION FOR VARIANCE:[*1, *3, *8, *13, *25] Application for any Variance from the regulations of this Zoning Ordinance shall be made to the

Board of Adjustment. Such applications shall be made on forms prescribed by the Board of Adjustment, shall be filed with the Director, and shall be accompanied by:

303.5.1. Accurate site plans to scale and a description of the property involved, description of the request or requests, preliminary floor plans and elevations of all proposed buildings. The zoning inspector may authorize omission of any or all of the plans and drawings required by this section if they are not necessary.

303.5.2. Evidence, satisfactory to the Board of Adjustment, of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within **120 days** after allowing any Variance.*8

303.5.3. Reasons for requesting the Variance including a detailed description of a statutorily based hardship and evidence that granting of said Variance will not in any way adversely impact the intent and purpose of the Zoning Ordinance.

ARTICLE 303.6. PUBLIC HEARINGS:[*8, *13]

303.6.1. ***Appeals:*** Upon receipt in proper form of appeals concerning interpretation or administration of the Zoning Ordinance, the Board of Adjustment shall hold a public hearing thereon after giving public notice thereof by posting of the hearing agenda as well as due notice to the parties in interest, and decide the same within a reasonable time.

303.6.2. ***Variance or Temporary Use Permit:*** Upon receipt in proper form of an application for any Variance to the regulations of this Ordinance or upon receipt of a letter of protest or request for extension for any Temporary Use Permit, the Board of Adjustment shall hold public hearing thereon after giving public notice thereof by adequately posting the area of concern in such application at least **ten days** in advance of the public hearings as well as due notice to parties of interest, and decide the same within a reasonable time.

303.6.3. Deleted 07-07-06. (TA2003005)

303.6.4. No application shall be scheduled for hearing by any board or commission acting pursuant to the “Maricopa County Zoning Ordinance (MCZO)”, or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case me be. This requirement shall not be waived by the board/commission.*12, *15

ARTICLE 303.7. APPEAL OF A DECISION MADE BY THE BOARD OF ADJUSTMENT:[*4, *13] A person aggrieved in any manner by an action of the Board of Adjustment may within **30 days** of such action, appeal to the Superior Court and the matter shall be heard de novo.

ARTICLE 303.8. LIMITATIONS: Any Variance or Temporary Use Permit granted under the terms of this Ordinance shall expire by limitation of substantial construction, in accordance with the plans for which such Variance or Temporary Use Permit was granted, which has not been completed within **one year** from the date of granting said Variance or Temporary Use Permit, or if judicial proceedings to review the Board of Adjustment's decision shall be instituted **one year** from the date of entry of the final order in such proceedings, including all appeals.[*8]

ARTICLE 303.9. TIME EXTENSION:[*13] Prior to the expiration of a time sensitive stipulation, an applicant may apply to the Board of Adjustment for a stipulation modification under the original case number subject to a continuance fee to allow a single time extension not to exceed **60 days**.

Date of Revisions			
*1	Revised 12-30-74	*11	Effective 2-4-00
*3	Revised 10-3-77	*12	Effective 6-1-2009 – TA2009003
*4	Revised 2-26-79	*13	Effective 11-7-09 – TA2009011
*5	Revised 4-14-80	*14	Effective 3-17-10 – TA2009012
*8	Revised 2-20-94	*15	Effective 6-1-10 – TA2010003
**8	Added 2-20-94	*16	Effective 11-03-10 – TA2010009
*10	Effective 1-17-98		

SECTION 304. AMENDMENTS

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

ARTICLE 304.2. AMENDMENTS INITIATED BY PROPERTY OWNER(S):[*14]

304.2.1. Any property owner or authorized agent of a property owner desiring an amendment or change in the Zoning Ordinance changing the zoning district boundaries within an area previously zoned shall file an application for the amendment or change with the Board of Supervisors.

304.2.2. Upon receipt of the application, the Board of Supervisors shall submit it to the Commission for report and recommendation. Prior to presenting its report and recommendation to said Board, the Commission shall hold public hearing thereon after giving at least **15 days** notice thereof by publication once in a newspaper of general circulation in the seat of Maricopa County and by posting of the area included in the proposed change. The posting shall be in no less than **two** places with at least **one** notice for each **one-quarter mile** of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way.

304.2.3. The Commission shall also send notice by first class mail to each real property owner as shown on the last assessment of the property within **300 feet** of the proposed amendment or change and each county or municipality which is contiguous to the area of the amendment or change. The notice sent by mail shall include, at a minimum, the date, time and place of the hearing on the proposed amendment or change including a general explanation of the matter to be considered; a general description of the area of the proposed amendment or change; and notification that if **20%** of the property owners by area and number within the zoning area file protests, an affirmative vote of **three-fourths** of all members of the Board will be required to approve the rezoning.

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

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

304.2.6. As used in the Ordinance, legal protests for the purposes of requiring a three-fourths vote of the Board of Supervisors as referenced in Article 304.2.4 shall be subject to the following:*27

1. The legal protest shall be filed in writing with the Department by **12:00 noon** on the Friday prior to the public hearing before the Board of Supervisors.

2. The legal protest shall clearly state opposition to the amendment or change.

3. The legal protest shall be filed by the record property owner of any property located within **300 feet** of the proposed amendment or change. In the event title shall be held in multiple parties, the filing by any such party shall be sufficient.

4. The legal protest shall indicate the Assessor Parcel Number of the parcel(s) owned by the party filing the opposition.

304.2.7. No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Zoning Ordinance (MCZO)", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case me be. This requirement shall not be waived by the board/commission.*26, *27, *28

ARTICLE 304.3. AMENDMENTS INITIATED BY THE COMMISSION:[*14, *19]

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

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

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

1. Zoning from one category to another category; or,

2. Zoning from a less restrictive use to a more restrictive use within categories as shown on the following table:

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

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

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

1. A **10%** or **more** increase or decrease in the number of square feet or units that may be developed.

2. A **10%** or **more** increase or reduction in the allowable height of buildings.

3. An increase or reduction in the allowable number of stories of buildings.

4. A **10%** or **more** increase or decrease in setback or open space requirements.

5. An increase or reduction in permitted uses.

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

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

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

ARTICLE 304.6. CONDITIONAL ZONING:[***11]

304.6.1. The Board of Supervisors may approve a change of zone conditioned on a schedule for development of the specific use or uses for which rezoning is requested. When the Board of Supervisors adopts the zoning amendment, it may impose a schedule of development including, but not limited to, a date by which construction shall commence or dates by which phases of development of the property for the use approved shall be substantially completed.[**9, ***10]

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

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

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

ARTICLE 304.9. SITE PLAN AMENDMENTS:[*22, *25]

304.9.1. Holders of approved Special Use Permits, Plans of Development, and Unit Plans of Development may apply to amend associated site plans as set forth in the provisions of this Ordinance.[*25]

304.9.2. Amendments to approved site plans may be categorized as major or minor. In determining the status of proposed amendments, the Department of

Planning and Development shall adhere to the procedures and criteria of this Article.

304.9.3. Applications for amendments to approved site plans shall include the appropriate fee as described in the Maricopa County Zoning Ordinance and the appropriate submittal requirements as required by the Planning and Development Department. No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Zoning Ordinance (MCZO)", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case me be. This requirement shall not be waived by the board/commission.*26, *28

304.9.4. Unit Plans of Development that were originally processed through the Board of Supervisors may be amended administratively, either as a Major or Minor Amendment, as set forth in the provisions of this Ordinance. If, however, the amendment changes or alters a development standard or stipulation of approval, then the amendment shall be processed through the Planning and Zoning Commission and Board of Supervisors for approval. Major Amendments to Special Use Permits shall be processed through the Planning and Zoning Commission and Board of Supervisors for approval.*25

304.9.5. Minor Amendments shall be reviewed by staff of the Planning and Development Department and other County Departments as deemed necessary, according to standard administrative procedures. Staff will recommend approval, approval subject to conditions, or denial.

304.9.6. An applicant may appeal a staff decision in writing to the Planning Director within two weeks of the staff decision. Such appeal shall state the purpose and subject of the proposed amendment, the date of the staff decision, and the justification for an alternate decision.

304.9.7. Major Amendments:

1. An amendment will be considered major if the proposed amendment involves one or more of the following:*25

   A. A change altering any condition or stipulation of approval;

   B. An increase of **more than 10%** in the following:

i. Building size, dimensions, or height of any proposed or existing structure to be retained,
ii. The number of parking spaces,
iii. The size of landscaped areas, or
iv. The size or height of approved signs.

C. A decrease of **more than 10%** in setback;

D. A change in the location of buildings, parking areas, access drives, recreational amenities, exterior lighting, signs or fencing or landscaping used as buffering/screening, if such change would significantly and/or materially increase potential adverse impacts on adjacent property as determined by the Zoning Inspector;

E. The request is for a different type of land use;

F. Non-compliance with existing Zoning Ordinance standards;

G. A written objection by the Maricopa County Department of Transportation, the Maricopa County Flood Control District, or the Maricopa County Department of Environmental Services;

H. The request is found by the Zoning Inspector to be a Major Amendment.

304.9.8. Minor Amendments:

1. An amendment will be considered minor if the proposed amendment is not a Major Amendment. In general, Minor Amendments are small adjustments to the details of a site plan that allow continued compliance with an approved site plan and that do not substantively or materially alter the original character and/or intent of the approved site plan. *25

2. The Zoning Inspector shall make the final determination of whether an amendment is a Minor Amendment.

Date of Revisions			
*2	Revised 9-13-71	*18	Revised 8-21-96
**9	Added 8-04-86	*19	Effective 5-15-98
***9	Renumbered 8-04-86	*20	Effective 6-21-98
**10	Added 12-07-87	*21	Effective 1-15-99
***10	Renumbered 12-07-87	*22	Effective 2-07-03 – TA2002001
*11	Revised 2-06-89	*23	Effective 9-07-07 – TA2007012
**11	Added 2-06-89	*25	Effective 9-22-08 – TA2007016
***11	Renumbered 2-06-89	*26	Effective 6-01-09 – TA2009003
*12	Added 8-23-90	*27	Effective 7-17-09 – TA2008009
*14	Revised 8-06-93	*28	Effective 6-01-10 – TA2010003
*17	Revised 8-21-96		

SECTION 305. CITIZEN REVIEW PROCESS*24

305.1. Upon application for a change in the Zoning Ordinance changing the zoning district within an area previously zoned as set forth in Chapter 13, Section 304, Articles 304.2 and 304.3 herein or upon application requesting a special use as set forth in Chapter 13, Section 1301 herein, a citizen review process shall be conducted. The purposes of the citizen review process shall be the following:

1. Adjacent landowners and other potentially affected citizens will be notified of the application and substance of the proposed change in zoning district or special use.

2. Adjacent landowners and other potentially affected citizens will be provided an opportunity to express any issues or concerns they may have with the proposed rezoning or special use before any public hearing required as set forth in Chapter 3, Section 304, Articles 304.2 and 304.3 herein.

305.2. Prior to any application that requires a citizen review process, the applicant shall conduct a pre-application meeting with the Planning Department.

305.3. Within 30 days upon submitting an application that requires a citizen review process, the applicant shall post the property included in the proposed change. The posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter right-of-way so that the notices are visible from the nearest public right-of-way. Each notice shall be a minimum of six square feet in area and shall be laminated. The posting shall include, at a minimum, a brief description of the area of the proposed amendment or change, a general explanation of the nature of the proposed amendment or change, the name of the applicant, and contact information for the applicant. A signed affidavit along with photographic evidence shall be submitted to staff demonstrating proof of posting within 30 days of application submittal.

305.4. Within 30 days upon submitting an application that requires a citizen review process, the applicant shall also send notice by first class mail to each real property owner as shown on the last assessment of the property within three hundred feet of the proposed amendment or change. The notice by mail shall include, at a minimum, description of the area of the proposed amendment or change, a general explanation of the nature of the proposed amendment or change, the name of the applicant, and contact information for the applicant. A copy of the notice and an affidavit demonstrating proof of such notification shall be submitted to staff within 30 days of application submittal.

305.5. Every application that requires a citizen review process shall include a citizen participation plan. The citizen participation plan, at a minimum, shall include the following information:

1. Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application.

2. How those interested in and potentially affected by an application will be notified that an application has been made.

3. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application.

4. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues or problems they may have with the proposal in advance of the public hearing.

5. The applicant's schedule for completion of the citizen participation plan.

6. How the applicant will keep the Planning Department informed on the status of their citizen participation efforts.

305.6. The level of citizen interest and area involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined through a coordinated effort of the applicant and staff. The Planning Director shall resolve any disputes that may arise while arriving at the target area. At a minimum, the target area shall include the following:

1. Real property owners within the noticing area set forth in item 305.4 herein;

2. The head of any homeowners association within the noticing area set forth in item 305.4 herein;
3. Other potentially affected citizens in the target area who have requested that they be placed on the routing list maintained by the Planning Department.

305.7. These requirements apply in addition to any notice provisions set forth in Chapter 3, Section 304, Articles 304.2 and 304.3 herein.

305.8. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. This shall not occur until after the required pre-application meeting and consultation with planning department staff.

305.9. The citizen participation plan shall include a written report on the results of the citizen participation effort prior to notice of public hearing set forth in Chapter 3, Section 304, Articles 304.2 and 304.3 herein. At a minimum the citizen participation report shall include the following information:

1. Details and techniques the applicant used to involve the public, including:

    a. Dates and locations of any and all meetings where citizens were invited to discuss the applicant's proposal;

    b. Content, dates mailed, and number of mailings, including letters, meeting notices, newsletters and other publications;

    c. The location of residents, property owners, and interested parties receiving notices, newsletters or other written materials.

    d. The number of people that participated in the process.

2. A summary of perceived or real concerns, issues and problems expressed during the process, including:

    a. The substance of the concerns, issues, and problems;

    b. How the applicant has addressed or intends to address perceived or real concerns, issues, and problems expressed during the process; and,

    c. Perceived or real concerns, issues and problems with which the applicant disagrees, which the applicant cannot address, or which the applicant chooses not to address, including an explanation of the applicant's reasoning.

Date of Revisions			
*24	Effective 6-1-01 TA2000005		

SECTION 306. PLAN OF DEVELOPMENT (POD) PROCESS*1

306.1 All development involving non-residential zoning districts, two-family or multi-family residential development in a two-family residential zoning district or multi-family residential zoning district, or property with a Unit Plan of Development (UPD), Planned Area Development (PAD), or Planned Development (PD) overlay shall be subject to a plan of development (POD) approval as set forth in the provisions of this Ordinance. A preliminary plat may serve as a POD for residential projects.

306.2 A POD may be processed through the Planning and Zoning Commission and Board of Supervisors for approval concurrent with a zone change request (under the zone change application) or it may be processed administratively (under a separate POD application) as set forth in the provisions of this Ordinance. All zone change requests that require a POD shall be processed as a zone change with overlay and be charged accordingly. Separate POD requests will be charges accordingly. Residential UPD requests shall require separate submittal of a preliminary plat application per the Maricopa County Subdivision regulations.

306.3 An application and phasing plan, if proposed, for a POD 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 information for staff to determine whether the proposal meets the requirements of the County. A pre-application meeting is recommended.

306.4 A POD is a precise plan. Staff shall review the POD in accordance with submittal requirements, regulations, and policies. If staff determines that the proposal is consistent with the purposes and intent of the Ordinance and other pertinent regulations and policies, then staff shall grant approval and may impose stipulations as deemed necessary to satisfy the provisions of this Ordinance or other applicable regulations and policies. Staff may also find that conditions required for approval do not exist and, therefore, deny the request. Alternatively, staff may forward the request to the Planning and Zoning Commission for a recommendation to the Board of Supervisors.

306.5 The applicant may file a request to appeal an administrative decision regarding a POD request within two (2) weeks of said decision. The appeal shall be forwarded to the Planning and Zoning Commission for a recommendation to the Board of Supervisors.

306.6 For all development subject to a POD, and approved POD and subsequent building permits are required prior to the commencement of any construction or development on the site. The applicant shall ensure that required building permits for the site or first phase shall be issued within two (2) years of the date of approval of the POD. 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 POD application.

306.7 Any change or modification to an approved POD shall be considered an amendment to the POD. Staff shall determine whether changes constitute a Minor or Major Amendment according to the provisions set forth in this Ordinance.

306.8 Non-compliance with stipulations of POD approval shall be considered a zoning violation. No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Zoning Ordinance (MCZO)", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case me be. This requirement shall not be waived by the board/commission.*2, *3

Date of Revisions			
*1	Effective 9-22-08 – TA2007016	*2	Effective 6-2-2009 – TA2009003
*3	Effective 6-1-2010 – TA2010003		

SECTION 401. ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES THEREOF

For the purpose of this Ordinance, that part of Maricopa County outside the corporate limits of any municipality is hereby classified into the following zoning districts:

ARTICLE 401.1. RURAL ZONING DISTRICTS:

401.1.1. **RURAL - 190** Rural Zoning District - **190,000 Square Feet** Per Dwelling Unit

401.1.2. **RURAL - 70** Rural Zoning District - **70,000 Square Feet** Per Dwelling Unit

401.1.3. **RURAL - 43** Rural Zoning District - **1 Acre** Per Dwelling Unit

ARTICLE 401.2. SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS:

401.2.1. **R1 - 35** Single-Family Residential Zoning District - **35,000 Square Feet** Per Dwelling Unit

401.2.2. **R1 - 18** Single-Family Residential Zoning District - **18,000 Square Feet** Per Dwelling Unit

401.2.3. **R1 - 10** Single-Family Residential Zoning District - **10,000 Square Feet** Per Dwelling Unit

401.2.4. **R1 - 8** Single-Family Residential Zoning District - **8,000 Square Feet** Per Dwelling Unit

401.2.5. **R1 – 7**[*2] Single-Family Residential Zoning District - **7,000 Square Feet** Per Dwelling Unit

401.2.6. **R1 - 6** Single-Family Residential Zoning District - **6,000 Square Feet** Per Dwelling Unit

ARTICLE 401.3. MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICTS:

401.3.1. **R - 2** Two-Family Residential Zoning District

401.3.2. **R - 3** Multiple-Family Residential Zoning District

401.3.3. **R - 4** Multiple-Family Residential Zoning District

401.3.4. **R - 5** Multiple-Family Residential Zoning District

ARTICLE 401.4. COMMERCIAL ZONING DISTRICTS:

301.4.1.	**C - S**	Planned Shopping Center Zoning District
401.4.2.	**C - O**[*3]	Commercial Office Zoning District
401.4.3.	**C - 1**	Neighborhood Commercial Zoning District
401.4.5.	**C - 2**	Intermediate Commercial Zoning District
401.4.5.	**C - 3**	General Commercial Zoning District

ARTICLE 401.5. INDUSTRIAL ZONING DISTRICTS:

401.5.1.	**IND - 1**	Planned Industrial Zoning District
401.5.2.	**IND - 2**	Light Industrial Zoning District
401.5.3.	**IND - 3**	Heavy Industrial Zoning District

ARTICLE 401.6. OVERLAY ZONING DISTRICTS:

401.6.1.	**PAD**	Planned Area Development Overly
401.6.2.	**RUPD**	Residential Unit Plan of Development
401.6.3.	**CUPD**	Commercial Plan of Development
401.6.4.	**IUPD**	Industrial Plan of Development
401.6.5.	**PD**[*7]	Planned Development Zoning District
401.6.6.	**SC**[*5]	Senior Citizen Overlay Zoning District
401.6.7.	**WESTSIDE MILITARY AIRBASE**[*9]	Westside Military Airbase Overlay Zoning District
401.6.8.	**WICKENBURG SCENIC CORRIDOR**[*8]	Wickenburg Scenic Corridor Overlay Zoning District
401.6.9.	**HWY 74 SCENIC**	Highway 74 Scenic Corridor Overlay Zoning District

CORRIDOR*11

401.6.10. **WIRELESS COMMUNICATION FACILITY USE DISTRICTS***10 Wireless Communication Facilities Use District

401.6.11. **AD***4 Airport District (See Separate Ordinance)

401.6.12. **MHR** Manufactured Housing Residential Zoning District–Deleted 7-23-94

Date of Revisions			
*2	Added 11-3-75	*8	Added 8-01-91
*3	Added 12-12-77	*9	Added 1-09-92
*4	Added 12-11-78	*10	Added 4-05-92
*5	Added 5-30-79	*11	Added 6-06-94
*7	Added 7-1-85		

SECTION 402. BOUNDARIES

ARTICLE 402.1. BOUNDARY LINES ON THE ZONING DISTRICT MAPS: The boundaries of the aforesaid zoning districts are shown upon the maps designated as the "Zoning District Maps". The zoning district maps, along with all the notations, references, and other maps, along with all the notations, references, and other information shown thereon, are a part of this Ordinance and have the same force and effect as if said maps and all the notations, references and other information shown thereon were all fully set forth or described herein.

ARTICLE 402.2. BOUNDARY DETERMINATION: Where uncertainty exists with respect to the boundaries of any zoning district as shown on the zoning district maps, the following rules shall apply:

402.2.1. Where zoning district boundaries are indicated as approximately following street or alley lines or the centerlines thereof, such lines shall be construed to be the zoning district boundaries.

402.2.2. Where zoning district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the zoning district boundaries.

402.2.3. Where zoning district boundaries are indicated as approximately following the line of any stream, irrigation canal or other waterway or railroad right-of-way, or the boundary line of public land, the center of such stream, canal or waterway, or of

such railroad right-of-way, or the boundary line of such public land shall be construed to be the zoning district boundaries.

402.2.4. Where a zoning district boundary divides a lot or parcel of land, the location of such boundary, unless indicated by dimensions shown on the zoning district maps, shall be determined by the use of the scale appearing on said maps. Further, such zoning district line shall be treated as a property line for applying all zoning district requirements.*13

402.2.5. Where such boundaries have been changed by the Board of Supervisors pursuant to Chapter 3, Section 304. of this Ordinance and where such changed boundaries are shown on detailed maps, the detailed maps shall govern in event there is any difference between the boundaries shown on the zoning district maps adopted as part of this Ordinance, or subsequent amendments thereto, and the detailed maps.

ARTICLE 402.3. PUBLIC WAY VACATION: Whenever any street, alley or other public way is vacated by the Board of Supervisors, the zoning districts adjoining each side of such street, alley or public way shall be considered as extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended zoning districts.

ARTICLE 402.4. ZONING OF RIGHT-OF-WAY: Zoning is applicable on all property, except public street rights-of-way. Use of public street rights-of-way for other than public street purposes requires approval by the appropriate agency.*14

Date of Revisions			
*13	Revised 6-5-96	*14	Effective 07-20-07 – TA2007005

SECTION 403. LANDS NOT PREVIOUSLY ZONED

Lands which for reason of law, change in ownership or for any other reason, come under the authority of Maricopa County after this Ordinance becomes effective and which have not been zoned prior thereto by any other jurisdiction having zoning authority, shall be subject to the regulations of the Rural-190 Zoning District until such time as soon as practicable thereafter public hearings are held as required by law for the expressed purpose of zoning such lands pursuant to this Ordinance.

SECTION 404. LANDS PREVIOUSLY ZONED BY OTHER JURISDICTIONS

Lands which for reason of law, change in ownership or for any other reason, come under the authority of Maricopa County after this Ordinance becomes effective and which have been zoned prior thereto by another jurisdiction having zoning authority, shall retain such zoning until such

time as soon as practicable thereafter public hearings are held as required by law for the expressed purpose of zoning such lands pursuant to this Ordinance.

SECTION 405. 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 a zoning district boundary, the regulations applicable to the zoning district in which **50%** or **more** of the lot area of such lot is located may apply to the entire area of such lot, provided that the greatest distance from said zoning district boundary to any lot line of such lot in the zoning district in which less than **50%** of its area is located shall not exceed **25 feet**. Such distance shall be measured perpendicular to said zoning district boundary.

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, 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.*26

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.*5

2. Churches and houses of worship, 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).*8, *39

3. Gardens, community gardens and farms, as defined in Chapter 2.*37

4. Group homes for not more than **ten persons**, subject to the following performance criteria:*11, *16

   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.

   c. Residents shall not be adjudicated.*39

5. Schools, elementary and high.*19, *27, *39

6. Public and private forests and wildlife reservations.

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. (This does not include public utility treatment and generating plants.)*5, *18, *39

8. Golf courses including clubhouses located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.

9. Libraries, museums, parks, playgrounds and community buildings, provided such uses are conducted on a nonprofit basis.*1

10. Home occupations, subject to the following:*10, *39, *41

    a. The entrepreneur of a home occupation shall reside in the dwelling on the property in which the business operates.

    b. The number of persons who are employed in connection with the occupants, but who are non-residents of the dwelling on the property in which the business operates, shall not exceed **three.**

    c. The business shall be conducted entirely within a completely enclosed building, other than allowance for limited outdoor storage per item 'n' below. Physical business activity other than storage may occur within the area described per item 'n' below except that no mechanical equipment or power tools shall be operated out of doors, and in no instance shall any outdoor activity exceed the height of screening and not to exceed **eight (8) feet**.

    d. The home occupation shall not interfere with the delivery of utilities or other services to the area.

    e. The business shall not generate any noise (if the noise would be considered to have an adverse impact on the surrounding residential neighborhood per the Maricopa County Noise Ordinance), 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.

f. No mechanical equipment or power tools shall be used, except that used for normal household purposes if the noise would be considered to have an adverse impact on the surrounding residential neighborhood per the Maricopa County Noise Ordinance.

g. No toxic, explosive, flammable, radioactive, or other similar material shall be used, sold, or stored on the site.

h. There shall be no change to the residential appearance of the premises, except that a separate business entrance shall be permitted. A maximum four (4) square foot sign shall be permitted, and the sign shall otherwise meet the requirements of Article 1402.2 of this Ordinance.

i. Unless a passenger vehicle accessory to the residence or an employee, not 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.

j. The number of customers, clients, or students on the premises shall not exceed **five** at any time.

k. No non-resident employees, customers, 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.**

l. Deliveries from commercial suppliers (vehicle weight greater than 10,000 lbs.) shall not restrict traffic circulation, and shall occur between **8:00 a.m.** and **5:00 p.m.**, Monday through Friday.

m. If the home occupation requires that any non-resident employees, customers, clients, or students visit the property, a minimum of **one (1) additional off-street parking space** shall be provided per Chapter 11, Section 1102. of this Ordinance. The maximum number of additional off-street parking spaces permitted shall be **six**.

n. The outdoor storage of materials shall be limited to a maximum of **25%** of the total lot area and shall not be located within any required front or street side yard. Any outdoor storage shall be completely fenced with a solid masonry wall or wood fence to obstruct the view to a height equal to the elevation of the tallest materials to be stored with a maximum height of stored materials of **eight feet**.

o. All outdoor lighting shall be shielded 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.

p. A Home Occupation Conditional Use Permit issued to **one** person shall not be transferable to any other person, is not attached to the land; and is not transferable from one place of residence to another.

q. The home occupation shall not begin operation without an approved Conditional Use Permit per Section 1303 of this Ordinance. However, if these conditions cannot be met, a Special Use Permit per Section 1301 of this Ordinance shall be required.

11. 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**.

12. Corrals for the keeping of horses.

13. Fences or freestanding walls per Article 1111.5 of this Ordinance, except for entry feature structures to a residence, ranch or farm, subject to the following:*[24]

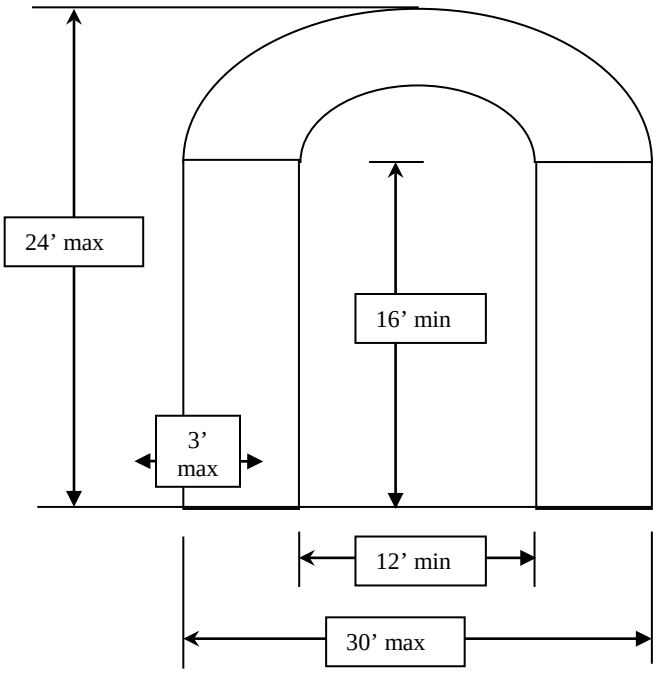
    1. The entry feature shall be over a driveway, and limited to one entry feature per parcel;

    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.



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.*7

14. Accessory dwelling unit (ADU)/guest house.*22, *23, *33

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.*23

b. An ADU/guest house may not be rented or leased separate from the primary structure.*23

c. An ADU/guest house shall not have a separate address or mailbox from the principal dwelling.*23

15. Accessory buildings and uses customarily incidental to the above uses, including:*11, *31

a. Amateur radio antennas and antenna support structures.*39

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: *21

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 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.*21 *39

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.*21

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.*6, *7, *9, *11, *12, *17, *21

c. Private tennis court or private outdoor recreational structures, provided that such court or structure is not constructed within **20 feet** of any adjoining property under separate ownership, and provided that tennis court fences or walls or recreational structures shall not exceed **14 feet** in height.*2, *40

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.**11

e. Accessory use lights provided that a permitted accessory use exists. The lights must be located on the property and shielded 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.*40

f. Public equestrian uses accessory to a single-family residence limited to the following:*25

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 1301.1.14 of this Ordinance.*39

g. Renewable energy systems as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation of storage of electricity, only grid-connected or off-grid systems are permitted.*26

h. Roadside stands offering for sale only farm products produced on the premises.*34

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. *11, *15

17. Model home sales complex, temporary real estate offices and temporary construction administrative offices/yard complex - as part of an approved, recorded subdivision provided that the following conditions are met:*21, *38,*39

a. The uses are only associated with the developer/owner and subdivision or project in which they are located.*39

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 temporary facility shall be removed. Cessation of use shall been deemed to have occurred if there have been no active building permits for a one (1) year period of time.*39

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 above.*39

f. Signage shall follow the General Sign Regulations, Residential Identification, and development standards for Commercial On-Site Wall signs and Commercial On-Site Freestanding signs. No Electronic Message Displays are allowed. *38

g. All items stored on site shall only be those required for the construction on site.

h. The allowed uses may encroach into setback areas.

18. Home daycare for up to four (4) children with the following stipulations:*[29]

a. A land use permit from Maricopa County is required establishing the use of the residence as day-care.

b. The permit holder of the daycare shall reside in the dwelling unit in which the daycare operates.

c. The rear and/or side yard is enclosed and provides a minimum of 75 sq. ft. per each child occupying the outdoor activity area.

d. There shall be no signs, advertising, display or other indications of the daycare on the premises.

e. The total number of children under compensated care shall not exceed **four (4)** at any one time.

f. The residential address of the business shall not be listed in any business directly or in any advertising.

g. There shall be no change to the residential appearance of the premises, including the creation of separate or exclusive business entrance(s).

h. No pick-up or drop off of children shall be permitted on the premises between the hours of 10:00 p.m. and 6:00 a.m.

19. Offices for homeowners associations (HOA) and other HOA related uses such recreation centers and ancillary uses, maintenance facilities, storage facilities, horse stables and other facilities for the benefit of subdivision / master-planned community residents.*[39]

ARTICLE 501.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **30 feet**.*[30]

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.

   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:*[32]

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.

ARTICLE 501.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102.*[26]

ARTICLE 501.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1401.*[26]

Date of Revisions					
*1	Revised 1-24-72	*15	Revised 6-5-96	*29	Effective 2-11-2011 – TA2010014
*2	Added 4-7-75	*16	Effective 5-16-98	*30	Effective 3-16-11 – TA2010022
**3	Deleted 8-11-75	*17	Effective 8-6-99	*31	Effective 9-30-11 – TA2011001
*4	Revised 1-3-77	*18	Effective 11-19-99	*32	Effective 10-19-11 – TA2011013
*5	Revised 11-8-82	*19	Effective 11-19-99	*33	Effective 10-19-11 – TA2011014
*6	Revised 8-15-83	*20	Deleted 11-19-99	*34	Effective 10-19-11 – TA2011017
*7	Revised 4-1-85	*21	Effective 7-07-06 – TA2003005	~~*35~~	~~Effective 1-11-12 – TA2010012~~
*8	Revised 4-10-89	*22	Effective 1-19-2007 – TA2003002	~~*36~~	~~Effective 1-11-12 - TA2007018~~
*9	Revised 1-04-90	*23	Effective 11-14-2008 – TA2008005	*37	Effective 7-17-13 – TA2012011
*10	Revised 9-12-90	*24	Effective 7-17-09 – TA2009008	*38	Effective 12-12-12 – TA2012024
**10	New 9-12-90	*25	Effective 9-18-09 – TA2008006	*39	Approved 10-8-14 – TA2014006
**10	Renumbered 9-12-90	*26	Effective 11-19-10 – TA2009014	*40	Approved 5-4-16 – TA2015004
*11	Revised 2-20-94	*27	Effective 11-3-10 – TA2010013	*41	Effective 5-26-17 – TA2016007
**11	Added 2-20-94	*28	Effective 12-28-10 – TA2010017		

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, 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.*2

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.***3

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**.

ARTICLE 502.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:*4

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.

ARTICLE 502.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. *2

ARTICLE 502.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1401. *2

Date of Revisions			
*1	Revised 10-13-70	*4	Effective 10-19-11 – TA2011013
*2	Effective 11-19-10 TA2009014		
*3	Effective 3-16-11 TA2010022		

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, 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.*2

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.***3

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**.

ARTICLE 503.5. **INTENSITY OF USE REGULATIONS:** The intensity of use regulations are as follows:*4

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 **25%** of the lot area.*5

ARTICLE 503.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102.*2

ARTICLE 503.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1401.*2

Date of Revisions			
*1	Revised 10-13-70	*4	Effective 10-19-11- TA2011013
*2	Effective 11-19-10 – TA2009014	*5	Effective 7-17-13 - TA2012033
*3	Effective 3-16-11 – TA2010022		

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, 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. *25

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.*6

2. Churches and houses of worship, including accessory columbaria provided that the building area of the columbarium shall not exceed **10%** of the total building area of the church building(s). *9, *25

3. Group homes for not more than **ten** persons, subject to the following performance criteria: *13, *18,

   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.

   c. Residents shall not be adjudicated. *42

4. Schools, elementary and high. *21, *26, *42

5. 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. (This does not include public utility treatment and generation plants.)*6, *26, *42

6. Golf courses including clubhouses located thereon, but not including miniature courses or practice driving tees operated for commercial purposes.

