Queen Creek Zoning Ordinance

Original Adoption January 6, 1999. Updated and Reformatted 2015 Ordinance No. with Updates Through

Acknowledgements

In February 2014, the Town of Queen Creek initiated a process to modernize the Town's Zoning Ordinance. The purpose of this effort is to update the existing document by removing outdated framework, ensuring that policies are consistent throughout the Town codes and that the ordinance is aligned with the Town's Vision in a manner that infuses current and relevant zoning practices, policies and design elements.

The result will be a modern Zoning Ordinance that is: organized in a logical format; easier to read and understand; uses graphics and images that accurately depict the character and heritage of our community as examples to current and future residents, businesses, and developers.

Mayor and Council

Mayor Gail Barney
Vice Mayor Julia Wheatley
Council Member Craig Barnes
Council Member Robin Benning
Council Member Jeff Brown
Council Member Dawn Oliphant
Council Member Emilena Turley
Former Council Member Jason Gad

Planning and Zoning Commission

Chair Steve Ingram
Vice Chair Gregory Arrington
Commissioner Stephen Sossaman
Commissioner Alex Matheson
Commissioner Ryan Nichols
Commissioner Kyle Robinson
Commissioner Susan Denton

Town Manager

John Kross

Planning Department

Development Services Director Chris Anaradian
Planning Administrator Brett Burningham
Special Projects Manager Amy Shackelford

Consultants

Gammage & Burnham, P.L.C.
ReSEED Advisors, L.L.C.
Matrix Design Group

Amendments

Standards within this Ordinance may be amended, altered, modified, and repealed by the Town when judged to be necessary to promote the health, safety, and general welfare of the residents of the Town.

Amendment	Date	Ordinance
Sign Regulation Text Amendments	October 20, 1999	173-99
Public/Quasi Public Zoning Ordinance	December 12, 1999	179-99
Accessory Uses Text Amendments	July 5, 2000	184-00
Fencing Amendments	August 2, 2000	186-00
Use Categories Text Amendments	November 1, 2000	190-00
Driveways Text Amendments	December 6, 2000	192-00
Legal Front Line Text Amendments	December 6, 2000	194-00
Ham Radio Text Amendments	January 17, 2001	193-00
Flag lot Text Amendment	December 5, 2001	213-01
Supplemental Use Regulations Regarding Development / Construction Temporary Uses Text Amendments	March 6, 2002	218-02
Repeal of Article 5 Section 5.2, Flag lots	March 20, 2002	217-02
Flag Pole Text Amendments	May 1, 2002	219-02
Front Porches/Courtyards Text Amendments	May 15, 2002	220-02
Temporary Signs Text Amendments	August 7, 2002	223-02
Parking Standards Text Amendments	November 6, 2002	227-02
Tennis Courts Text Amendments	October 16, 2002	229-02
Front Porch Amendment	December 18, 2002	233-02
Residential Fence Standards	February 19, 2003	240-03
Detached Accessory Dwelling Units	March 5, 2003	241-03
Accessory Building Electrical Meters	June 18, 2003	263-03
Regulations for Real Estate Signs Text Amendments	February 18, 2004	279-04
Uses for Religious Assemblies Text Amendments	March 3, 2004	283-04
Williams Gateway Airport Overlay District	August 18, 2004	292-04
Landscaping, Screening, and Bufferyard Standards	September 15, 2004	296-04
Specific Zoning District Performance Criteria	November 3, 2004	301-04
Superstores and Big Box Retail Uses	November 3, 2004	301-04
Use Regulations, Table 4.6-1	November 3, 2004	302-04
Group Care Homes	November 3, 2004	302-04
Residential Architectural Design Standards	May 18, 2005	315-05
Lot Coverage Dimensional Standards, Table 4.7-2	April 19, 2006	347-06
Lot Coverage Definition	April 19, 2006	347-06
Neighborhood Meeting Notification	April 19, 2006	350-06
Indoor Amusement, Table 4.6-2	May 17, 2006	355-06
Religious Institutions	October 18, 2006	370-06
Solid Fence/Wall Standards	April 4, 2007	382-07
Animal Regulations and Equestrian Privileges	May 16, 2007	385-07
Open Space Percentages	June 6, 2007	388-07
Site Plan Review Process	July 18, 2007	391-07
Solid Fence and Landscaping Standards	December 19, 2007	415-07
Parking, Loading and Bicycle Storage Standards	April 16, 2008	420-08
Sign Regulations	April 16, 2008	427-08
Legal Non-Conforming Uses	May 21, 2008	430-08
Flagpoles	June 18, 2008	432-08
Pawn Shops & Payday Loan Businesses	September 17, 2008	437-08
Temporary Uses/Fireworks Sales & Display	December 1, 2010	490-10
Medical Marijuana Dispensaries & Cultivation	December 1, 2010	492-10
Temporary Use and Special Event Signs	December 1, 2010	493-10
Off-Site Temporary Real Estate Signs	November 16, 2011	504-11
Political Signs	November 16, 2011	505-11
Home-Based Occupations	June 6, 2012	512-12
Temporary Real Estate Signs & Model Home Complex Definition	July 18, 2012	515-12

*Date is of Town Council Approval. Effective date of Ordinance is thirty (30) days from the date listed.

Equivalency Table

Through the update process, some topics have been moved. The below table shall serve as a guide to navigate the modernized Town of Queen Creek Zoning Ordinance.

Topic	Zoning Ordinance Section prior to June , 2015	Zoning Ordinance Section beginning June , 2015
Planning Department and Planning Administrator	2.1	2.2
Board of Adjustment	2.2	2.5
Planning Commission	2.3	2.4
Town Council	2.4	2.1
Violations and Enforcement	2.5	2.6
General Plan Amendment	3.3	Deleted
Site Plan Review	3.6	3.3
Development Agreements	3.8	Deleted
Public Improvements	3.9	Deleted
Planned Area Development (PAD)	4.10	4.11
Floodplain District	4.11	Deleted
Critical Areas	4.12	Deleted
Manufactured Housing Overlay District (MHR)	4.13	4.12
Transfer of Development Rights	4.14	4.13
Williams Gateway Airport Overlay District	4.15	4.14
Outdoor Storage and Display	5.7	4.6
Standards for Noise, Odor, and Other Circumstances	5.8	Town Code Chapter 9
Architectural Design Requirements	5.9	Removed and placed in Town of Queen Creek Design Standards
General Site Planning Requirements for all Commercial Uses	5.10	
Residential Architectural Design Standards	5.11	
Bed and Breakfast	6.3	4.6
Campgrounds	6.4	4.6
Cluster Developments	6.5	Deleted
Farming-Related Business	6.6	4.6
Group Care Homes	6.7	6.3
Home-Based Occupations	6.8	6.4
Heavy Equipment and Industrial Storage Lot	6.9	4.6
In-Vehicle Service Facilities	6.10	6.5
Massage Establishments	6.11	6.6
Mini-Warehouse	6.12	4.6
Outdoor Sales	6.13	4.6
Public and Quasi-Public Uses	6.14	4.6
Sexually Oriented Businesses	6.15	6.7
Sign Regulations	6.16	Article 7
Superstores and Big Box Retail Uses	6.17	6.8
Wireless Telecommunications Towers and Antennas	6.18	6.9
Temporary Uses	6.19	3.6
Religious Institutions	6.20	Deleted
Pawn Shops and Check Cashing/Payday Loan Businesses	6.21	6.10
Medical Marijuana	6.22	6.11
Continuation of Non-Conforming Uses	7.1	2.7
Expansion or Enlargement of Non-Conforming Uses	7.2	2.7
Certificate of Non-Conforming Use	7.3	Deleted
Vested Rights Determination	7.4	Deleted
Expiration of Development Approvals	7.5	3.8
Appendix A Definitions	A	1.14
Appendix C Specifications for Documents to be Submitted	C	Removed and placed on file with the Town's Development Services Department

Table of Contents

Section	Content	Page
1.0	**General Provisions**	
1.1	Title	1-1
1.2	Purpose	1-1
1.3	Authority	1-1
1.4	Applicability	1-1
1.5	Consistency with General Plan	1-2
1.6	Coordination with Other Plans	1-2
1.7	Transitional Provisions	1-2
1.8	Interpretation	1-4
1.9	Severability	1-4
1.10	Permits and Certificates	1-4
1.11	Fees	1-4
1.12	Effective Date	1-4
1.13	Effect of Ordinance	1-4
1.14	Definitions	1-5
2.0	**Administration and Enforcement**	
2.1	Town Council	2-1
2.2	Planning Dept. and Planning Administrator	2-1
2.3	Administrative Relief	2-3
2.4	Planning Commission	2-3
2.5	Board of Adjustment	2-5
2.6	Violations Enforcement and Penalties	2-5
2.7	Non-Conformities	2-9
3.0	**Zoning Procedures**	
3.1	General Procedural Requirements	3-1
3.2	Permits Required	3-6
3.3	Site Plan Review	3-11
3.4	Amendment and Rezoning	3-14
3.5	Conditional Use Permit	3-16
3.6	Temporary Use Permit	3-17
3.7	Board of Adjustment	3-23
3.8	Expiration of Development Approvals	3-23
4.0	**Zoning Districts**	
4.1	Purpose	4-1
4.2	Establishment of Zoning Districts	4-1
4.3	Relationship to General Plan	4-2
4.4	Zoning Map	4-6
4.5	District Boundaries	4-6
4.6	Use Regulations	4-6
4.7	Dimensional and Density Regulations	4-21
4.8	Density Bonus	4-26
4.9	Performance Criteria	4-27
4.10	Planned Community District	4-32
4.11	Planned Area Development Overlay District	4-37
4.12	Manufactured Housing Overlay District	4-42
4.13	Transfer of Development Rights	4-43
4.14	Phoenix-Mesa Gateway Airport Overlay District	4-44

Section	Content	Page
5.0	**Site Improvement Standards**	
5.1	Adequate Public Facilities	5-1
5.2	Fencing and Walls	5-1
5.3	Landscaping Standards	5-5
5.4	Lighting	5-13
5.5	Open Space	5-17
5.6	Parking and Loading Standards	5-20
6.0	**Supplemental Use Regulations**	
6.1	Accessory Buildings and Uses	6-1
6.2	Animal Regulations	6-2
6.3	Group Care Homes	6-4
6.4	Home-Based Occupations	6-5
6.5	In-Vehicle Service Facilities	6-6
6.6	Massage Establishments	6-8
6.7	Sexually Oriented Businesses	6-10
6.8	Large Format Retail	6-12
6.9	Wireless Communications	6-17
6.10	Non-Chartered Financial Institutions	6-26
6.11	Medical Marijuana	6-26
7.0	**Sign Regulations**	
7.1	Purpose and Intent	7-1
7.2	General Regulations	7-1
7.3	Sign Measurement, Area, and Height	7-13
7.4	Permits, Approval, and Registration	7-14
7.5	Temporary Signs	7-15
7.6	A-frame Signs	7-21
7.7	Sign Walkers	7-22
7.8	Sensitive Use Signs	7-23
7.9	Interpretation of this Article	7-24

Zoning Ordinance

Article 1.0
General Provisions

1.0 General Provisions

Section	*Content*	*Page*
1.1	Title	1
1.2	Purpose	1
1.3	Authority	1
1.4	Applicability	1
1.5	Consistency with General Plan	2
1.6	Coordination with Other Plans	2
1.7	Transitional Provisions	2
1.8	Interpretation	4
1.9	Severability	4
1.10	Permits and Certificates	4
1.11	Fees	4
1.12	Effective Date	4
1.13	Effect of Ordinance	4
1.14	Definitions	5

1.1 Title

A. These regulations shall be known and cited as the Town of Queen Creek Zoning Ordinance (hereinafter known as "the Ordinance"). It has been adopted pursuant to Ordinance 142-98.

1.2 Purpose

A. The purpose of this Ordinance is intended to enable the Town of Queen Creek (hereinafter known as the "Town") to respond uniformly and consistently to development proposals and to promote the health, safety, and general welfare of the residents of the Town; to enhance the aesthetic quality of the natural and built environment of the community; to encourage the desirable use of the land; to maintain and enhance the desirable character of the community and to facilitate quality development in accordance with the Town's adopted General Plan.

B. Further, the purpose of these regulations is:

1. To promote orderly future growth and development and redevelopment of the community;

2. To respond uniformly and consistently to development proposals;

3. To clearly articulate our community standards to establish standards for performance, aesthetics and quality design;

4. To facilitate the adequate provision of community utilities such as transportation, water, sewer, schools, parks and other improvements;

5. To establish land use regulations, regulate the use of buildings, structures and encourage the most appropriate use of the land;

6. To establish and preserve open space and other lands for the protection and enjoyment of the natural environment;

7. To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;

8. To establish procedures for rezoning, use permits, variances, site plans and other permits and required approvals; and,

9. To prescribe penalties of violation of said Ordinance.

1.3 Authority

A. The Arizona Revised Statutes authorize the Town of Queen Creek to exercise broad powers in the regulation of zoning, planning, subdivision of land, and building. This Ordinance intends to use all powers provided by virtue of A.R.S. §9-462. The Development Services Department ("hereinafter known as the "Department") of Queen Creek can be contacted for further information about the use of this Ordinance.

1.4 Applicability

A. The Ordinance shall apply to all public and private land(s), and use(s) thereon, over which the Town has jurisdiction under the constitution(s) and law(s) of the State of Arizona and of the United States.

Consistent with the provisions of A.R.S. §9-461.05.D.4, §9-461.05.D.5, §9-461.07.B and §9-461.07C, no public works or public buildings may be constructed or authorized within the Town until a report as to compliance with the General Plan has been approved in accordance with the provisions of Section 3.9 of this Ordinance.

1.5 Consistency with General Plan

A. This Ordinance is intended to guide development into compliance with the goals, objectives and policies of the Town of Queen Creek General Plan and is hereby deemed to be consistent and in accordance with the adopted General Plan for the Town. Any amendments to or actions pursuant to the Ordinance shall be consistent with the General Plan, as it may be amended from time to time.

B. An amendment to the text of the Ordinance is consistent with and in accordance with the General Plan if it complies with the goals and policies stated in the General Plan, as it may be amended from time to time. An amendment to the zoning map is consistent with the General Plan if the map amendment is consistent with the future land use map contained in the General Plan, as it may be amended from time to time.

1.6 Coordination with Other Regulations

A. In addition to this Ordinance, the use of buildings and land within the Town shall be subject to all other regulations, including, but not limited to the Town of Queen Creek Design Standards, Town Code, Building Code, Subdivision Ordinance, and Engineering Design Specifications, whether or not such other provisions are specifically referenced in this Ordinance. References to other regulations or provisions of the Ordinance are for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other regulations do not apply.

B. *Conflicting Regulations.* Where provisions of this Ordinance or any other law or ordinance recognized and adopted by the Town Council impose more stringent requirements or limitations, then the more stringent requirement, regulation, or limitation shall govern.

1.7 Transitional Provisions

A. *Violations Continue.* Any violation of the previous Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under Section 2 of this Ordinance, unless the use, development, construction or other activity complies with the provisions of this Ordinance.

B. *Nonconformities under Prior Ordinance.* Any legal nonconformity under the previous Zoning Ordinance also will be a legal nonconformity under this Ordinance, so long as the condition that resulted in the legal nonconforming status under the previous Ordinance continues to exist. If a legal nonconformity under the previous Ordinance becomes conforming because of the adoption of this Ordinance, then said use or structure will no longer be considered nonconformity.