7. Libraries, museums, parks, playgrounds, and community buildings, provided such uses are conducted on a nonprofit basis. *2

8. Home occupations, subject to the following:*11, *42,*44

   a. The entrepreneur of a home occupation shall reside on the property in the dwelling in which the business operates.

   b. The number of persons who are employed in connection with the occupants, but who are non-residents of the dwelling on the property in which the business operates, shall not exceed **three.**

   c. The business shall be conducted entirely within a completely enclosed building, other than allowance for limited outdoor storage per item 'n' below. Physical business activity other than storage may occur within the area described per item 'n' below except that no mechanical equipment or power tools shall be operated out of doors, and in no instance shall any outdoor activity exceed the height of screening and not to exceed **eight (8) feet**.

   d. The home occupation shall not interfere with the delivery of utilities or other services to the area.

   e. The business shall not generate any noise (if the noise would be considered to have an adverse impact on the surrounding residential neighborhood per the Maricopa County Noise Ordinance), 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.

   f. No mechanical equipment or power tools shall be used except that used for normal household purposes if the noise would be considered to have an adverse impact on the surrounding residential neighborhood per the Maricopa County Noise Ordinance.

g. No toxic, explosive, flammable, radioactive, or other similar material shall be used, sold, or stored on the site.

h. There shall be no change to the residential appearance of the premises, except that a separate business entrance shall be permitted. A maximum four (4) square foot sign shall be permitted, and the sign shall otherwise meet the requirements of Article 1402.2 of this Ordinance.

i. Unless a passenger vehicle accessory to the residence or an employee, not 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.

j. The number of customers, clients, or students on the premises shall not exceed **five** at any time.

k. No non-resident employees, customers, 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.**

l. Deliveries from commercial suppliers (vehicle weight greater than 10,000 lbs.), shall not restrict traffic circulation and shall occur between **8:00 a.m. and 5:00 p.m.**, Monday through Friday.

m. If the home occupation requires that any non-resident employees, customers, clients, or students visit the property, a minimum of **one (1) parking space** shall be provided per Chapter 11, Section 1102 of this Ordinance. The maximum number of additional off-street parking spaces permitted shall be **six**.

n. The outdoor storage of materials shall be limited to a maximum of **25%** of the total lot area and shall not be located within any required front or street side yard. Any outdoor storage shall be completely fenced with a solid masonry wall or wood fence to obstruct the view to a height equal to the elevation of the tallest materials to be stored with a maximum height of stored materials of **eight feet**.

o. All outdoor lighting shall be shielded 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.

p. A Home Occupation Conditional Use Permit issued to **one** person shall not be transferable to any other person, is not attached to the land; and is not transferable from one place of residence to another.

q. The home occupation shall not begin operation without an approved Conditional Use Permit per Section 1303 of this Ordinance. However, if these conditions cannot be met, a Special Use Permit per Section 1301 of this Ordinance shall be required.

9. Fences or freestanding walls per Article 1111.5 of this Ordinance.*5, *6, *8, *35, *37

10. Accessory dwelling unit (ADU)/guest house.*24, *32, *36

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.*24

b. An ADU/guest house may not be rented or leased separate from the primary structure.*24

c. An ADU/guest house shall not have a separate address or mailbox from the principal dwelling.*24

11. Accessory buildings and uses customarily incidental to the above uses, including:*30

a. The keeping of a farm animals limited to the following: *39

1. Up to **five (5)** chicken hens.

2. 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:*23

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 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.*23, *42

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.*23

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.*6, *7, *9, *11, *12, *19 *23

c. Private tennis court or private outdoor recreational structures, provided that such court or structure is not constructed within **20 feet** of any adjoining property under separate ownership, and provided that tennis court fences or walls or recreational structures shall not exceed **14 feet** in height.*3, *13, *43

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.**13

e. Accessory use lights provided that a permitted accessory use exists. The lights must be located on the property and shielded 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.[**13, *43]

f. Renewable energy systems as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted.[*25]

g. Amateur radio antennas and antenna structures.[*42]

12. Emergency housing: Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector.[**13, *17]

13. Model home sales complex, temporary real estate offices and temporary construction administrative offices/yard complex - as part of an approved, recorded subdivision provided that the following conditions are met: [*23, *40, *42]

a. The uses are only associated with the developer/owner and subdivision or project in which they are located.[*42]

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 temporary facility shall be removed. Cessation of use shall been deemed to have occurred if there have been no active building permits for a one (1) year period of time.[*40, *42]

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 above.[*42]

f. Signage shall follow the General Sign Regulations, Residential Identification, and development standards for Commercial On-Site Wall signs and Commercial On-Site Freestanding signs. No Electronic Message Displays are allowed.*[40]

g. All items stored on site shall only be those required for the construction on site.

h. The allowed uses may encroach into setback areas.

14. Home Daycare for up to **four (4)** children with the following stipulations:*[28]

a. A land use permit from Maricopa County is required establishing the use of the residence as day-care.

b. The permit holder of the daycare shall reside in the dwelling unit in which the daycare operates.

c. The rear and/or side yard is enclosed and provides a minimum of 75 sq. ft. per each child occupying the outdoor activity area.

d. There shall be no signs, advertising or other indications of the daycare on the premises.

e. The total number of children under compensated care shall not exceed four (4) at any one time.

f. The residential address of the business shall not be listed in any business directory or in any advertising.

g. There shall be no change to the residential appearance of the premises, including the creation of separate or exclusive business entrance(s).

h. No pick-up of drop off of children shall be permitted on the premises between the hours of 10:00 p.m. and 6:00 a.m.

15. Gardens and community gardens as defined in Chapter 2.*[38]

16. Offices for homeowners associations (HOA) and other HOA related uses such recreation centers and ancillary uses, maintenance facilities, storage facilities, horse stables and other facilities for the benefit of subdivision / master-planned community residents.*[42]

ARTICLE 601.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet.**[*29]

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.

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:[*31]

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**.[*1]

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 **30%** of the lot area. [*41]

ARTICLE 601.6. **PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102.[*25]

ARTICLE 601.7. **SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1402.[*25]

Date of Revisions					
* 1	Revised 10-13-70	*18	Effective 5-16-98	*33	Effective 1-11-12 – TA2010012
* 2	Revised 1-24-72	*19	Effective 8-6-99	~~*34~~	~~Effective 1-11-12 – TA2007018~~
* 3	Added 4-7-75	*20	Effective 11-19-99	*35	Effective 8-22-12 – TA2012009
* 4	Revised 1-3-77	*21	Effective 11-19-99	*36	Effective 01-19-07 – TA2003002
*5	Revised 6-6-77	*22	Deleted 11-19-99	*37	Effective 9-18-10 – TA2010001
*6	Revised 11-8-82	*23	Effective 07-7-06 – TA2003005	*38	Effective 7-17-13 – TA2012011
*7	Revised 8-15-83	*24	Effective 11-14-08 – TA2008005	*39	Effective 7-17-13 – TA2012012
*8	Revised 4-1-85	*25	Effective 11-19-10 – TA20090014	*40	Effective 12-12-12– TA2012024
*9	Revised 4-10-89	*26	Effective 11-3-10 – TA2010013	*41	Effective 10-8-14– TA2014002
*11	Revised 9-12-90	*27	Effective 12-28-10 – TA2010017	*40	Effective 12-12-12– TA2012024
*12	Revised 7-5-91	*28	Effective 2-11-11 – TA2010014	*41	Approved 10-8-14 TA2014002
*13	Revised 2-20-94	*29	Effective 3-16-11 – TA2010022	*42	Approved 10-8-14 TA2014006
**13	Added 2-20-94	*30	Effective 9-30-11 – TA2011001	*43	Approved 5-4-16 TA2015004
*14	Added 7-23-94	*31	Effective 10-19-11 – TA2011013	*44	Effective 5-26-17 TA2016007
*17	Revised 6-5-96	*32	Effective 10-19-11 – TA2011014		

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, 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. *2

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.***3

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:*4

1. *Lot Area:* Each lot shall have a minimum lot area of **18,000 square feet**.
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 **35%** of the lot area.*5

ARTICLE 602.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. *2

ARTICLE 602.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1402. *2

Date of Revisions			
*1	Revised 11-07-83	*4	Effective 10-19-11 – TA2011013
*2	Effective 11-19-10 – TA2009014	*5	Approved 10-8-14 – TA2014002
*3	Effective 3-16-11 – TA2010022		

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, 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. *2

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.** *3

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:*4

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

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 **40%** of the lot area.*5

ARTICLE 603.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. *2

ARTICLE 603.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1402.*2

Date of Revisions			
*1	Revised 11-7-83	*4	Effective 10-19-11 – TA2011013
*2	Effective 11-19-10 – TA2009014	*5	Effective 10-8-14 – TA2014002
*3	Effective 3-16-11 – TA2010022		

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, 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.*2

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**. *3

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:*4

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

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 **45%** of the lot area.*5

ARTICLE 604.6. **PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. *2

ARTICLE 604.7. **SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1402. *2

Date of Revisions			
*1	Revised 11-3-75	*4	Effective 10-19-11 – TA2011013
*2	Effective 11-19-10 – TA2009014	*5	Effective 10-8-14 – TA2014002
*3	Effective 3-16-11 – TA2010022		

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, 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. *2

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.** *3

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:*4

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

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 **45%** of the lot area.*5

ARTICLE 605.6. PARKING REGULATIONS: The parking regulations are as provided in Chapter 11, Section 1102. *2

ARTICLE 605.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1402. *2

Date of Revisions			
*1	Revised 11-3-75	*4	Effective 10-19-11 – TA2011013
*2	Effective 11-19-10 – TA2009014	*5	Approved 10-8-14 – TA2014002
*3	Effective 3-16-11 – TA2010022		

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, 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. *1

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.** *2

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:*3

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 **6,000 square feet**.

4. ***Lot Coverage:*** The maximum lot coverage shall be **50%** of the lot area.*3

ARTICLE 606.6. **PARKING REGULATIONS:** The parking regulations are as provided in Chapter 11, Section 1102. *1

ARTICLE 606.7. **SIGN REGULATIONS:** The sign regulations are as provided in Chapter 14, Section 1402.*1

Date of Revisions			
*1	Effective 11-19-10 – TA2009014	*3	Approved 10-8-14 – TA2014002
*2	Effective 3-16-11 – TA2010022		

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.*6,

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.*4

3. Accessory buildings and uses customarily incidental to the above uses, including:

   a. Private tennis courts provided that such courts are not constructed within **20 feet** of any adjoining property not internal to the multiple-family development and provided that tennis court fences or walls shall not exceed **12 feet** in height and further provided that any lights for the tennis courts shall be subject to a use permit and shall be placed so as to not direct or reflect light upon adjoining land, and subject lights shall be in conformance with standards in Chapter 11, Section 1112. (Outdoor Light Control Provisions) herein. More than **one tennis court** is permitted so long as the primary use of the property is residential and so long as the court or courts are accessory to the residential use and maintained exclusively for the use of residents of the parcel on which it is located.

   b. Private swimming pools along with incidental installations, such as pumps and filters, provided such pools and incidental installations are located in other than the required front yard and provided such pools are set back from all lot lines a distance of not less than **three feet**. Pools and spas must

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

C. Renewable energy systems as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected systems are permitted.*6

ARTICLE 701.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **30 feet.***7

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:*8

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 **60%** of the lot area.*9

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

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

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

ARTICLE 701.9. ADDITIONAL REGULATIONS:*4

1. All two-family or multi-family residential development in the R-2 Zoning District shall be subject to a plan of development approval as set forth in the provisions of this Ordinance.

2. 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.*5

Date of Revisions			
*1	Revised 2-4-85	*6	Effective 11-19-10 – TA2009014
*2	Revised 4-1-85	*7	Effective 3-16-11 – TA2010022
*3	Effective 8-6-99	*8	Effective 10-19-11 – TA2011013
*4	Effective 9-22-08 – TA2007016	*9	Approved 10-8-14 – TA2014002
*5	Effective 1-16-09 – TA2008008		

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

ARTICLE 702.1. ***Purpose:*** The principal purpose of these zoning districts are to provide for multiple-family residential developments in locations which are suitable and 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, dormitories and the uses permitted in the single-family residential zoning district.*9, *14

ARTICLE 702.2. ***Use Regulations:*** A building or premises shall be used only for the following purposes:*14

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. Dormitories*14

5. Group homes for not more than **ten persons** subject to the following performance criteria:*4, *5

   a. If licensing is required by the State of Arizona for the use, proof of such licensure shall be available to the Department of Planning and Development prior to the use being established.

   b. Residents shall not be adjudicated.*14

6. Any use permitted in the C-1 Neighborhood Commercial Zoning District may be located in the R-5 Multi-Family Residential Zoning District.*13

7. Mobile Home Parks subject to the standards outline in Section 1203 of this Ordinance may be located in the R-5 Multi-Family Residential Zoning District.*13

8. Accessory buildings and uses customarily incidental to the above uses including:

   a. Private tennis courts provided that such courts are not constructed within **20 feet** of any adjoining property under other ownership and provided that tennis court fences or walls shall not exceed **12 feet** in height and further provided that any lights for the tennis courts shall be subject to a use permit and shall be placed so as to not direct or reflect light upon adjoining land, and subject lights shall be in conformance with

standards in Chapter 11, Section 1112. (Outdoor Light Control Provisions) herein. More than **one tennis court** is permitted so long as the primary use of the property is residential and so long as the court or courts are accessory to the residential use and maintained exclusively for the use of residents of the parcel on which it is located.*1

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

c. Grid renewable energy systems as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted.*9

ARTICLE 702.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet.***10

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

1. *Front Yard:*

a. There shall be a front yard having a depth of not less than **20 feet**.

b. For through lots, a front yard shall be provided along both front lot lines.

c. Yards along each street side of corner lots shall have a width equal to not less than **half** the depth of the required front yard. Yards along each street side of corner lots shall otherwise conform with regulations applicable to front yards.

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

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

ARTICLE 702.5. INTENSITY OF USE REGULATIONS: The intensity of use regulations are as follows:*11

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 **60%** of the lot area.*12

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

ARTICLE 702.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1402.

ARTICLE 702.8. ADDITIONAL REGULATIONS:*7

1. All multi-family or two-family residential development in the R-3, R-4, or R-5 Zoning Districts shall be subject to a plan of development approval as set forth in the provisions of this Ordinance.

2. 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.*8

Date of Revisions			
*1	Revised 4-1-85	*9	Effective 11-19-10 – TA2009014
*2	Revised 4-7-86 – Effective 1-1-88	*10	Effective 3-16-11 – TA2010022
*4	Added 4-15-93	*11	Effective 10-19-11 – TA2011013

*5	Revised 1-20-94	*12	Approved 10-08-14 – TA2014002
*6	Effective 8-06-99	*13	Approved 10-08-14 – TA2014004
*7	Effective 9-22-08 – TA2007016	*14	Approved 10-08-14 – TA2014006
*8	Effective 1-16-09 – TA2008008		

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.*11

ARTICLE 801.2. **USE REGULATIONS:** A building or premises shall be used for the following purposes:*14

1. Retail sale of merchandise, services, recreational and otherwise, parking area and other facilities customarily considered as shopping center uses.

2. Uses permitted on the shopping center site, according to the rural or residential zoning district regulations in effect prior to the establishment of the C-S Zoning District on said site, as the only alternative in the event that the C-S Zoning District is not used for the purpose for which it was specifically intended; namely, a shopping center.

3. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector. **5, *6

4. Temporary construction administrative offices/yard complex – which may include a security office or residence for a security guard provided that the following conditions are met:*14

   a. The uses are only associated with the developer/owner and subdivision or project in which they are located.*14

   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 temporary facility shall be removed.*14

   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.

5. Renewable energy systems are not permitted as a primary use but may be permitted as an accessory use as set forth in Section 1206 of this ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted. *11

ARTICLE 801.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **40 feet.***12

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

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

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

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

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

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

1. The shopping center buildings shall be designed and built as a whole, unified, and single project.

2. Any part of the shopping center site not used for buildings or other structures, loading and access ways, or pedestrian walks shall be landscaped with grass, trees or shrubs.

3. Any outdoor lighting shall be in conformance with provisions in Chapter 11, Section 1112. hereof. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district.*1

4. ***Walls and screening:***

   a. A solid wall, not less than **six feet** in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening. **2

   b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

5. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development.*5

6. The shopping center site and the buildings and appurtenant facilities shall be in a single ownership, 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.*9

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.*10

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 4-02-84	*8	Effective 9-21-07 – TA2006013
**2	Added 10-15-84	*9	Effective 9-22-08 – TA2007016
*4	Revised 4-03-91	*10	Effective 1-16-09 – TA2008008
*5	Revised 2-20-94	*11	Effective 11-19-10 - TA2009014
**5	Added 2-20-94	*12	Effective 3-16-11 – TA2010022
*6	Revised 6-05-96	*13	Effective 1-29-14 – TA2013014
*7	Effective 5-16-98	*14	Approved 10-08-14 – TA2014006

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

ARTICLE 802.1. **PURPOSE:** The principal purpose of this zoning district is to provide for well designed and attractive business and professional office facilities on sites in appropriate locations 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. *10

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

1. Any business office in which chattels or goods, wares or merchandise are not commercially created, repaired, sold or exchanged.

2. Offices for accountant, architect, chiropodist, chiropractor, dentist, engineer, lawyer, minister, naturopath, osteopath, physician, surgeon, surveyor, optometrist, geologist, insurance broker, public stenographer, real estate broker, stock broker, advertising agency, talent agency, private employment agency, labor union, marriage

counselor, private detective, telephone message service, professional membership organization, business association, collection agency, homeowners associations and other similar professional and semi-professional work. *14

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.

8. Service to the public of water, gas, electricity, telephone and cable television and sewage including wastewater treatment plants. The foregoing shall be deemed to include attendant facilities and appurtenances to these uses, including without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines.*6

9. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector.*4, *5

10. Temporary construction administrative offices/yard complex – which may include a security office or residence for a security guard provided that the following conditions are met:*14

    a. The uses are only associated with the developer/owner and subdivision or project in which they are located.*14

    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 temporary facility are removed. *14

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.

11. Renewable energy systems are not permitted as a primary use but may be permitted s an accessory use as set forth in Section 1206 of this ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted. *[10]

12. Gardens and community gardens as defined in Chapter 2.*[12]

ARTICLE 802.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **30 feet** except that within **20 feet** of any rural or residential zoning district, no building shall exceed **15 feet** in height.*[11]

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**.

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.

ARTICLE 802.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1403.

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

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.*3

b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted, shall be enclosed to a height of not less than **six feet** in height by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

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

4. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development.*4

5. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance.*8

6. 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.*9

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.

5. All landscaped areas shall be provided with water bibs or an automatic sprinkler system.

Date of Revisions			
*1	Added 12-12-77	*8	Effective 9-22-08 – TA2007016
*2	Revised 4-02-84	*9	Effective 1-16-09 – TA2008008
*3	Added 10-15-84	*10	Effective 11-19-10 – TA2009014
*4	Added 2-20-94	*11	Effective 3-16-11 – TA2010022
*5	Revised 6-5-96	*12	Effective 7-17-13 – TA2012011
*6	Effective 11-19-99	*13	Effective 1-29-14 – TA2013014
*7	Effective 07-7-06 – TA2003005	*14	Approved 10-8-14 –TA2014006

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

ARTICLE 803.1. PURPOSE: The principal purpose of this zoning district is to provide for smaller shops and services in convenient locations to meet the daily needs of families in the immediate residential neighborhoods while encouraging sustainable building practices. Principal uses permitted in this zoning district include food markets, drugstores and personal service shops. *16

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

1. Antique shops

2. Arcades*22

3. Art galleries

4. Automobile parts and supplies

5. Bakery shops, including baking on the premises for on-site sales only.

6. Banks

7. Barber and beauty shops

8. Book, stationery and gift shops except adult oriented facilities as defined under Chapter 2.*2

9. Business schools (such as: real estate, secretarial, data processing), but not including trade schools.

10. Candy shops, including manufacturing of candy on the premises for on-site sales only.

11. Churches and houses of worship, including accessory columbariums provided that the building area of the columbarium shall not exceed **10%** of the total building area of the church building(s).*6, *22

12. 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.

13. Clock and watch repair shops

14. Clothing and dry good shops, including clothing and costume rental.

15. Craft and hobby shops, with incidental craft or hobby instruction only.

16. Day nurseries and nursery schools, including a playground and playground equipment which shall be screened from any adjoining rural or residential zoning district.

17. Delicatessen shops

18. Dress shops

19. Drugstores and soda fountains

20. Privately owned or operated stations for fire protection, police or security service, ambulance or other emergency service providers.*18

21. Florist shops

22. 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.

23. Grocery stores and meat markets, provided there is no slaughtering of animals or poultry on the premises.

24. Hardware shops

25. Household appliance shops

26. Ice cream shops, including manufacturing of ice cream on the premises for on-site sales only.

27. Interior decorator shops

28. Jewelry shops

29. Key, locksmith or gun shops

30. Liquor stores limited to retail sales of package goods for off-site consumption.

31. Offices

32. Photographer's and artist's studios

33. Precision, optical and musical instrument repair shops

34. Private clubs and fraternal organizations *[22]

35. Private schools operated as a commercial enterprise, except trade schools.

36. 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.

37. Public schools; elementary, high school and college

38. Radio and television shops, including repair

39. Restaurants and cafes, including drive-through 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 if the kitchen facilities in the restaurant do not

exceed 20% of the floor area. Patios, cocktail lounges and outside dining and drinking areas shall be limited to a space serving no more than 50 patrons, and no entertainment or music shall be audible off site. *23

40. Secretarial or answering services

41. Service to the public of water, gas, electricity, telephone, cable television and sewage including wastewater treatment plants. The foregoing shall be deemed to include attendant facilities and appurtenances to these uses, including, without limitation, distribution, collector and feeder lines, pumping or booster stations along pipelines, and substations along electric transmission lines.*12

42. Shoe repair shops

43. Tailor shops

44. Variety or notion stores

45. Video rental stores*8, *22

46. Any use permitted in the R-5 Multi-Family Residential Zoning District.*21

47. Accessory buildings and uses customarily incidental to the above uses. Renewable energy systems are not permitted as a primary use but may be permitted as an accessory use as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted.*16

48. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector.*9, *11

49. Temporary construction administration offices/yard complex –which may include a security office or residence for a security guard provided that the following conditions are met: *13, *22

    a. The uses are only associated with the developer/owner and subdivision or project in which they are located.*22

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 temporary facility removed.*[22]

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.

50. Gardens and community gardens as defined in Chapter 2.*[19]

ARTICLE 803.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **30 feet**, 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.*[17]

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**.

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.

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

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

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. Any outdoor lighting shall be placed so as

to reflect light away from any adjoining rural or residential zoning district.*3

3. A building other than the residence of the family of the operator or caretaker employed on the premises of a commercial use shall not be used for dwellings unless approved as a Special Use by the Board of Supervisors.*5, *10

4. ***Walls and Screening:***

   a. A solid wall, not less than **six feet** in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening.*4

   b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

5. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development.*9

6. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance.*14

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.*15

Date of Revisions			
*1	Revised 5-11-81	*13	Effective 07-07-06 – TA2003005
*2	Revised 6-01-81	*14	Effective 9-22-08 – TA2007016
*3	Revised 4-02-84	*15	Effective 1-16-09 – TA2008008
*4	Added 10-15-84	*16	Effective 11-19-10 - TA2009014
*5	Renumbered 1-07-85	*17	Effective 3-16-11 – TA2010022
*6	Revised 4-10-89	*18	Effective 1-11-12 – TA2007018
*8	Added and renumbered after subparagraph Ch. 8, Section 803.2.43	*19	Effective 7-17-13 – TA2012011
*9	Added 2-20-94	*20	Effective 1-29-14 – TA2013014
*10	Revised 5-06-94	*21	Approved 10-08-14 – TA2014003
*11	Revised 6-05-96	*22	Approved 10-08-14 – TA2014006
*12	Effective 11-19-99	*23	Effective 7-10-15 – TA2015002

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. [17]

ARTICLE 804.2. **USE REGULATIONS:** A building or premises shall be used only for the following purposes:*21

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.*20

2. Adult oriented facilities as defined under Chapter 2, subject to the following conditions: *11

   a. Adult oriented facilities shall not be located within **1,500 feet** of any other adult oriented facility.

   b. Adult oriented facilities shall not be located within **1,500 feet** of:

      1. A church; or

      2. A public or private elementary or secondary school; or

3. A public or private day care center, preschool, nursery, kindergarten, or similar use; or

4. A public park or playground; or

5. A medical marijuana dispensary or a medical marijuana offsite cultivation location. *18

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, a park or playground, or a medical marijuana dispensary or medical marijuana offsite cultivation location within **1,500 feet** of the adult oriented business. *18

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. *2

10. Blueprint, photostat and reproduction (copy) services.

11. Boat sales, including an outside display area, providing all sales and repair activities are conducted within a building. *15

12. Cabinet and carpenter shops.

13. Catering establishments not utilizing any manufacturing process or outside storage of materials or vehicles.

14. Conservatories or studios: Art, dancing or music.

15. Department stores.

16. Drive-in restaurants and refreshment stands.

17. Electrical fixtures and appliance sales, repair and service.

18. Feed stores, inside storage only.

19. Funeral homes, mortuaries and chapels.

20. Furniture stores including: New, used, finished or unfinished merchandise.

21. Gas (butane or propane), retail sales of.*6

22. Hospitals *21

23. Hotels, resorts, motels. *21

24. Laboratories, medical or dental.

25. Farm animal (horse, cattle and other farm animal) medical clinics and surgical hospitals. *21

26. Liquor stores.

27. 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.

28. Paint and wall paper stores.

29. Parking lots and public garages, subject to parking standards in Chapter 11, Section 1102.

30. Pet shops, including the treatment or boarding of cats, dogs or other small animals.*21

31. Plumbing shops.

32. Pool halls or billiard centers.

33. Radio and television broadcasting stations and studios, but not including transmitter towers and stations.

34. Rental services: Household, lawn, garden, sickroom or office equipment.

35. Restaurants and cafes, including patios, cocktail lounges, and outside dining and drinking areas, provided there is no amplified entertainment or music audible off-site. *14, *22

36. Retail stores.

37. Taxidermists.

38. Theaters, but not including a drive-in theater and adult oriented facilities as defined under Chapter 2. *2

39. Tinsmith shops.

40. Trade schools.

41. Upholstery shops.

42. Veterinary hospitals, clinics and kennels for dogs, cats and small animals. *21

43. Self-storage facilities.*21

44. Accessory buildings and uses customarily incidental to the above.

45. Medical Marijuana Dispensary Facilities as defined in Chapter 2 of this Ordinance subject to all rules adopted by the Arizona Department of Health Services and to the following conditions:*[20]

    a. Medical Marijuana Dispensaries shall not be located within 1,500 feet of any other Medical Marijuana Dispensary.

    b. Medical Marijuana Dispensaries shall not be located within 1,500 feet of:

        1. A church; or

        2. A public or private elementary or secondary school; or

        3. A public or private day care center, preschool, nursery, kindergarten, or similar use; or

        4. A public park or playground; or

        5. An adult oriented facility.

    c. For purposes of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior wall of the subject building to the closest boundary line of any affected parcel without regard to intervening structures or objects or political boundaries.

    d. A Medical Marijuana Dispensary lawfully operating is not rendered in violation of these provisions by the subsequent location of a church, public or private elementary or secondary school, a kindergarten or preschool or similar use, or a park or playground within 1,500 feet of the Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location.

    e. This provision shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

ARTICLE 804.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **40 feet**, 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. *19

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 nor separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.

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

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

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

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

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

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

ARTICLE 804.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1403. 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. *3

3. A building other than the residence of the family of the operator or caretaker employed on the premises of a commercial use shall not be used for dwellings, unless approved as a Special Use by the Board of Supervisors. *5, *13

4. *Walls and Screening:*

   a. A solid wall, not less than **six feet** in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening.*4

   b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or

enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

5. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development.*12

6. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. *15

7. 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. *16

Date of Revisions			
*1	Revised 5-11-81	*14	Effective 5-09-97
*2	Revised 6-01-81	*15	Effective 9-22-08 – TA2007016
*3	Revised 4-02-84	*16	Effective 1-16-09 – TA2008008
*4	Added 10-15-84	*17	Effective 11-19-10 – TA2009014
*5	Renumbered 1-07-85	*18	Effective 12-28-10 – TA2010017
*6	Revised 4-01-85	*19	Effective 3-16-11 – TA2010022
*10	Revised 5-16-90	*20	Effective 1-29-14 – TA2013014
*11	Added 8-21-93	*21	Approved 10-08-14 – TA2014006
*12	Added 2-20-94	*22	Effective 7-10-15 – TA2015002
*13	Revised 5-06-94		

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

ARTICLE 805.1. PURPOSE: The principal purpose of this zoning district is to provide for commercial uses concerned with wholesale or distribution activities in locations where there is adequate access to major streets or highways while encouraging sustainable building practices. Principal uses permitted in this zoning district include retail and wholesale commerce and commercial entertainment. *14

ARTICLE 805.2. USE REGULATIONS*:* A building or premise shall be used only for the following:*17

1. Any use permitted in the C-2 Zoning District, including a Medical Marijuana Dispensary, 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.*16

2. Amusement enterprises and outdoor amusement parks. *17

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. Circus and carnival grounds having permanent facilities. *17

9. Dance halls and nightclubs, including outdoor amplified music, except adult oriented facilities as defined under Chapter 2 of this ordinance may not have outdoor music or entertainment. *2, *17, *18

10. Drive-in or outdoor theaters. *17

11. Equipment rentals and sales, but not including equipment customarily used for heavy construction.

12. Frozen food lockers, including processing but not slaughtering of animals.

13. Hospitals, clinics and kennels for animals. *17

14. Wholesale ice distributing stations.

15. 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.

16. Lumber yards not including industrial milling or planning operations.

17. Miniature golf courses and driving ranges.

18. Mobile home, travel trailer and recreation vehicle sales and service.

19. Outdoor race tracks.*[17]

20. Permanent facilities for rodeos, auctions, swap meets, campgrounds, and sites rented for private parties. *[17]

21. Printing, lithography and publishing establishments.

22. Stone monument sales.

23. Commercial storage of mobile homes, manufactured homes, travel trailers, recreation vehicles, boats and aircraft. *[5], *[11], *[17]

24. 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.**[7]

25. Wholesale stores.

26. Zoos, including the keeping of wild or exotic animals on a private or commercial basis. *[17]

27. Accessory buildings and uses customarily incidental to the above uses.

ARTICLE 805.3. HEIGHT REGULATIONS: The height of buildings shall not exceed **40 feet**, 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.*[15]

ARTICLE 805.4. YARD REGULATIONS:

1. *Front Yard:* A minimum of **ten feet**, and further that where the frontage between **two intersecting streets** is located partly in the C-3 Zoning District and partly in a rural or residential zoning district, there shall be a front yard equal to the front yard required in the adjoining rural or residential zoning district but such yard need not exceed **25 feet** in depth.

2. *Side Yard:* None required (see Chapter 8, Section 805., Article 805.3. - Height Regulations) except that:

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

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

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

3. *Rear Yard:* None required (see Chapter 8, Section 805., Article 805.3. - Height Regulations) except that where a lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than **25 feet**.

   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 1403. hereof.

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

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

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

   a. A solid wall, not less than **six feet** in height shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary at the time of development of the commercial property. Further, any access gates in said solid wall shall be constructed of view-obscuring material to provide effective site screening.

   b. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of a commercial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor commercial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

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

3. A building other than the residence of the family of the operator or caretaker employed on the premises of a commercial use shall not be used for dwelling purposes unless approved as a Special Use by the Board of Supervisors.[*4, *10]

4. In any multi-phase commercial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development.[*9]

5. All commercial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance.[*12]

6. 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.*13

Date of Revisions			
*1	Revised 5-11-81	*11	Effective 9-15-06 – TA2006003
*2	Revised 6-01-81	*12	Effective 9-22-08 – TA2007016
*3	Revised 4-02-84	*13	Effective 1-16-09 – TA2008008
*4	Renumbered 1-07-85	*14	Effective 11-19-10 – TA2009014
*5	Revised 4-01-85	*15	Effective 3-16-11 – TA2010022
**7	Added 4-10-89	*16	Effective 1-29-14 – TA2013014
*9	Added 2-20-94	*17	Approved 10-08-14 – TA2014006
*10	Revised 5-06-94	*18	Effective 5-26-17 – TA2016002

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

ARTICLE 901.1. **PURPOSE:** The principal purpose of this zoning district is to provide sufficient space in appropriate locations for certain types of business and manufacturing uses that are quiet, attractive and well designed including appropriate screening and/or landscape buffers to afford locations close to existing residential uses, so that people can live and work in the same neighborhood while encouraging sustainable development practices.*6, *13

ARTICLE 901.2. **USE REGULATIONS:** A building or premise shall be used only for the following purposes.*4, *17

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.

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. Renewable energy systems are not permitted as a primary use but may be permitted as an accessory use as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted.*13

16. Emergency housing - Temporary shelter required due to a natural disaster or fire or other circumstances determined to constitute an emergency by the zoning inspector.**7, *9

17. Temporary construction administration offices/yard complex – which may include a security office or residence for a security guard provided that the following conditions are met:*17

    a. The uses are only associated with the developer/owner and subdivision or project in which they are located.*17

    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 temporary facility are removed.*17

    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.

18. 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]

19. Gardens and community gardens as defined in Chapter 2.*[15]

20. Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location facilities as defined in Chapter 2 of this Ordinance subject to all rules adopted by the Arizona Department of Health Services and to the following conditions:*[16]

    a. Medical Marijuana Dispensaries or Medical Marijuana Offsite Cultivation Location facilities shall not be located within 1,500 feet of any other Medical Marijuana Dispensary.

    b. Medical Marijuana Dispensaries and Medical Marijuana Offsite Cultivation Locations shall not be located within 1,500 feet of:

        1. A church; or

        2. A public or private elementary or secondary school; or

        3. A public or private day care center, preschool, nursery, kindergarten, or similar use; or

        4. A public park or playground; or

        5. An adult oriented facility.

    c. For purposes of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior wall of the subject building to the closest boundary line of any affected parcel without regard to intervening structures or objects or political boundaries.

    d. A Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location facilities lawfully operating is not rendered in violation of these provisions by the subsequent location of a church, public or private elementary or secondary school, a kindergarten or preschool or similar use, or a park or playground within 1,500 feet of the Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location.

e. This provision shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

21. Any use permitted in the C-3 zoning district.*17

ARTICLE 901.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **40 feet,** 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.*14

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

1. *Front Yard:*[*6]

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

1. Abutting any major street, section line road, State or Federal Highway not less than **20 feet**.

2. Abutting collector streets and midsection line roads and roads adjoining rural or residential zoning districts not less than **15 feet**.*7

3. Abutting local streets and interior streets of industrial subdivisions not less than **ten feet**.

b. For through lots, a front yard shall be provided along both front lot lines.

c. For corner lots the yard along each street side of such corner lot shall conform with the front yard regulations.*7

2. *Side Yard:* Where the side of a lot is adjacent to a rural or residential zoning district, there shall be a side yard having a width of not less than **30 feet**, of which a minimum of **10 feet** shall be landscaped and continuously maintained. (See Chapter 9, Section 901., Article 901.3. - Height Regulations).*7

3. *Rear Yard:* Where the rear of a lot is adjacent to a rural or residential zoning district there shall be a rear yard having a depth of not less than **30 feet**, of which a minimum of **10 feet** shall be landscaped and continuously maintained. (See Chapter 9, Section 901., Article 901.3. - Height Regulations).*6

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

1. *Lot Area:* Each lot shall have a minimum lot area of **35,000 square feet**.*6

2. *Lot Width*: Each lot shall have a minimum width of **150 feet**.*6

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

4. *Volume Ratio:* The volume of all structures on a lot shall not exceed the product of the lot area in square feet multiplied by **nine feet**.*6

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

ARTICLE 901.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1404.