C. *Completion of Development*.

1. *Application Submitted Before Effective Date.* Complete applications submitted before the Effective Date of this Ordinance may, at the applicant's option, be approved and permits may be issued under the terms of the previous Zoning Ordinance. If construction is not commenced or completed in accordance with the applicable approval term(s), the Town Council may, for good cause shown, grant an extension of up to eighteen (18) months for such construction under the terms of the previous Ordinance. If the building, development, or sign is not completed within the time allowed under the permit or any extension granted, then the building or structure may be constructed, completed or occupied only in compliance with the requirements of this Ordinance.

2. *Permit Issued Before Effective Date of This Ordinance.* Any building, structure, or development for which a permit was issued before the Effective Date of this Ordinance may, at the applicant's option, be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Ordinance. If construction is not commenced or completed according to the applicable permit terms, the Town Council may, for good cause shown, grant an extension of up to eighteen (18) months for such construction under the terms of the previous Ordinance. If the building or structure is not completed within the time allowed under the original permit or any extension granted, then the building, structure or development may be constructed, completed or occupied only in compliance with this Ordinance.

3. *Plats and Site Plans Approved Before Effective Date of this Ordinance.* Any subdivision for which a preliminary or final plat was approved before the Effective Date of this Ordinance may, at the applicant's option, be completed according to the approved plat and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Ordinance. If the subdivision is not completed within the time requirements established by prior ordinance or within any schedule included in the approval of the plat, the Town Council may grant an extension of up to eighteen (18) months for the completion of the subdivision under the terms of the previous Ordinance. If the subdivision is not completed within the time required under the original approval or any extension granted, then the subdivision may be completed only in compliance with this Ordinance.

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

D. *Transition Provisions. Private Property Rights Protection Act. (Prop 207)*

1. Except with respect to properties for which a waiver has been granted in accordance with this subsection D, this Ordinance shall govern all property within the Town.

2. During the Transition Period the owner of a parcel within the Town may file an application to request that such parcel be recognized as a Legal Non-Conforming parcel as it relates to the regulations of this Ordinance. The request shall be submitted to the Planning Administrator on a form prescribed by the City. As part of the application, the owner shall acknowledge that, if the request is granted, development of the property is allowed "as of right" under the 'old' Ordinance, but further development shall not include any requests for discretionary land use approval, except in compliance with this Ordinance.

3. If the Planning Administrator grants a request for Legal Non-Conforming status pursuant to this subsection, any further development on the parcel must proceed in accordance with the zoning designation that applied to the parcel immediately prior to the effective date of this Ordinance.

4. Waiver by the Owner of Potential Claim under A.R.S. §12-1134. During the Transition Period, an owner must, as a condition precedent to any request for a discretionary land use approval, execute a waiver on a form prescribed by the City. The property owner will waive all potential claims under A.R.S. §12-1134(I) for diminution in value arising from application of a discretionary land use approval subject to this Ordinance.

5. Nothing herein shall be construed to limit the City's rights and options under Arizona law.

1.8 Interpretation

A. Interpretation and application of the provisions of this Ordinance shall be regarded as the basic and minimum requirements for the promotion of public health, safety, and general welfare of the residents of the Town. Whenever any provision of the Ordinance or any provision of any other applicable law, rule, contract, resolution, or regulation of the Town, County, State, or Federal government contains certain standards covering the same subject matter, the more restrictive requirement(s) or higher standards shall control.

B. While the majority of situations subject to this Ordinance will fall into easily identifiable processes and requirements, this Ordinance is intended to provide flexibility in dealing with situations which may fall outside these typical processes and requirements. It is the role of the Planning Administrator to provide any needed interpretations of this Ordinance where flexibility may be granted, subject to Section 2.2.E of this Ordinance.

C. The elements that make up the Ordinance are interrelated and cannot be taken in isolation; they must be taken within the context and intent of the entire Ordinance.

D. The words and phrases used in this Ordinance shall have the meanings assigned in Section 1 hereto, unless a more specific meaning is provided in a specific section of this Ordinance.

E. This Ordinance includes illustrations, photographs, and graphics for the purposes of illustration and simplification. However, to the extent that there is any inconsistency between the text of this Ordinance and any such illustration, photograph, and graphic, the text shall control.

1.9 Severability

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

1.10 Permits and Certificates

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

1.11 Fees

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

1.12 Effective Date

A. This Ordinance shall become effective after a public hearing, adoption by the Town Council and publication or posting as provided by law pursuant to A.R.S. §_____.

1.13 Effect of Ordinance

A. The policies and regulations in this Ordinance apply to the use and development of land. No application for

development approval shall be approved by the Town Council or other designated agency unless said application conforms to and complies with the procedures, standards and criteria of this Ordinance.

1.14 Definitions

A. *Terms Defined*. Words contained in this section are those having a special meaning relative to the purposes of this Ordinance. In the interpretation of this Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise.

B. Words used or defined in one (1) tense or form shall include other tenses and derivative forms.

C. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

D. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

E. The word "shall" is mandatory.

F. The words "may" or "should" is permissive.

G. The word "person" includes individuals, firms, corporations, associations, trusts, and any other similar entities.

H. The word "Town" shall refer collectively to the Town of Queen Creek.

I. The word "Board" shall mean the Board of Adjustment.

J. The words "Planning Commission" shall mean the Town of Queen Creek Planning Commission.

K. The words "Recorder" and "Recorder of Deeds" shall mean the County Recorder.

L. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.

M. All provisions of this Ordinance shall be construed to be in addition to all other applicable laws, ordinances and rules of the federal government, the State of Arizona or a Constituent Jurisdiction; and in case of any conflict between this Ordinance and any such other law, ordinance or rule, the more restrictive shall prevail.

N. The words "include" and "including" mean include or including by way of illustration and not by way of limitation.

A

ABUT. Having property or district lines in common.

ABUTTING PARCELS. Parcels which are directly touching and have common parcel boundaries. (Parcels across a public right of way shall not be considered abutting).

ACCESSORY APARTMENT. A supplementary, secondary dwelling unit that may be constructed as an addition to the principal structure or as an accessory to the principal structure.

ACCESSORY DWELLING UNIT. A detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons, and which includes provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary single-family dwelling is situated. An "accessory dwelling unit" includes a "granny flat" or "guest house" as defined in this Ordinance.

ACCESSORY STRUCTURE. A detached subordinate structure, the use of which is customarily incidental to, and supportive of, the principal structure or the principal use of land and which is located on the same parcel of ground with the principal structure or use.

ACCESSORY USE. A subordinate use of a building, other structure, or use of land which is:

- Clearly incidental to the use of the main building, other structure, or use of land;

- Customarily in connection with the main building, other structure, or use of land; and,
- Located on the same lot with the main building, other structure, or use of land.

ADULT ARCADE. Any business establishment or concern to which the public is permitted or invited and where coin or slug operated or electronically, electrically or mechanically controlled amusement devices, still or motion picture machines, projectors, videos or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE. Any business establishment or concern having as a regular and substantial portion of its stock in trade, "material" (as defined below) which is distinguished or characterized by its emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."

ADULT CABARET OR NIGHTCLUB. A business establishment or concern (whether or not serving alcoholic beverages) which features live performances by topless and / or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, and where such performances are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

ADULT DANCE STUDIO. Any business establishment or concern which provides for members of the public a partner for dance where the partner, or the dance, is distinguished or characterized by the emphasis on matter depicting, or describing or relating to "specified sexual activities" or "specified anatomical areas".

ADULT FIGURE MODELING STUDIO. Any business establishment or concern which provides for members of the public a model which exposes their "specified sexual activities" or "specified anatomical areas", and which does not provide all members of the audience or all patrons spaces and utensils for artistic renderings thereof.

ADULT HOTEL OR ADULT MOTEL. Any hotel or motel which leases rooms for less than twenty-four (24) hours and which derives not less than fifty percent (50%) of its revenues from the display of movies or materials distinguished or characterized by their emphasis on matter depicting, or describing or relating to "specified sexual activities" or "specified anatomical areas".

ADULT ORIENTED MERCHANDISE. Sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually-oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

ADULT SHOWS. Any commercial establishment regularly used for the presentation of shows where persons display specified anatomical areas, as defined in this Section, or where persons perform acts of or acts which simulate specified sexual activities, as defined in this Section.

ADULT THEATER. A theater or other commercial establishment with or without a stage or proscenium which is used for presenting, on a regular and substantial basis, "material" which is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to "specified sexual activities" or "specified anatomical areas".

ADOPTED LEVEL OF SERVICE. See "Level of Service, Adopted".

AGRI-BUSINESS. A business and / or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and / or processing of agricultural products and / or animals; medical and / or technical support services.

AGRI-TAINMENT. A land use that supports and enhances agriculture as an attraction for entertainment and or education related purposes. The Agri-tainment District implements the Agri-tainment Future Land Use classifications of the Queen Creek South Specific Area Plan and requires a Planned Area Development (PAD) Overlay.

AGRICULTURAL ANIMALS. The following animals (also known as livestock) and fowl are considered accessory to an agricultural or residential use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, goats, ostrich, emu or rhea, alpaca, llama or similar animals or fowl (excluding pea fowl).

AGRICULTURAL PRODUCE. Fruit, vegetables, eggs, and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Ordinance.

AIRPORT. Any public or private airport, as defined in A.R.S. §28-8461, including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

ALLEY. A public passageway affording a secondary means of access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements of this Code related to frontage on a dedicated street.

AMATEUR RADIO TOWER. A structure, either freestanding or building-mounted, that may consist of more than a single shaft of steel or concrete used to elevate an antenna intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communication Commission. For the purpose of interpreting this definition, connecting wires used for transmission and / or reception between poles, masts, or ancillary supports, shall be considered accessory appurtenances to the tower and not additional towers. Poles, masts, cross-wires for transmission/ reception and ancillary supports less than eighteen feet (18') high, or a maximum of ten feet (10') above the highest part of the residence, whichever is the greater, shall not be considered Amateur Towers.

AMENDMENT. An amendment to an existing Land Development Regulation or a new Land Development Regulation.

ANIMAL FOOD MANUFACTURER. Any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses or parts or products of the carcasses of livestock.

ANIMAL UNIT. Represents the unit of measurement utilized as the basis for determining the number of agricultural animals permitted in residential districts on lots 35,000 square feet and larger. An animal unit consists of: one (1) large livestock animal (e.g. a weaned beef animal over six (6) months of age, or horse, llama, alpaca, mule, burro, ostrich or similar animals (swine are only permitted as part of an educational project as stated in Section 6.2 of this Ordinance) or, ten (10) small livestock animals or fowl, (e.g. rabbits, ducks, chickens, geese, or similar animals or fowl (excluding pea fowl).

ANTENNA. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

APPEAL. A request for a review of the authorized Town employee's interpretation of any provisions of this Ordinance or a request for a determination that there is error in an order, requirement, or decision made by the authorized Town employee pursuant to this Ordinance.

APPLICANT. Any person, firm, partnership, joint venture, association, corporation, group, or organization applying for any permit, approval, or decision governed or required by this Ordinance.

APPLICATION FOR DEVELOPMENT APPROVAL OR APPLICATION. A written request for any approval, permit, or action required by this Ordinance, including any written request for approval or issuance of a

development order or development permit. This includes such terms as "proposals" and "requests".

ASSISTED LIVING FACILITY. Means a residential care institution, including adult foster care or memory care, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis. This definition shall include assisted living centers and assisted living homes.

AUDITORIUM. A room, hall, or building that is part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly".

AUTHORIZED AGENT. Any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

AUTOMOTIVE REPAIR. Engine rebuilding or major reconditioning (the removal from any vehicle or a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan, worn or damaged motor vehicles or trailer collision service, including body, frame or fender straightening or repair, and / or painting of vehicles, or the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles.

AVAILABLE CAPACITY. The difference between the required capacity and planning operating capacity; capacity to accommodate Existing Capacity and Planned Capacity less Existing Demand and demand that will be generated by Committed proposed development.

AVIGATION EASEMENTS. A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

AWNING. Roof-like cover entirely supported by and extending from a building for protecting openings therein, from the elements.

B

BACKHAUL NETWORK. Means the lines that connect a provider's tower/cell sites to one (1) or more cellular telephone switching offices, and / or long distance providers, or the public switched telephone network.

BAKERY. A place in which baked products (such as bread, cakes, or cookies) are made.

BAR. Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use.

BASEMENT. That portion of a building between floor and ceiling which is partly below and/or 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.

BED AND BREAKFAST. A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

BERM. A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or landscaping.

BLOOD BANK OR PLASMA CENTER. A facility at which an individual may donate or sell blood, but which offers no other medical treatment or services.

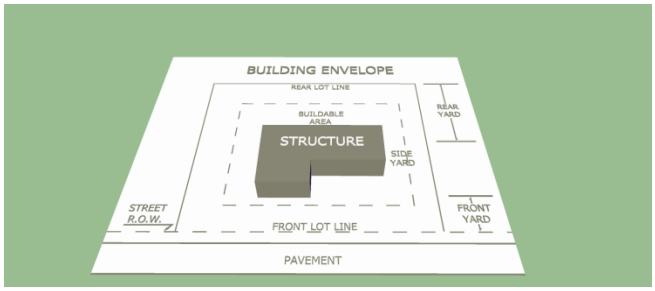
BUFFER. In the built environment, a Buffer is an area between developments of like or unlike uses, extending the length of a property. In the natural environment, a Buffer is a development setback from the boundary of sensitive, natural area. A Buffer may include landscaping, screening and paths as approved by the Town.

BUILDABLE AREA. The portion of a lot which is within the building envelope formed by the required yards. See "Yard, Required."

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING AREA. The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

BUILDING ENVELOPE. The three dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet (3') in height.



BUILDING FAÇADE. That exterior side of a building which faces, and is most nearly parallel to, a public or private street.

BUILDING FRONT. Defined as the side of a building intended as the main customer entrance, irrespective of the street frontage, visibility or any factor other than customer access.

BUILDING HEIGHT. The vertical distance from the natural mean ground elevation of the lot to the structure's point of maximum height, which includes all rooftop appurtenances, antennas, mechanical and lighting devices, etc.

BUILDING OFFICIAL. An employee of the Town authorized to issue building permits and Certificates of Occupancy and to generally assist in the administration of this Ordinance.

BUILDING PERMIT. An authorization to construct a structure as issued by the Building Department.

BUILDING SETBACK LINE. A line, between which line and street line no building or structure or portion thereof may be erected, constructed or established.

BUILDING TEMPORARY. A structure designed, built, created or occupied for a short and / or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheel or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

BULK. The size and shape of buildings, structures, and non-building uses; and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

BUSINESSES, SEXUALLY ORIENTED. Sexually Oriented Business means business that provides the adult service like "Adult bookstores", "Adult shows" , and "Adult theaters", "adult cabernet or night club", "adult dance studio", "adult figure modeling studio", "adult hotel and motel", "adult oriented merchandise".

C

CAMPGROUND. An established and maintained tract of land designated for the accommodation of camping units for periods of

overnight stay not to exceed ninety (90) days per calendar year. At least one (1) full-time attendant will be provided and only an owner, manager, or permanent maintenance personnel may use the campgrounds as a permanent resident. See "Overnight Campground" and "Recreational Campground" for respective details.