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

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

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

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

3. Required yards adjacent to any street shall be landscaped and shall not be occupied by any use or structure including parking or loading

spaces except for drives and roadways, signs and lighting as permitted in this Ordinance.*6

4. Site Enclosure and Screening Requirements: Industrial sites and/or uses shall be enclosed to provide effective site screening from adjoining properties, uses or streets by the use of walls, berms and landscape plantings or combinations thereof as follows:*6

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

   b. A solid masonry, concrete or earthen product wall not less than **six feet** in height or approved landscaped berms, landscape screening or combinations thereof shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary. Further, any access gates shall be constructed of view-obscuring materials to provide effective site screening. Approval of the alternative screening methods listed above shall be by the Board of Supervisors upon recommendation of the Commission.*6

   c. The perimeter of any portion of a site not adjacent to a rural or residential zoning boundary upon which any outdoor use of an industrial nature is permitted, shall be screened to a height of not less than **six feet** in height by building walls, walls or fences of any view obscuring material, approved landscaped berms, landscape screening or combinations thereof. No outdoor industrial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure. Approval of the alternative screening methods listed above shall be by the Board of Supervisors upon recommendation of the Commission.*6

   d. Landscape Requirements: Minimum site landscape requirements are as follows: (Note: The Board of Supervisors or the Planning and Zoning Commission may include additional landscape requirements.)*6

      1. Any part of a site not used for buildings, parking, driveways, storage, loading, sidewalks, etc. shall be landscaped and maintained.

2. Not less than **2%** of all vehicle storage or parking areas, nor less than **8%** of the total net lot area, shall be landscaped and continuously maintained in a healthy condition. The landscaped area within the storage and parking areas shall not be included in the calculation for the minimum **8%** landscaping requirement for the total net lot area.

3. Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and non-organic ground cover materials. The approval of the above mixture of landscape materials shall be by the Board of Supervisors upon recommendation of the Commission.

4. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.*[6]

5. All landscaped areas adjacent to vehicular parking and access areas shall be protected by **six inch** vertical concrete curbing in order to control storm water flows and minimize damage by vehicular traffic.*[6]

5. In any multi-phase industrial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by the Department of Planning and Development.*[7]

6. All industrial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance.*[12]

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 hot limited to parking covers, interior remodeling, additions to the buildings or new buildings.*[8]

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	*9	Revised 6-5-96
*2	Revised 4-2-84	*10	Effective 11-19-99
*3	Revised 10-15-84	*11	Effective 07-7-06 – TA2003005
*4	Revised/Renumbered 10-15-84	*12	Effective 9-22-08 – TA2007016
*5	Renumbered 10-15-84	*13	Effective 11-19-10 – TA2009014
*6	Revised 1-25-88	*14	Effective 3-16-11 – TA2010022
*7	Revised 2-20-94	*15	Effective 7-17-13 – TA2012011
**7	Added 2-20-94	*16	Effective 1-29-14 – TA2013014
*8	Added 5-3-95	*17	Approved 10-8-14 – TA2014006

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

ARTICLE 902.1. **PURPOSE:** The principal purpose of this zoning district is to provide for light industrial uses in locations which are suitable and appropriate taking into consideration the land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities 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. *8, *12

ARTICLE 902.2. **USE REGULATIONS:** A building or premise shall be used only for the following purposes.*5,*15

1. Any use permitted in the **IND-1** Zoning District, including a Medical Marijuana Dispensary or a Medical Marijuana Offsite Cultivation Location subject to all the regulations specified in the use regulations for such IND-1 Zoning District unless the use is otherwise regulated in this Section.*1, *8, *14, *15

2. Airports, runways/airstrips, helipads/heliports, and facilities for unmanned aerial vehicles.*15

3. Aircraft firms including sales, service and rental.

4. Bakeries, wholesale.

5. Bottling plants or breweries.

6. Cleaning plants, including carpets and dyeing.

7. Construction equipment, including sales, service, rental and storage.

8. Dairy products, processing of.

9. Experimental and proving grounds.*[15]

10. Farms as defined in Chapter 2.

11. Laboratories, experimental, photo or motion picture, research or testing.

12. 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.

13. 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.

14. 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.

15. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay.

16. Packing houses, fruit or vegetable not including processing.

17. Public utility treatment and generating plants including sewage, wastewater, water, power, electrical, nuclear and solar, and including ancillary offices. Attendant facilities and appurtenances to the above uses as well as uses associated with service to the public of water, gas, telephone and cable television. Where an electrical generating

plant is in operation, evaporation ponds and other appurtenances may be permitted provided such evaporation ponds or appurtenances are associated within the facility being served.*15

18. Training centers, industrial.

19. Truck terminals, including service and storage.

20. Warehousing, storage and wholesale distribution facilities.

21. 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.

22. Accessory buildings and uses customarily incidental to the above uses. Renewable energy systems are not permitted as a primary use but may be permitted as an accessory use as set forth in Section 1206 of this Ordinance. Where renewable energy systems involve the generation or striate of electricity, only grid-connected or off-grid systems are permitted.*8, *12

ARTICLE 902.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **40 feet,** 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.*13

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

1. *Front Yard:*

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

1. Abutting any major street, section line road, State or Federal highway not less than **20 feet**.

2. Abutting collector streets and midsection line roads not less than **15 feet**.

3. Abutting local streets and interior streets of industrial subdivision not less than **ten feet**.

b. Where the frontage between **two** intersecting streets is located partly in the IND-2 Zoning District and partly in a rural, residential or commercial zoning district, there shall be a front yard equal to the front yard required in the adjoining rural, residential or commercial zoning district, but such yard need not exceed **25 feet** in depth.

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

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

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

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. *12

ARTICLE 902.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1404. *12

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

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. Any outdoor lighting shall be placed so as to reflect light away from any adjoining rural or residential zoning district. *4, *12

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 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. *9

6. All industrial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. *11

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 hot limited to parking covers, interior remodeling, additions to the buildings or new building. *10

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

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

Date of Revisions			
*1	Revised 3-29-71	*10	Added 5-03-95
*2	Revised 4-09-79	*11	Effective 9-22-08 – TA2007016
*4	Revised 4-02-84	*12	Effective 11-19-10 – TA2009014
*5	Revised 10-15-84	*13	Effective 3-16-11 – TA2010022
**5	Added 10-15-84	*14	Effective 1-29-14 – TA2013014
*8	Revised 5-16-90	*15	Approved 10-08-14 – TA2014006
*9	Added 2-20-94		

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

ARTICLE 903.1. **PURPOSE:** The principal purpose of this zoning district is to provide for heavy industrial uses in locations which are suitable and appropriate, taking into consideration land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities 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.*8

ARTICLE 903.2. **USE REGULATIONS:** A building or premise shall be used only for uses permitted in the IND-2 Zoning District subject to all the regulations specified in the use regulations for such IND-2 Zoning District or any industrial use not listed that is not in conflict with any federal law, state law or any Ordinance of Maricopa County, and subject to procedural regulations as listed in Chapter 3, Section 306. Special Uses may be allowed on any lot in this district as authorized in Chapter 13, Section 1301. Renewable energy systems as set forth in Section 1206 of this Ordinance may be permitted as either a primary or an accessory use.*4, *8, *10, *11

ARTICLE 903.3. **HEIGHT REGULATIONS:** The height of buildings shall not exceed **40 feet**, 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.*9

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

1. *Front Yard:*

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

      1. Abutting any major street, section line road, State or Federal highway not less than **20 feet**.

      2. Abutting collector streets and midsection line roads not less than **15 feet**.

3. Abutting local streets and interior streets of industrial subdivision not less than **ten feet**.

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

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

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

b. Where a corner lot abuts a rural or residential zoning district whether or not separated by an alley, there shall be a side 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.*[8]

ARTICLE 903.7. SIGN REGULATIONS: The sign regulations are as provided in Chapter 14, Section 1404.*8

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

ARTICLE 903.9. ADDITIONAL REGULATIONS: The additional regulations are as follows:*1

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

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

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

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

   b. A solid masonry wall, not less than **six feet** in height shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary, or any alley abutting such zone boundary. Further, any access gates shall be constructed of view-obscuring material to provide effective site screening.

   c. The perimeter of any portion of a site not adjacent to a rural or residential zone boundary upon which any outdoor use of any industrial nature is permitted shall be enclosed to a height of not less than **six feet** by building walls, walls or fences of any view-obscuring material. No outdoor industrial use or enclosure thereof shall encroach into any required setback area adjacent to any street, nor shall any storage products or materials exceed the height of any such enclosure.

4. Signs shall be subject to the same provisions applying to signs when located in the **IND-2** Zoning District.

5. In any multi-phase industrial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a method or plan approved by the Department of Planning and Development.*5

6. All industrial development shall be subject to a plan of development approval as set forth in the provisions of this Ordinance. *7

7. For industrial uses, which were developed prior to October 15, 1984, an as-built plan 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 hot limited to parking covers, interior remodeling, additions to the buildings or new buildings.*6

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	*6	Added 5-3-95
*2	Revised 4-09-79	*7	Effective 9-22-08 – TA2007016
*3	Revised 4-2-84	*8	Effective 11-19-10 – TA2009014
*4	Revised 10-15-84	*9	Effective 3-16-11 – TA2010022
**4	Added 10-15-84	*10	Effective 9-30-11 – TA2011001
*5	Added 2-20-94	*11	Effective 1-29-14 – TA2013014

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

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

1. Permit and encourage the unified planning of large areas in order to achieve the mixture, variety and cohesiveness of land uses and amenities that such large scale planning makes possible.

2. Establish development parameters for land uses, densities and intensities, and design standards, while allowing final detailed site plans and parcel descriptions to be deferred to the time of subdividing or site planning.

3. Assure both the County and the property owner that the development approved under a PAD may be carried out over a specified time.

4. Promote sustainable development practices.*2

ARTICLE 1001.2. GENERAL PROVISIONS:

1. The PAD District is an overlay zoning district which may be combined with any of the zoning districts set forth in this Ordinance, including Rural and Residential Districts, Commercial Districts, Industrial Districts, Unit Plans of Development (RUPD, CUPD and IUPD), and Special Uses (SUP).

2. The minimum site area for a PAD shall be **160 acres**.

3. Parameters for development are established through approval of a General Development Plan for the entire PAD site. Prior to development on any site within a PAD, approval of Specific Development Plans is required. Specific Development Plans provide the details of development for individual development parcels in the PAD.

ARTICLE 1001.3. USE REGULATIONS:

1. Uses permitted within the PAD District shall be limited to those permitted in the zoning districts with which the PAD District is combined, as set forth in the General Development Plan.

2. Height regulations, yard regulations, and intensity of use regulations shall be those required in the zoning districts with which the PAD District is combined, as set forth in the General Development Plan. Variations in these development standards may be approved through concurrent use of Unit Plans of Development (RUPD, CUPD and IUPD) in combination with the PAD and underlying zoning districts.

ARTICLE 1001.4. REQUIRED PLAN SUBMITTAL:

1. Applications for a PAD shall be filed and processed in the same manner as other amendments to the Zoning Ordinance. Notice and procedures for public hearings shall conform to the procedures prescribed in Chapter 3, Section 304.

2. The PAD application shall be accompanied by a General Development Plan which shall consist of the following:

   a. Map(s) showing at least the following:

      1. Boundary of the proposed PAD District.

      2. General boundaries, approximate acreage, and proposed land use of each development parcel (including the different types and densities of residential use), and the corresponding zoning district for each land use.

      3. General location of any known public uses, such as schools, parks, recreational facilities and trails.

      4. Approximate location of all arterial and collector streets.

      5. Landscaping concept plan.

      6. Topographic character of the land, with identification of any areas in the Hillside District (see Chapter 12, Section 1201.).

      7. Conceptual/preliminary drainage plan.

      8. General phasing boundaries.

b. Development narrative including at least the following:

1. Description of the proposed PAD and the nature of the development proposed.

2. Discussion of the internal and external land use relationships and compatibility.

3. Discussion of the proposed public features provided.

4. Identification of utilities and services to be provided for the development.

5. Schedule of development parcels listing land use, proposed underlying zoning district, approximate acreage, density or intensity limit, and applicable development standards.

6. Overall density proposed.

7. Landscaping concepts.

8. Phasing plan and anticipated timing for implementation of the development.

9. Master street plan, including street widths and cross-sections.

10. Traffic report including information on trip generation for each development unit, traffic volumes and capacity analysis.

11. Restrictive covenants (if applicable).

12. Legal description of the PAD boundary.

3. Upon approval of the General Development Plan by the Board of Supervisors, the PAD Zoning District shall be established on the site in accordance with provisions of Chapter 3, Section 304. However, no development shall be permitted until a Specific Development Plan has been approved for the parcel to be developed.

4. The Commission may recommend and the Board of Supervisors may approve conditions to the approval of a PAD including maximum density/intensity, maximum building heights, maximum lot coverage, minimum setbacks, timing and phasing, and other reasonable considerations deemed necessary to promote the purpose of this Ordinance.

5. Major changes to an approved PAD General Development Plan shall be processed in the same manner as the initial application. Minor amendments may be administratively approved by the Department of Planning and Development. For the purposes of this section the following shall be considered a major change to the approved PAD General Development Plan:

   a. A change in individual zoning district category.

   b. A change in individual zoning district area by **5%** or more.

   c. A change in the number or a substantial change in the location of major streets.

   d. Any change that is determined by the Planning Department Director to warrant review by the Planning Commission and Board of Supervisors.

ARTICLE 1001.5 SPECIFIC DEVELOPMENT PLAN:

1. Submittal and approval of a Specific Development Plan is required prior to development of any parcel within a PAD.

2. The Specific Development Plan shall be generally consistent with the development parameters set forth in the General Development Plan. Refinements in site configuration and development parcel size are allowable, as long as any limitations applied to the overall PAD are met. A legal description of the development parcel shall be included with application for the Specific Development Plan. Application for the Specific Development Plan shall include information showing the development parcel in the context of the approved PAD and in relation to any other approved Specific Development Plans in the PAD, along with an accounting of density or intensity if limits were stipulated in the PAD approval.

3. For residential parcels, the Specific Development Plan shall be a final plat or an approved Special Use Permit, processed in the same manner and with the same requirements set forth in the County Subdivision Regulations or this Ordinance.

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 11-19-10 – TA2009014

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

ARTICLE 1002.1. The purpose of the Residential Unit Plan of Development is to allow large-scale residential development where variation in development standards is warranted due to topography, innovative or sustainable project design, or other considerations.*25

ARTICLE 1002.2. The owners or authorized agents of a site may submit to the Board of Supervisors a plan to develop a Residential Unit Plan of Development. Plans, drawings and specifications shall be in sufficient detail so that reviewing bodies can fully evaluate the proposal and its effects.

ARTICLE 1002.3. The plan shall be referred to the Commission for its review, and recommendation at a public hearing. Notice and procedures for public hearings shall conform to the procedures prescribed in Chapter 3, Section 304.

ARTICLE 1002.4. The Commission having held a public hearing shall then present its recommendation and the plan to the Board of Supervisors for consideration and public hearing. Notice and procedures for public hearings shall conform to the procedures prescribed in Chapter 3, Section 304.

ARTICLE 1002.5. The recommendation of the Commission shall include the reasons for approval or disapproval of the plan, and if recommended for approval, specific evidence and facts showing the following:

1. The buildings shall be used only for single-family dwellings, two-family dwellings, multiple-family dwellings or manufactured houses, customary accessory uses, and community facilities.*1

2. The average lot area per dwelling unit or manufactured house, exclusive of the area occupied by streets, shall not be less than that required by the zoning district regulation otherwise applicable to the site.*1

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. *25

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 or this Ordinance.*23

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 501.2.14 if in a Rural zoning district or in accordance with Article 601.2.10 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 – TA2007016
*21	Effective 5-16-98	*24	Effective 11-14-2008 – TA2008005
*22	Effective 01-19-2007 – TA2003002	*25	Effective 11-19-10 – 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.

4. The proposed development was designed, and will be constructed, in a manner consistent with sustainable development practices.*23

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.*[22]

Date of Revisions			
*21	Effective 5-16-98	*22	Effective 9-22-08 – TA2007016
*23	Effective 11-19-10 – TA2009014		

SECTION 1004. IUPD (Industrial Unit Plan of Development)*4, *21

ARTICLE 1004.1. The purpose of the Industrial Unit Plan of Development is to allow variations in development standards in industrial projects that require special design techniques or flexibility due to topography, innovative or sustainable project design, or other considerations. *23

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. *23

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. *22

Date of Revisions			
*4	Added 10-15-84	*21	Effective 5-16-98
*22	Effective 9-22-08 – TA2007016	*23	Effective 11-19-10 – TA2009014

SECTION 1005. PD (Planned Development)*1

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

Conceptual plans for Planned Development Overlay Development should describe the general land use concept being proposed, along with information necessary to identify the nature, scale, intent and impact of development. Precise plans for actual development refine the concept proposal to a detail level.

ARTICLE 1005.2. GENERAL PROVISIONS:[*2]

1. The Planned Development Overlay Zoning District is an overlay zone and may be combined with any other zoning district or combination of districts listed in Chapter 4, Section 401.

2. All portions of a lot, parcel or combinations, thereof, within the Planned Development Overlay Zoning District as designated on the zoning district maps shall be subject to the regulations and procedures set forth in this Section, except as otherwise noted herein.

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

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

ARTICLE 1005.5. PROCEDURAL REGULATIONS: The Planned Development Overlay Zoning District may be combined with any primary zone and made a part of the Zoning District maps prior to approval of plans herein specified. However, before any development of property so designated with the "PD" Overlay is authorized, a plan of development is required as set forth in the provisions of this Ordinance.[*5]

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

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 – TA2007016		

SECTION 1006. SC (Senior Citizen)*1

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

ARTICLE 1006.2. USE REGULATIONS:

1. The SC (Senior Citizen Overlay) Zoning District is an overlay zone and shall be combined with any rural or residential zoning district and not with any other zoning district, (e.g., Rural-190 (SC), R1-35 (SC), R-5 (SC), etc.).

2. The regulations which apply to property in any zone with which the SC Zoning District is combined shall remain the same, except as to the matters specified in this Section. This Section shall apply in lieu of or in addition to and shall supersede the corresponding regulations of such zone with which the SC Zoning District is combined.

3. Temporary use for underage occupancy. Continued occupancy in this district in the dwelling unit by an underage spouse, because of the death or long term medical relocation of the spouse meeting the age requirement, shall be exempt from this provision. This exemption shall continue only so long as the remaining spouse maintains a sole occupant status. Upon change from a sole occupant status, the age requirements of this district for occupancy shall be met. Otherwise, a Temporary Use Permit for underage occupancy shall be required for occupancy of any underage person beyond the **90 days** permitted in Article 1006.6.1. *3

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

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

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

ARTICLE 1006.6. ADDITIONAL REGULATIONS: **3

1. Each dwelling unit, if occupied, shall be occupied by at least **one person** not less than **55 years of age** and no person **18 years of age** or under shall reside in any dwelling unit for a period of time exceeding **90 days**. *2, *3

2. The following criteria shall be met and maintained for each planned residential development: *3, *4

   a. At least **80%** of the dwelling units shall be occupied by at least **one person 55 years of age or older** per unit.

   b. Policies and procedures which demonstrate an intent to provide housing for persons **55 years of age or olde**r shall be published and adhered to.

   c. It is the responsibility of the residents and/or owners of properties to provide evidence that the above criteria are met and will be maintained.

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

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

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

SECTION 1007. WESTSIDE MILITARY AIRBASE*1, *2

THIS SECTION HAS BEEN REPEALED

Date of Revisions			
*1	Added 1-09-92	*2	Repealed 3-17-2010 – TA2009012

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. *3

ARTICLE 1008.2. GENERAL PROVISIONS:

1. The Wickenburg Highway Scenic Corridor Overlay Zoning District encompasses lands within **two miles** of the edge of the right-of-way of both sides of the Wickenburg Highway (U.S. Highway 60-89) extending from Bell Road (Surprise) to the Town of Wickenburg corporate limits.

2. Persons with property divided by the Scenic Corridor boundary or intensity levels (Class 1-4) are required to comply with the district standards only for that segment of the property within the boundary according to Chapter 4, Section 405. of the Maricopa County Zoning Ordinance.

3. When standards and requirements differ between the Scenic Corridor Overlay Zoning District and the existing primary zoning district classification, the more restrictive regulation shall apply.

4. All new development shall be required to conform with the Scenic Corridor Overlay Zoning District regulations. Existing uses shall be governed as provided by Chapter 13, Section 1305., Non-Conforming Uses, of the Maricopa County Zoning Ordinance.

5. The Wickenburg Scenic Overlay Zoning District is divided into **four** intensity levels according to location and physical features of the Scenic Corridor. These are as follows:

   a. **Class 1: One-quarter miles to two miles** from Wickenburg Highway Right-of-way.

   b. **Class 2: 300 feet to one-quarter mile** from Wickenburg Highway Right-of-way.

   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)

   2. **Class 3 to Class 4** **2**
      (Activity Centers)

   3. **Class 4 to Class 1 or 2** **2**
      (Arterial Intersections)

4. **Class 4** (Non-activity Center) **1.5**
to Class 4 (Activity Centers)

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

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

1. **CLASS 1:**

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

2. **CLASS 2:**

   a. *Land Use Plan:* Rezonings 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.

      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 1405 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%**.

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:*** Rezonings 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.

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 1405. 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.

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.

Date of Revisions			
*1	Added 8-1-91	*2	Effective 9-22-08 – TA2007016
*3	Effective 11-19-10 – TA2009014		

SECTION 1009. HWY 74 SCENIC CORRIDOR*1

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

1. Protect scenic land and associated views and viewsheds of natural, cultural and visual resources along Highway 74, while also recognizing the legitimate expectations of property owners and the County's overall land use and economic needs and goals.

2. Preserve Upper Sonoran Desert and hillside landforms to the greatest extent feasible for the benefit of residents, visitors and as an economic resource to Maricopa County in tourism and recreation activities.

3. Protect designated recreational areas, such as regional parks, by minimizing any potentially negative impacts from adjacent development.

4. Encourage innovative and sensitive planning, high quality design and construction techniques for development along Highway 74.

5. Encourage safe and efficient traffic flow along Highway 74.

6. Enhance the economic, social and physical living environment for the residents.

7. To encourage sustainable development practices. *3

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.

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

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

1. *Height Regulations:*

   a. For residential uses, **20 feet** within **250 feet** of the centerline of Highway 74 and **30 feet** from **250-500 feet** of the centerline of Highway 74.

   b. For nonresidential uses, **20 feet** within **250 feet** of the centerline of Highway 74 and **33 feet** from **250-500 feet** of the centerline of Highway 74.

2. *Slopes:* In addition to the standards in Chapter 12, Section 1201. (Hillside Development Standards), the following standards shall apply:

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

a. In locating required natural areas, attention shall be given to preservation of washes and significant natural features on the property and should be incorporated into the drainage plan.

3. *Setback from Highway 74:* Within the Corridor area, all structures, fences, parking areas and other improvements except driveways and signs, shall be setback an average of **75 feet** and a minimum of **50 feet** from the property line to allow an undulating rather than a linear setback and to accommodate the unique terrain and natural features of the site. Existing vegetation within the required setback shall be preserved with the exception of the driveway. Additional vegetation, if provided, shall be native vegetation indigenous to the Upper Sonoran Desert.

4. *Screening:* All uses shall comply with the following screening standards:

a. All service and outside storage areas shall be screened from public rights-of-way not less than the height of equipment to be screened. Screening shall consist of a solid decorative wall **six feet** in height to conceal trash containers, loading docks, transformers and other mechanical and/or electrical equipment.

b. All mechanical rooftop equipment must be screened to the height of the tallest equipment and/or integrated with the building design.

5. *Access:* The number of access points to Highway 74 from any one development within the corridor zone shall be limited to one driveway except as follows:

a. A traffic impact study demonstrates the need for additional driveways due to traffic conditions, and

b. The governmental jurisdiction concurs with that study and then allows additional driveways as required.

6. *Signs:* The sign regulations are as provided in Chapter 14, Section 1405.2 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.

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	Effective 6-6-94	*2	Effective 9-22-08 – TA2007016
*3	Effective 11-19-10 – TA2009014		

SECTION 1010 MILITARY AIRPORT AND ANCILLARY MILITARY FACILITY*1

ARTICLE 1010.1. AUTHORITY: The Military Airport and Ancillary Military Facility Overlay Zoning District is enacted pursuant to authority granted by Arizona Revised Statutes §11-814.

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.

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.

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:

	Ldn 65-69	Ldn 70-74	Ldn 75-79	Ldn 80-84	Ldn 85+	APZ 1	APZ 2
Residential							
Residential uses other than the residential uses listed below	No [13]	No [13]	No [13]	No [13]	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 [9,19]	Yes [10,19]	Yes [11,19]	No [13]	No [13]	No	No [13]
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 [9,19]	Yes [10,19]	Yes [11,19]	Yes [12,19]	No [13]	No	No [13]

	Ldn 65-69	Ldn 70-74	Ldn 75-79	Ldn 80-84	Ldn 85+	APZ 1	APZ 2
Transportation, communications, and utilities							
Railroad and rapid rail transit	Yes	Yes [5]	Yes [6]	Yes [7]	No	No	Yes [15]
Highway and street right-of-way	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Motor vehicle parking	Yes	Yes	Yes	Yes	Yes	Yes [15]	Yes [15]
Communications (noise sensitive)	Yes	Yes [2]	Yes [3]	No	No	Yes [15]	Yes [16]
Utilities	Yes	Yes	Yes	No	No	Yes [15]	Yes [16]
Other transportation, communications, and utilities	Yes	Yes [5]	Yes [6]	Yes [7]	Yes [8]	Yes [15]	Yes [16]
Commercial/retail trade							
Wholesale trade	Yes	Yes [5]	Yes [6]	Yes [7]	No	No	Yes
Building materials-retail	Yes	Yes [5]	Yes [6]	Yes [7]	No	No	Yes
General merchandise-retail	Yes	Yes [1]	Yes [2]	No	No	No	No
Food-retail	Yes	Yes [1]	Yes [2]	No	No	No	No
Automotive and marine	Yes	Yes [5]	Yes [6]	No	No	No	No/Yes [17]
Apparel and accessories-retail	Yes	Yes [1]	Yes [2]	No	No	No	No
Eating and drinking places	Yes	Yes [1]	Yes [2]	No	No	No	No
Furniture and home furnishings-retail	Yes	Yes [1]	Yes [2]	No	No	No	No/Yes [17]
Other retail trade	Yes	Yes [1]	Yes [2]	No	No	No	No

Personal & business services							
Finance, insurance, real estate	Yes	Yes (1)	Yes (2)	No	No	No	Yes
Personal services	Yes	Yes (1)	Yes (2)	No	No	No	Yes
Business services	Yes	Yes (1)	Yes (2)	No	No	No	Yes
Repair services	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes
Contract construction services	Yes	Yes (5)	Yes (6)	No	No	No	Yes
Indoor recreation services	Yes	Yes (5)	Yes (6)	No	No	No	Yes
Other services	Yes	Yes (5)	Yes (6)	No	No	No	Yes
Industrial/manufacturing							
Food and kindred products	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Textile mill products	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Apparel	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Lumber and wood products	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Furniture and fixtures	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Paper and allied products	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Printing and publishing	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Chemicals and allied products	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	No
Petroleum refining, and related industries	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	No

	Ldn 65-69	Ldn 70-74	Ldn 75-79	Ldn 80-84	Ldn 85+	APZ 1	APZ 2
Rubber and miscellaneous plastic	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Stone, clay and glass products	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Primary metal industries	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Fabricated metal products	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Professional, scientific, and controlling instruments	Yes	Yes (1)	Yes (2)	No	No	No	No
Miscellaneous manufacturing	Yes	Yes (5)	Yes (6)	Yes (7)	No	No	Yes (16)
Public and quasi-public services							
Government services	Yes (1)	Yes (2)	Yes (2)	No	No	No	Yes (16)
Cultural activities, including churches	Yes (1)	Yes (2)	No	No	No	No	No
Medical and other health services	Yes (1)	Yes (2)	No	No	No	No	No
Cemeteries	Yes (5)	Yes (6)	Yes (7)	No	No	No	Yes
Nonprofit organizations	Yes (1)	Yes (2)	No	No	No	No	Yes
Correctional facilities	Yes (1)	Yes (2)	Yes (3)	Yes (4)	No	No	Yes
Other public and quasi-public Services	Yes (1)	Yes (2)	No	No	No	No	Yes (16)

Outdoor recreation							
Playgrounds and neighborhood parks	Yes	Yes	No	No	No	Yes (15)	Yes
Community and regional	Yes	Yes	No	No	No	Yes (15)	Yes
Nature exhibits	Yes	No	No	No	No	No	No
Spectator sports, incl. arenas	Yes (14)	Yes (14)	No	No	No	No	No
Golf courses and riding stables	Yes	Yes (5)	Yes (6)	No	No	Yes (15)	Yes
Water based recreational areas	Yes	Yes (5)	Yes (6)	No	No	No	No
Resort and group camps	Yes (1)	Yes (2)	No	No	No	No	No
Auditoriums and concert halls	Yes (6)	Yes (7)	No	No	No	No	No
Outdoor amphitheaters and music shells	Yes (14)	Yes (14)	Yes (14)	No	No	No	No
Other outdoor recreation	Yes	Yes (14)	Yes (14)	No	No	No	No
Resource production, extraction and open space							
Agriculture (except livestock)	Yes (9)	Yes (10)	Yes (11)	Yes (12)	Yes (13)	Yes (13)	Yes (13)
Livestock farming and animal breeding	Yes (9)	Yes (10)	Yes (11)	Yes (12)	Yes (13)	Yes (13)	Yes (13)
Forestry activities	Yes (9)	Yes (10)	Yes (13)	Yes (13)	Yes (13)	No	Yes
Fishing activities and related Services	Yes	Yes	No	No	No	No	No

	Ldn 65-69	Ldn 70-74	Ldn 75-79	Ldn 80-84	Ldn 85+	APZ 1	APZ 2
Mining activities	Yes	Yes	Yes	Yes	Yes	No	Yes (16)
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.
(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.

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 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.

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 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.

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 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 pre-application 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 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.

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.

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.

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		

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*20, *31

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

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

1102.1.6. - *Warehouse Uses:* **On**e per 900 square feet of floor area [2]

[1] **20%** of parking spaces shall be reserved for guest parking spaces.

[2] **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:** *18

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 an arterial street, or a railroad right-of-way, unless requirement is waived by the Zoning Administrator due to an approved valet parking plan or other provision.*36

1102.3.3. The number and location of required parking spaces, and the distance of parking spaces from the use to be served, may be waived by the Zoning Administrator with an approved valet parking plan.*36

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:** *9, *12 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. [3]

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. [3]

1102.7.5. Adjacent to any rural or residential zone parking areas shall be screened from view, except when separated by a public street. [3]

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.*[3]

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.*[3]

1102.7.9. Parking spaces shall be designated by striping.*[3]

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.[3]

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. [3]

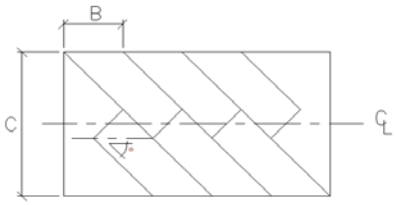
1102.7.12. Only **one** parking area entrance and **one** parking area exit; or **one** combined parking area entrance and exit is allowed for a lot or parcel along any **one** street unless otherwise approved by the County Engineer.

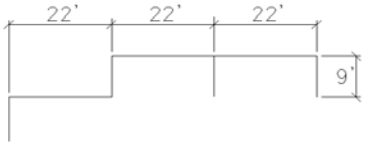
[3] Requirement applies except for single-family dwellings, two-family dwellings, and individual mobile homes on a lot of record.

ARTICLE 1102.8. **PARKING AREA DIMENSIONS:** *[34] Dimensions of parking spaces and access areas shall be in accordance with the following:

SEE PARKING LAYOUT GRAPHIC

ANGULAR PARKING PATTERNS

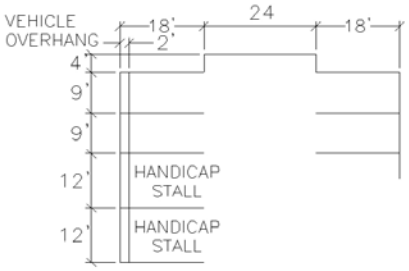




PARALLEL PARKING

ANGLE PARKING

∠°	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. *24

1102.9.5. Not more than **three** unregistered or inoperable motor vehicles shall be stored on any lot or parcel of land within any rural or residential zoning district, and such unregistered or inoperable vehicles if stored out of doors shall be stored in other than the required front yard and such that it is visually screened by a solid wall or fence from any public or private street right-of-way unless stored within an attached carport. Such storage shall maintain a **five (5) foot** clear path around any structures. *35

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	*20	Revised 4-03-91
*2	Added 12-30-74	*24	Revised 5-06-94
*3	Revised 8-11-75	*31	Effective 11-19-99
*8	Revised 10-01-79	*34	Correction 2-25-00
*9	Revised 5-11-81	*35	Effective 7-17-2013 – TA2012016
*12	Revised 8-15-83	*36	Effective 5-23-2014 – TA2013006
*18	Revised 8-05-85, Effective 1-01-86		

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. **7, ***9, ***10, ***11

Date of Revisions			
**7	Added 4-01-85	***10	Renumbered 12-0-87
***9	Renumbered 8-04-86	***11	Renumbered 2-06-89

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. *19

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. *19

Date of Revisions			
*19	Revised 2-06-89		

SECTION 1106. ACCESSORY BUILDINGS AND USES*17, *22

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. *27, *29, *30, *31

ARTICLE 1106.2. LOCATION: Detached accessory buildings and structures may be built in the required rear yard and/or the required side yard but shall not occupy more than **30%** of any required yard and shall not be nearer than **three feet** to any side or rear lot line. 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. *11, *32

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 4-01-85	*30	Effective 1-19-07 – TA2003002
*22	Revised 2-20-94	*31	Effective 11-14-08 – TA2008005
*27	Effective 10-10-97	*32	Effective 10-19-11 – TA2011010

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 *16

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.*4

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 and renewable energy systems may locate in the required rear yard and/or the required side yard subject to applicable regulations elsewhere in this Ordinance. *18, *19

1110.6.2. Ordinary projections of window sills, cornices, eaves and other ornamental features may project a distance not exceeding **two feet (2')** into any required yard.*19, *20

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	*18	Effective 11-19-10 – TA2009014
*16	Deleted 2-04-85	*19	Effective 10-19-11 – TA2011010

*17	Effective 02-01-07 – TA2006004	*20	Effective 5-23-14 – TA2013009

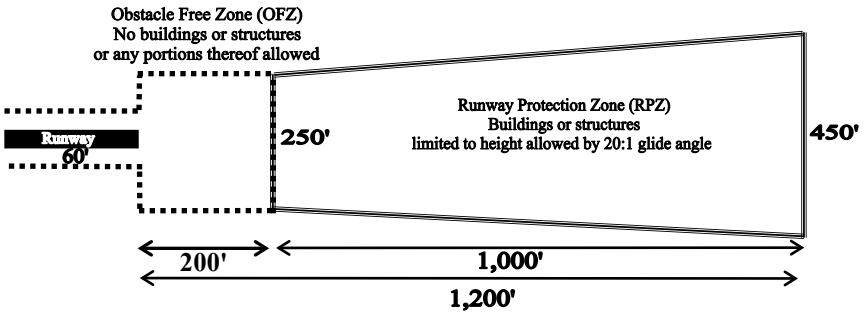
SECTION 1111. ADDITIONAL HEIGHT REGULATIONS

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 renewable energy 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. Renewable energy 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

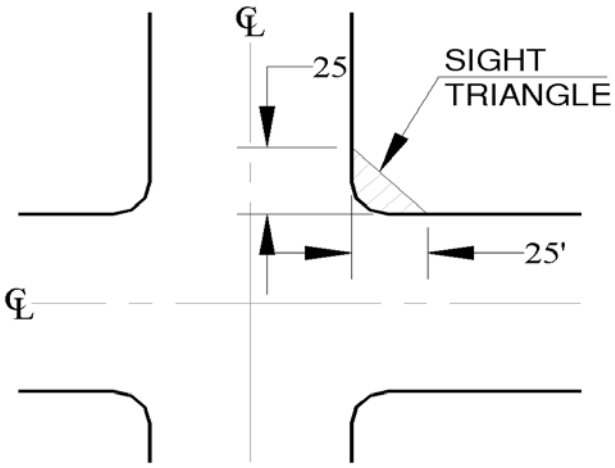
ARTICLE 1111.3. RUNWAYS AND LANDING STRIPS: Buildings or structures or any portions thereof, except for navigational aids, shall not be located in the obstacle free zone ("OFZ") which shall be defined as an area which is **60 feet wide** along each side of the edge of the runway of an existing or proposed 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 private airport if it will not conflict with applicable regulations of the Federal Aviation Administration or Department of Defense requirements.*35, *41, *42



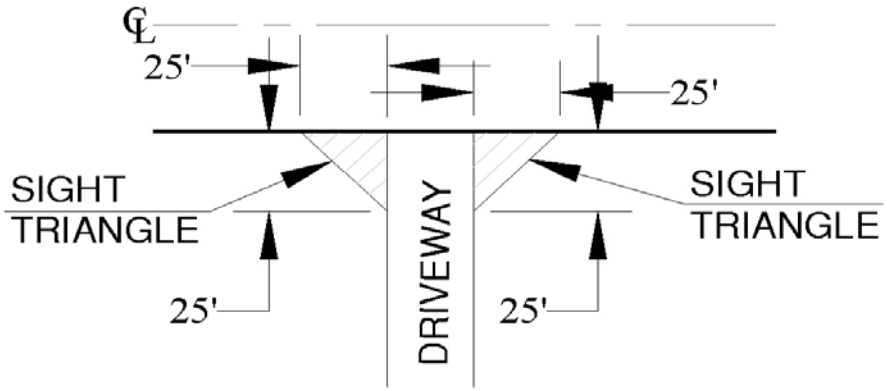
ARTICLE 1111.4. CORNER LOTS: The following limitations shall apply to corner lots in all zoning districts and to driveways in commercial and industrial zoning districts:

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.*32



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. *32

1111.4.3. Within the said triangles, driveways and parking are prohibited. *33



ARTICLE 1111.5. FENCES, WALLS, AND RETAINING WALLS: The following provisions apply to fences, walls, and retaining walls. *36

1111.5.1. Prohibitions: Concertina wire, razor wire, and electric wire or electrification of a fence are prohibited below a height of **eight (8) feet** above finished grade.*39

1111.5.2. Retaining walls

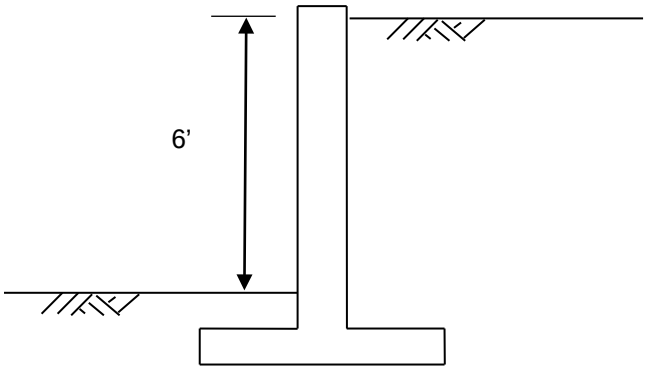
1111.5.2.1. Retaining walls shall meet the provisions of Article 1111.5 unless a variance to these standards is granted by the Maricopa County Board of Adjustment pursuant to Section 303, or through an approved Unit Plan of Development as set forth under Sections 1002, 1003, and 1004.