CARPORT. A roofed structure which may be attached or unattached to the principal structure providing space for the storage of one (1) or more motor vehicles and enclosed on not more than three (3) sides by walls.

CAR WASH. An establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one (1) or more attendants, or by self-service facilities.

CARRY-OUT FOOD SERVICE. A business whose principal purpose is the preparation and sale of food or beverages for consumption off-site, such as delicatessens, ice cream stores and hot dog stands, but shall not include liquor stores, restaurants, and drive-through commercial establishments.

CEMETERY. A parcel of land or structure dedicated to and at least a portion of which is being used for the interment of human or animal remains. A cemetery may include crematories, mausoleums, and columbaria.

CERTIFICATE OF OCCUPANCY. (C of O) As defined in the current Building Code adopted by the Town.

CHANGE IN USE. A change from one (1) principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

CHANNEL. A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

CHILD CARE FACILITY. Any facility in which child care is regularly provided for compensation for children not related to the proprietor. This definition includes any "child care facility", as defined in A.R.S. §36-881 or "child care group home", as defined in A.R.S. §36-897, as well as child care facilities which do not meet the numeric thresholds of said definitions.

CLEANING OR PROCESSING ESTABLISHMENT. A business that primarily involves the on-site cleaning, treatment, or chemical processing of good or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing. This includes, but is not limited to carpet cleaners, dry-cleaning plants, self-service or full-service laundries, exterminating services, and taxidermists.

CLINIC/MEDICAL CLINIC OR HEALTH CARE FACILITY. A building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, tissue labs, and / or X-ray facilities, but shall not include inpatient care or operating rooms for major surgery. A clinic includes any "health care institution", "adult day health care facility", "adult day health services", "nursing care institution", "nursing services", "outpatient surgical center", "residential care institution", "respite care services", or "supervisory care services" as defined in A.R.S. §36-401, any "nursing care institution" as defined in A.R.S. §36-446, any "recovery care center" as defined in A.R.S. §36-448.51, but does include "adult foster care" or an "assisted living facility", as defined in A.R.S. §36-401.

COLLECTOR STREET. Streets accessing neighborhoods and routes serving intra city rather than intra state travel. A minor amount of through traffic may be carried by a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than for arterial routes. A collector street includes any street classified as a Major Collector; Estate, rural or Suburban Type A Collector; or an Urban Collector pursuant to Exhibits 11 through 13 of the Subdivision Ordinance.

COMMERCIAL AMUSEMENT, INDOOR. An establishment offering sports, game playing or similar amusements to the public, including, but not limited to: skating rinks, bowling

alleys, billiards, ping pong, mechanical or electronic games, but not gambling or card playing, within a fully enclosed structure. Indoor commercial amusement does not include non-commercial or charitable events.

COMMERCIAL AMUSEMENT, OUTDOOR. An establishment that offers games, rides, or other similar activities on a commercial basis in a fixed location, including but not limited to: miniature golf, amusement parks, water slides, amphitheaters, stadiums, tracks, and drive-in theaters.

COMMERCIAL CENTER / COMPLEX. A grouping of three (3) or more non-residential buildings with shared access, parking, common area, or similar common elements.

COMMERCIAL MESSAGE. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMERCIAL RANCH. A ranch where animal or crop production take place, which may or may not be owner-occupied but which utilizes two (2) or more full-time employees who are not owners or family of the owners, and may include residential facilities for employees.

COMMERCIAL USES. Retail business and service establishment, professional and governmental offices, and developed recreational uses.

COMMISSION. The Town of Queen Creek Planning Commission.

COMMITTED DEVELOPMENT. For purposes of the Concurrency Management Resolution, Committed Development includes: development with an approved determination of concurrency; or developments which are approved, but which are unbuilt, and unexpired sketch plans, preliminary subdivision plans, or minor development final plats; or final plats or building permits approved without a determination of concurrency.

COMMON OWNERSHIP. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockowner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

COMMUNICATION TOWER. Accessory antennae or dishes, which may be free-standing or building mounted structures, intended for airway communication purposes.

CONCENTRATED ANIMAL FEEDING OPERATION CONCEPT PLAN. As defined in A.R.S. §49-201. A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

CONDITIONAL USE. A use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A use is considered a conditional use if designated as such by Table 4.6-1 of this Ordinance.

CONDOMINIUM. Any structure which has been submitted to condominium ownership under the provisions of the Arizona Condominium Ownership Act. This includes residential, non-residential, and any other space.

CONSENT AGREEMENT. A regulatory document containing specific conditions of development approval designed to implement the policies and criteria contained in the Land Development Regulations and, where the denial or deferral of development approval is disputed by the applicant, to effectuate the public policy favoring the settlement of disputes, which document contains an integrated development scheme for a particular phase or phases of development approval, and contains maps, diagrams and other appropriate materials showing future conditions consistent with the provisions of Section 6.3 herein.

CONSERVATION EASEMENT. A non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological, or cultural aspects of real property.

CONSISTENT. An amendment to this Ordinance, or a development order or

development permit, shall be deemed "consistent" with the General Plan only if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities set forth in the General Plan, and if it meets all other criteria enumerated in the General Plan. The term "compatible with" means that the Code amendment, development order or development permit is not in conflict with the General Plan. The term "furthers" means to take action in the direction of realizing the goals, objectives, and policies of the General Plan.

CONTIGUOUS. Bordering or adjoining, meeting or joining at the border or surface.

CONVALESCENT HOME. A building where persons reside and are provided with medical care designed to restore them to health.

CONVENIENCE STORE. A freestanding or center integrated business enterprise designed to serve patrons on a short term drop-in-basis, typically containing, but not limited to, a small food and sundries store, drug store, carry-out food service, hairdresser, or barber, or dry cleaning pick-up store.

CONVEY. To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

CORRAL. A pen or enclosure for confining animals.

COUNSELING CENTER. A facility where individuals or small groups are provided professional counseling assistance with personal, emotional, marital, medical, or similar problems on an outpatient basis.

COURTYARD. An open area, unobstructed from the ground to the sky that is bounded on at least three (3) sides by the exterior walls of one (1) or more buildings. For residential development, courtyards shall be defined as an outdoor space located in the front or side yard which is bordered by a low wall or decorative fencing.

CRITICAL ZONE. (Airport) A rectangular shaped zone located directly off the end of a runway's primary surface, beginning two-hundred feet (200') from the end of the pavement, which is critical to aircraft operations in that it is more apt to have accidents within it because of the takeoff and landing mode of aircraft in that particular area.

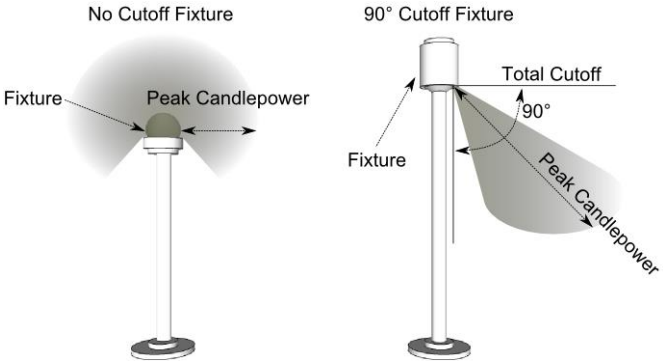
CUL DE SAC. A short dead end street terminating in a vehicular turn around area.

CURB FACE. The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

CUSTOM MANUFACTURING. An establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical custom manufacturing uses include ceramic studios and custom jewelry manufacturing.

CUTOFF. The point at which all light emitted from a source or fixture is eliminated at a specific angle above ground level.

CUTOFF ANGLE. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.