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

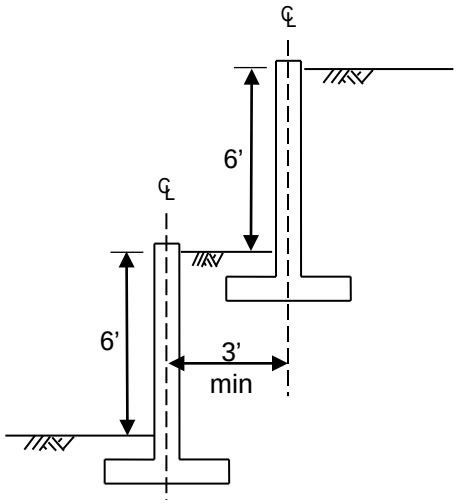
1111.5.2.3. Where retaining walls are visible to the public, said retaining walls should be constructed of split-face concrete masonry unit (CMU), stucco, brick, tile, stone or other material such to minimize the visual impact of the wall. Further, the area in front of a retaining wall that is visible 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.

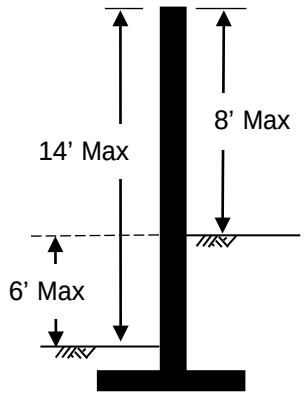
1111.5.2.4. Retaining walls shall not exceed a height of **six (6) feet** as measured from the low side finished grade to the top of the earth being retained, except as permitted in Article 1201.4 of this Ordinance.*[40]



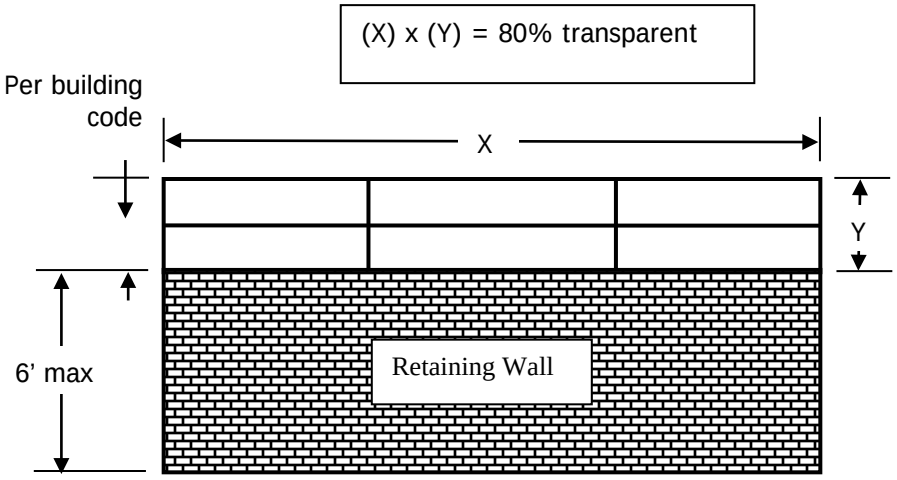
1111.5.2.5. Where more than one retaining wall is erected in a series such to serve as an integral retaining wall system, the height of an individual retaining wall section shall not exceed **six (6) feet** as measured from the low side finished grade of the retaining wall to the top of the earth being 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 **fourteen (14) feet** as measured from the low side finished grade to the top of the wall or fence. *39

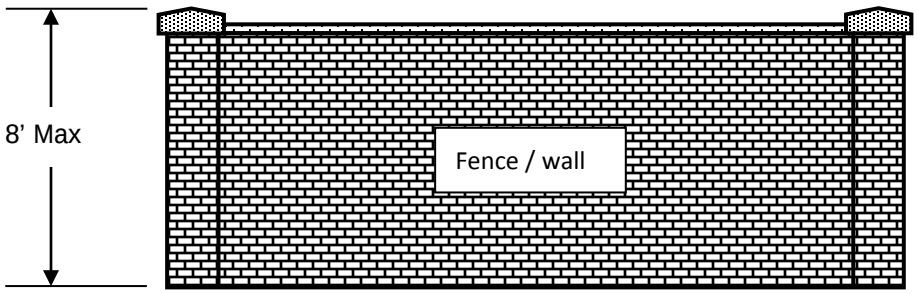


1111.5.2.7. Additional fall protection where required by the applicable building code shall be allowed on top of a retaining wall without affecting the overall height of the wall, provided said fall protection is of a transparency of **80%** or greater and the height of the fall protection does not exceed 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.



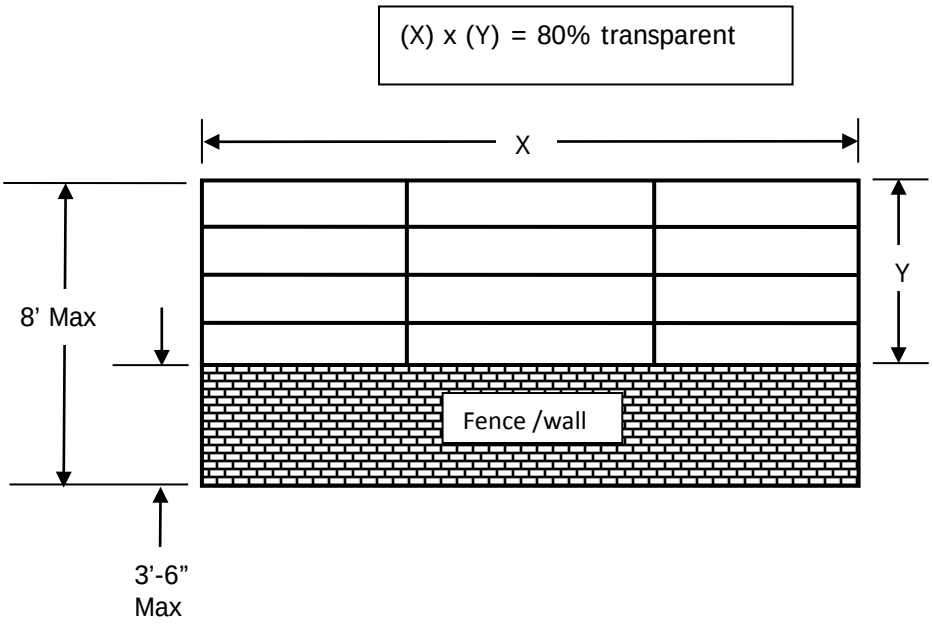
1111.5.3. Rural, Commercial, and Industrial zoning districts:

1111.5.3.1. Fences or walls located outside of the lot's buildable area shall not exceed a height of **eight (8) feet** as measured from finished grade, or as measured from the top of an integral retaining wall. This height shall include any columns, decorative caps, and light fixtures. *39

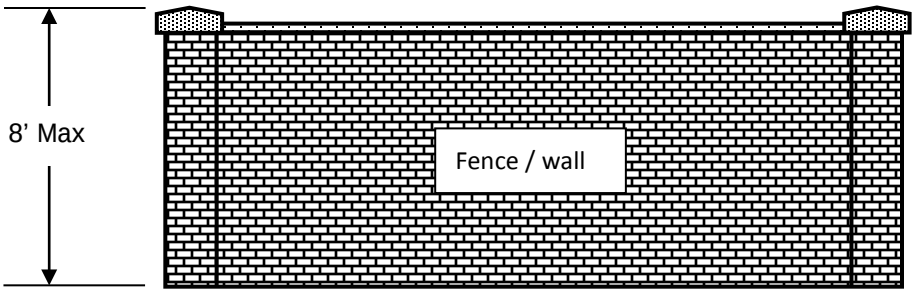


1111.5.4. Single-family and Multi-family zoning districts:

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 **eight (8) feet** as measured from finished grade, except that any height above 3'-6" up to a maximum height of **eight (8) feet** shall be permitted at an 80% transparency calculated by taking the area of the empty space between internal members divided by the outer dimensions of the fence/wall. This shall include chain link, metal pipe or wooden rail, metal view fence, or transparent sheeting. *39



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 **eight (8) feet** as measured from finished grade, or as measured from the top of an integral retaining wall. This height shall include any columns, decorative caps, and light fixtures. *39



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.

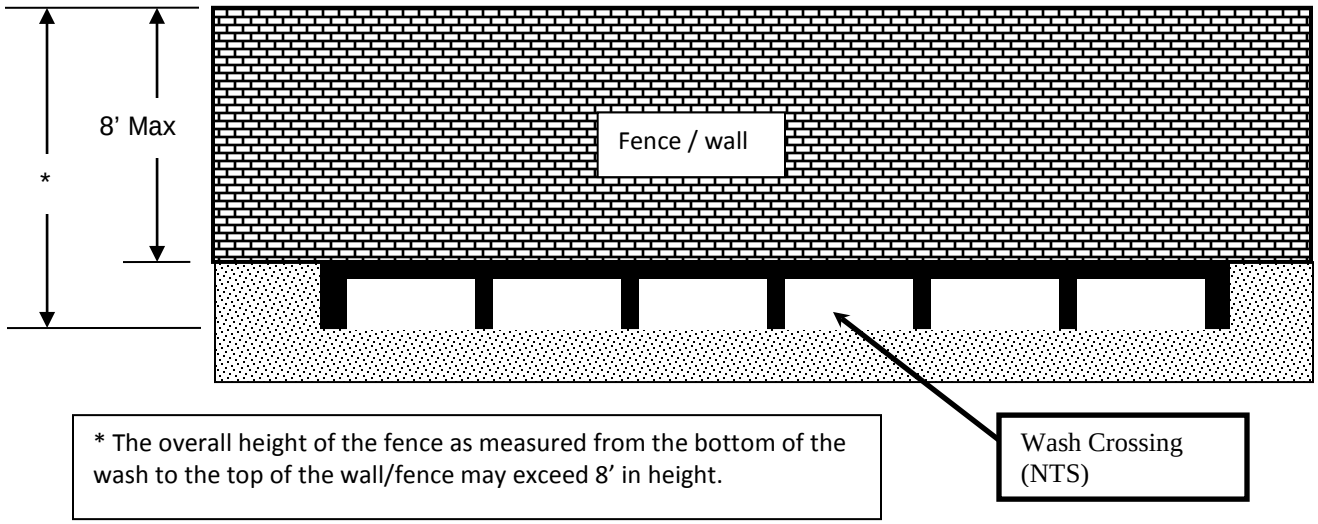
1111.5.5. Exceptions:

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. Any Residential Unit Plan of Development per Section 1002 of this Ordinance, or any Commercial Unit Plan of Development per Section 1003 of this Ordinance, or any Industrial Unit Plan of Development per Section 1004 of this Ordinance approved by the Board of Supervisors prior to August 22, 2012 may observe the development standards of this Section or the approved development standard whichever is the least restrictive. *39

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.

1111.5.5.4. The plane of a wall/fence height may be maintained at wash crossings for spans of up to **twenty (20) feet**. In these instances the wall/fence height may exceed **eight (8) feet**. *39



ARTICLE 1111.6. ACCESSORY BUILDING AND STRUCTURE HEIGHT: No building or structure in any zoning district shall exceed the maximum height permitted for a principal building permitted in the respective zoning

district unless the proposed use has specific height regulation set forth in this ordinance. *38

ARTICLE 1111.7. **Electric Transmission Lines:** Structures to support electric transmission lines shall observe a maximum height of 120 feet. *38

Date of Revisions			
*17	Revised 4-01-85	*37	Effective 11-19-10 – TA2009014
*26	Effective 6-13-97	*38	Effective 3-16-11 – TA2010022
*28	Effective 1-17-98	*39	Effective 8-22-12 – TA2012009
*32	Effective 2-04-00	*40	Effective 7-17-13 – TA2013002
*35	Effective 9-07-01 – TA2000004	*41	Effective 8-29-14 – TA2013013
*36	Effective 02-01-07 – TA2006004	*42	Effective 5-26-17 – TA2016003

SECTION 1112. OUTDOOR LIGHT CONTROL PROVISIONS*13

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. ***Offsite sign (billboard) external lighting:*** *15

1. Lighting shall be installed such that the sign is illuminated from top down to prevent glare and light trespass.
2. Light fixtures shall be fully shielded.
3. Shall consist of no more than **four (4)** individual fixtures (or lamps) per sign face and produces a maximum of **40,000 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[1]	None	None
High pressure sodium	Fully	None
Metal halide[5]	Fully	Yes
Fluorescent[7]	Fully[4]	Yes[2]
Quartz[3]	Fully	None
Incandescent greater than 150 watts	Fully	None
Incandescent, 150 watts or less	None	None
Mercury vapor	Fully[6]	Yes[6]
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: *14

1112.7.1. *Bottom-Mounted Outdoor Advertising Lighting:* Outdoor advertising sign boards which exceed **301 square feet** per sign face and are illuminated by an approved bottom-mounted outdoor advertising fixture shall be equipped with an automatic device which shuts off the fixture between midnight and sunrise. *15

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:*14

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 4-02-84	*15	Effective 9-14-11 – TA2008004
*14	Added 10-29-84		

SECTION 1113. FLOOD CONTROL REGULATIONS*1

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 2-04-74		

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: *22

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: *3, *5, *17

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. *5, *22

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 or side yard of the lot, but not within the required front yard except that for loading and unloading purposes may be permitted for a period of time not to exceed **72 hours**. Such storage shall maintain a **five (5) foot** clear path around any structures. *5, *22, *23

Date of Revisions			
*3	Revised 8-11-75	*22	Revised 2-20-94
*5	Revised 1-03-77	*23	Effective 7-17-2013 - TA2012015
*17	Revised 4-01-85		

SECTION 1115. AMATEUR RADIO ANTENNAS AND ANTENNA SUPPORT STRUCTURES*28

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 and Single Family Residential 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. *29

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 and Single Family Residential 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. There is no limit to the number of amateur radio antennas mounted to a building and such structures shall be considered a building appurtenance. *29

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	*29	Effective 7-10-15 - TA2015001

SECTION 1116. PROPERTY MAINTENANCE*1

A person, firm or corporation shall have committed a violation of this Ordinance if such person, firm or corporation without lawful authority:

ARTICLE 1116.1. Allows for rubbish, junk, trash, weeds, filth, debris or dilapidated buildings which constitute a hazard to public health and safety to remain upon property of which they are the owner or occupant, or to remain upon sidewalks, streets and alleys contiguous to the property which they are the owner or occupant.

ARTICLE 1116.2. Places any rubbish, trash, filth or debris upon any private or public property located in the unincorporated areas of the County which is not owned or under the control of the person, firm or corporation.

Date of Revisions			
*1	Approved 10-8-14 - TA2014008		

SECTION 1201. HILLSIDE*1, *2, *4

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 encourage the preservation of natural topographic features and to minimize the scarring of hillside construction.

ARTICLE 1201.2. GENERAL PROVISIONS:

1201.2.1. All portions of a lot, tract or parcel having a natural slope of **15% or greater** within any horizontal distance with a **ten foot (10') elevation change** shall be subject to the regulations set forth in this Section. Any challenge to a determination by the Department that any portion of a lot, tract or parcel is subject to the regulations set forth in this Section, shall include as part of the challenge a written determination of an Arizona registered civil engineer supported by sealed topographical plans.*3, *5

1201.2.2. The issuance of grading permits, building permits 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 buildings and structures, including retaining walls, 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. This shall not be construed to prevent relief from the standard with approval of a Special Use Permit in accordance with Section 1301 of this ordinance, a Unit Plan of Development in accordance with Sections 1002, 1003 or 1004 of this ordinance, or a Variance in accordance with Section 303 of this ordinance.

ARTICLE 1201.5. OTHER REGULATIONS: The yard, intensity of use, parking, loading and unloading, and additional regulations which apply to property in any zoning 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 disturbance shall be defined as all grading, grubbing and clearing; construction activity; erection, placement or construction of buildings and structures; paving and surfacing of roadways, driveways, and parking areas; easements for above ground and underground utility lines; septic systems including leach fields and evaporation ponds; excavation or filling or combination thereof, and cut and fill of slopes and associated spill materials.*2

1201.6.1. *Grading and Drainage Requirements:* There shall be no grading or other disturbance 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 Drainage Clearance, and prior to final approval of complete plans by the Building Safety Division and the issuance of a Building (grading) Permit.

1. The extent of all disturbance on that portion of a lot which has a natural slope of **15%** or **greater**, shall be limited to a total disturbance within the gross lot area not to exceed **75,000 square feet** and shall be located entirely within the buildable area of the lot, except that disturbance related to the driveway and utility connections may extend outside the lot's buildable area to the street line or other lot line. This shall not be construed to prevent relief from the standard with approval of a Special Use Permit in accordance with Section 1301 of this ordinance, a Unit Plan of Development in accordance with Sections 1002, 1003 or 1004 of this ordinance, or a Variance in accordance with Section 303 of this ordinance.

2. *Sewage Disposal System:* All spill materials shall be contained within the building envelope.

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. The driveway shall be the shortest practical route from the street line to the lot's buildable area and shall be the narrowest practical width.

5. Roadways and all related hillside disturbance shall be contained within dedicated rights-of-way, subdivision private street tracts, or easements. Roadways within easements are included in the maximum gross lot disturbance (sq. ft.).

6. No building or structure shall be placed outside of the lot's buildable area within any portion of a required yard that has a natural slope of **15%** or **greater**. This shall not be construed to prevent relief from the standard with approval of a Special Use Permit in accordance with Section 1301 of this ordinance, a Unit Plan of Development in accordance with Sections 1002, 1003 or 1004 of this ordinance, or a Variance in accordance with Section 303 of this ordinance.

7. ***Drainage:*** The entrance and exit points and continuity of all natural drainage channels on a hillside site shall be preserved.

8. All cut and fill slopes shall be completely contained by retaining walls or by substitute materials acceptable under the provisions of the County's adopted Building Code (including riprap materials) except for the minimum amount of swale grading necessary for drainage purposes.

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

1201.6.2. ***Slope Stabilization and Restoration:***

1. Vegetation shall be reestablished on all exposed fill slopes, cut slopes, and graded areas, or areas otherwise disturbed, by means of a mixture of indigenous 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 indigenous vegetation, all exposed cut slopes shall be riprapped with stone or chemically stain treated with materials which blend in with the natural setting.

2. Any slope disturbance in violation of this Section is a violation of this Ordinance and shall be remediated with a Plan of Compliance that will specifically list the method of slope stabilization including vegetation, soilscape and contours; will set deadlines for remediation to be completed; and may be subject to all remedies as outlined in Chapter 15 of this Ordinance.

ARTICLE 1201.8. PROCEDURAL REGULATIONS:[*4]

1201.8.1. All applications for a Zoning Clearance and Drainage Clearance on those portions of properties having a natural slope of **15%** or **greater** shall contain the following materials and information:[*2]

1. *Site Plan:*

a. Contour interval not exceeding **five foot** intervals. Graphically depict all portions of properties having a natural slope of **15% or greater**, previously disturbed and proposed disturbance.

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 maximum building and structure height conditions in each cross section.

e. Graphically depict all disturbed areas and show the proposed method of final treatment.

f. A grading and drainage plan is required and shall be prepared and sealed by an Arizona registered civil engineer.

g. Show location of all proposed utility lines, and septic tank or sewage disposal areas.

h. Give legal description and property dimensions.

i. Provide a table on the plan which provides the following information:[*3]

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 will be new disturbance (sq. ft.), including disturbance during construction.

Date of Revisions			
*1	Added 2-15-83	*4	Effective 09-22-08 – TA2007016
*2	Revised 1-4-89	*5	Effective 05-20-14 – TA2013010
*3	Added 10-4-01 – TA2000010		

SECTION 1202. WIRELESS COMMUNICATION FACILITIES*1, *2

ARTICLE 1202.1. PURPOSE: The principal purpose of this Section is to establish the locations in unincorporated Maricopa County where wireless communication and information system 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. Wireless communications facilities are permitted in all zoning districts subject to the provisions and standards outlined in this Section.

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 an area adequate to accommodate the tower structure and associated ground equipment for at least two carriers.

1202.2.3. The construction and location of wireless communication facilities and facilities for wireless information systems 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 are prohibited unless co-locating on an existing structure (other than a wireless communication facility tower) and unless there is a plan to mitigate interference with military and commercial aircraft and to mitigate disruption of avian migration and nesting and to preserve nighttime skies for astronomical observation, and shall be required to obtain Special Use Permit approval of the Board of Supervisors. Structures of 199 feet or less in height shall not have lighting, unless said lighting is specific to the purpose of a structure upon which a wireless communication facility is co-located. *1

1202.2.5 Facilities for public safety agencies are exempt from the requirements of this Section.

1202.2.6 The standards contained in this Section with regard to height, diameter, and design are concealment elements to ensure structures do not have an adverse visual impact or harm the public welfare.

1202.2.7 Any wireless communication facility properly permitted that existed as of June 10, 2015 shall be considered legal non-conforming with regard to this Section. Any change to a legal non-conforming wireless communication facility shall bring it into conformance with this Section or shall be subject to a Special Use Permit.

1202.2.8. Any proposed wireless communication facility that cannot meet the standards outlined in Article 1202.3 of this Ordinance shall be required to obtain a Special Use Permit approval by the Board of Supervisors. A facility that meets the standards shall be processed administratively as a Conditional Use Permit prior to obtaining construction permits. Notwithstanding the foregoing, relief from the standards may be granted with approval of a Variance pursuant to Section 303 of this Ordinance.

ARTICLE 1202.3. STANDARDS: The following standards shall apply to Wireless Communication Facilities:*1

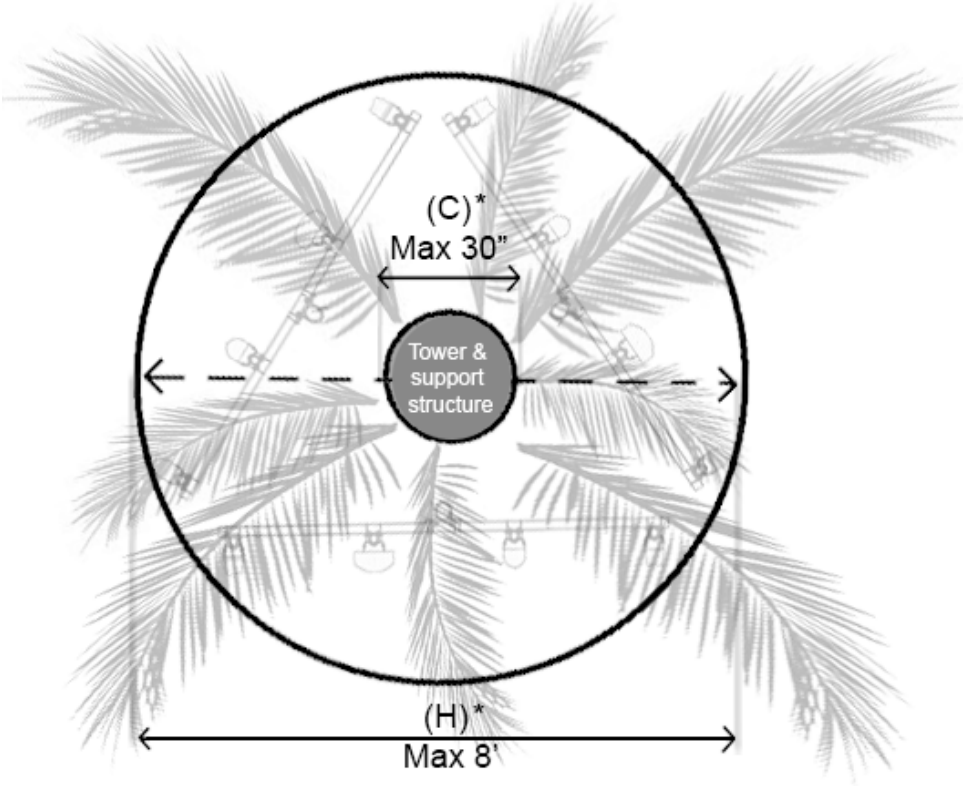
1202.3.1. **Location**:

1. In Rural, Single-Family Residential or Multiple-Family Residential Zoning Districts, wireless communication facilities are permitted subject to the following limitations:*1

   a. The maximum height of a wireless communications facility including the base, platform and attached antennae shall not exceed **80 feet** above grade or no greater than **15 feet** above the height of the structure (other than a wireless communication facility tower) onto which it will be attached.

   b. 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

   c. Towers and support structures shall have a maximum diameter of **30 inches** (2.5 feet).



*Letters reference sub-articles of this Section of the Ordinance.

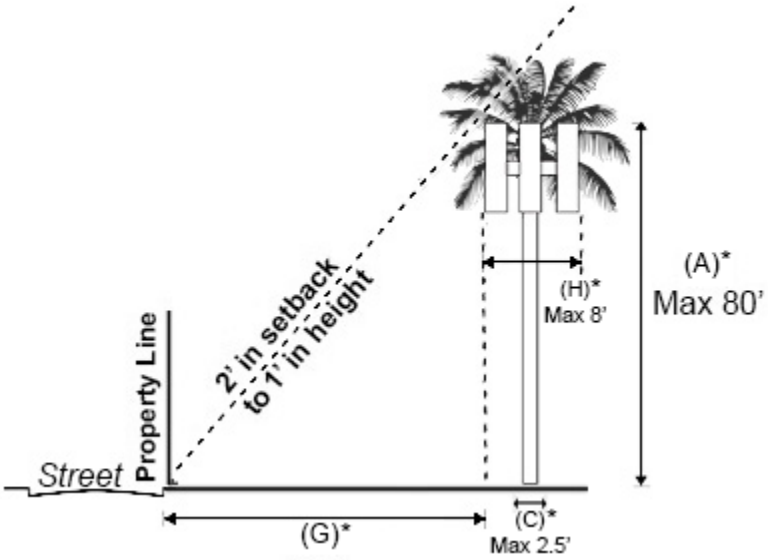
d. The color of a wireless communication facility shall be compatible with the surrounding environment. Exposed portions of the tower structure shall be non-reflective. *1

e. Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department. *1

f. Wireless communication facilities which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.*1

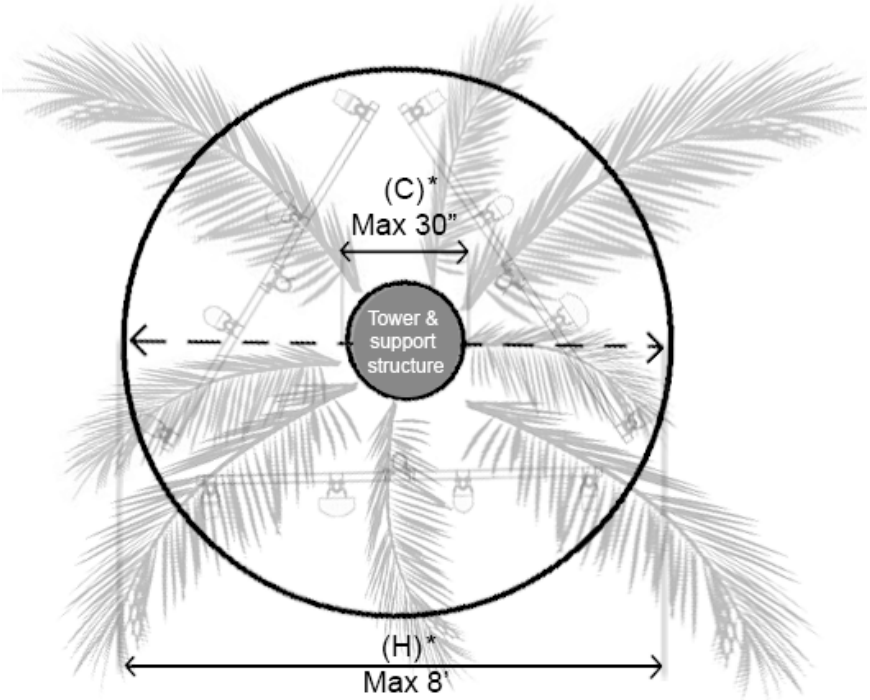
g. Wireless communication facilities shall be setback **2 feet** from all property lines for each **1 foot** in height (including tower and antenna attachments but not to include architectural features for stealth design), unless co-locating on a building/structure (other than a wireless communication facility tower). Structures that are no greater in height than the maximum permitted building height for the

respective zoning district may be permitted at a minimum **3 foot** setback but shall not be located within a required front yard.



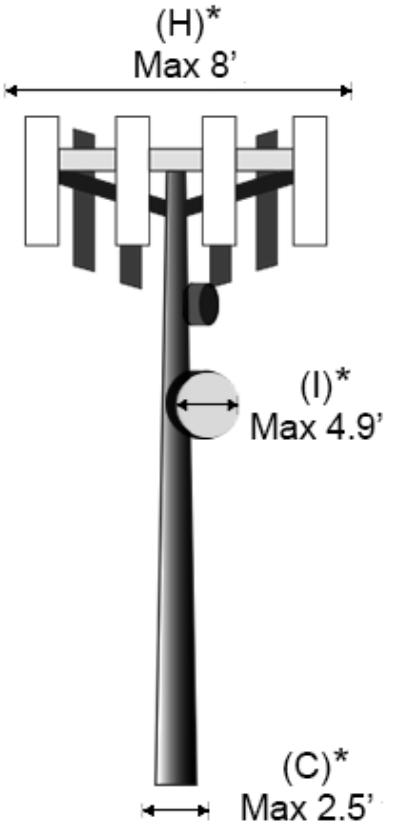
*Letters reference sub-articles of this Section of the Ordinance.

h. The maximum diameter of antenna arrays shall be **eight feet** measured from circumference line to circumference line through the center of the tower structure but not including architectural features for stealth design such as tree limbs, palm fronds, and windmill blades.



*Letters reference sub-articles of this Section of the Ordinance.

i. The maximum diameter of any microwave dish shall be **one and one half meters** (**4.9 feet**).



*Letters reference sub-articles of this Section of the Ordinance.

j. All ground-mounted equipment associated with a wireless communication facility shall be screened visually and to mitigate noise.

k. Unless no greater in height than the maximum permitted building height for the respective zoning district or designed in a stealth manner acceptable to staff of the Maricopa County Planning and Development Department, the tower structure for a new wireless communication facility shall be located at least **1,000 feet** (radius) from any existing wireless communication facility tower structure. There is no separation requirement for facilities mounted on a building/structure (other than a wireless communication facility tower). A stealth design must observe reasonable site aspects to affect the stealth design. For example, stealth design as a tree must have live trees of the respective species imitated and of similar height located in proximity to the tower.

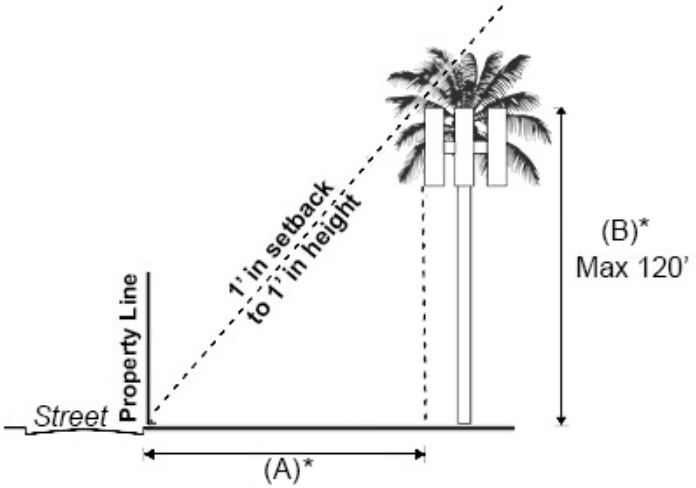
l. Unless located within a building, a solid screen wall of a minimum **six feet high**, or to the height of intake/exhaust for HVAC and other equipment if higher, shall be constructed around the facility's ground equipment, and shall visually screen all equipment and mitigate noise. Associated panels for solar power generation do not require screening.*1

m. Generators will only be permitted for emergency purposes.

n. All ground equipment accessory to the Wireless Communication Facility shall be setback at least three feet (3') from a lot line and shall not be located within a required front yard.