CUTOFF FIXTURE. A fixture with elements such as shields, reflectors, or reflector panels which direct and cutoff the light at an angle that is less than ninety degrees (90°). Typically this type of fixture conceals the light

source, thus reducing glare and spillover of light.

D

DAY CARE. See "child care facility".

DAY CARE, ADULT. See "adult day health care facility", as defined in A.R.S. §36-401.

DAY CARE CENTER. Any facility or building in which day care is provided for more than eight (8) hours per week for compensation for five (5) or more children not related to the proprietor or caretaker. Even though some instruction may be offered in connection with such care, the use shall not be considered with such care, the use shall not be considered a "school" within the meaning of this Code. Any day care center existing in the Town of Queen Creek must at all times be licensed by the state of Arizona, Department of Health Services.

DENSITY. The total number of dwelling units per acre on the total parcel, lot or development, computed in accordance with Section 4.7 of this Ordinance.

DENSITY BONUS. Dwelling units permitted in addition to the number that would result from the application of the density and minimum lot size requirements of Section 4.7 of this Ordinance, and computed in accordance with Section 4.10 of this Ordinance.

DENSITY, NET. The density or intensity based upon the clustered area of a tract subject to an application for development approval, which is determined by dividing total permissible dwelling units or square footage of floor area, including additional density or intensity permitted pursuant to an open space bonus, transfer of development rights, or other density bonus; by the number of net acres.

DESERT LANDSCAPING. The use of landscaping materials, both vegetative and non-vegetative, which are native to an arid or semi-arid climate.

DETENTION FACILITY. As defined in A.R.S. §31-331.

DEVELOPER. A person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a development.

DEVELOPMENT OR DEVELOPMENT ACTIVITY. Any of the following activities:

- Change in use;
- Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling, or otherwise significantly disturbing the soil of a site;
- Building, installing, enlarging, replacing or sustainability restoring a structure, impervious surface, or central water system and including the long-term storage of materials;
- Erection of a permanent sign;
- Any activity increasing the need for parking; and,
- Construction, elimination, or alternation of a driveway onto a public street.

DEVELOPMENTALLY DISABLED. A person who has autism, cerebral palsy, epilepsy or mental retardation as disabled provided for By A.R.S. §36-581.

DEVELOPMENT APPLICATION. Any request for approval, permission, or other action made pursuant to the provisions of this Ordinance.

DIRECTOR. The Development Services Director of the Town, or his or her designee.

DISPOSITION. A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

DRIVE-IN. A facility customarily providing parking spaces for the ordering, delivery, and consumption of a product or service in a parked vehicle.

DRIVE-THROUGH COMMERCIAL ESTABLISHMENT. A commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to financial institutions, restaurants, and dry cleaning stores. Such establishments require a Conditional Use Permit.

DRIVEWAY. A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street.

DRIVEWAY, PRIMARY. The driveway, which by virtue of its width and location, carries the majority of ingress and egress vehicular trips between a parking lot or structure, and the frontage street.

DUST-FREE. Property that is paved in one (1) of the following methods: (1) asphaltic concrete, (2) cement concrete, (3) penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate, or (4) the equivalent of the above.

DUPLEX. A building containing two (2) single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

DWELLING. A building or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, duplexes, townhouses, triplexes, manufactured homes, mobile homes, modular homes, and multiple-family dwellings, but not including hotels, boarding and lodging houses.

DWELLING, ATTACHED. A building containing two (2) or more residential units, attached along and sharing one (1) or more common walls between any two (2) units or stacked one (1) above the other or attached to a non-residential use.

DWELLING, MULTIPLE. A building or portion thereof designed for occupancy by three (3) or more families.

DWELLING, SINGLE-FAMILY. A building designed for occupancy by one (1) family.

DWELLING, SINGLE-FAMILY, DETACHED. A single family dwelling that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, SINGLE-FAMILY, ATTACHED. A single family dwelling that attached to one (1) other dwelling by a common vertical wall, with each dwelling located on a separate lot.

DWELLING UNIT. Any structure or part thereof designed to be occupied as the living quarters of a single housekeeping unit. Examples of dwelling units include, but are not limited to single family homes, apartments, dormitory rooms, or boarding house rooms.

E

EARTH TONE. Earth tone color means any of a group of colors which are dull and achromatic, between red and yellow in hue (light brown or tan) or between white and black in hue (gray), of low lightness, of moderate to low saturation, and with a reflectance level not exceeding 0.3.

EASEMENT. An interest in land that is less than fee title which entitles the holder to a specific limited use or enjoyment.

EASEMENT, NON-ACCESS. An easement prohibiting vehicular access from a public street.

ENGINEER. A person licensed as an Engineer by the Arizona Board of Registration.

EQUESTRIAN TRAIL. A natural surfaced path for equestrian use designed in accordance with standards on file with the Development Services Department.

EQUIVALENT DWELLING UNIT OR "ERU". For purposes of this Ordinance, an "equivalent dwelling unit" shall be as defined in Section 4.13.D.3.

EXCAVATION. The removal of soil, rock, or other matter from a land area.

EXISTING CAPACITY. The capacity of the existing built and operational Public Facilities, as determined by the service provider.

EXISTING STRUCTURE. For purposes of Section 6.13 of this Ordinance, an "existing structure" means a light pole, power pole, chimney, billboard, or other similar structure which is placed within the Town at the time of adoption of this Ordinance, except existing buildings.

EXOTIC ANIMALS. Those animals not defined as household pets or agricultural animals.

EXTRACTIVE USES. Surface and / or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

F

FAMILY. Any number of related persons living together within a single dwelling unit; provided, however, that the term "family" shall not include a group of more than six (6) persons who are unrelated by blood, marriage, or adoption.

FAMILY FOSTER HOME. A home which receives one (1) to four (4) children for regular full time care.

FARM AND RANCH STRUCTURES AND USES. Those structures and uses devoted to the shelter and raising of livestock, poultry, feed, flowers, processing and growing crops, field equipment, or other agricultural items, with or without a dwelling unit, but not including a feedlot or concentrated animal feeding operation.

FARMER'S MARKET. A structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmer's market differs from a produce stand in that there may be more than one (1) seller allowed per parcel of land and the structure from which produce is sold at a farmer's market need not be portable or capable of being dismantled or removed from the site).

FARMING. The use of land for the primary purpose of raising, harvesting, processing and selling crops or the feeding, breeding, management and sales of, or the product of, livestock, poultry, dairy. The sale of dairy products not more than two (2) acres of land and four-thousand (4,000) square feet of floor area shall be devoted to such use including areas used for structures, parking, storage, display, setbacks, and landscaping.

FEED LOT. An area which is used for custom feeding of livestock where the owners of said livestock pay for yardage, feed, and feed processing.

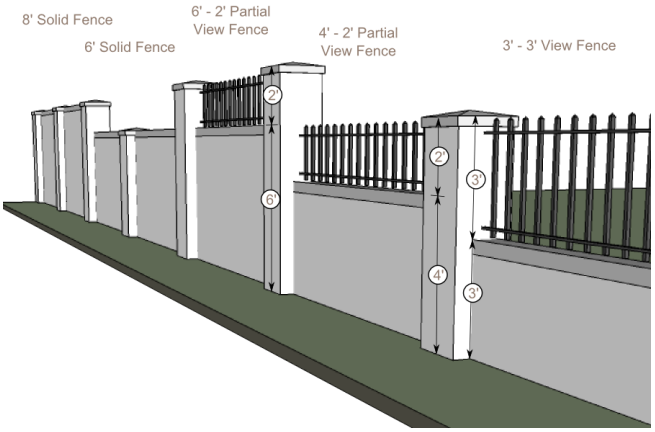
FENCE. A barrier of manmade construction, regardless of the material used, including walls but not retaining walls. ("Material" does not include vegetation).

FENCE, LIVING. A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the normal line of sight.

FENCE, VIEW. A fence constructed in such a manner as to achieve at least fifty percent (50%) openness overall three feet solid, three feet (3' - 3') view linear footage overall.

FENCE, PARTIAL VIEW. A fence constructed in such a manner as to achieve at least thirty-three percent (33%) openness overall four feet solid, two feet (4' - 2') view or, six feet solid, two feet (6' - 2') view.

FENCE, SOLID. A fence constructed in such a manner as to achieve total opacity six feet solid or eight feet solid).



FILL. Deposit of soil, rock, or other material placed in an area which created an obstruction or increases surface elevation.

FINAL PLAT. A survey map of record which indicates the boundaries for streets, blocks, lots, and other property divisions which is prepared pursuant to Section 4.5 of the Subdivision Ordinance for the Town of Queen Creek and recorded after approval by the Town Council and any accompanying material as described in this Ordinance.

FINANCIAL INSTITUTION. As defined in A.R.S. §28-4301.

FIRE FLOW SURVEY. A testing of fire hydrants to determine capacity by volume and pressure for firefighting purposes.

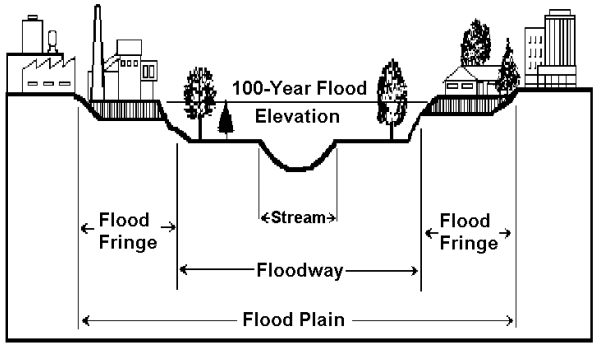
FIRE PROTECTION FACILITIES. Fire stations and major pieces of firefighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by public fire districts.

FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLEA MARKETS. A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two (2) or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four (4) or fewer days in any calendar year: garage sales, produce stands, or fund raising activities done by a non-profit organization.

FLOOD INSURANCE RATE MAP. (FIRM) The official map on which the Federal Emergency Management Agency that includes profiles, the Flood Boundary-Floodway Map, and the base flood water surface elevation.

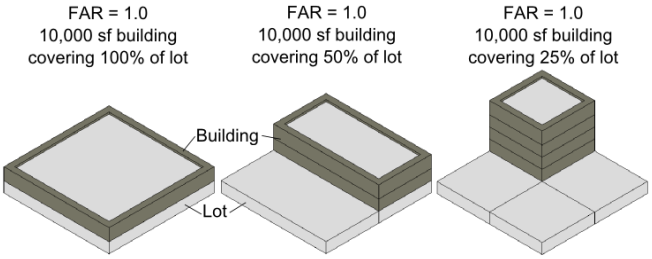
FLOOD PLAIN. An area adjacent to a watercourse which may be subject to flooding as a result of an increase in water flow beyond a normal high water mark.



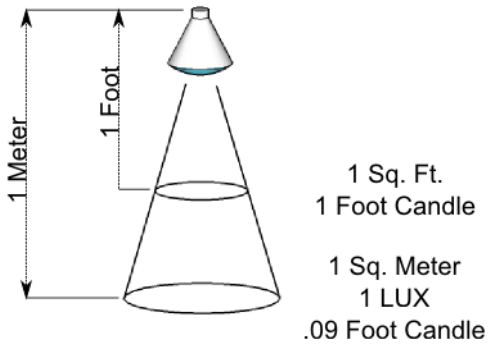
FLOODWAY. The channel of a wash or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

FLOOR AREA. The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. Included shall be any basement floor, interior balconies and mezzanines, elevator shafts, and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

FLOOR AREA RATIO. (FAR) The ratio of the gross floor area of all structures on a parcel to the gross area of the parcel on which such structures are located.



FOOT CANDLE. A unit of illumination lighting a surface, all points of which are one foot (1') from a uniform light source equivalent to one (1) candle in brightness or illumination. (See also "Lumen")

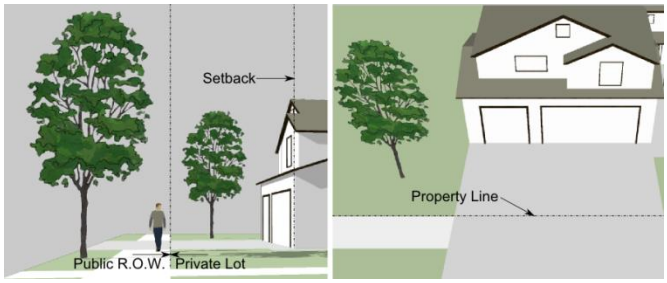


FRONT. Any public street frontage, not including alleys, as determined by the Town. A parcel shall have only one (1) front.

FRONT PORCH. A covered and floored non-livable area of a residence that is open at the front and usually closed at the sides. Typically partially enclosed with columns and railings, a porch should be designed to have a noticeable

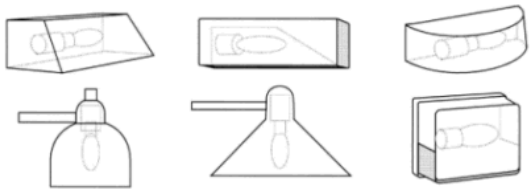
street presence and architecturally consistent with the design of the main architecture of the house.

FRONTAGE. The frontage of a parcel of land is that distance where a property line is common with a road right of way line.



FRONTAGE, DOUBLE. A lot which extends from one (1) street to another or to a proposed street.

FULLY SHIELDED. Fixtures that are 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 on the fixture where light is emitted, as certified by photometric test report. A.R.S. §49-1101.



FUNERAL HOME. An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

FUTURE LAND USE MAP. The current and adopted Town of Queen Creek General Plan Land Use Map.

G

GARAGE, FRONT ENTRY. An enclosed structure for the storage of vehicles oriented such that the entrance is at a maximum angle of forty-five degrees (45°) from the front setback line.

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 one (1) ton.

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

GARAGE, SIDE ENTRY. An enclosed structure for the storage of vehicles oriented such that the entrance is a minimum angle of more than forty-five degrees (45°) from the front setback line.

GENERAL PLAN. A comprehensive plan for development of the Town pursuant to A.R.S. §9-461.05, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

GEOLOGIC HAZARD AREA. An area identified by a qualified state or federal government agency as containing or being directly affected by geologic hazard.

GOLF, TENNIS, SWIM, FITNESS, HEALTH CLUB. A private club, including country clubs, that provides one (1) or more of the following: indoor and / or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas, and related accessory uses, which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

GRADE. The average level of the finished surface of the ground adjacent to the exterior walls of those buildings or structures more than five feet (5′) from a street line. For buildings having walls nearer than five feet (5′) to a street or streets, the elevation of the sidewalk at the center of the wall adjoining the street(s), or if there be no sidewalk, then the elevation of the roadway at the center of the wall adjoining the street(s).

GRADE, NATURAL. The undisturbed ground level which may be determined by on site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types, and locations, etc.)

GRADE, FINISHED. The grade after completion of site development.

GRANNY FLAT, ELDER COTTAGE. A temporary, separate, self-contained, living unit placed on the same parcel as and adjacent to the existing primary residence as a dwelling unit for a relative. This definition also shall include an accessory apartment that is built onto or into an existing single-family dwelling unit for the same purpose. Such units are small, complete living units which have a living area, kitchen, bathroom, and separate entrance.

GROSS ACRE. A full acre of land prior to subdivision and prior to dedication of any required right of way or easement.