2. In Commercial or Industrial zoning districts, wireless communication facilities are permitted subject to the following limitations:*1

a. The wireless communication facility, if exceeding the height requirements of the zoning district in which it is located, shall be set back from a property line that abuts land located in a Rural or Residential Zoning District **one foot** for every **one foot** in height of the wireless communication facility (including tower and antenna attachments but not to include architectural features for stealth design), unless mounted on a building/structure other than a wireless communication facility tower. 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. Structures that are no greater in height than the maximum permitted building height for the respective zoning district may be permitted at a minimum **3 foot** setback but shall not be located within a required front yard.*1



*Letters reference sub-articles of this Section of the Ordinance.

b. The maximum height of a wireless communications facility including the base, platform and attached antennae, shall not exceed **120 feet above grade** or 15' above the height of the structure (other than a wireless communication facility tower) onto which it will be attached.*[1]

c. There is no separation requirement for facilities in Commercial or Industrial zoning.

d. There is no limit to the number of Wireless Communication Facilities (including microwave dishes) that may be located on a building/structure in Commercial or Industrial zoning.

e. All standards of Article 1202.3.1.1 shall apply to facilities located within Commercial or Industrial zoning districts, unless specifically modified by the standards of Article 1202.3.1.2.

3. Any wireless communications facility or wireless information system facility proposed to be located on any property, tower or pole developed primarily for the transport, receiving or distribution of electricity or as an electric utility station, or other utility compound such as a water or wastewater treatment facility, are subject to the following limitations:

a. Such properties, towers or poles include, but are not limited to:

1. Substations;
2. Receiving stations;
3. Generating stations;
4. Switching yards;
5. Storage yards;
6. Communications facilities; and
7. Existing 500kV, 345kV, 230kV, 115kV, 69kV transmission lines.

b. The overall height of proposed new structures, antennas, attachments and appurtenances are limited to **125 feet** or the height of the tallest existing structure, whichever is less. Antennas proposed to be attached onto structures (other than a wireless communication facility tower) are limited to a maximum height of **15 feet** above the height of the structure onto which it will be attached.

c. Ground equipment may be located on another parcel, but must be setback at least **three feet** from any lot line. This does not apply to the item below.

d. In addition 12kV transmission lines, guy/stub poles, light poles or towers may have close mount antennas (less than **12 inch** radius and pole mounted equipment.

Date of Revisions			
*1	Effective 10-4-01 – TA2000006	*2	Effective 07-10-15 – TA2014001

SECTION 1203. MOBILE HOME PARKS*15

ARTICLE 1203.1. STANDARDS:

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

1203.1.2. Travel trailers or manufactured homes may be located on mobile home spaces but the minimum setbacks required of mobile homes shall be provided, and the appropriate sections of County plumbing and health codes must be complied with.*25

1203.1.3. Mobile homes, travel trailers, manufactured homes or detached accessory structures shall be located on mobile home spaces so as to provide a minimum setback from any mobile home space boundary, including boundaries in common with the edge of any interior drive or roadway, of not less than **five feet**, unless otherwise specified herein. Each mobile home or travel trailer shall set back from lot lines or required park screening a distance of not less than **ten feet**.

1203.1.4. The minimum distance between mobile homes, travel trailers, manufactured homes or detached accessory structures, and the minimum distance between mobile homes or travel trailers and buildings in the same mobile home park shall be **ten feet**, unless otherwise specified herein.*25

1203.1.5. A mobile home park shall provide a minimum **ten foot** clear unobstructed area from front lot lines and a minimum **ten foot** clear unobstructed area from street side lot lines. These areas shall be provided with appropriate landscaping, including necessary water maintenance facilities. These clear unobstructed areas shall not be utilized in determining space boundaries, dimensions or setbacks.

1203.1.6. Service buildings to house toilet, bathing and other sanitation facilities and utilities shall be provided as required by the Maricopa County Health Department.

1203.1.7. Street improvements to Maricopa County streets standards for any public roads bounding the mobile home park shall be made as required by the Maricopa County Highway Department at the time of development of the park.

1203.1.8. Provision for on-site storm water retention/drainage and off-site storm water drainage both entering and leaving the property shall be as required by the Maricopa County Department of Planning and Development and the Flood Control District.

1203.1.9. Each mobile home park shall provide fire protection facilities as required in the Uniform Fire Code.

1203.1.10. Minimum distance or setbacks required herein shall be the shortest of horizontal dimensions measured from the nearest portion of the side wall of a mobile home, manufactured home or travel trailer, or from any attached patio cover, carport, cabana, ramada or similar appurtenances. Detached accessory storage structures, containing a maximum area of **100 square feet** and located in the rear **one-third** of a mobile home space shall not be included in these distance or setback requirements, unless the mobile home space is adjacent to a lot line, in which case the minimum distances or setbacks shall apply. No accessory storage structure shall be located so as to limit access to utility compartments and services. *24

1203.1.11. All interior drives or roadways within the mobile home park shall be a minimum width of **26 feet**, exclusive of curbs and walkways, measured from edge of pavement to edge of pavement. The interior drives or roadways shall be paved with a minimum of **two inches** of **asphalt over four inches** of **A.B.C.** or its equivalent.

1203.1.12. The mobile home park shall be permanently screened from surrounding lots by a solid fence, wall, or suitable planting, **six feet** in height.

1203.1.13. The height, yard, and intensity of use regulations of the **R1-6 Zoning District** shall apply to buildings located in mobile home parks but not to the mobile homes or travel trailers or detached accessory buildings containing a maximum area of **100 square feet** located in the rear **one-third** of a mobile home space.

1203.1.14. No zoning clearance for the location of a mobile home or travel trailer on individual mobile home spaces shall be issued until such time as the requirements for mobile home park development as listed herein have been certified as being completed, in accordance with the approved plan of development, by a licensed engineer.

1203.1.15. Mobile home subdivision lots shall not be utilized for mobile home park purposes.

1203.1.16. Access to all mobile home spaces shall be from the interior of the park. There shall be no individual access to any mobile home space from a public street.

1203.1.17. In mobile home parks that contain **ten** or **more** mobile home spaces, there shall be provided a minimum of **100 square feet** of recreational open space and/or

recreational facilities for each mobile home space. Public or private streets, vehicle storage areas and exterior boundary landscaping areas shall not be included in calculating recreational open space.

1203.1.18. The signs identifying mobile home parks shall be subject to the standards as set forth in Chapter 14, Article 1406.

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		

SECTION 1204. PROTECTED DEVELOPMENT RIGHTS*1

ARTICLE 1204.1. PURPOSE: This article implements Arizona Revised Statutes Section 11-1201 et seq., which allows a county to provide for protected development rights through approval of Protected Development Right Plans, as defined in this Section.*2, *3

ARTICLE 1204.2. PROTECTED DEVELOPMENT RIGHT PLANS: A "Protected Development Rights Plan" means a plan for the development of property approved by the Maricopa County Board of Supervisors pursuant to the Maricopa County Zoning Ordinance Chapter 3, Section 306 (Plan of Development (POD) process) Chapter 10, Section 1002, Article 1002.2 (Residential Unit Plan of Development), Chapter 10, Section 1003, Article 1003.2 (Commercial Unit Plan of Development), and Chapter 10, Section 1004, Article 1004.2 (Industrial Unit Plan of Development) ; and Maricopa County Subdivision Regulations Chapter 2, Section 03 (Final Plat).*2, *3

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.

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: If approved by the Board of Supervisors, 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. Such extensions are subject to the Board of Supervisors approval.

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.
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. *3

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

Date of Revisions			
*1	Added 11-20-95	*3	Effective 3-28-12 TA2012001
*2	Effective 5-16-98		

SECTION 1205. DRAINAGE PROVISIONS*1

ARTICLE 1205.1 STATEMENT OF PURPOSE: The purpose of this section is to promote and protect the health, peace, safety, comfort, convenience and general welfare of the citizens of Maricopa County by regulating grading and drainage of all land within the unincorporated area of Maricopa County, Arizona and to minimize the possible loss of life and property through 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.

ARTICLE 1205.2 SCOPE: This section shall apply to all development of land and conditions which may affect drainage systems and patterns.

ARTICLE 1205.3 ADMINISTRATION: This article sets forth the duties and powers of the Drainage Administrator and the limitations on regulation.

1205.3.1 **Drainage Administrator**: The Board of Supervisors of Maricopa County shall appoint the Director of the Maricopa County Planning and Development Department or a duly authorized representative as the Drainage Administrator who shall enforce the provisions of this Regulation.

1205.3.2 **Mandatory Duties:**

The Drainage Administrator shall:

1. Review drainage reports and plans for all developments of land covered by this ordinance and approve such plans when the requirements of this section are met.

2. Investigate violations and complaints of non-compliance with the Ordinance.

3. Keep copies of all documents or other submissions made pursuant to the requirements of this section.

4. Issue notices or orders necessary to enforce the provisions of this section.

5. Upon determination that development of land subject to this Ordinance has proceeded without drainage clearance, take action necessary to obtain compliance with this Ordinance.

1205.3.3 **Discretionary Powers:**

The Drainage Administrator may:

1. Inspect properties for which approval of drainage and grading reports and plans has been requested.

2. Inspect properties in response to complaints and, if violations are found, require compliance with the provisions of this Ordinance.

3. Upon determination that all reasonable means to gain voluntary compliance have been exhausted, record a notice of non-compliance or disclaimer with the Maricopa County Recorder in a manner so that it appears in the chain of Title of the affected parcel of land.

4. Issue notices of violation pursuant to this Ordinance.

5. Require additional information necessary to make a determination concerning violations and compliance with the provisions of this Ordinance.

6. Adopt drainage design standards, guidelines, administrative rules, procedures and policies to implement and effectuate the purposes of this section.

7. Establish, collect and regulate fees, which have been approved by the BOS, for review and inspection of drainage. Fees will be waived for all Federal, State, County and Municipal governments that are developing in the unincorporated areas of Maricopa County.

8. Require appropriate financial assurances for one or more of the following drainage infrastructure projects:

    a. Drainage control features which provide protection for the development, such as dams, levees, dikes and interceptor channels or canals;

    b. Common area retention systems or drainage way easements affecting two or more tracts or phases of development;

    c. A development that has been interrupted and a partially completed drainage system presents a flood hazard to adjacent property;

d. A project that has more than one phase and the schedule of construction of all phases is longer than one year.

9. Grant Drainage Waiver pursuant to Article 1205.6 of this Ordinance.*3

1205.3.4 **Restriction on Regulation**

1. Require a property owner to submit plans for or install or change a drainage system on property which was already developed as December 14th, 1994, the effective date of the Drainage Regulation which this Section supersedes.

2. Require submission of a drainage report and plan in connection with the repair or alteration of property as it was developed as December 14th, 1994, so long as the effect of such repair or alteration upon drainage would not be substantial or constitute an increased hazard to that or other properties.

3. A nonconforming business use may expand if such expansion does not exceed one hundred percent of the area of the original business, unless the effect thereof upon drainage would constitute a hazard.

4. Compliance with or exemption from this Ordinance does not relieve any person from liability if that person's actions cause flood damage to any other person or property.

5. This Section shall not pertain to or otherwise regulate cities, towns or other incorporated municipalities, the State or its agencies or political subdivisions. This paragraph does not exempt school districts, private utilities, and private emergency or fire services from compliance with the provisions of this Regulation.

ARTICLE 1205.4 DRAINAGE REVIEW BOARD

Pursuant to the authority granted in ARS 11-251, the Board of Supervisors shall appoint each member of the Maricopa County Board of Adjustment as a member of the Drainage Review Board (DRB) which shall hear requests for waivers to this section and appeals from interpretations made by the Drainage Administrator in accordance with the rules of this section.

1205.4.1. The Drainage Review Board shall select a chair and a vice chair from among its own members who shall have the power to administer oaths and take evidence.

1205.4.2. The Drainage Review Board shall by resolution fix the time and place of its meetings. The meetings shall be open to the public; minutes of its proceedings

and records of its examinations and other official actions shall be kept and filed in the office of the Maricopa County Planning and Development Department as a public record.

1205.4.3. The Drainage Review Board shall adopt rules of procedure consistent with the provisions of this Ordinance for the conduct of Drainage Review Board business including establishment of a fee schedule to cover in part administrative costs incurred in the processing of appeals, drainage clearances, drainage waivers, plans review and performance bonds. The fee schedule shall be effective when approved by the Board of Supervisors and may be separately amended from time to time as deemed necessary by the Board of Supervisors.

ARTICLE 1205.5 APPEALS

1205.5.1 Appeals of any decision of the Drainage Administrator to the Drainage Review Board shall be filed with the Drainage Administrator within 30 days from the receipt of notice of the decision to be appealed and shall be in writing on a form provided by the Drainage Administrator. The notice of appeal shall specify the grounds for said appeal.

1205.5.2 During the pendency of an appeal all matters regarding the proceeding shall be stayed unless the Drainage Administrator certifies to the Drainage Review Board that by reason of facts surrounding the appeal the stay would, in the opinion of the Drainage Administrator, cause imminent peril to life or property. In such cases the other matters shall not be stayed.

1205.5.3 The Drainage Review Board shall fix a time for hearing the appeal and give notice to the parties in interest and to the public as set forth herein. The Drainage Review Board shall hear and decide the appeal within a reasonable time.

1205.5.4 After public hearing, the Drainage Review Board shall render its decision whereby the Board may either affirm or reverse the decision of the Drainage Administrator.[*3]

1205.5.5 Any person aggrieved by a decision of the Drainage Review Board may, within 30 days of such decision, appeal to Superior Court.[*3]

ARTICLE 1205.6 DRAINAGE WAIVER

1205.6.1 The Drainage Administrator shall hear and decide requests for waiver from the requirements of this section.[*3]

1205.6.2 Before granting a waiver the Drainage Administrator shall find that each of the following criteria is met:*3

a. The grant will not result in an increase in the 100-year peak flow or discharge; and

b. By reason of special physical circumstances, location or surroundings of the property, strict application of the Regulation would deprive the property of privileges enjoyed by similar property; and

c. The waiver request is the minimum necessary, considering the flood hazard, to afford relief; and

d. There is a showing of good and sufficient cause; and

e. Granting the waiver will not result in additional threats to public safety, health, welfare, or extraordinary public expense, create a nuisance, the victimization of or fraud on the public and that the waiver does not conflict with existing local laws or ordinances.

1205.6.3 The Drainage Administrator may attach such conditions or restrictions to the granting of a waiver as the Drainage Administrator determines necessary to reduce or eliminate potential threats to public safety, health, welfare or to public or private property resulting from the granting of the waiver. The applicant may be required to post bonds, assurances or other security to guarantee compliance with the conditions and restrictions imposed.*3

1205.6.4 Property shall be posted a minimum of fifteen days prior to the Drainage Administrator's decision.*3

ARTICLE 1205.7 GENERAL PROVISIONS

This section sets forth the general requirements for Drainage Clearance, Drainage Report/Plan (Development), Design Parameters, and Drainage Report/Plan (Site).

1205.7.1 **Drainage Clearance***2

Except as provided for in this Section, a drainage clearance shall be required for any development or substantial improvement which in the opinion of the Drainage Administrator may have an adverse effect on existing drainage. Unless substantial construction as approved by the Drainage Administrator has occurred within 180 days of issuance of the building permit, the drainage clearance may be declared null and void and removal may be ordered of any partially completed or minor improvements which may adversely affect drainage as determined by the Drainage Administrator. Upon application,

the Drainage Administrator may approve a renewal of an expired Drainage Clearance for an additional 180 days.

Provided no development is to be located within a retention basin or drainage way, a drainage clearance shall not be required for: (i) any building with an area of **200 square feet** or less, or (ii) for pipe rail type fencing that is not permanently affixed to the ground.

An exemption from requirements for Zoning Clearance, Building Permit, Health Department clearance or other permits does not constitute an exemption for drainage clearance, unless such exemption is granted by statute.

A Final Drainage Clearance must be requested prior to a final Certificate of Occupancy for permits issued to construct commercial, industrial, educational, institutional, and such dwelling units as condominiums and apartments.

A floor/stemwall/foundation inspection approval is required prior to a request for a final building inspection for a single family dwelling, additions thereto or accessory buildings.

Final drainage inspection approval shall be obtained within ninety (90) days of the date of notice of deficiencies noted at the time of the final drainage inspection_or final Building Inspection, whichever is the longer period.

1205.7.2 **Drainage Report/Plan (Development)**

A drainage report/plan shall be required for all subdivisions, development master plans, commercial, industrial, and multi-family residential developments. A drainage report/plan may be required for any and all other applications as deemed appropriate by the Drainage Administrator. A revised drainage report may be required for any undeveloped or partially developed portions of an approved plan when no development or improvements have occurred for two or more years. The report shall address existing drainage conditions as compared to drainage conditions at the time of plan approval. Based upon conclusions of the report, reasonable modifications to the approved plan may be required by the Drainage Administrator.

All drainage reports/plans, including conceptual, shall be prepared and sealed by an Arizona Registered Professional Civil Engineer and shall comply with the checklists which are part of the application, together with any supporting documents deemed necessary to evaluate the drainage clearance.

1205.7.3 **No On-Lot Retention**

In no event shall on-lot retention be permitted on any lot for residential use that is less than one gross acre.

1205.7.4 **Drainage Report/Plan (Master)**

1. The amount and degree of hydraulic and hydrologic detail required shall be determined by the Drainage Administrator based upon the complexity of the master plan.

2. For any development pursuant to a master plan, all drainage shall be consistent with the drainage report/plan approved for the master planned community.

1205.7.5 **Drainage Report/Plan (Preliminary)**

1. The amount and degree of hydraulic and hydrologic detail required shall be determined by the Drainage Administrator based upon the complexity of the preliminary plan.

2. A preliminary drainage report is required for Preliminary Plat approval. The preliminary report shall address off-site and on-site runoff and the retention volume required. A more detailed report shall be submitted for Final Plat approval.

1205.7.6 **Design Parameters**

The entire drainage retention and runoff conveyance system shall be designed to eliminate or minimize stormwater runoff effects and convey the runoff through the development with minimum detrimental effects to the development or to any other property. No system shall be approved if the effect may cause an increase in the peak discharge, volume or velocity of runoff or change the point of entry of drainage onto other property during the runoff event. No system shall be approved that does not conform to Best Management Practice Standards in controlling erosion and reducing sediment load.

All development shall conform to the standards and criteria contained in the Drainage Design Manual and Drainage Policies and Standards Manual which is adopted and made a part of this Ordinance.

1. **Storm Frequency Criteria** - The rainfall event, based upon the 100-year storm duration generating the peak discharge for the area contributing runoff to the development shall be used in designing the overall development drainage system.

2. **Retention of Storm Drainage**

   a. The retention system shall be designed to receive and retain the volume generated from the 2-hour, 100-year runoff event falling over the entire development site including all rights-of-way, excluding off-site flows.

b. Drywell volume shall not be used as part of the retention volume.

c. On-site retention facilities may include natural depressions, man-made basins, depressed parking areas, or other methods which do not result in water being ponded longer than 36 hours. No more than 25% of public parking shown on the plan shall be used for retention and the maximum depth of the retention facilities cannot exceed 12 inches in public parking areas. Private parking areas shall not be used for runoff retention.

d. Retention basins shall not be located within 25 feet of septic system facilities.

e. Utility lines and structures shall not be located within drainage facilities unless approved by the utility company and the Maricopa County Planning and Development Department.

f. If reasonable alternatives are not available, detention in the County right-of-way may be acceptable provided the Maricopa County Department of Transportation approves the design.

g. A right-of-way or public utility easement shall not be designated for drainage or retention without prior written approval of the appropriate agency or affected utility.

h. In any landscaping and maintenance agreement, provisions shall be made for an annual maintenance certification.

i. On-site drainage shall be either to the street or to a designated drainage easement/tract or approved drainage way with adequate outfall.

3. **Stormwater Disposal** - On-site runoff that has been retained shall be disposed of within 36 hours either by percolation, drywells or draining into an approved drainage way. Flows from basins shall not exceed pre-development flows and shall be in the location and direction of the historic flows. If runoff is to be conveyed by an underground system, complete detailed plans shall be submitted.

4. **Drywell Design**

a. If drywells are to be utilized for stormwater disposal, certification shall be required indicating that the drywells meet the provisions of the Arizona Department of Environmental Quality.

b. Drywells shall be used only for stormwater disposal and not for disposal or deposit of wastes or other contaminants.

c. Proof of drywell registration with the Arizona State Department of Environmental Quality shall be required prior to final as-built approval or issuance of any drainage clearance.

d. Certification that the drywell meets requirements of this regulation shall be submitted at the time of installation.

5. **Road Design**

a. To facilitate drainage the design of roadways in the system shall conform to the Drainage Design Manual and Maricopa County Department of Transportation requirements.

b. Adequate drainage ways shall be constructed to convey the street design flow if that flow is designed to leave the public right-of-way. Such drainage ways shall be platted as drainage easements or as separate tracts with maintenance provisions designated.

c. The Drainage Administrator may require construction of a culvert or bridge where a road crosses a natural drainage way. The size of the culvert or bridge shall conform to Maricopa County Department of Transportation standards.

d. If roads are designed to convey runoff, the amount conveyed shall not exceed design standards. Additional flow shall be conveyed in drainage ways if the design standards are exceeded or the depth within roadways is greater than 8 inches.

e. To prevent back and head cutting, dip sections and culvert crossings of rights-of-way shall have adequate cutoff walls or aprons constructed of non-erodible material.

f. Each site shall have one all-weather road access with a maximum flow of 6 inches in depth over the roadway or overflow section during the 100-year peak flow event.

6. **Finished Floor Elevation** - Finished floors of a building shall be elevated a minimum of one foot above the highest grade point within ten feet of the foundation of the building. A finished floor elevation lower than the minimum may be permitted provided it is determined by technical data and certified by an Arizona Registered Professional Civil Engineer to be the minimum necessary to be safe from inundation by the 100-year peak runoff event. Finished floor elevations may be

required to be referenced to a known benchmark. Non-livable buildings (see definitions) are exempt from this section.

7. **Floodplain Development** - That portion of a development that is within a designated special flood hazard area shall comply with the Floodplain Regulation for Maricopa County. If a developer desires to re-delineate a floodplain, the required data shall be submitted to the Flood Control District.

   Development within a delineated floodplain is not exempt from drainage and grading requirements of this section.

8. **Landscaping -** Walls, fences, decorative borders, berms and other similar structures or features less than one (1) foot in height above grade are permitted without first obtaining a drainage clearance provided they do not have an adverse effect on adjacent land or obstruct, retard or divert any drainage way or other drainage feature.

9. **Grading**

   a. The entrance and exit points and continuity of all natural drainage ways on a development hillside site, and their preservation shall be provided for in the plan.

   b. All engineered grading and drainage plans with any cutting or filling of slopes shall meet the provisions of the Maricopa County Comprehensive Building Code.

   c. Subsurface drainage for cuts and fill slopes must maintain the stability and integrity of the cut or fill slope.

   d. Drainage facilities designed to convey runoff to the nearest approved drainage way.

   e. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive cutoff walls, aprons or other approved devices.

   f. Cut and fill slopes must be protected against erosion by suitable plantings, check dams, riprap or other approved methods.

1205.7.7 Development Drainage Report/Plan for Minor Accessory Construction on Commercial Projects

For minor accessory construction for commercial projects, a development drainage report/plan shall be required but may not be required to be prepared by an Arizona

Registered Professional Civil Engineer as directed by the Drainage Administrator. In such cases the plan shall include but not be limited to the following information:

1. Plan requirements:

   a. Maximum construction disturbance limits.

   b. All information required by Article 1205.7 (General Provisions) and any other Maricopa County Ordinance regulation.

   c. Any supporting information which the Drainage Administrator deems necessary to evaluate the drainage clearance.

2. Minor accessory construction on commercial projects shall be limited to signs, ADA ramps, propane tanks, trash enclosures, billboards and wireless communication facilities, mobile storage containers and other projects as determined by the Drainage Administrator.

3. Concurrent projects that cumulatively exceed a total project construction envelope and disturbance limit of 1,500 sq. ft. shall not be considered as meeting Section 1205.7.7 and must meet the requirements of Section 1205.7.

ARTICLE 1205.8 AREA DRAINAGE MASTER STUDY

1205.8.1 **Adoption:** Whenever an Area Drainage Master Study authorized under this section has been completed, such plan including uniform rules for development may be submitted to the Board of Supervisors for adoption as an Area Drainage Master Plan. If adopted by the Board of Supervisors, the Flood Control District of Maricopa County shall enforce the Area Drainage Master Plan under this Ordinance.

1205.8.2 **Public Notification**: During the preparation of an Area Drainage Master Plan, the owners of record of real property within the drainage master plan area shall be publicly notified by the Flood Control District of Maricopa County so that the owners may have an opportunity to provide input to the planning process.

1205.8.3 **Minimum Standards**: Requirements for development within an adopted Area Drainage Master Plan shall meet or exceed the Uniform Drainage Standards adopted by the Board of Supervisors or this Ordinance. In case of conflict, the most stringent requirements shall prevail.

ARTICLE 1205.9 COMPLIANCE, ENFORCEMENT AND PENALTIES

This Article sets forth requirements applicable to all hillside district developments, except single family residential, and are in addition to the requirements set forth in Chapters 6, 7, 8, and 9.

1205.9.1 Deed Restrictions

Recording of deed restrictions which include drainage easements, tracts, channels or common areas used for drainage purposes to be maintained by the property owner may be required. Recordation of such deed restrictions shall be noted on the final plat.

1205.9.2 Performance Assurances

Financial assurances may be required by the Drainage Administrator to ensure construction, completion or maintenance of approved drainage facilities. Assurances shall be released upon verification of compliance with approved plans and all provisions of this Ordinance.

1205.9.3 Regulation Violation

It is a violation of this Ordinance:

1. to develop, construct, alter, use, repair, improve, fill, divert, obstruct, remove or commence the creation, construction, alteration, repair, improvement, filling, diversion, obstruction or removal of any wash, culvert, easement, channel, ditch, berm, retention basin, wall fence, other structure or use which may affect any natural drainage or improved drainage design or drainage system without obtaining a drainage clearance from the Drainage Administrator;

2. for any person to place or allow to be placed any fill material, rubbish, trash, weeds, filth or debris which obstructs, retards or diverts any natural or improved drainage system upon any private or public property located in the unincorporated areas of Maricopa County;

3. for failure to maintain any natural drainage system or any drainage easement, tract, channel or common area created pursuant to this Regulation;

4. for failure to obtain the required Drainage Clearance or final drainage inspection approval prior to obtaining a final Certificate of Occupancy for

permits issued to construct commercial, industrial, educational, institutional, and such dwelling units as condominiums and apartments;

5. for failure to obtain the required floor/stemwall/foundation elevation inspection approval prior to securing a final building inspection for a single family dwelling including mobile/manufactured home, additions thereto or accessory buildings;

6. for any owner (builder/developer) to fail to correct any deficiencies noted at the time of the final drainage inspection. A Final drainage inspection approval shall be obtained within ninety (90) days of the date of notice of such deficiencies or final Building Inspection, and/or occupancy of the dwelling unit, whichever is the longer period.

7. Any party who performs or authorizes work is in violation of the Ordinance for failure to correct any deficiencies noted at the time of final drainage inspection if the property is not compliant with the requirements of this section.

1205.9.4 **Violation Removal**

1205.9.4.1 If the property owner fails to remove fill material, rubbish, trash, weeds, filth, debris or any other obstruction that the Drainage Administrator determines obstructs, retards or diverts a natural or improved drainage system, after 30 days written notice from the Drainage Administrator to remove or abate the condition, the Drainage Administrator may, remove or cause the removal of the fill material, rubbish, trash, weeds, filth or debris upon the Director's determination that failure to remove or abate the condition constitutes a threat to the public health, safety or welfare.

1205.9.4.2 The charge for the removal shall be billed to the property owner and collected by the County Attorney by use of all appropriate legal remedies, including but not limited to a lien against the property for the costs of removal plus attorneys fees and costs of collection.

1205.9.4.3 The determination that the condition constitutes a hazard to the public health, safety or welfare may be appealed in the same manner as appeals from decisions of the Drainage Administrator as set forth in Article 1205.6 above and such appeal shall be filed within 30 days of receipt of the written notice from the Drainage Administrator.

1205.9.4.4 The Drainage Administrator shall be under no affirmative duty pursuant to this Article to either identify violations or undertake their removal. Removal pursuant to this section is discretionary with the Drainage Administrator.

1205.9.4.5 The property owner shall be liable for any damages caused by failure to remove or abate the condition.

ARTICLE 1205.10 DEDICATIONS

The Board of Supervisors may require, as a condition of issuance of a drainage clearance or waiver, dedication, or the use to the County or the Flood Control District of land necessary for construction of area drainage facilities to be constructed in accordance with a master drainage plan or development drainage plan if the need for the facility emanates at least in part from the proposed development. The amount of land required shall be proportionate to the amount of runoff contributed by a parcel to the total runoff calculated for the master drainage plan or development drainage plan.

ARTICLE 1205.11 WARNING & DISCLAIMER OF LIABILITY

The degree of protection from flooding due to storm water runoff required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Compliance with this Regulation does not ensure complete protection from flooding and is not to be taken as a warranty. Greater storms may occur or the water damage hazard may be increased by man-made or natural causes such as silting of channels and canals, pipe and culvert openings restricted by debris, natural erosion or man-made obstructions or diversions. This Regulation does not imply that land uses will be free from flooding or flood damage. This Regulation shall not create liability on the part of Maricopa County or any officer or employee thereof for any flood damages that may result from reliance on this Regulation or any administrative decision lawfully made there under.

Date of Revisions			
*1	Effective 10-19-2011 – TA2011012	*3	Effective 7-17-2013 – TA2013003
*2	Effective 12-14-2011 – TA2011019		

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 Renewable energy systems, other than utility-scale electrical generating stations, are allowed as an accessory use within any zoning district, subject to the provisions of Article 1206.3.

1206.2.2 Deleted.*2

1206.2.3 Utility-scale concentrating solar power (CSP) generating facilities or photo-voltaic solar generating facilities 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.

ARTICLE 1206.3 DEVELOPMENT STANDARDS:

1206.3.1 LOCATION ON THE LOT *3

Renewable energy systems may be located on the lot in a manner consistent with any accessory structure in the respective zoning district in which the lot is located.

1206.3.2 LOT COVERAGE

A) Photo-voltaic solar panels and concentrating solar collectors associated with renewable energy systems shall not constitute an increase to lot coverage or rear yard coverage unless the panel(s)/collector(s) and supporting structure(s) in and of itself constitutes a building as defined in Chapter 2 herein. In which case, the panel(s)/collector(s) shall contribute to the overall lot coverage of the lot, and if located in the rear yard, the panel(s)/collector(s) shall contribute to the rear yard coverage of the lot. Lot coverage and rear yard coverage for photo-voltaic solar panels and concentrating solar collectors shall be calculated as enumerated in Article 1206.4.1 below.

B) Dish type collectors as typically utilized in sterling engine technologies shall not constitute an increase to lot coverage or rear yard coverage.

C) Small wind generating systems shall not constitute an increase to lot coverage or year yard coverage.

1206.3.3 HEIGHT LIMITATIONS

A) Renewable energy 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) Renewable energy 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.

C) Ground-mounted equipment associated with renewable energy systems, other than solar panel(s)/collector(s) or wind turbines and their supporting structures, which is located within a lot's side yard shall not exceed six (6) feet in height and shall be screened from view to a height equal to that of the equipment, or in the case of a commercial application, placed within a cabinet that is not taller than six (6) feet.

1206.3.4 EXEMPTION FOR CERTAIN OFF-GRID SOLAR PANELS

Off-grid photo-voltaic 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 section. Photo-voltaic solar panels that are not in proper working order are subject to the provisions of Article 1206.6 herein.

ARTICLE 1206.4 MEASUREMENTS:

1206.4.1. If a solar panel(s)/collector(s) associated with a renewable energy system is deemed to constitute a building as articulated in Article 12-6.3.2(A) above, the lot coverage and rear yard coverage shall be calculated based on the aggregate horizontal area of the solar panel(s)/collector(s), regardless of angle to the sun or method of installation.

1206.4.2. The height of a renewable energy 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.

1206.4.3. Setbacks to renewable energy systems involving solar shall be measured relative to the edge of the solar panel(s)/collector(s), or supporting structure, whichever is closest to the property line from which the setback is being measured.

1206.4.4. The height of a renewable energy system involving wind technology shall be measured relative to the top of the blade sweep at a point where the blade is in its most vertical position, or to the top of the supporting structure, whichever is taller.

1206.4.5. Setbacks to renewable energy systems involving wind technology shall be measured relative to the blade sweep at a point where the tip of the blade, or edge of the supporting structure, is closest to the property line from which the setback is being calculated.

1206.4.6. The development standards identified in Article 1206.3 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 1206.5 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 1206.6 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 inoperable.

Date of Revisions			
*1	Effective 11-19-10 – TA2009014	*2	Effective 9-16-2011 – TA2011008
*3	Effective 12-12-12 – TA2012026		

SECTION 1301. SPECIAL USES

ARTICLE 1301.1. SPECIAL USES:[*2,*37,*40,*42] The Board of Supervisors may permit as a Special Use any of the following uses in any zoning district unless otherwise specified in this Section:

1301.1.1. Agriculturally oriented operations and facilities such as but not limited to:[*3, *16 *42]

1. Cotton gins, but not including the manufacturing or processing of by-products.

2. Storage, mixing and/or blending, sale and distribution of agricultural chemicals, but not the manufacturer thereof.

3. Custom meat processing plants including slaughtering, butchering and temporary storage of products, but not including rendering or refining of by-products, storage of offal, tanning or storage of hides, wholesale or retail sales.

4. Storage and maintenance of specialized machinery and equipment used specifically in agriculture or rural areas.

5. Commercial aquaculture facilities to include breeding and holding lakes and ponds.

6. Non-agricultural operations of facilities which were established for and which continue to be operated primarily for agricultural uses. [*16]

1301.1.2. Runways/airstrips, helipads/heliports and other landing areas provided that the OFZ or RPZ as defined in Chapter 11, Section 1111, Article 1111.3. 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 aviation easements must be obtained from all property owners in which the OFZ or RPZ may wholly or partially lie.[*26, *42]

1301.1.3. Cemeteries, including pet cemeteries and mausoleums, including accessory uses such as mortuaries.

1301.1.4. Development of earth products, clay, coal, gas, gravel, minerals, sand, stone and topsoil. [*42]

1301.1.5. Experimental and proving grounds.

1301.1.6 Feed lots, commercial.

1301.1.7. Feed stores.

1301.1.8. Group care facilities and hospitals and institutions of an educational, religious, charitable or philanthropic nature, homes for the aged, nursing homes, convalescent homes and group homes of more than **ten residents** for the handicapped and adult care, and other group care facilities including for adjudicated residents. *11, *13, *42

1301.1.9. Guest ranches, bed and breakfast establishments, resorts.*42

1301.1.10. Kennels.

1301.1.11. Land use involving large assemblage of people.*42

1301.1.12. Plant nurseries, which are herewith defined as establishments where trees, shrubs, flowers and other plants are grown on or brought to the premises and maintained there for the purposes of sale from said premises. Such other additional products shall be permitted to be sold from the premises as are customarily incidental to the operation of a plant nursery.

1301.1.13. Recreational open-air facilities, including but not limited to lakes, swimming pools and tennis courts. (This does not include personal recreation on private property.)*42

1301.1.14. Public riding and boarding stables, subject to the following requirements: *27

1. Buildings housing animals shall be setback from all property lines a distance of not less than **100 feet**.

2. There shall be no variance or waiver from this requirement except by unanimous vote of all members of the Board of Supervisors.

1301.1.15. Commercial storage, or impoundment (not to include salvage operations, dismantling or sale of parts) of automobiles, motor vehicles, mobile homes, manufactured homes, travel trailers, recreation vehicles, boats and aircraft on sites of not less than **one acre**. *28, *29

1301.1.16. Primary or accessory commercial television, microwave and radio transmitter, receiving stations and towers and dishes, including earth stations.

1301.1.17. Travel trailer or recreation vehicle (RV) parks provided that:**13

1. Each travel trailer or RV space shall have an area of not less than **1,250 square feet** and a width of not less than **25 feet**. Only **one travel trailer or RV** shall be placed on each space.

2. Travel trailers, RVs and accessory structures shall be located to provide a minimum setback of not less than **five feet** from all space lines. Accessory structures shall not be permitted in overnight parks on travel trailer or RV spaces.

3. The location of mobile homes on travel trailer or RV spaces shall be prohibited.

4. The minimum distance between a travel trailer and any building in the same travel trailer park shall be **ten feet**. The minimum distance between a RV and any building in the same travel trailer park shall be **ten feet**.

5. Each travel trailer or RV space shall set back from lot lines in common with street lines a distance of not less than **20 feet** and from all other lot lines a distance of not less than **ten feet**.

6. The front yard and street side yard areas shall be landscaped in accordance with a landscape and irrigation plan approved by the zoning inspector. When a fence of less than **six feet** is proposed, the landscape plan shall include adequate trees to provide screening of the park.

7. The travel trailer or RV park shall be screened from surrounding lots by a solid fence or wall of not less than **three and one half feet** or more than **six feet** in height when located in a front yard or street side yard and by a solid fence or wall **six feet** in height when located in any other yard. Screen walls shall be located on the interior edge of the required front and street side yard areas.

8. The height, yard, and intensity of use regulations of the **C-2 Zoning District** shall apply to buildings located in travel trailer or RV parks.

9. Service buildings to house toilet, bathing and other sanitation facilities and utilities shall be provided as required by the Maricopa County Health Code. Said facilities, if required, shall be completed prior to use of the park.

10. Minimum distances or setbacks required herein shall be the shortest of horizontal dimensions measured from the nearest portion of the sidewall of a travel trailer or RV including pullouts, tip-outs, or portable affixed awnings.

11. Destination park/spaces shall require the issuance of a building permit prior to the use of the park/space by a travel trailer or RV.

1301.1.18. Home occupations, cottage industry that do not meet the conditions of Article 501.2.10 in Rural Zoning Districts or that do not meet the conditions of Article 601.2.8 in Single-Family Zoning Districts provided the entrepreneur shall reside in the dwelling on the property in which the business operates.*8, *42, *43

1. The recommendation of the Commission may consist of additional reasonable requirements including but not limited to the following:

   a. The number of non-resident employees, clients, customers or students visiting the site.

   b. The hours of operation.

   c. Deliveries to the site.

   d. The types of materials used in the business.

   e. The types and amounts of materials, products and services sold by the business.

   f. The types and amounts of materials manufactured by the business.

   g. The types, amounts and locations of materials stored for use by the business.

   h. The types and sizes of vehicles used in the business.

   i. Parking requirements.

   j. Screening.

   k. Landscaping.

   l. Signs.

   m. Paved access.

   n. Lighting.

1301.1.19. Wireless Communication facilities or structures or towers which exceed the development standards specified in Chapter 12, Section 1202. of this Ordinance.*10, *42

1301.1.20. Farm animal (horse, cattle and other farm animal) medical clinics and surgical referral hospitals, subject to the following standards:*20, *42

1. Animals shall not be boarded or lodged except for short periods of observation incidental to care or treatment.

2. Any building or corral for the keeping of animals shall maintain a minimum setback of **40 feet** from any property line.

3. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers.

1301.1.21. Signs for off-site advertising or for directing attention to a business, profession, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same premises (billboards) provided that:*22

1. The sign is relocated from a parcel of property, located within the perimeter boundary of Maricopa County or within the corporate boundary of a city or town located partially within Maricopa County and partially within an adjacent county, that is acquired by a public entity for public use by condemnation, purchase or dedication.*41

2. The sign must be removed due to that governmental action.

3. The public entity has not paid just compensation for the sign.

4. The standards of the **C-2 Zoning District** shall apply, except that the sign shall be permitted to remain the same size and height as the original sign.

5. The standards of the **C-2 Zoning District** shall apply, except as noted above. No further variance to the C-2 standards may be granted by either the Board of Supervisors or the Board of Adjustment.

6. Billboards may not locate in residential zoning districts; however, they may locate in rural zoning districts.

1301.1.22. Outdoor storage including wholesale and retail sales of landscape materials, storage rental yards, construction yards and similar, interim industrial uses for a period not exceeding ten years.*29, *30, *32, *42

1301.1.23. Privately owned or operated stations for fire protection, police or security service, ambulance, or other emergency service providers.*39

ARTICLE 1301.2. SUBMITTALS: Before permitting any of the above uses, 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. These plans and supporting statement shall be referred to the Commission for its review, report, and recommendation and for public hearing. No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Zoning Ordinance (MCZO)", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case me be. This requirement shall not be waived by the board/commission. Notice and procedure for public hearing shall conform to the procedures prescribed in Chapter 3, Section 304. thereof.*33, *34

ARTICLE 1301.3. REPORT TO BOARD OF SUPERVISORS: The Commission having held public hearing shall then present its report and 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 Chapter 3, Section 304. thereof.

ARTICLE 1301.4. RECOMMENDATION: The recommendation of the Commission shall include its reasons for approval or disapproval of such plans and a supporting statement, and if recommended for approval, specific evidence and facts showing that the public health, safety and general welfare will not be adversely affected, that ample off-street parking facilities will be provided and that necessary safeguards will be provided for the protection of adjacent property or the permitted uses thereof.

ARTICLE 1301.5. VARIATIONS OF STANDARDS AND REQUIREMENTS: 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:**13

1301.5.1. Yards and open spaces.

1301.5.2. Fences and walls, or other screening.

1301.5.3. 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.

1301.5.4. Regulation of points of vehicular ingress and egress.

1301.5.5. Regulation of signs.

1301.5.6. Landscaping and maintenance thereof.

1301.5.7. Maintenance of grounds.

1301.5.8. Control of noise, vibration, odor and other potentially dangerous or objectionable elements.

1301.5.9. 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 Special Use shall cease to exist.

ARTICLE 1301.6. NONCONFORMING USE: Any use that the Board of Supervisors may permit as a Special Use, existing at the time this Ordinance or amendments thereto become effective, shall be considered a nonconforming use unless such use has been established as a Special Use as herein provided.

ARTICLE 1301.7. AMENDMENTS: Amendments shall be processed in the same manner as the initial plans and supporting statement of proposed use.

Date of Revisions					
*2	Revised 11-8-82	*17	Effective 5-9-97	*32	Effective 11-14-08 – TA2008005
*3	Revised 8-15-83	*19	Effective 1-17-98	*33	Effective 6-1-09 - TA2009003
*5	Revised 1-7-85	*20	Effective 1-17-98	*34	Effective 6-1-10 - TA2010003
*7	Added 4-7-86;Effective 1-1-88	*22	Effective 5-7-99	~~*35~~	~~Effective 11-3-10 – TA2010013~~
*8	Added 9-12-90	*25	Deleted 11-19-99	*36	Effective 12-28-10 – TA2010017
*10	Added 4-5-92	*26	Effective 9-7-01	*37	Effective 9-30-11 – TA2011001
*11	Added 4-15-93	*24	Effective 11-19-99	*38	Effective 1-11-12 – TA2010012
*13	Revised 2-20-94	*27	Effective 11-19-04 – TA2003004	*39	Effective 1-11-12 – TA2007018
**13	Added 2-20-94	*28	Effective 02-4-05 – TA2004004	*40	Effective 1-29-14 – TA2013014
*14	Added 5-6-94	*29	Effective 09-15-06 – TA2006003	*41	Approved 10-8-14 – TA2014005
*15	Added 7-23-94	*30	Effective 01-19-07 – TA2003002	*42	Approved 10-8-14 – TA2014006
*16	Added 2-5-95	*31	~~Effective 01-19-07 – TA2006011~~ Superseded byTA2014006 – Approved 10-8-14	*43	Effective 5-26-17 – TA2016007

SECTION 1302. TEMPORARY USES**1

The uses, buildings and structures permitted in this Section shall be established and maintained so as to provide minimum interference with the use and enjoyment of neighboring uses,

buildings and structures and to ensure public health, safety and convenience. Temporary uses shall be permitted in any zoning district but only as authorized within this Section.*8, *9

ARTICLE 1302.1. PURPOSE:

1302.1.1. The provisions of this article are based on the recognition of buildings, structures and uses which, because of their unique characteristics:

1. Should not be permitted on a permanent or long-term basis but which may be either necessary or desirable for a limited period of time; provided, however, a temporary use may be approved, even where such use may be appropriate on a permanent or long-term basis, where the purpose of the temporary use permit is to allow an applicant to satisfy a plan of compliance entered into with the County to remedy a violation of this Ordinance, or*7

2. Requires careful regulation especially regarding location, duration of use and operation.

ARTICLE 1302.2. TEMPORARY USES: Temporary Uses shall be limited to the following:*2

1302.2.1. ***Temporary Housing:*** Temporary housing on the same lot of a permanent dwelling or use shall be authorized only in the following situations: The owner of the property is (re)constructing his own permanent dwelling on the property. This use shall be limited to a maximum time period of **two years** provided that the building permit for the permanent dwelling remains active.

1302.2.2. ***Temporary Event:*** Temporary events such as, but not limited to, circuses, carnivals, concerts, revivals, horse shows, rodeos, sales promotion events, and charity events. Any such event shall last no longer than a total of **30 days** within a **six-month period**. No continuations shall be approved. Any application submitted for such a use shall address the issues and satisfy the requirements as outlined below: *3

1. Site plans – ten (10) copies drawn to scale indicating all activities and facilities proposed as part of the temporary event use. If the proposed temporary event is proposed to use a portion of an existing facility or use, an additional plan showing the entire facility or use as well as the location of the temporary use is required.

2. Authorization to use the site – a signed copy of the lease or other agreement which is being used by the owner to allocate the space and time frame of the temporary event is required.

3. Narrative report – ten (10) copies of a narrative report which addresses the following items is required:

   a. Police protection/traffic control.

   b. Water facilities.

   c. Food concessions. Quality and quantity of food and location of concessions must be approved by the Maricopa County Environmental Services Department (MCESD) prior to issuance of any use permit.

   d. Sanitation facilities. All sanitation facilities must be approved by the Maricopa County Environmental Services Department prior to issuance of any use permit.

   e. Medical facilities and fire protection.

   f. Parking areas – identify amount and location of parking for attendees of the temporary event. Parking shall be required to meet minimum requirements as outlined in Section 1102 of the Maricopa County Zoning Ordinance (MCZO). Adequate dust control shall be provided as per Maricopa County Department of Transportation (MCDOT) and Maricopa County Environmental Services Department (MCESD) requirements.

   g. Access, traffic and parking control – identify ingress/egress for temporary event.

   h. Hours of operation – identify duration of the proposed temporary event (dates and hours of operation).

   i. Illumination – state if proposed and identify how it is to be provided. All outdoor lighting must comply with Section 1112 of the MCZO.

   j. Overnight camping facilities – all overnight camping facilities shall be reviewed and approved by the MCESD prior to issuance of any use permit.

   k. Other – identify the anticipated number of attendees; include any other information which staff deems necessary.

4. Structures erected pursuant to an approved Temporary Use Permit shall not require a building permit if standing for a period not to exceed 96 consecutive hours. The responsible party shall provide documentation, as specified in the Temporary Use Permit, that said structures were erected

and maintained subject to all applicable building safety codes and manufacturer's specifications. The documentation shall be provided to the Department within two working days following end of the special event to be filed with the Temporary Use Permit. Failure to provide the required documents will render the Temporary Use Permit null and void and constitute a zoning violation in accordance with Chapter 15 of this Ordinance. *6

1302.2.3. ***Underage Occupancy:*** Temporary occupancy, by reason of exceptional or unusual family situation, of a dwelling unit located in the Senior Citizen Overlay Zoning District (Chapter 10, Section 1006.) by persons not in conformance with the age limitations of Chapter 10, Section 1006. This use shall be limited to a maximum time period of **two years**. This use shall only be permitted upon issuance of a Temporary Use Permit.

1302.2.4. ***Nonresidential Use of Mobile Home:*** Nonresidential use of a mobile home shall be limited to a maximum time period of **six years**. In rural and residential districts only permitted nonresidential uses as identified in each zoning district may apply for this type of temporary use. This use shall only be permitted upon issuance of a Temporary Use Permit. Mobile homes intended for nonresidential use shall include mobile homes used for quarters of on-duty personnel in connection with publicly or privately owned or operated fire stations or mobile homes used for the residence of a security guard in commercial and industrial zoning districts.

1302.2.5 ***CARETAKER(S) QUARTERS:*** An additional detached accessory dwelling unit for caretaker(s) may be permitted, provided that all of the following conditions are met:*3

1. The additional dwelling unit may be a manufactured house, mobile home or a recreational vehicle. It may not be a site built (permanent) structure.

2. The justification for the caretaker shall not be merely those activities associated with the normal responsibilities of a resident to maintain his property, including the care of a limited number of farm animals. An unusual condition(s) must exist which requires the on-site residency of a caretaker to perform the duties identified. Said condition(s) shall be identified as part of the Temporary Use Permit application. An unusual condition(s) may consist of:

   a. Documented extended absences from the property by the occupant(s) of the principal residence.

   b. Medical condition(s), when documented by a notarized statement from a physician. In the case of a medical caretaker, the caretaker

or the recipient of the care may live in either the principal residence or the additional permitted residence (caretaker's quarters).

c. Other similar conditions as determined by the zoning inspector.

3. Only **one** additional dwelling unit shall be permitted on any property by approval of a Temporary Use Permit.

1302.2.6 *TEMPORARY SEASONAL SALES:* Temporary seasonal sales operations provided that the following conditions are met:*3

1. Any such use shall be limited to **30 days** and shall not be renewed. Temporary use permits for this type of use shall be permitted not more than four times during any calendar year.

2. The site shall be cleared of all indications that such a use occurred within **ten days** of the termination of the Temporary Use Permit.

3. The parking requirements of Chapter 11, Section 1102 shall not apply to this use. However, approved access and adequate safe parking shall be required as a condition of approval.

4. An annual status report is not required.

1302.2.7 *TEMPORARY MODEL HOME SALES COMPLEX:* A model home sales complex that does not meet the requirements outlined in Article 501.2.17.*3

1302.2.8 *TEMPORARY CONSTRUCTION OFFICE/YARD COMPLEX:* Temporary construction yard and construction office complex that does not meet the requirements outlined in Article 501.2.17.*3

1302.2.9 *OTHER USES:* Other uses not listed here, as determined by the zoning inspector, which may be appropriate as temporary uses as outlined in Article 1302.2. Temporary Use Permits for these uses shall be processed in accordance with Article 1302.3.*3

ARTICLE 1302.3. TEMPORARY USE PERMIT REGULATIONS: All Temporary Use Permits shall be subject to the following regulations:

1302.3.1. *Application Requirements:*

1. Regulations identified for the zoning district in which the proposed Temporary Use is located shall apply. Any such regulation may be varied by the Board of Adjustment.

2. Application procedures and informational requirements for a Temporary Use Permit and its renewal shall be established by the zoning inspector. The application shall provide all information needed by the Board of Adjustment, should a written letter of opposition be filed.

3. Upon acceptance of a complete application for a new Temporary Use Permit, the subject property shall be posted with a "Notice of Application" for a **ten-day** period. If a written letter of opposition is received within the **ten-day** posting period, the request for a Temporary Use Permit shall be placed on the Agenda of the first available Board of Adjustment Hearing for Resolution and noticed in accordance with Chapter 3, Section 303., Article 303.6. If no written letter of opposition is received within the posting period, then a Temporary Use Permit may be approved by the zoning inspector.*3

1302.3.2. ***Approval of Temporary Use Permit:*** A Temporary Use Permit shall only be approved provided that:

1. The proposed use does not create adverse impacts on surrounding property or residents. The zoning inspector or the Board of Adjustment may only approve such a proposed use by stipulating additional requirements, provided that said stipulations substantially reduce all adverse impacts on surrounding property or residents.

2. The Temporary Use Permit shall be approved for a period of time not exceeding the authorized limits in Chapter 13, Section 1302, Article 1302.2. The time period for a Temporary Use Permit shall commence upon issuance of a Building Permit, its renewal date, or upon determination of the Board of Adjustment or zoning inspector.

3. In a rental lease situation, the Temporary Use Permit shall be approved for a time period not exceeding the duration of the lease, excluding options.

4. The permit for the Primary Use has been issued for any Temporary Use Permit requested under Chapter 13, Section 1302, Article 1302.2.1.

5. Upon approval, a Temporary Use Permit shall be issued to the applicant. This permit shall indicate the nature of the use approved, its expiration date, and must be on visible display by the applicant on the property. Failure to meet this display requirement shall result in revocation of the Temporary Use Permit if issued a Zoning Citation.

6. No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Zoning Ordinance (MCZO)", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case me be. This requirement shall not be waived by the board/commission. *4, *5

1302.3.3. ***Extension of Temporary Use Permit:*** The duration of a Temporary Use Permit shall only be extended by the Board of Adjustment. Upon application, the Board may grant a one-time only extension of the duration of any Temporary Use Permit for up to **two years** (except a temporary event or seasonal sales), provided that all other requirements for the Temporary Use Permit must be met and the applicant presents justification to the Board of unusual or exceptional circumstances not of the applicant's own creation. Further, any such request for extension must be applied for prior to expiration of the current Temporary Use Permit.

1302.3.4. ***Denial, Termination, or Expiration of Temporary Use Permit:*** Denial, termination or expiration of a Temporary Use Permit shall occur as follows:

1. Denial of a Temporary Use Permit by the zoning inspector, for a reason other than the Temporary Use Permit has or will exceed its authorized time frame (Chapter 13, Section 1302, Article 1302.2.) may be appealed to the Board of Adjustment upon submittal of an appropriate application and must be filed within **ten days** of any such decision by the zoning inspector. Any appeal by the applicant shall be placed on the Agenda of the first available Board of Adjustment Hearing for Resolution and noticed in accordance with the Board's procedures.

2. Any Temporary Use Permit remains in effect only as long as those conditions regarding the use of the property and control of the use (lease or ownership) remain as originally approved.

3. Upon denial, expiration, or termination of a Temporary Use Permit, the Temporary Use shall cease. Furthermore, any temporary or mobile structures shall be removed within **ten days** of said expiration or termination and any required physical alterations to principal or accessory buildings or structures should be issued permits within **ten days** and shall be completed and finalized within **30 days** of said expiration.

ARTICLE 1302.4. LOCATION OF TEMPORARY USES Temporary Uses shall be permitted in zoning districts as follows:

TEMPORARY USES:		PERMITTED ZONING DISTRICTS:
1302.4.1.	Temporary Housing	All Rural Zones
1302.4.2.	Temporary Event	All Rural and Residential Zones, C-S, C-2, C-3
1302.4.3.	Underage Occupancy	SC Overlay Zone
1302.4.4.	Non-residential Use of a Mobile Home	All Zones
1302.4.5	Caretaker's Quarters	All Rural Zones
1302.4.6	Temporary Seasonal Sales	All Rural Zones, C-S, C-1, C-2, C-3

Date of Revisions			
**1	Added 2-20-94	*6	Effective 8-22-2012 – TA2012020
*2	Revised 5-06-94	*7	Effective 5-23-2014 – TA2013007
*3	Effective 7-7-06 – TA2003005	*8	Approved 10-8-14 – TA2014006
*4	Effective 6-1-2009 – TA2009003	*9	Effective 7-10-2015 – TA2015003
*5	Effective 6-1-2010 – TA2010003		

SECTION 1303. CONDITIONAL USE*1

ARTICLE 1303.1 PURPOSE: There are certain uses that may be permitted in zoning districts subject to conditions.

ARTICLE 1303.2 CONDITIONAL USES: Conditional Uses shall be limited to the following:

1303.2.1. Wireless Communication and information system facilities in accordance with Section 1202 of this Ordinance.

1303.2.2 Uses listed as a Conditional Use in the Use Regulations of a zoning district.

ARTICLE 1303.3 SUBMITTALS: All Conditional Use approvals shall be subject to the following:

1303.3.1. Before permitting any of the above uses, plans together with a narrative or supporting statement as to the proposed use of the buildings, structures and premises, shall be submitted to the Department for administrative review and approval. No application shall be administratively approved unless and until all fees and fines owed to the Department as a result of activity or inactivity attributable to the property that is the subject of the application

are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be.

1303.3.2. Application procedures and informational requirements for a Conditional Use shall be established by the zoning inspector. The application shall provide all information needed for an administrative approval.

Date of Revisions			
*1	Effective 7-10-2015 – TA2014001		

SECTION 1304. EXEMPTED USES

This Ordinance shall not prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract/s concerned is/are **five** or **more contiguous commercial acres** in size (**Note: One Commercial acre = 35,000 square feet**).*1, *22

ARTICLE 1304.1. Property is not exempt from the Maricopa County Zoning Ordinance and/or Building Safety Ordinance unless and until the Maricopa Planning and Development Department has issued a certificate of exemption for that property. In order to secure a certificate of exemption, an applicant shall submit a zoning clearance application, including site plan and other reasonable supporting documentation.*32

ARTICLE 1304.2. Only property classified by the Maricopa County Assessor's office or the Arizona Department of Revenue as property used for one of the purposes enumerated in the first paragraph of this Section is eligible for exemption under this section. If property has been so classified, the property is exempt from the Maricopa County Zoning Ordinance and/or Building Safety Ordinance, unless the Planning and Development Director independently determines that all or part of the property is not used primarily for one or more of the purposes enumerated in the first paragraph of this section.*32

ARTICLE 1304.3. Any structures built under an exemption that do not meet the underlying zoning district and/or Building Safety Ordinance standards may be required to comply with said standards if, at a future date, the exemption is no longer applicable.*31

Date of Revisions			
*1	Revised 7-17-72	*31	Effective 11-19-99
*22	Revised 2-20-94	*32	Effective 2-4-00

SECTION 1305. NONCONFORMING USES

ARTICLE 1305.1. CONTINUING EXISTING USES: Unless an earlier date is specified in this Ordinance any building or structure that was existing, or any use of land that was lawfully existing, as of January 1, 2000 or as of the effective date of subsequent amendments to this Ordinance may continue even though such use, building or structure does not conform to the regulations of this Ordinance or amendments thereto for the zoning district in which it is located, provided the size, shape and configuration of the parcel remains unchanged since January 1, 2000.*[35]

ARTICLE 1305.2. DISCONTINUANCE OF NONCONFORMING USES:

1305.2.1. 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 Ordinance.

1305.2.2. 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 Ordinance or amendments thereto for the zoning district in which such future use is located.

ARTICLE 1305.3. EXPANSION OF A NONCONFORMING USE: A nonconforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alternation and further use of such property conform with the regulations of this Ordinance for the zoning district in which such property is located, except that a nonconforming business use may expand if such expansion does not exceed **100%** of the floor area of the original business.

ARTICLE 1305.4. CHANGE OF NONCONFORMING USE: If no structural alterations are made, any nonconforming use of land, building or structure may be changed to another nonconforming 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 having jurisdiction.

SECTION 1306. RELIEF FROM DEVELOPMENT STANDARDS DUE TO GOVERNMENT ACTION

ARTICLE 1306.1 **Government Action:** When a government action results in a building, lot, parcel or tract of land not meeting the requirements of this ordinance:*33

a. For an undeveloped lot, parcel or tract of land, the government action shall alter the development standards to the extent alteration is necessitated by the government action.

b. For a lot, parcel or tract of land that has already been developed as of the time of the government action, the government action shall alter the development standards (including setback requirements) applicable to any improvements already constructed as well as subsequent improvements.

Date of Revisions			
*33	Effective 02-16-07 – TA2005001	*35	Effective 10-10-11 – TA2011011
*34	Effective 10-19-11		

Chapter 14 – Sign Regulations

SECTION 1401. GENERAL SIGNAGE REGULATIONS

ARTICLE 1401.1. PURPOSE:

The purpose of this Chapter is to promote public safety, create an attractive business climate, and enhance the physical appearance of the community through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements.

These regulations are intended to:

1. Enable the identification of places of residence and business.

2. Permit the communication of information necessary for the conduct of commerce.

3. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.

4. Regulate signs in a manner so as to not interfere with, obstruct vision of, or distract motorists, bicyclists or pedestrians, from their ability to see traffic signals, road hazards, and other motorists, bicyclists, or pedestrians.

5. Require signs to be constructed, installed, and maintained in a safe and satisfactory manner.

6. Comply with the Outdoor Light Control Provisions as outlined in this Ordinance.

ARTICLE 1401.2. EXEMPTIONS [ALL ZONING DISTRICTS]:

The following signs are permitted in all zoning districts and exempt from the regulations of this Chapter:

1. Signs on mailboxes that display name of the occupant and/or address on which the property is located.

2. Integral decorative or architectural features of buildings or works of art, as long as the features do not contain moving parts, lights, or logos.
3. Bulletin boards.

4. Signs associated with agri-business on property classified with an agricultural exemption.

5. Public service signs, not exceeding **two (2) square feet** in area, placed in the interior of an establishment's building window or glass door, such as "open or closed," "vacancy," "will return," "no smoking," and other noncommercial messages; placed on the property; warning the public against trespassing, danger from animals, and road hazards.

6. Signs that constitute an integral part of a vending machine, telephone booth or similar facilities, provided the sign does not interfere with the sight visibility triangle (SVT) area.

7. Flags, badge, emblem or insignia of any government or governmental agency, or of any civic charitable, religious, patriotic, fraternal, or similar organization, provided the sign does not interfere with the sight visibility triangle (SVT) area.

ARTICLE 1401.3. GENERAL SIGN REGULATIONS [ALL ZONING DISTRICTS]:

The regulations set forth in this Article qualify or supplement, as the case may be, the zoning district regulations appearing elsewhere in this Ordinance. In the event of a conflict between regulations, the more restrictive applies.

1401.3.1. Freestanding and projecting signs may be double-faced.

1401.3.2. When the two faces of a double-faced sign have identical dimensions, the calculation of the overall area of the sign of a double-faced sign shall include only one of the faces.

1401.3.3. Sign Lighting: signs may be indirectly illuminated provided that the lighting shall be in compliance with the provisions as set forth in this Ordinance.

1. No flashing or blinking illumination shall be employed. Lighting shall be so installed as to avoid any glare or reflection into any adjacent property or into a street or alley.

2. If located in a Rural or Residential zoning district, no sign shall be lit between 10:00 p.m. and 6:00 a.m.

3. Electronic message displays shall contain at least one photo sensor, and each sensor shall:

a. be designed to continually operate in direct sunlight; and

b. be situated to measure ambient light; and

c. be contained in a waterproof enclosure which shall allow easy access to the photo sensors; and

d. allow light sensing; and

e. be located in an enclosure that environmentally protects the components of the EMD; and

f. be capable of dimming all pixels of the sign collectively to compensate for surrounding ambient light levels.

4. The EMD display light output shall be as follows:

a. limited to a maximum brightness level of 300 Nits between dusk and dawn and

b. no more than 0.3 foot candles above ambient light at all times, as measured using a foot candle meter at a preset distance depending on sign size. Measuring distances shall be as follows:

i. 0-100 square foot sign to be measured from 100 feet from the source

ii. 101-300 square foot sign to be measured 150 feet from source

5. Prior to the issuance of an EMD Sign Permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified within this ordinance, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Department Director.

6. Signs lit with fluorescent or exposed neon or similar tube type illumination shall not increase the ambient light condition between sunset and sunrise that existed before installation of the sign.

7. The lighting source of on-site signs externally illuminated shall not be visible from any adjacent residential zoning district.

1401.3.4. Any sign using plastic zip track or other method of replaceable lettering shall have a secured cover.

1401.3.5. No sign may be placed within the street right of way, clear zone distance and sight visibility triangle or any location where such sign presents a traffic hazard or otherwise poses a threat to the traffic or pedestrian safety.

1401.3.6. No movable, animated or audible signs are permitted. Electronic message displays (EMD) shall not be considered as animation.

1401.3.7. Roof signs shall not be permitted in any zoning district.

1401.3.8. Minimum Display Time: Level 1 and 2 Electronic Message Displays (EMD) shall not change-message more than once every eight (8) seconds.

1401.3.9. Permanent signs, other than Rural and Residential Identification signs, shall require a construction permit and zoning clearance.

1401.3.10. Maintenance of signs:

1. All signs and all components thereof, including supports, braces, and anchors, shall be kept in a state of good repair.

2. Any sign that no longer correctly directs or exhorts any person, advertises a bonafide business, lessor, sign company owner, product, or activity or is damaged, is in disrepair or is vandalized and not repaired within thirty (30) days of the damaging event, or within thirty (30) days of the issuance of a permit for the repair if a permit is required, shall not be permitted in any zone.

3. Any party having control of a sign shall remove any sign that has not been used to display or support a message during any continuous one year period. Failure to remove such sign within thirty (30) days shall be considered a violation of this ordinance. A sign carrying a message advertising the sign owner's company shall be deemed a valid message, however simply the availability of the sign for lease shall not be deemed to be "used to display or support a sign or message" for purposes of this section.

1401.3.11 Any building permit validly issued and still in effect on February 10, 2011 shall be governed by the requirements of the zoning ordinance for the unincorporated areas of Maricopa County in effect on the date said permit was issued. *2

1401.3.12 **DIRECTORY SIGNS** shall be permitted in all districts:

Development Standards: Directory signs:

1. Shall be a freestanding standing monument sign with a base of at least **eighteen (18) inches** in height and a maximum sign area of eighteen (18) square feet.

2. Shall not exceed **six (6) feet** in height.

3. Shall contain no more than the maximum area of **two (2) square feet** for each business listed on the sign plus **four (4) square feet** for the name of the building or complex.

4. Shall not be included in calculating the total aggregate area for signage permitted on a parcel or lot for the approved use.

5. The maximum number of shall be **one (1)** for each driveway or entrance into the Business Park or complex.

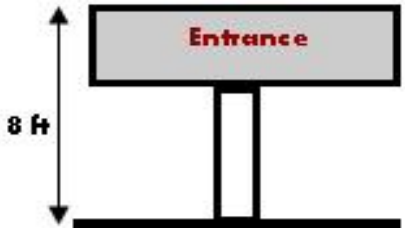
1401.3.13. **DIRECTIONAL SIGNS** shall be permitted in all districts:

Development Standards: Directional Signs:

1. Shall not exceed the following area:

   a. In Rural and Residential zoning districts, **two (2) square feet**.

b. In Commercial and Industrial zoning districts, **six (6) square feet**.



2. Shall not exceed the following height limitations:

a. In Rural and Residential zoning districts, **eight (8) feet**.

b. In Industrial and Commercial zoning districts, **twelve (12) feet**.

3. May be located in or project into required yards, but the sign shall not be located in or project into any right-of-way, street or alley.

4. Shall not be included in the calculation of total permitted permanent identification area of the permitted total aggregate area of wall signs or the maximum number of freestanding signs as set forth in the provisions in this Ordinance.

1401.3.14 **LIGHT POLE BANNERS** shall be permitted in all zoning districts:

1. Shall not be located in the public right-of-way.

2. May be single sided or double sided.

3. The structure on which the banner is mounted shall be permanent and shall not exceed **eighteen (18) feet in height**.

4. Mounted in a pedestrian way the bottom of the banner shall be a minimum of 9' from the ground. Mounted along driveways a minimum of **fourteen (14) feet** from ground level.

5. May be displayed year around, but shall be maintained free of any tears or frays.

6. Shall not exceed **eighteen (18) sq. ft. 30" x 60".**

ARTICLE 1401.4. TEMPORARY SIGNS:

Temporary signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, if left completely unregulated,

temporary signs can become a threat to public safety as a traffic hazard and detrimental to property values and overall public welfare as an aesthetic nuisance.

These regulations are intended to balance the rights of individuals to convey messages through temporary signs and the right of the public to protect the public health, safety, and welfare; reduce traffic and pedestrian hazards; protect property values by minimizing the possible adverse effects and visual blight caused by temporary signs; promote economic development; and ensure the fair and consistent enforcement of the temporary sign regulations specified below.

1401.4 .1 **TEMPORARY SIGNS** shall be permitted in all zoning districts:

Development standards: Temporary signs shall not:

1. a. In Rural and Residential zoning districts, exceed **EIGHTEEN (18) square feet** in area.

   b. In any zoning district, exceed **twelve (12) feet** in height.

2. Be placed on a property in excess of **180 days** provided that signs per Articles 1401.4.5, 1401.4.6 and 1401.4.7 may remain in excess of 180 days but shall be removed from the property within **fourteen (14)** days after its purpose has been fulfilled. If expected to be in place longer than **180 days** shall be secured to the ground and maintained in good repair.*3

3. In Commercial zoning districts, exceed the area allowed for permanent on-site signage: 1403.2.2.1 for wall signs and 1403.2.4.1 for freestanding signs.

4. In Industrial zoning districts, exceed the area allowed for permanent on-site signage: 1404.2.2.1 for wall signs and 1404.2.3.1 for freestanding signs.

5. If in association with a Commercial or Industrial business be permitted unless associated with a temporary event or there is a pending, or simultaneously filled, an application for a permanent sign permit.

1401.4.2. Shall not be illuminated.

1401.4.3. Shall obtain a Temporary Use Permit (TUP) for Special Events.

1401.4.4. Signs advocating a position for or against a candidate for public elective office or a public question are permitted provided each sign shall:

1. Not be displayed earlier than **sixty (60) days** prior to an election.

2. Be placed only on private property and not within in public rights-of-way, intersection "sight triangles", or roadway clear zones.

3. Be removed within **thirty (30)** days after the specific election to which they refer.

4. Comply with all other requirements for temporary signs.

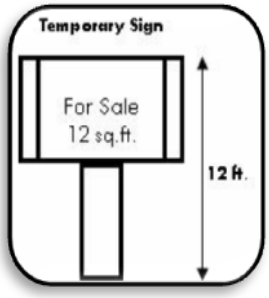
1401.4.5. **TEMPORARY DIRECTIONAL SIGNS**:

1. Shall not exceed **twelve (12) square feet** in area.

2. Shall not exceed **one (1)** sign for each entrance and **one (1)** sign for each exit.

3. May be located in or project into required yards, but shall not be located in or project into any right-of-way, street or alley.

1401.4.6. **TEMPORARY SIGNS PERTAINING TO THE SALE OR LEASE OF LAND**:



1. Sign area shall not exceed:

   a. For properties containing a total land area less than 1 acre, **six (6) square feet**.

   b. For properties containing land area of at least one (1) acre but not more than five (5) acres, **twelve (12) square feet**.

   c. For properties containing land area greater than five (5) acre, **thirty-two (32) square feet** for the first five (5) acres and an additional **fifteen percent (15%)** over the maximum allowable sign area for each additional five (5) acres but in no event shall any sign exceed **one hundred fifty (150) square feet** provided any sign in excess of **thirty-two (32)**

square feet in area shall require a construction permit and zoning clearance.

2. All signs pertaining to sale or lease of land shall be located on the property to which it pertains and the number shall be limited to **one (1)** sign on each street frontage. *3

   a. For condominiums, the siting of the sign shall be on common grounds.
   b. For master planned communities must be located within the boundary of the master planned community to which it pertains.

3. No sign pertaining to sale or lease of land shall be located in or project into required yard, or any street or alley.

4. Shall include property address and contact information.

1401.4.7. **TEMPORARY SIGNS IDENTIFYING THE CONTRACTORS AND SUBCONTRACTORS, IF ANY, ENGAGED IN THE CONSTRUCTION OR REPAIR OF A BUILDING OR BUILDINGS**:

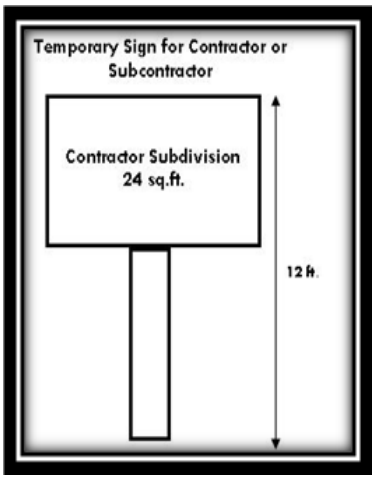
Development Standards**:** each temporary signs identifying the contractors and subcontractors, if any, engaged in the construction or repair of a building or buildings:

1. Shall not exceed **twenty-four (24) square feet** in area.

2. Shall be located on the property to which it pertains and the number shall be limited as follows:

   a. Rural and Residential zoning districts may have **one (1)** per lot.

   b. Commercial and Industrial zoning districts may have **one (1)** for each tenant.



3. May be located in or project into required yards, but the sign shall not be located in or project into any right-of-way, street or alley.

1401.4.8 Any sign not specifically listed as permitted shall be prohibited.

SECTION 1402. RURAL AND RESIDENTIAL ZONING DISTRICTS

ARTICLE 1402.1. SPECIFIC RURAL AND RESIDENTIAL SIGNAGE REGULATIONS:

Development standards: All Rural and Residential zoning districts

1. Signs in Rural and Residential zoning districts shall not be located in or project into any required yard, public rights-of-way, street or alley.

2. A sign shall only be located on the property to which it pertains.

3. No sign area shall exceed **twenty-four (24) square feet** unless otherwise stated herein.

4. No variable message signs shall be permitted except as set forth in Article 1402.5.

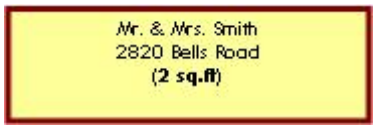
ARTICLE 1402.2. RURAL AND RESIDENTIAL IDENTIFICATION SIGNS

Development standards: Identification signs

1. Shall not exceed **two (2) square feet** in area.

2. Shall not exceed **eight (8) feet** in height.

3. Shall be limited to **one (1)** sign for each dwelling unit



ARTICLE 1402.3. ENTRY FEATURES over driveways to a residence, ranch or farm are permitted provided they otherwise comply with the requirements listed in the Use Regulations for Rural Zoning Districts.

ARTICLE 1402.4. PERIMETER WALL SIGNS:*3

1402.4.1 Development standards: Perimeter Wall Signs

1. Shall not exceed **thirty-two (32) square feet** in area.

2. Shall not exceed **six (6) feet** in height.

3. Shall only be located at entry points of the subdivision, church, school and/or public building.

4. The number shall not exceed **two (2)** for each entrance.

1402.4.2 Shall have a base equal to or greater than **half the width** of the sign.

ARTICLE 1402.5. SIGNS IDENTIFYING APARTMENT COMPLEXES, CHURCHES, SCHOOLS, CARE FACILITIES, PUBLIC UTILITY BUILDINGS AND FACILITIES, PUBLICLY OWNED OR OPERATED PROPERTIES, LIBRARIES, MUSEUMS AND COMMUNITY BUILDINGS:

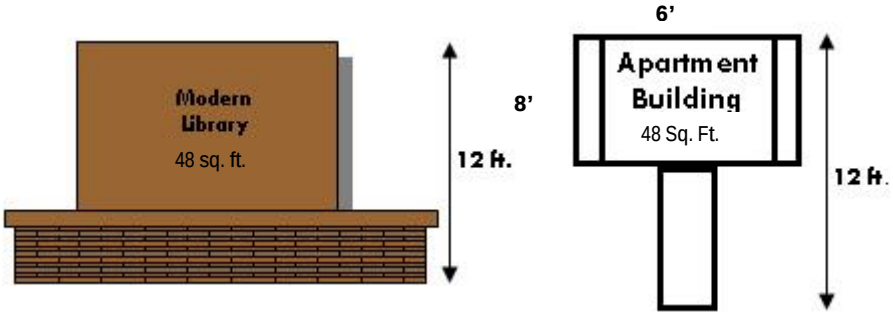
1402.5.1 Development standards: signs identifying apartment complexes, churches, schools, care facilities, public utility buildings and facilities, publicly owned or operated properties, libraries, museums and community building buildings:

1. Such signs may be placed flat against a wall of a building, perimeter wall sign or sign may be freestanding. *3

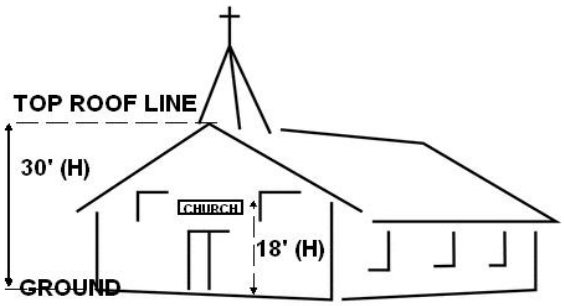
2. No sign shall exceed **forty-eight (48) square feet** in area.

3. Sign height shall not exceed

a. For freestanding signs **twelve (12) feet**.



b. For wall signs **EIGHTEEN (18) feet**



4. No more than **one (1) freestanding** sign shall be permitted for each entrance and each sign shall be located proximate to an entrance.

5. Any sign may be located in required yard, but may not be located closer than **twenty (20) feet** to property line.

1402.5.2 Freestanding may have a fixed or variable message.*3

1402.5.3 No EMD sign other than Level 1 signs identifying apartment complexes, churches, schools, care facilities, public utility buildings and facilities, publicly owned or operated properties, libraries, museums and community buildings shall be permitted in Rural and Residential zoning districts.

SECTION 1403. COMMERCIAL ZONING DISTRICTS

ARTICLE 1403.1. COMMERCIAL SIGNAGE REGULATIONS:

1. Except for Freeway Pylon signs, signs permitted in a commercial zoning district, may be located in required yard, but shall not be located in or project into any public rights of way, street or alley.

2. Signs shall be oriented as follows:

a. Signs permitted in a commercial zoning district other than full-animation EMD (level 4) electronic signs shall be oriented to the business street frontage or to common use parking lots, courtyards, or pedestrian ways on which the business fronts or takes access.

b. Full-animation EMD (level 4) electronic signs shall be oriented to pedestrian traffic and common use parking lots, courtyards or pedestrian ways and shall not be oriented to business street frontage.

3. On-site signs may have a fixed or variable message. Electronic Message Display (EMD) signs are permitted as follows:

1. C-1 & C-0 zoning district: Level 1 and Level 2 electronic message display sign;

3. C-2 & C-3 zoning district: Level 1 through 3 electronic message display sign;

4. C-S zoning district: Levels 1 through 4 electronic message display sign.

ARTICLE 1403.2. ON-SITE SIGNS

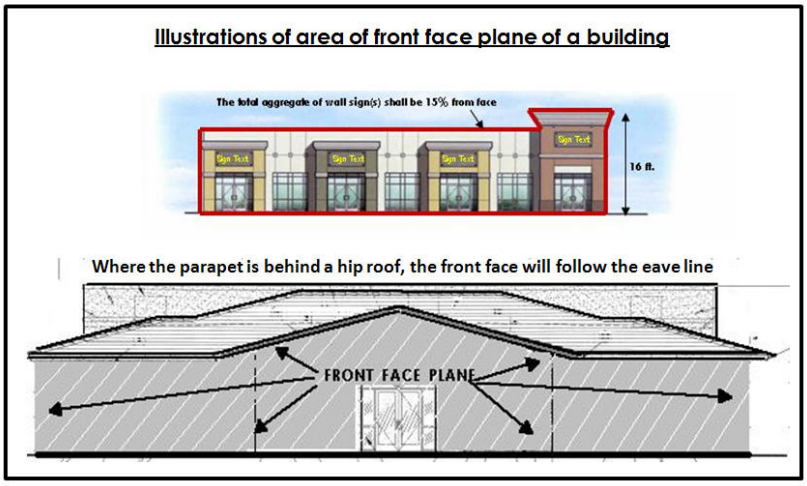
Shall be permitted subject to the following development standards:

1403.2.1. **WALL SIGNS**:*3

1.

a. The total aggregate area of all wall signs on a property shall not exceed **fifteen percent (15%)** of one (1) front face/plane of a single/multi-tenant building, or wall plane of an individual business frontage where more than **one (1)** tenant occupies the building.

b. Front face plane is measured as a vertical plane from the ground to top of parapet or eave line of pitched, or mansard roof. Where a parapet is behind a hip roof, shall follow the eave line.



2. Sign height shall not exceed the maximum building height allowed in the base zoning district.

3. PERIMETER WALL SIGNS:

   a. Shall be considered permanent, affixed to the wall and not temporary signage.
   b. The sign shall have a border to clearly define the sign area.
   c. Shall only be permitted on a wall directly fronting on an arterial, secondary or local road.
   d. Shall be included in the total aggregate area of all wall signs in accordance with 1403.2.1.1.
   e. Area shall not exceed 120 sq. ft.
   f. Height shall not exceed wall height.

1403.2.2. **SERVICE STATION SIGNS**:

1. Canopy signs shall be fixed and contain only the business and or logo.

2. The maximum number of signs per canopy shall be **two (2)**.

3. For any one (1) side of the canopy the maximum sign area for each two (2) linear feet of canopy wall shall be one (1) square foot, not to exceed **twenty-four (24) square feet** of signage.

4. No part of the sign shall project from a canopy wall a distance greater than **twelve (12) inches**.

5. The total area of canopy signs shall be included in calculation of total sign area permitted.

6. Change panel price signs in connection with service station; shall be freestanding, monument type and shall only identify the current price(s) of fuel sold and cost of the car wash service provided by the use.

1403.2.3. **FREESTANDING SIGNS**, including center identification signs:

1. Shall not exceed **one-hundred twenty (120) square feet** in sign area.

2. Sign height:

   a. Shall not exceed **twenty-four (24) feet**:

   b. Any sign within **two-hundred (200) feet** of a Rural or Residential zone, unless developed for non-residential use, shall not exceed **twelve (12) feet** in height. However, for each **five (5) feet** beyond the **two-hundred (200) feet** as described in the previous section, the maximum may increase **one (1) foot** to a maximum height of **twenty-four (24) feet**.*4

3. Permitted number: **one (1)** sign for each 200' of frontage, but in no event shall signs be located closer to each other than 200 feet on the same parcel

4. In C-2 and C-3 zoning districts, the sign may be a moving, rotating or revolving sign, but no sign shall rotate faster than **seven (7) revolutions per minute**.

1403.2.4. **MENU- BOARDS FOR DRIVE-THRU RESTAURANTS**:

1. Shall not exceed **one (1)** preview menu board and **one (1)** ordering menu board per business.

2. Shall not exceed **thirty-two (32) square feet**.

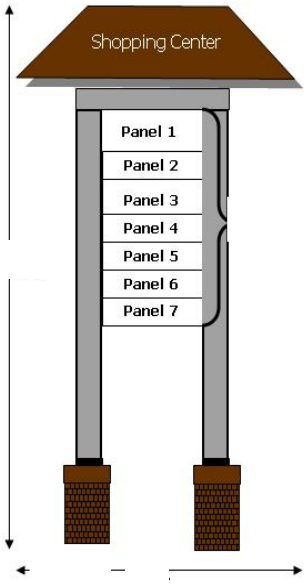
3. Shall not exceed **seven (7) feet** in height.

4. Shall be screened by a wall or landscaping so the sign is not visible from the street.

5. Containing speakers shall not be located any closer than **two-hundred (200) feet** to a Rural or Residential zone.

1403.2.5. **FREEWAY PYLON SIGNS** shall be permitted in the C-S and C-2 Zoning Districts only:

Development standards: Freeway Pylon Signs:



1. Shall not exceed **sixty-five (65) feet** in height unless designed in such a way as to accommodate Wireless cellular panel antennas in which case sign height shall not exceed **eighty (80) feet**.

   Any Wireless communication antenna shall be architecturally integrated into the sign structure to have a seamless appearance. The associated ground equipment or shelter shall be entirely

screened from view by a screen wall matching the sign structure base or the subject property commercial development design. The associated equipment area shall not exceed **600 square feet.**

2. Shall not exceed a **2.5-to-1 ratio** of height-to-width.

3. Shall not exceed **fifty percent (50%)** of the gross area of the sign structure per face.

4. Shall not be included in the calculation of the total number of freestanding or wall signs permitted.

6. Shall provide at the base a setback of not fewer than **twenty (20) feet** from any property line.

7. Shall provide, at the base, a landscape area extending to a minimum of **four (4) feet** beyond the perimeter section of the sign structure at its widest point.

8. Only Level 1, 2, and 3 electronic message displays (EMD) are permitted and Level 4 EMD are prohibited.

1403.2.6 **A-FRAME (SANDWICH BOARD)** shall be permitted in C-1 and C-2 and C-S zoning districts.*1

1. Not allowed in public rights-of-way. Shall be placed on a private sidewalk directly in front of the associated establishment.

2. Placed a maximum distance of **two (2) feet** from the wall of the building.

3. Sign does not obstruct the sidewalk and complies with any applicable provisions of the Americans with Disabilities Act.

4. Shall not exceed **twelve (12) sq. ft. in area 36" (w) X 48" (l)**.

5. Shall be removed at the close of business and only displayed during regular business hours.

6. Windblown devices including balloons may not be attached or otherwise made part of the sign.

7. Maximum **one (1)** per business or tenant.

8. Shall be non-illuminated.

9. Shall require a zoning clearance.

10. Shall contain no off-site advertising.

11. Professionally made and constructed of durable weather-resistant materials and maintained in good condition.

ARTICLE 1403.3. OFF-SITE SIGNS, BILLBOARDS [C-2 AND C-3 ZONING DISTRICTS ONLY]:

1403.3.1 Off-site signs shall be permitted uses in the C-2 and C-3 zoning districts provided each such sign shall:

1. Maintain a distance separation from any other off-site sign of **3,000 feet** of any offsite sign on the same street when either existing or proposed sign is located **three (3) miles or greater** from the boundary of any incorporated city or town.

2. Maintain a distance separation from any other off-site sign of **1,000 feet** of any offsite sign on the same street when either existing or proposed signs is located **fewer than three (3) miles** from the boundary of any incorporated city or town.

3 Such sign may be illuminated but no flashing, intermittent or moving illumination shall be employed. Any lighting used shall be in accordance with the adopted outdoor light control provisions (see Chapter 11, Section 1112. herein). Any off premise sign within **150 feet** of a rural or residential zone boundary shall be non-illuminated.

4. Such sign shall not be located within **100 feet** of any rural or residential zoning district boundary, whether or not separated by a public right-of-way.

5. Such sign shall not be located within **500 feet** of any park, school or roadside rest area.

6. Such sign shall not be audible in any manner.

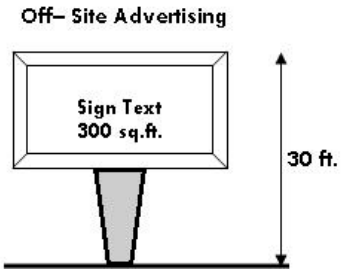
7. Special Conditions:

a. On State Route 74 between U. S. 60-89 and Lake Pleasant Road, no off-site signs shall be permitted within **six-hundred sixty (660) feet** of said highway right-of-way.

b. On U. S. Highway 60-89 from Estrella Freeway to Wickenburg, no off-site signs shall be permitted within **six-hundred sixty (660) feet** of said highway right-of-way.

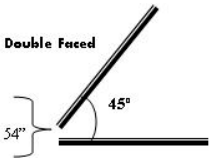
1403.3.2. Off-site signs in C-2 and C-3 zoning district are subject to the following development standards:

1. Such sign shall not exceed **three-hundred (300) square feet** in area. A sign may utilize embellishments up to of **ten percent (10%)** of the sign area.



2. Such sign shall not exceed **thirty** (**30) feet** in height.

3. Such sign may be double-faced or "V" shaped, provided the "V" shape is designed so that it is no greater than **fifty-four (54) inches** between faces at the apex and the angle between the faces of the sign is no greater than **forty-five (45) degrees**.



4. Shall be freestanding.

5. Shall maintain the same property line setbacks required by the underlying zoning district.

SECTION 1404. INDUSTRIAL ZONING DISTRICTS

ARTICLE 1404.1. INDUSTRIAL SIGNAGE REGULATIONS:

1. Signs permitted in an industrial zoning district, may be located in required yard, but shall not be located in or project into any street or alley.

2. Shall be oriented to the business street frontage or to common use parking lots, courtyards, or pedestrian ways on which the business fronts or takes access.

3. On-site may have a fixed or variable message.

4. On-site may be Level 1, 2, and 3 electronic message displays (EMD). Level 4 EMD are prohibited.

ARTICLE 1404.2. ON-SITE SIGNS

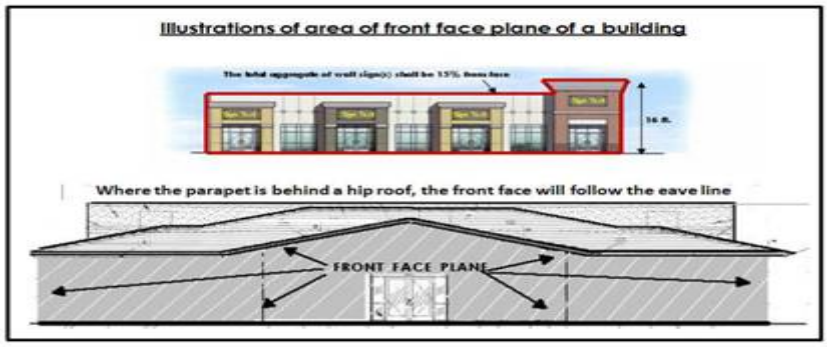
Shall be permitted subject to the following development standards:

1404.2.1. **WALL SIGNS**:*3

1.

a. The total aggregate area of all the wall signs on a property shall not exceed **fifteen percent (15%)** of one (1) front face/plane of a single/multi-tenant building, or wall plane of an individual business frontage where more than **one (1)** tenant occupies the building.

b. Front face plane is measured as a vertical plane from the ground to top of parapet or eave line of pitched, or mansard roof. Where a parapet is behind a hip roof, shall follow the eave line.



2. Sign height shall not exceed the maximum building height allowed in the base zoning district.

3. **PERIMETER WALL SIGNS:**

a. Shall be considered permanent, affixed to the wall and not temporary signage.

b. The sign shall have a border to clearly define the sign area.

c. Shall only be permitted on a wall directly fronting on an arterial, secondary or local road.

d. Shall be included in the total aggregate area of all wall signs in accordance with 1404.2.1.1.

e. Area shall not exceed 120 sq.ft.

f. Height shall not exceed wall height.

1404.2.2. **FREESTANDING SIGNS**, including Center Identification signs:

1. Shall not exceed **one-hundred fifty (150) square feet** in sign area.

2. Shall comply with the following height standards:

   a. Not exceed **twenty-four (24) feet** provided:

   b. Any signs within **two-hundred (200) feet** of a Rural or Residential zone, unless developed for non-residential use, shall not exceed **twelve (12) feet** in height. However, for each **five (5) feet** beyond the **two-hundred (200) feet**, the maximum may increase **one (1) foot** to the maximum height of **twenty-four (24) feet.**[*4]

3. Permitted number: **one (1)** sign per driveway entrance or driveway but in no event shall signs be located closer to each other than 200 feet. Each such sign shall be located proximate to a driveway entrance.

4. May be a moving, rotating or revolving sign, but no sign shall rotate faster than **seven (7) revolutions per minute**.

ARTICLE 1404.3. OFF-SITE SIGNS, BILLBOARDS [IND-2 AND IND-3 ZONING DISTRICTS ONLY]:

1404.3.1. Off-site signs shall be permitted uses in the IND-2 and IND-3 zoning districts and provided each such sign shall:

1. Maintain a distance separation from any other off-site sign of **3,000 feet** of any offsite sign on the same street when either existing or proposed sign is located **three (3) miles or greater** from the boundary of any incorporated city or town.

2. Maintain a distance separation from any other off-site sign of **1,000 feet** of any offsite sign on the same street when either existing or proposed signs is located **fewer than three (3) miles** from the boundary of any incorporated city or town.

3. Such sign may be illuminated but no flashing, intermittent or moving illumination shall be employed. Any lighting used shall be in accordance with the adopted outdoor light control provisions (see Chapter 11, Section 1112. herein).). Any off premise sign within **150 feet** of a rural or residential zone boundary shall be non-illuminated.

4. Such sign shall not be located within **100 feet** of any rural or residential zoning district boundary, whether or not separated by a public right-of-way.

5. Such sign shall not be located within **500 feet** of any park, school or roadside rest area.

6. Such sign shall not be audible in any manner.

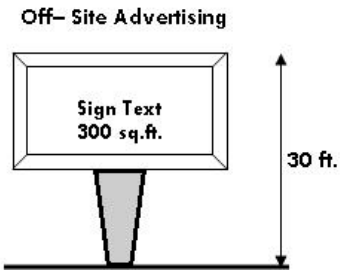
7. Special Conditions:

   a. On State Route 74 between U. S. 60-89 and Lake Pleasant Road, no off-site signs shall be permitted within **six-hundred sixty (660) feet** of said highway right-of-way.

   b. On U. S. Highway 60-89 from Estrella Freeway to Wickenburg, no off-site signs shall be permitted within **six-hundred sixty (660) feet** of said highway right-of-way.

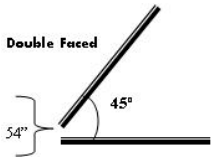
1404.3.2. Off-site signs in IND-2 and IND-3 zoning district are subject to the following development standards:

1. Such sign shall not exceed **three-hundred (300) square feet** in area. A sign may utilize embellishments up to of **ten percent (10%)** of the sign area.



2. Such sign shall not exceed **thirty** (**30) feet** in height.

3. Such sign may be double-faced or "V" shaped, provided the "V" shape is designed so that it is no greater than fifty-four (54) **inches** between faces at the apex and the angle between the faces of the sign is no greater than **forty-five (45) degrees**.



4. Such sign shall be freestanding.

5. Shall maintain the same property line setbacks as required by the underlying zoning district.

SECTION 1405. OVERLAY ZONING DISTRICT

ARTICLE 1405.1. WICKENBURG SCENIC CORRIDOR:

Development standards for signs in the Wickenburg Scenic corridor:

1405.1.1. **Class 3**: All Class 3 signs shall:

1. Be kept to minimum size and height required for reasonable exposure of said signs; however no sign shall exceed **twelve (12) feet** in height.

2. Be setback from the property line as follows:

   a. None for a sign not in excess of **eight (8) feet** in height.

   b. A minimum of **fifteen (15) feet** for any sign greater than **eight (8) feet** in height but not in excess of **ten (10) feet** in height.

c. A minimum of **twenty (20) feet** for any sign greater than **ten (10) feet** in height but not in excess of **twelve (12) feet** in height.

3. Not exceed a maximum of **one (1)** freestanding sign.

4. Be of materials and colors that are muted and compatible with the desert environment to reduce visual contrast, heat gain and glare.

5. Contain no more than **three (3)** different colors. **One (1)** of which shall match the principal building color.

1405.1.2. **Class 4**: All Class 4 signs shall:

1. Be kept to a minimum size and height required for reasonable exposure of said signs, however no sign shall exceed **twelve (12) feet** in height.

2. Be setback from the property line as follows:

a. None for any sign not in excess of **eight (8) feet** in height.

b. A minimum of **fifteen (15) feet** sign greater than **eight (8) feet** in height but not in excess of **ten (10) feet** high.

c. A minimum of **twenty (20) feet** sign greater than **ten (10) feet** in height but not in excess of **twelve (12) feet** in height.

3. Be of materials and colors that are muted and compatible with the desert environment to reduce visual contrast, heat gain and glare.

4. Contain no more than **three (3)** different colors. **One (1)** of which shall match the principal building color.

ARTICLE 1405.2. HWY 74 SCENIC CORRIDOR:
Development standards for signs in the Highway 74 Scenic Corridor

1. Not exceed a maximum of **two (2)** freestanding monument signs for each development at each approved entrance, except

a. A greater number of signs may be permitted in connection with a Development Master Plan approved by the Board of Supervisors.

b. there shall be no signs on an individual single family home lot.

2. Be made of durable material and be designed to be consistent with the architectural treatment of the building they relate to and overall character of the site.

3. Be, for non-residential uses, consistent with the underlying zoning district regulation.

SECTION 1406. MOBILE/MANUFACTURED HOME PARKS

ARTICLE 1406.1. GENERAL SIGN STANDARDS:

Development standards for signs in Mobile/Manufactured Home Parks:

1. Shall not exceed **twenty-four (24) square feet** in sign area.

2. May be illuminated in accordance with the provisions set forth in this Ordinance.

3. Shall not exceed **twelve (12) feet** in height.

4. May be located in or projected into required yards, but shall not be located in or projected into any street or alley.

5. Shall be permitted only if it shall be located on the property to which it pertains.

6. Shall be limited to not more than **one (1)** sign on each street upon which the Mobile/Manufactured Home Park has a major access.

Date of Revisions			
*1	Effective 9-14-11 – TA2011003	*2	Effective 2-9-11 – TA2007006
*3	Effective 10-31-12 – TA2012003	*4	Effective 7-30-14 – TA2013012

Chapter 14 Sign Table by Zoning District

ZONING DISTRICT	SIGNAGE CATEGORY/TYPE[1]	EMD[2]	MAXIMUM AREA	MAXIMUM HEIGHT	MAXIMUM NUMBER
ALL RURAL-AND RESIDENTIAL ZONING DISTRICTS	**ON-SITE PERMANENT SIGNS**				
	DIRECTIONAL	NO	TWO (2) SF	EIGHT (8) FEET	ONE (1) FOR EACH ENTRANCE AND ONE (1) EACH EXIT
	CHURCHES, SCHOOLS, PUBLIC UTILITY BUILDINGS AND FACILITIES, PUBLICLY OWNED OR OPERATED PROPERTIES, LIBRARIES, MUSEUMS AND COMMUNITY BUILDINGS	YES [LEVEL 1]	FORTY-EIGHT (48) SF	WALL EIGHTEEN (18) FREESTANDING TWELVE (12)	ONE (1) FOR EACH ENTRANCE
	IDENTIFICATION	NO	TWO (2) SF	EIGHT (8) FEET	ONE (1) PER DWELLING UNIT
	ENTRY FEATURES	NO	TWENTY-FOUR (24) SF	TWENTY-FOUR (24) FEET	ONE
	SUBDIVISIONS SIGNS	NO	THIRTY-TWO (32) SF	SIX (6) FEET	TWO (2) PER ENTRANCE
	DIRECTORY	NO	EIGHTEEN (18) SF w/ TWO (2) SF FOR EACH BUSINESS AND FOUR (4) SF FOR THE NAME OF COMPLEX	SIX (6) FEET	ONE (1) PER DRIVEWAY OR ENTRANCE
	TEMPORARY SIGNS				
	TEMPORARY- DIRECTIONAL	NO	TWELVE (12) SF	TWELVE (12) FEET	ONE (1) FOR EACH ENTRANCE AND ONE (1) FOR EACH EXIT
	TEMPORARY- OTHER	NO	EIGHTEEN (18) SF	TWELVE (12) FEET	NO
	TEMPORARY - PERTAINING TO SALE OF LAND	NO	SIX (6) SF (<= 1 AC. OF LAND) TWELVE (12) SF (1-5 AC. OF LAND) GREATER THAN FIVE ACRES REFER TO ARTICLE	TWELVE (12) FEET	ONE FOR EACH STREET FRONTAGE
	TEMPORARY - IDENTIFYING THE CONTRACTORS AND SUBCONTRACTORS, IF ANY, ENGAGED IN THE CONSTRUCTION OR REPAIR OF A BUILDING	NO	TWENTY-FOUR (24) SF	TWELVE (12) FEET	ONE (1) PER LOT

[1] Other restrictions and criteria may apply – See the referenced Article for more information
[2] Electronic Message Displays

Chapter 14 Sign Table by Zoning District

ZONING DISTRICT	SIGNAGE CATEGORY/TYPE[1]	EMD[2]	MAXIMUM AREA	MAXIMUM HEIGHT	MAXIMUM NUMBER
COMMERCIAL					
ALL COMMERCIAL ZONING DISTRICTS	**ON-SITE PERMANENT SIGNS**				
	FUEL CANOPY	YES [CHANGE PANEL ONLY]	NOT TO EXCEED 24 SF	BASE ZONING DISTRICT	TWO (2) PER CANOPY
	DIRECTORY	NO	EIGHTEEN (18) SF w/ TWO (2) SF FOR EACH BUSINESS AND FOUR (4) SF FOR THE NAME OF COMPLEX	SIX (6) FEET	ONE (1) PER DRIVEWAY OR ENTRANCE
	DIRECTIONAL	NO	SIX (6) SF	TWELVE (12) FEET	ONE (1) FOR EACH ENTRANCE AND ONE (1) EACH EXIT
	FREESTANDING	YES	ONE-HUNDRED TWENTY (120) SF	TWENTY-FOUR (24) FEET	ONE (1) PER DRIVEWAY NOT TO EXCEED TWO (2) PER STREET FRONTAGE
	MENU BOARDS FOR DRIVE-THRU	YES	THIRTY-TWO (32) SF	SEVEN (7) FEET	ONE (1) PREVIEW AND ONE (ORDERING)
	WALL	YES	15% FRONT FACE PLANE OF STORE FRONTAGE	TWENTY (20) FEET	ONE (1) PER BUSINESS/TENANT
C-S & C-2 ONLY	FREEWAY PYLON	YES	50% OF GROSS AREA OF STRUCTURE	SIXTY-FIVE (65) FEET	
C-2 & C-3 ONLY	**OFF-SITE PERMANENT SIGNS (BILLBOARDS)**	NO	THREE-HUNDRED (300) SF	THIRTY (30) FEET	ONE (1) PER 1,000 FT[1]
ALL COMMERCIAL ZONING DISTRICTS	**TEMPORARY SIGNS**				
	TEMPORARY- DIRECTIONAL	NO	TWELVE (12) SF	TWELVE (12) FEET	ONE (1) FOR EACH ENTRANCE AND ONE (1) FOR EACH EXIT
	TEMPORARY -POLITICAL –CANDIDATES	NO	TWELVE (12) SF	TWELVE (12) FEET	NO
	TEMPORARY - PERTAINING TO SALE OF LAND	NO	SIX (6) SF (<= 1 AC. OF LAND) TWELVE (12) SF (1-5 AC. OF LAND) GREATER THAN FIVE ACRES REFER TO ARTICLE	TWELVE (12) FEET	ONE (1) FOR EACH STREET FRONTAGE
	TEMPORARY - IDENTIFYING THE CONTRACTORS AND SUBCONTRACTORS, IF ANY, ENGAGED IN THE CONSTRUCTION OR REPAIR OF A BUILDING	NO	TWENTY-FOUR (24) SF	TWELVE (12) FEET	ONE (1) PER TENANT
TUP MAY BE REQUIRED	TEMPORARY COMMERCIAL SIGNS	NO	FOLLOW THE ORDINANCE FOR PERMANENT WALL AND FREESTANDING SIGN AREA	TWELVE (12) FEET	ONE (1) PER TENANT

Chapter 14 Sign Table by Zoning District

ZONING DISTRICT	SIGNAGE CATEGORY/TYPE[1]	EMD[2]	MAXIMUM AREA	MAXIMUM HEIGHT	MAXIMUM NUMBER
INDUSTRIAL					
ALL INDUSTRIAL ZONING DISTRICTS	**ON-SITE PERMANENT SIGNS**				
	DIRECTIONAL	NO	SIX (6) SF	TWELVE (12) FEET	ONE (1) FOR EACH ENTRANCE AND ONE (1) EACH EXIT
	DIRECTORY	NO	EIGHTEEN (18) SF w/ TWO (2) SF FOR EACH BUSINESS AND FOUR (4) SF FOR THE NAME OF COMPLEX	SIX (6) FEET	ONE (1) PER DRIVEWAY OR ENTRANCE
	FREESTANDING	YES	ONE-HUNDRED FIFTY (150) SF	TWENTY -FOUR (24) FEET MAX	ONE (1) PER DRIVEWAY NOT TO EXCEED TWO (2) PER STREET FRONTAGE
	WALL	YES	15% FRONT FACE PLANE OF STORE FRONTAGE	TWENTY (20) FEET	ONE (1) PER BUSINESS/TENANT
IND 2 & IND-3 ONLY	**OFF-SITE PERMANENT SIGNS (BILLBOARDS)**	NO	THREE-HUNDRED (300) SF	THIRTY (30) FEET	ONE (1) PER 1,000 FT[1]
ALL INDUSTRIAL ZONING DISTRICTS	**TEMPORARY SIGNS**				
	TEMPORARY -DIRECTIONAL	NO	TWELVE (12) SF	TWELVE (12) FEET	ONE (1) FOR EACH ENTRANCE AND ONE (1) FOR EACH EXIT
	TEMPORARY- POLITICAL CANDIDATES	NO	TWELVE (12) SF	TWELVE (12) FEET	NO
	TEMPORARY -PERTAINING TO SALE OF LAND	NO	SIX (6) SF (<= 1 AC. OF LAND) TWELVE (12) SF (1-5 AC. OF LAND) GREATER THAN FIVE ACRES REFER TO ARTICLE	TWELVE (12) FEET	ONE (1) FOR EACH STREET FRONTAGE
	TEMPORARY - IDENTIFYING THE CONTRACTORS AND SUBCONTRACTORS, IF ANY, ENGAGED IN THE CONSTRUCTION OR REPAIR OF A BUILDING	NO	TWENTY-FOUR (24) SF	TWELVE (12) FEET	ONE (1) PER TENANT
TUP MAY BE REQUIRED	TEMPORARY INDUSTRIAL	NO	FOLLOW THE ORDINANCE FOR PERMANENT WALL AND FREESTANDING SIGN AREA	TWELVE (12) FEET	ONE (1) PER TENANT

SECTION 1501. VIOLATION, PENALTY AND ENFORCEMENT

ARTICLE 1501.1. **PURPOSE:** This chapter identifies what constitutes a violation of this Ordinance, establishes penalties and remedies, and authorizes enforcement procedures.

ARTICLE 1501.2. DEFINITIONS

1501.2.1. ***Hearing Officer:*** The individual(s) appointed by the Maricopa County Board of Supervisors to hear and decide all civil proceedings established by any Ordinance, regulation, or provision enacted or adopted by the Board of Supervisors under the authority granted by ARS Title 11, Chapter 6 County Planning and Zoning.

1501.2.2. ***Zoning Inspector:*** The Director of the Maricopa County Planning and Development Department or his/her designated representative.

ARTICLE 1501.3. ZONING INSPECTION AND ENFORCEMENT

1501.3.1. ***Duties:*** The enforcing officer of this Ordinance shall be the Zoning Inspector, and it shall also 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 the Ordinance. However, the Zoning Inspector:

1. Shall receive application for zoning clearance as required by this Ordinance.

2. May examine premises for which zoning clearances have been requested.

3. May make necessary inspections to secure compliance with the provisions of this Ordinance.

4. Shall when requested by the Board of Supervisors, or when the interests of Maricopa County so required, make investigations in connection with any matter referred to in this Ordinance and render written reports thereof.

5. Shall further issue such notices or orders as may be necessary for the purpose of enforcing compliance with the provisions of this Ordinance.

1501.3.2. ***Inspections:*** See Item 1501.3.1.3.[*1, **2]

1501.3.3. The Zoning Inspector may adopt rules and procedures consistent with this Ordinance for the implementation thereof.[*1, *2]

1501.3.4. The Zoning Inspector shall keep careful and comprehensive records of applications for 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 zoning clearances for such time as may be required by law. *1, *2

1501.3.5. ***Reports:*** See Item 1501.3.1.4.**1

1501.3.6. 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. *1

Date of Revisions			
*1	Revised 12-30-74	*2	Revised 10-3-77
**1	Deleted 12-30-74	**2	Added 10-3-77

SECTION 1502. VIOLATION

ARTICLE 1502.1.

It shall be unlawful to erect, construct, reconstruct, alter or use any building or structure within a zoning district without first obtaining a building permit.

ARTICLE 1502.2.

It shall be unlawful to erect, construct, reconstruct, alter or use any land within a zoning district in violation of any regulation or any provision of any Ordinance pertaining thereto.

ARTICLE 1502.3.

Any such violation shall constitute a public nuisance.

SECTION 1503. PENALTY

ARTICLE 1503.1. CRIMINAL: Any person, firm, or corporation determined to be in violation of any such Ordinance or any part thereof, is guilty of a **class 2 misdemeanor**. Each and every day during which the illegal erection, construction, reconstruction, alteration, maintenance or use continues is a separate offense.

ARTICLE 1503.2. CIVIL: Any person, firm, or corporation determined to be in violation of any such Ordinance or any part thereof, is guilty of a civil penalty. Each and every day during which the illegal erection, construction, reconstruction, alteration, maintenance or use continues is a separate

offense. Civil penalties shall not exceed the amount of the maximum fine for a **class 2 misdemeanor**. If an alleged violator is served with a notice of violation, he shall not be subject to a criminal charge arising out of the same facts.

ARTICLE 1503.3. OTHER REMEDIES: If any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used or any land is or is proposed to be used in violation of any Ordinance, regulation, or provision enacted or adopted by the Board of Supervisors under ARS Title 11 Chapter 6 County Planning and Zoning, the Board of Supervisors, County Attorney, Zoning Inspector, or any adjacent or neighboring property owner who is specially damaged by the violation, in addition to the other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent or abate or remove the unlawful erection, construction, reconstruction, alteration, maintenance or use.

SECTION 1504. ENFORCEMENT

ARTICLE 1504.1. WITHHOLDING OF PERMITS: The Zoning inspector shall withhold the issuance of any and all permits when it appears that the proposed erection, construction, reconstruction, alteration, maintenance or use does not fully conform to any Ordinance, regulation, or provision enacted or adopted by the Board of Supervisors under ARS Title 11 Chapter 6 County Planning and Zoning.

ARTICLE 1504.2. CRIMINAL: The Zoning Inspector in consultation with County Attorney is authorized to develop any rules, procedures, processes and forms necessary to implement criminal proceedings under any ordinance, regulation, or provision enacted or adopted by the Board of Supervisors under ARS Title 11 Chapter 6 County Planning and Zoning.

ARTICLE 1504.3. CIVIL: The Board of Supervisors hereby establishes the position of Hearing Officer to hear and decide all civil proceedings established by any Ordinance, regulation, or provision enacted or adopted by the Board of Supervisors under ARS Title 11 Chapter 6 Planning and Zoning.*[31]

1504.3.1

A. Hearing Officer — The individual (s) appointed by the Maricopa County Board of Supervisors to hear and decide all civil proceedings established by any ordinance, regulation, or provision enacted or adopted by the Board of Supervisors under the authority granted by ARS Title 11, Chapter 6 County Planning and Zoning.

B. Zoning Inspector — The Director of the Maricopa County Planning and Development Department or his/her designated representative.

1504.3.2 **NOTICE**

Notice of the hearing shall be personally served on the alleged violator by the zoning inspector at least five days prior to the hearing. If the zoning inspector is unable to personally serve the notice, the notice may be served in the same manner prescribed for alternative methods of service by the Arizona rules of civil procedure. A notice served upon the alleged violator other than by personal service shall be served at least thirty days prior to the hearing.

The notice shall include information regarding the alleged violator's right to be represented by counsel or other designated representative and that failure of the alleged violator to provide timely written notification of an election to be represented by counsel or other designated representative constitutes a waiver of that right.

1504.3.3 **DISCOVERY, SUBPOENA POWER***[34]

A. No pre-hearing discovery shall be permitted absent extraordinary circumstances.

B. The Hearing Officer may, upon application by a party and good cause shown, issue a subpoena for the production of documents or to compel the appearance of a witness.

C. The subpoenas shall be served and, on application to the superior court, enforced in the manner provided by law for the service and enforcement of subpoenas in civil matters.

1504.3.4 **CONTINUANCE**

The hearing officer may, upon any motion of any party or on its own motion, continue the hearing for a period not exceeding 60 days, if it appears that the interests of justice so require. Absent extraordinary circumstances, no hearing shall be continued by the hearing officer without notice to both parties. The hearing officer, or his/her designated administrative assistant, shall notify both parties in writing of the new hearing date.

1504.3.5 **CONDUCT OF HEARING**

A. The hearing officer may administer oaths and affirmations to witnesses. All testimony shall be given under oath. *34

B. The hearing officer may, on his own motion, call and examine witnesses, including the defendant. No person may be examined at a hearing except by the hearing officer, the defendant's attorney or designated representative, the zoning inspector or county attorney.

C. The Arizona rules of evidence shall not apply before the hearing officer. Any evidence offered may be admitted subject to a determination by the hearing officer that the offered evidence is relevant and material and has some probative value to a fact at issue. This is not to be construed as abrogating any statutory provision relating to privileged communications.

D. All witnesses for the county's case in chief, other than the defendant, shall be required to testify prior to the defendant being required to testify or to produce evidence. However, a witness not called to testify in the county's case in chief may be called in rebuttal to testify to an issue raised by the defense.

E. The order of proceedings shall be as follows:
1. Testimony of county's witnesses.
2. Testimony of defense witnesses.
3. Testimony of county's rebuttal witnesses, if any.
4. Testimony of defense rebuttal witnesses, if any.
5. Argument of the parties or their counsel or designated representative, if permitted by the hearing officer.
6. Ruling by the hearing officer. The ruling may include the findings, conclusions and opinion of the hearing officer.

F. A record of the proceedings shall be made by audiotape. In addition, a record of the proceedings may be made by a court reporter, if provided by the defendant at the defendant's expense.

G. If no witness for the county, excluding defendant appears at the time set for the hearing, the hearing officer shall dismiss the complaint unless the hearing officer, for good cause shown, continues to another date.

H. If the defendant fails to appear or be represented at the time set for the hearing, the allegations of the complaint shall be deemed admitted. If it appears from the face of the complaint that the defendant is in active military service, no default judgment may be entered. In such case, the

hearing officer may notify the defendant's commanding officer, if known, of the defendant's failure to appear.

1504.3.6 CIVIL PENALTIES

If the defendant, after default or hearing, is found responsible the hearing officer shall enter judgment for the county, impose civil sanction and report the judgment to the zoning inspector. The defendant shall normally correct the violation (s) within 30 days from the hearing date. The hearing officer shall outline in the judgment a non-compliance and daily civil penalty to accrue, should the violation not be abated by the compliance date specified by the hearing officer.

1504.3.7 RIGHT TO APPEAL

Immediately following judgment and imposition of civil sanction after hearing or default, the hearing officer shall deliver to the defendant a written notice of his right to appeal to the Board of Adjustment. Such notice shall state that a right to appeal exists, the applicable time limit, and the location and manner of filing the notice of appeal, and shall refer the defendant to the rules governing the appeal process to the Board of Supervisors.*[32]

1504.3.8 RECORD ON APPEAL

The review shall be limited to the record of proceedings before the hearing officer and no new evidence shall be introduced. The record of proceedings shall include all pleadings and orders in the hearing officer's file, copies of all evidence submitted at the hearing, and a copy of the audiotape of the hearing. If the Board of Adjustment determines that a transcript of the audiotape is necessary, a transcript shall be prepared at the county's expense. A trial de novo (new trial) is not permitted.*[32]

1504.3.9 NOTICE OF REVIEW

Upon receipt of the record from the hearing officer, the Board of Adjustment Recording Secretary shall place on the Board of Supervisor's Agenda and shall mail the parties written notice of the time and place of the hearing. The notice shall be mailed not less than 5 days prior to the meeting at which the matter will be heard.*[32]

1504.3.10 **REVIEW OF HEARING**

The review shall be limited to an administrative review only. After consideration of the appeal and review of the record the Board of Adjustment may affirm the action of the hearing officer or decide that some procedural error existed and remand for further proceedings.*32

1504.3.11 **APPEAL TO SUPERIOR COURT**

Judicial review of the Board of Adjustment's decision shall be pursuant to Arizona revised Statutes Title 12, Chapter 7, Article 6.*32

1504.3.12 **OTHER RULES, PROCEDURES AND PROCESSES**

The Zoning Inspector in consultation with the Hearing Officer is authorized to develop any other rules, procedures, processes and forms necessary to implement civil proceedings under any Ordinance, regulation, or provision enacted or adopted by the Board of Supervisors under ARS Title 11 Chapter 6 County Planning and Zoning.

ARTICLE 1504.4. ADMINISTRATIVE: The Zoning Inspector is authorized to develop any other rules, procedures, processes and forms necessary to implement any other enforcement action under any Ordinance, regulation, or provision enacted or adopted by the Board of Supervisors under ARS Title 11 Chapter 6 County Planning and Zoning.

ARTICLE 1504.5. ZONING CLEARANCE:*1, **2, *5, *36 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 first filing with the Zoning Inspector an application in writing and obtaining a Zoning Clearance, except that such clearance shall not be required for:

1. A non-habitable accessory building or structure that is a single story and no greater than **200 square feet** in floor area. *35

2. Fences or walls with an overall maximum finished height of **eight (8) feet or less**, including gates across streets, unless said fence:*37

   a. Is part of a pool barrier;

b. Serves to retain soil greater than **18 inches**, as measured vertically from finished grade;

c. Is associated with any hillside development;

d. Is used as a corral;

e. Is the primary use of the property, or

f. Is on a corner lot abutting a key lot.*8

3. A project that consists solely of the grading and/or paving of a recorded public ingress/egress easement located within a non-hillside area or a hillside roadway area which was disturbed prior to October 4, 2001, in which case the Department shall only require a Zoning Clearance for the area located within the boundaries of the easement. To demonstrate entitlement to this exception, the applicant shall provide a copy of the recorded easement and, if applicable, shall verify that any hillside roadway disturbance existed prior to October 4, 2001. In the event a grading and paving project involves an ingress/egress easement over land located within undisturbed hillside or within hillside disturbance that occurred after October 4, 2001, the applicant shall demonstrate compliance with the Hillside Regulations as outlined in Section 1201 of this Ordinance.*33

ARTICLE 1504.6. LIMITATION OF THE ZONING CLEARANCE:*2 *6 *30 A Zoning Clearance shall not be issued for any building or structure on any lot or parcel unless the owner of the subject lot or parcel guarantees access to Maricopa County personnel and appropriate emergency service providers for the purposes of building inspections, zoning enforcement and the provision of emergency services and any and all public utilities servicing the site. An owner or his agent, by signing an application for a building permit, guarantees such access.

ARTICLE 1504.7. EXPIRATION OF ZONING CLEARANCES:*3

1504.7.1. Any Zoning Clearance authorized under the terms of this Ordinance shall expire and be considered void under the following circumstances:

1. **Six months** from the effective date of the Zoning Clearance provided the use or authorized building construction to accommodate the use have not actually commenced.

2. If the Building Permit (for which the Zoning Clearance issuance was a requirement) expires for any reason.

3. If the provisions of this Ordinance, under which the Zoning Clearance was originally issued, are amended such that the use would not meet the amended provisions, provided the construction or use has not actually commenced under valid Building Permit issuance, and provided a minimum of **six months** actually elapsed since the issuance of the Zoning Clearance.

1504.7.2. If a Zoning Clearance is expired, it shall be necessary to re-apply for a new Zoning Clearance in accordance with Chapter 15, Section 1504, Article 1504.5. herein, which shall be reviewed under the Ordinance provisions in effect at the time of the re-application.

ARTICLE 1504.8 DEVELOPMENT REVIEW:[*4] Prior to the issuance of a permanent Certificate of Occupancy for all buildings to be occupied by the public and/or a permanent final inspection for construction of a single-family residence or duplex, construction and/or development within the unincorporated area shall be in compliance with all conditions and plans approved by the Board of Supervisors, Board of Adjustment, and Zoning Clearances issued by staff. The Zoning Inspector shall enforce this section in the following manner:

1504.8.1. Enforce all conditions of approval by the Board of Supervisors or the Board of Adjustment.

1504.8.2. Withhold authorization for a permanent Certificate of Occupancy or permanent final inspection for any construction or development that has not complied with the conditions or plans approved by the Board of Supervisors, Board of Adjustment, and staff in the issuance of Zoning Clearances for Building Permit purposes. The Zoning Inspector may authorize the Chief Building Official to issue a permanent Certificate of Occupancy or permanent final inspection without posting the bond required in Chapter 15, Section 1504., Article 1504.8.3. Said authorization may only be given if:

1. The value of the incomplete site improvements is less than **$5,000**;

2. No hazard to public health, safety and welfare would result; and

3. Written confirmation by the owner that he will complete the required site improvements within a stated and acceptable time frame has been provided.

Failure to complete the improvements as indicated in writing shall be treated as a zoning violation in accordance with Sections 1501 through 1503 of this Ordinance.

1504.8.3. Allow a temporary Certificate of Occupancy for all buildings to be occupied by the public or a temporary final inspection for construction of a single-family residence or duplex if financial guarantees in the form of a bond is provided to the County. An acceptable bond would be payable to the County in the full amount of the improvement(s) yet to be completed. The Bond must specify a date for the completion of the improvement(s), which shall be no later than **one year** from the date of issuance. The term of the bond shall be as approved by the Zoning Inspector and may be extended for an additional year upon application. If the work is not done by the specified date, the County will cash the bond and deposit the funds in the County's General Fund. In addition, the County has the authority to require the owner to complete the improvements or vacate the structure until the improvements are complete. Notwithstanding any of the above, the Zoning Inspector may deny a temporary occupancy when he has determined that a hazard to public health, safety, or general welfare may result.

Date of Revisions			
*1	Revised 12-30-74	*30	Effective 6-07-98
*2	Added 12-30-74	*31	Effective 4-09-05 – TA2004001
**2	Added 10-03-77	*32	Effective 11-03-10 – TA2010009
*3	Added 5-16-90	*33	Effective 3-16-11 – TA2010020
*4	Added 6-6-91	*34	Effective 9-28-11 – TA2011005
*5	Effective 1-19-01 – TA2000007	*35	Effective 12-14-11 – TA2011019
*6	Revised 10-3-77	*36	Effective 4-25-12 – TA2012006
*8	Effective 9-18-10 – TA2010001	*37	Approved 11-7-14 – TA2014009

MARICOPA COUNTY ZONING ORDINANCE

Chapter 16 – Fees

SECTION 1601. PURPOSE

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

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

SECTION 1602. FEES

ARTICLE 1602.1. FEES: *3, *4, *5, *6, *8, *7, ***9, ***10, ***11, **12, *13, *15, *16, *23, *24, *25, *26, *27

The following fees shall be charged with no provision for refund:

FEE TYPE	FEE
Plan of Development	**$1,200 + $100 per acre or portion there of Maximum Fee – $50,000**
Zoning Change*23 with overlay	**$3,000 + $100 per acre or portion there of Maximum fee - $50,000**
Zone Change	**$1,200 + $100 per acre or portion there of Maximum Fee - $50,000**
Special Use Permit	**$3,000 + $100 per acre or portion there of - Maximum fee - $50,000**
Special Use Permit and Military Compatibility Permit*27	**$3,000 + $100 per acre or portion thereof Maximum Fee - $50,000**
Request for Use Compatibility and Consistency Determination (UCCD)	**$50 per UCCD request**
Text Amendments	**$1,000 per Section Maximum Fee - $5,000**
Change to zoning case in process	**$100 for each occurrence in process**
Comprehensive Plan Amendments, Development Master Plans and major Development Master Plan amendments	**$2,000 + $20 per acre or portion there of Maximum fee - $100,000**

Minor Development Master Plan amendments	**$1,500 + $10 per acre or portion there of Maximum fee - $30,000**
Minor Amendments to approved site plans for Special Use Permits, Plans of Development, and Unit Plans of Development	**$750 + $100 per acre or portion there of Maximum fee - $5,000**
Modification of Stipulation	**$500 per stipulation Minimum fee - $1,000 Maximum fee - $5,000**
Major Amendments to approved site plans for Special Use Permits, Plans of Development, and Unit Plans of Development	**Charged same as original application fee**
Zoning Clearance	**Residential - $100 Commercial - $250**
Continuance of public hearing An additional fee shall be charged for any continuance a public hearing granted by the Commission at the request of a petitioner or petitioner's representative.	**$250**
Pre-application meeting fee	**$350**
Re-initiation of a license administratively denied due to time	**$50**

Date of Revisions			
*3	Revised 1-3-72	*15	Revised 8-21-94
*4	Revised 3-22-76	*16	Added 11-6-95
*5	Revised 3-12-84, Effective 4-1-84	*19	Effective 5-15-98
*6	Revised 1-7-85	*20	Effective 6-21-98
*7	Revised 4-1-85	*22	Effective 9-17-99
*8	Revised 7-1-85	*23	Effective 3-31-00
***9	Renumbered 8-4-86	*24	Effective 2-7-03 – TA2002001
***10	Renumbered 12-7-87	*25	Effective 6-20-07 – TA2007004
***11	Renumbered 2-6-89	*26	Effective 9-22-08 – TA2007016
**12	Renumbered 8-23-90	*27	Effective 3-17-10 – TA2009012
*13	Revised 8-1-91	*28	Effective 5-22-13 – TA2012029

GRADING AND DRAINAGE Fee Schedule

Grading and Drainage provisions for Maricopa County, Arizona

The following fees shall be charged for the processing of plan reviews, drainage clearances, appeals, drainage variances, and performance bonds with no provision for refund. In accordance with Article 1205.3.3.7 of the Drainage provisions for Maricopa County, the Drainage Administrator may adopt directives for the effectuation of this fee schedule.

PLANNING AND ZONING	
Area Master Plans (Including Development Master Plans	
(If concurrent review of DMP, and Plats, lower fee is waived) Up to 640 Acres	$6,000
Plans over 640 Acres	+ $10 / ac.
Maximum Total	$80,000
Plan Amendments (for which a Drainage Review is required by Planning Services) up to 640 Acres	$3,000
Plans over 640 Acres	+ $5 / ac
Maximum Total	$40,000
Zoning Case and UPD Review (without precise plan entitlements)	$60
Plan of Development Review (with precise plan entitlements) including Special Use plans (except SFR Special uses)	$1,000
	+ $500 ac
Maximum Total	$11,000
Minor Amendment to a Plan of Development including Special Use plans (except SFR special uses) Including Billboards, WCF or Cellular Sites, and non-livable buildings on Sites disturbing less than 1 acre	$650
SUP – Modification of Stipulations	$60
Special Use plan for Single Family Residential (SFR) – Including Modification of Stipulations or Amendments	$210
SUBDIVISIONS	
Subdivisions - Preliminary Plats	$2000 + $200/ac
Maximum Total	$34,000
Subdivisions - Final Plat	$1000 + $25/ac
Maximum Total	$10,000

Re-Plat for Note Corrections or Easement Adjustments without Drainage Impacts	$60
Other Corrections	$1,000 + $25 ac
Maximum	$10,000
DEVELOPMENT CONSTRUCTION PLANS	
Commercial & Industrial Sites and Uses, Multi-family Residential, Subdivision	
Infrastructure, Schools, Golf Courses and Other Recreational Facilities,	
Non-Exempted Municipal, Special Districts, Churches, and all other precise plans	$2,000 +$250 ac
Maximum	$42,000
Inspections for Permits on Precise Plans[1] with In-Progress Inspections Required	+ $250 ea.
Inspections for Permits on Precise Plans[1] with a Final Inspection / As-builts Required	+ $350
Failed Inspection Fee	+ $350
Modification to Issued Permits on Precise Plans[1]	$2,000 + $125 ac
Maximum Total	$22,000
With Additional Inspections Required for Modified Permits on Precise Plans[1]	+ $250 ea.
Minor Accessory Construction On Precise Plans[2]	$400
With Final Inspection (Required)	+$250
Total	$650
Failed inspection fee for Minor Accessory Construction	+ $250
Modification to issued Permits for Minor Accessory Construction	$250
With Additional Inspections Required for Modified Minor Accessory Construction	+ $250
Major Accessory Construction On Developed Commercial Sites[3]	$5,000
With Additional Inspections Required for Major Accessory Construction	+ $250 ea.
With a Final Inspection/ As-builts Required	+ $350
Failed Inspection Fee for Major Accessory Construction	+ $250
Modification to Issued Permits for Major Accessory Construction	$2500
With Additional Inspections Required for Modified Major Accessory Construction	+ $250
RESIDENTIAL SITE/DRAINAGE PLANS	
Subdivision lots, Custom lots, Rural Single Family	
Approved by Administrative Review	$60
Approved by Site Inspection	+$150
With an In-Progress Inspection Required	+$150
With Final Inspection Required	+$150
Maximum Total	$510

Approved by Engineering Review	$360
With Pre-Issuance Site Inspection (Required)	$150
Minimum Total	$510
With Drainage Report Required for Engineering Review	+$240
With an In-Progress Inspection Required	+$150
With Final Inspection Required	+$150
Maximum Total	$1050
Failed Inspection for Residential Permits	$150
Additional and Concurrent Permits for Engineering Review	+ $30 ea
In-Progress Inspection Required for Additional and Concurrent Permits	+$150
Multi-Parcel Projects	+ $150/ parcel
Modification to Issued Permits	$250
Modification to Issued Permits on Multi-Parcel Projects	+ $75/ parcel
NEW SFR IN APPROVED SUBDIVISION – EXPEDITED PROCESS	
Lots Approved for Expedited Permit Process with Certified Pad Elevation	$60
Final Inspection Required	+ $150

Other Fees	
Drainage Review Board Cases (Variances and Appeals)	
Commercial and Subdivision	$1,000
All Other Sites	$250
Board of Adjustment	$100

Special Inspections - Consultations with County Staff (On-site or at County Offices)	
SFR	$150
Commercial	$300
Complex Projects	$350
Work begun or completed without a permit	
Residential (violation case opened before permit initialization)	$500
Residential (voluntary compliance without a violation case opened)	$250
Commercial including subdivisions (with or without open violation case opened)	Fees Doubled

Pre-Application review and meetings*2	$350

[1] COMMERCIAL & INDUSTRIAL SITES AND USES, MULTI-FAMILY RESIDENTIAL, SUBDIVISION INFRASTRUCTURE, SCHOOLS, GOLF COURSES AND OTHER RECREATIONAL FACILITIES, NON-EXEMPTED MUNICIPAL, SPECIAL DISTRICTS, CHURCHES, AND ALL OTHER PRECISE PLANS

[2] SITES MUST HAVE AN ESTABLISHED PRIMARY USE, BE DEVELOPED IN SUBSTANTIAL CONFORMANCE WITH THE DRAINAGE REGULATIONS, AND THE CONSTRUCTION ACTIVITY MUST DISTURB LESS THAN ONE ACRE. MINOR ACCESSORY CONSTRUCTION INCLUDES, BUT IS NOT LIMITED TO, SIGNS, ADA ACCESSIBILITY RAMPS, PROPANE TANKS, TRASH ENCLOSURES, NON-LIVABLE AND ACCESSORY BUILDINGS, AS DEFINED IN SECTION 301.

[3] SITES MUST HAVE AN ESTABLISHED PRIMARY USE, BE DEVELOPED IN SUBSTANTIAL CONFORMANCE WITH THE DRAINAGE REGULATIONS, AND THE CONSTRUCTION ACTIVITY MUST DISTURB LESS THAN 5 ACRES.

Date of Revisions			
*1	Effective 10-19-11 – TA2011012	*2	Effective 5-22-13 – TA2012029

SECTION 1603. FEES FOR APPEALS*2, *7

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

FEE TYPE	FEE
Appeal of Determination of Zoning Inspector	**$300**
Appeal of a license administratively denied due to time	**$150**

Date of Revisions			
*2	Revised 3-22-76	*7	Revised 8-01-91
*6	Added 4-01-84		

SECTION 1604. APPLICATION FEES FOR VARIANCE

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

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

Date of Revisions			
*8	Revised 2-20-94	*9	Revised 8-21-94

SECTION 1605. TEMPORARY USE PERMITS

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

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

Date of Revisions			
Entire chapter	Revised & Effective 07-20-07		

SECTION 1606. OUTSTANDING FEES AND FINES

ARTICLE 1606.1. No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Zoning Ordinance (MCZO)", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case me be. This requirement shall not be waived by the board/commission. *1, *2

Date of Revisions			
*1	Effective 6-01-2009 – TA2009003	*2	Effective 6-01-2010 – TA2010003

SECTION 1607. OTHER LICENSE FEES

ARTICLE 1607.1. OTHER LICENSE FEES: The following fees shall be charged:

FEE TYPE	FEE
Re-Initiate Application for License Administratively Denied due to Time	**$50**
Pre-Application Meeting (Non-Residential)	**$350**
Pre-Application Meeting (Residential)	**$50**
Pre-Application Meeting (Residential with Violation)	**$150**
Change to an Application for a License in Progress	**$50**
Application Added to an Application for a License in Progress	**$50**

Date of Revisions			
*1	Effective 5-22-13 – TA2012029		

Chapter 17 – Index & Appendices

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SECTION 1702. APPENDICES

ARTICLE 1702.1. REQUIREMENTS FOR THE HEIGHT, YARD AND INTENSITY OF USE REGULATIONS FOR RURAL & RESIDENTIAL ZONING DISTRICTS:

ZONING DISTRICT	MAXIMUM BUILDING HEIGHT	MINIMUM YARD REGULATIONS (FEET)				INTENSITY OF USE REGULATIONS			
	FEET	FRONT	REAR	INTERIOR SIDE	STREET SIDE	MIN. LOT AREA (SQ. FT.)	MIN. LOT WIDTH (FT.)	MIN. LOT AREA PER DWELLING UNIT (SQ. FT.)	MAX LOT COVERAGE (% OF LOT)
RURAL - 190	30	60	60	30	30	190,000	300	190,000	5
RURAL - 70	30	60	60	30	30	70,000	250	70,000	10
RURAL - 43	30	40	40	30	20	43,560	145	43,560	25
R1 - 35	30	40	40	20	20	35,000	145	35,000	30
R1 - 18	30	30	30	10	15	18,000	120	18,000	35
R1 - 10	30	20	25	7	10	10,000	80	10,000	40
R1 - 8	30	20	25	7	10	8,000	80	8,000	45
R1 - 7	30	20	25	5	10	7,000	70	7,000	45
R1 - 6	30	20	25	5	10	6,000	60	6,000	50
R - 2	30	20	25	5	10	6,000	60	4,000	60
R - 3	40	20	25	5	10	6,000	60	3,000	60
R - 4	40	20	25	5	10	6,000	60	2,000	60
R - 5	40	20	25	5	10	6,000	60	1,000	60

THIS APPENDIX IS ESTABLISHED AS A REFERENCE GUIDE TO THIS ZONING ORDINANCE BUT IT IS NOT AN INTEGRAL PART THEREOF. WHENEVER THERE IS ANY DIFFERENCE IN MEANING OR IMPLICATION BETWEEN THIS APPENDIX AND THE TEXT OF THIS ZONING ORDINANCE, THE TEXT OF THE ZONING ORDINANCE SHALL PREVAIL.

SECTION 1703. REVISIONS/ADDITIONS

AMENDMENT	CHANGES/ADDITIONS/DELETIONS	AFFECTED CHAPTERS	DATE
TA2000002	Charter Schools	12	Effective 10-4-01
TA2000004	Airstrip Obstacle Free Zone	11	Effective 9-7-01
TA2000005	Citizen Participation Plans	3	Effective 6-1-01
TA2000006	Cellular Communication Facilities Use	12	Effective 10-4-01
TA2000007	Zoning Clearances & Fence Permits	15	Effective 1-19-01
TA2000010	Hillside Amendments	2, 12	Effective 10-4-01
TA2002001	Administrative Amendments	3	Effective 2-7-03
TA2002004	Zoning Ordinance (New Format)	A new format (All Chapters)	Effective 6-10-02
TA2003002	Accessory Dwelling Units/Guest Homes	2, 5, 6, 10, 11, 13	Effective 1-19-07
TA2003004	Setbacks/Buildings Housing Animals	13	Effective 11-19-04
TA2003005	Use Permit Streamlined	2, 3, 5, 6, 8, 9, 13, 16, 17	Effective 7-7-06
TA2004001	Civil Enforcement Procedures	15	Effective 4-9-05
TA2004004	Automobile Storage	13	Effective 2-4-05
TA2005001	Government Action Amendment	2, 13	Effective 2-16-07
TA2005007	Wireless Communication Facilities	12	Effective 1-5-07
TA2006001	Chapter 2 Definition, Lot Coverage	2	Effective 5-5-06
TA2006003	Outdoor Storage and Interim Industrial Use	8, 13	Effective 9-15-06
TA2006004	Terraces and Retaining Walls	11	Effective 2-1-07
TA2006005	Mobile Home Subdivision	2	Effective 8-16-06
TA2006007	Floor Area	2	Effective 1-19-07
TA2006011	Evaporation Ponds and Appurtenances	13	Effective 1-19-07
TA2006013	C-S Signage	8, 14	Effective 9-21-07
TA2007004	Revised Fees	16	Effective 6-20-07
TA2007005	Zoning of Rights-of-Way	4	Effective 6-20-07
TA2007006	Sign Ordinance	14	Effective 2-9-11
TA2007012	Compliance with County Plans	3	Effective 9-7-07
TA2007016	Plan of Development Process	3, 7, 8, 9, 10, 12, 16	Effective 9-22-08
TA2007018	Emergency Service Provider	5, 6, 8, 13	Effective 1-11-12

AMENDMENT	CHANGES/ADDITIONS/DELETIONS	AFFECTED CHAPTERS	DATE
TA2008004	Dark Sky Billboard Lighting	11	Effective 9-14-11
TA2008005	Accessory Dwelling Units	2, 5, 6, 10, 11, 13	Effective 11-14-08
TA2008006	Equestrian Uses	5	Effective 9-18-09
TA2008008	Revision to Plan of Development Process	7, 8	Effective 1-16-09
TA2008009	Super-Majority Vote	3	Effective 7-17-09
TA2009003	Outstanding Fines and Fees	3, 13, 16	Effective 6-1-09
TA2009007	Park Definition	2	Added 8-19-09
TA2009008	Entry Features	5	Effective 7-17-09
TA2009011	Board of Adjustment	3	Effective 11-7-09
TA2009012	Military Compatibility	3, 10, 16	Effective 3-17-10
TA2009014	By-Right Solar and Small Wind	2, 5, 6, 7, 8, 9, 10, 11, 12	Effective 11-19-10
TA2010001	Key Lot Wall Setbacks	6, 15	Effective 9-18-10
TA2010003	Outstanding Fees and Fines	3, 13, 16	Effective 6-1-10
TA2010009	Code Enforcement Review	3, 15	Effective 11-3-10
TA2010012	Manufactured and Mobile Homes	2, 5, 6, 13	Effective 1-11-12
TA2010013	Charter Schools	2, 5, 6, 13	Effective 11-3-10
TA2010014	Home daycare	2, 5, 6	Effective 2-11-11
TA2010017	Medical Marijuana	2, 5, 6, 8, 13	Effective 12-28-10
TA2010020	Zoning Clearance for Grading and Paving in Access Easements	15	Effective 3-16-11
TA2010022	Maximum Heights	5, 6, 7, 8, 9, 11	Effective 3-16-11
TA2011001	Medical Marijuana Revisions	2, 5, 6, 9, 13	Effective 9-30-11
TA2011002	Charter schools	8	Effective 4-27-11
TA2011003	Sign Regulations for Light Pole Banners and A-frame signs	14	Effective 9-14-11
TA2011005	Hearing Officer Subpoena Power	15	Effective 9-28-11
TA2011008	Housekeeping for By-Right Solar and Small Wind	12	Effective 9-16-11
TA2011010	Accessory Structures in Required Side Yards	11	Effective 10-19-11

AMENDMENT	CHANGES/ADDITIONS/DELETIONS	AFFECTED CHAPTERS	DATE
TA2011011	Continuing Existing Uses	13	Effective 10-10-11
TA2011012	Drainage Regulations	2, 12, 16	Effective 10-19-11
TA2011013	Distance Between Buildings	5, 6, 7	Effective 10-19-11
TA2011014	Accessory Dwelling Units	5, 6	Effective 10-19-11
TA2011017	Farms and Roadside Stands	2, 5	Effective 10-19-11
TA2011018	Hillside	12	Effective 10-19-11
TA2011019	Zoning Clearance and Drainage Clearance	12, 15	Effective 12-14-11
TA2011021	Hillside	12	Effective 12-14-11
TA2012001	Protected Development Rights	12	Effective 3-28-12
TA2012006	Corrals / Zoning Clearance	15	Effective 4-25-12
TA2012009	Wall/Fence Heights and Prohibitions	2, 6, 11	Effective 8-22-12
TA2012020	Temporary Events	13	Effective 8-22-12
TA2012023	Open Metal Patio Covers	2	Effective 11-14-12
TA2012024	Model Home Complex Sign Regulations	5, 6	Effective 12-12-12
TA2012026	Renewable Energy Systems	12	Effective 12-12-12
TA2012003	Sign amendment	14	Effective 10-31-12
TA2012029	P-31 Fee	16	Effective 5-22-13
TA2012011	Community Gardens	2, 5, 6, 8, 9	Effective 7-17-13
TA2012012	chicken	6	Effective 7-17-13
TA2012015	RV Storage / Parking	11	Effective 7-17-13
TA2012016	Unregistered / Inoperable Vehicles	11	Effective 7-17-13
TA2012033	Rural-43 Lot Coverage	5	Effective 7-17-13
TA2013002	Hillside Retaining Walls	11	Effective 7-17-13
TA2013003	Drainage Waivers	12	Effective 7-17-13
TA2013014	Ordinance No. P-32 / Medical Marijuana	2, 8, 9	Effective 1-29-14
TA2013006	Location of Parking	11	Effective 5-23-14
TA2013007	Temporary Uses	13	Effective 5-23-14

AMENDMENT	CHANGES/ADDITIONS/DELETIONS	AFFECTED CHAPTERS	DATE
TA2013009	Setbacks	2, 11	Effective 5-23-14
TA2013010	Hillside	12	Effective 5-23-14
TA2013012	Commercial Signs	14	Effective 7-30-14
TA2013013	Runways	11	Effective 8-29-14
TA2014001	Wireless Communication Facilities	2, 12, 13	Effective 7-10-15
TA2014002	Residential Lot Coverage	6, 7, 17	Effective 11-7-14
TA2014003	C-1 Use Regulations	8	Effective 10-8-14
TA2014004	R-5 Use Regulations	7	Effective 11-7-14
TA2014005	Billboard SUP	13	Effective 11-7-14
TA2014006	Special Uses / Use Regulations	5, 6, 7, 8, 9, 13	Effective 11-7-14
TA2014008	Property Maintenance	2, 11	Effective 11-7-14
TA2014009	Gates (Zoning)	15	Effective 11-7-14
TA2015001	Amateur Radio Antennas	11	Effective 7-9-14
TA2015002	Restaurants and Cafes	8	Effective 7-9-14
TA2015003	Temporary Use	13	Effective 7-9-14
TA2014004	Accessory Recreational Structures	5, 6	Effective 6-3-16