GROSS AREA. The area of a lot or parcel, including all proposed or dedicated streets, alleys, private access ways, roadway and / or alley easements. Such boundaries shall extend to the center line of a future and/or an existing abutting street or alley right-of-way.

GROSS FLOOR AREA OR "GFA". The sum of the areas of all floor levels of a building or structure measured within the exterior face of exterior walls or the centerline of walls separating two (2) abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet, six inches (6'6").

GROUP CARE HOME FOR THE DEVELOPMENTALLY DISABLED. Any "residential facility", as defined in A.R.S. §36-581, which serves not more than the number of persons and which has not more than the number of persons living together as prescribed in A.R.S. §36-582.A. This definition shall include group homes, as defined in A.R.S. §36-551, but shall not include boarding houses, lodging houses, day care centers, fraternity/sorority houses, nursing homes, or substance abuse treatment facilities.

GROUP CARE HOMES. A Group Care Home shall mean a residential facility providing twenty-four hour care (including, but not necessarily limited to, living facilities, sleeping rooms, and meals) to no less than seven (7) and no more than ten (10) persons. In determining the number of persons served by a residential facility, the following individuals shall not be counted: the operator of the residential facility, members of the operator's family, and persons employed at the residential facility as staff. As applicable, this definition shall be construed to include assisted living homes for the elderly and the handicapped, adult foster care homes, group care homes for the developmentally disabled, boarding houses, lodging houses, nursing homes, residential substance abuse diagnostic and treatment facilities, residential drug or alcohol rehabilitation facilities, and halfway houses.

GROUP RESIDENCE. Dormitory, sorority, fraternity, and / or lodging where three (3) or more individual rooms are occupied by residents who stay for periods of at least thirty (30) days.

GUEST HOUSE. Living, eating, and sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants, or persons employed on the premises. Such quarters shall not be rented, and / or otherwise used for income producing purposes.

GUEST RANCH. A working ranch with an accessory use for the lodging and / or boarding of guests which provides recreational activities on, or adjacent to, the ranch.

GUEST RANCH/RESORT. A building or group of buildings containing two (2) or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational activities such as, but not limited to, horseback riding, golf course, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the primary use of its guests, but not including bars and restaurants which cater primarily to other than guests of the guest ranch/resort.

H

HALFWAY HOUSE. A group home for supervised, residential living by person not requiring institutional treatment, which may include but is not limited to individuals with

common needs for treatment or rehabilitation with respect to mental or physical challenges, substances abuse rehabilitation or alternatives to judicial system incarceration.

HANDICAPPED. A person who: (1) has a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment. However, a handicap shall not include current illegal use of or addiction to a controlled substance (as defined Section 102 of the Controlled Substance Act [21 United States code §802]).

HARDSCAPE. Stone, brick, rock, sand, textured or shaped concrete, decorative walls and / or pedestrian facilities (e.g. benches, tables, play equipment, walking, or bike paths).

HAZARDOUS WASTE DISPOSAL FACILITY. As defined in A.R.S. §49-901.

HEALTH CARE FACILITY. See "Clinic".

HEAVY EQUIPMENT. Large equipment, including but not limited to trucks with greater than a one (1) and one-half ton rating, cranes, crawler type tractors, earth movers, dump trucks, and other equipment of equal or greater size and weight.

HEIGHT. The vertical distance from the grade to the highest point of any portion of a structure, as set forth in this Ordinance.

HELIPAD. A facility without the logistical support provided by a heliport (see Heliport definition) where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

HELIPORT. An area providing an area for the takeoff and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.

HEAVY EQUIPMENT STORAGE. See Industrial Storage.

HIGHWAY. A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.

HILLSIDE DISTURBANCE. Any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

HOME-BASED OCCUPATION. A business activity conducted as an accessory use to a dwelling unit per Sections 3.2.H and 6.4 of this Ordinance.

HOME OWNERS ASSOCIATION. An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

HOSPITAL. Any building used for overnight accommodation and medical care of human patients including sanitariums, but excluding clinics, long-term care facilities, and convalescent homes. A "hospital" includes any "health care facility" as defined in A.R.S. §36-481, excluding clinics, rehabilitation centers, therapy facilities, outpatient clinics, nursing homes, blood banks, or ambulance facilities.

HOTEL. A building in which lodging or boarding and lodging are provided for more than twenty (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 twenty (20) or more individual guest rooms, suites of guest rooms, and dwelling units, which furnishes services customarily provided by hotels, and which provides outdoor recreation, dining and other facilities for the primary use of its guests.

HOUSEHOLD PETS. Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards or similar animals).

HUD CODE. The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq., as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 C.F.R. part 3282), commonly known as the "HUD Code".

I

INDUSTRIAL STORAGE. Outdoor storage or deposit of motor vehicles, motor vehicle parts, iron, metal, glass, paper, or other waste, or discarded material not to be placed within any required yard setback kept within a professional and workmanlike screened area.

IMPACT FEE. The impact fee, connection fee, user fee, or other fee or charge imposed by the Town or other service provision entity, to defray the pro rata share of capital costs for public facilities needed to serve a proposed development.

IMPERVIOUS SURFACES. Includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, decks and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as roads, curbs and gutters, walks, parking lots and loading areas, and asphalt or concrete aprons for solid waste containers, signs or outdoor mechanical equipment.

IMPROVED OPEN SPACE. Landscaped areas, turf areas, parks, golf course, and recreation areas constructed on the parcel, but shall not include associated buildings.

IMPROVEMENTS. Right of way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, revegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Ordinance or the conditions of approval.

INDUSTRIAL PARK. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

INDUSTRIAL USES. Storage, processing, and shipping of agricultural or timber products; minerals extraction and production, storage, processing, shipping or conversion to energy; fabrication, assembly, servicing, manufacture, storage or warehousing of other products.

INSTITUTIONAL USES. Churches, Schools, hospitals, residential Care Facilities, other public or quasi-public uses.

INTENSITY. The number of square feet of development per acre by land use type with respect to non-residential land uses.

J

JUNK. As defined in A.R.S. §28-7941.

JUNKYARD. Any "automobile graveyard" or "junkyard" as defined in A.R.S. §28-7941.

K

KENNEL. As defined in A.R.S. §11-1001.

KITCHEN. Any room principally used, intended, or designed to be used for cooking or the preparation of food. The presence of a range or oven or utility connections suitable for servicing a range or oven shall normally be considered as establishing a kitchen.

L

LABORATORY, MEDICAL OR SCIENTIFIC. A building or group of buildings in which facilities for medical or scientific research, investigation, testing or experimentation are located, and in which no more than fifteen percent (15%) of a building so occupied may be used for ancillary manufacturing, fabricating, processing, assembly, storage, repair, or service facilities.

LAND DEVELOPMENT REGULATIONS. The General Plan of the Town of Queen Creek, the Queen Creek Zoning Ordinance, the Queen Creek Subdivision Ordinance, and any other ordinances or regulations governing land development and / or land use within the Town of Queen Creek, Arizona.

LANDFILL. See "Sanitary Landfill".

LANDLOCKED PARCEL. A parcel of land without access of record with the County Clerk and Recorder.

LANDSCAPE. An area set aside from structures and parking which is developed with natural materials (e.g. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

LAND SPLIT. The division of improved or unimproved land whose area is two and one-half (2-1/2) acres or less into two (2) or more tracts or parcels of land for the purpose of sale or lease.

LARGE FORMAT RETAIL. (Big Box) A single-user retail structure in excess of fifty thousand (50,000) square feet or any shopping center in excess of twenty-five thousand (25,000) square which may include fast food restaurants and other accessory retail uses with an entrance inside the primary retail establishment.

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.

LEGISLATIVE ACTION. A general plan, zoning ordinance, or any other ordinance establishing or amending the General Plan or this Ordinance.

LEVEL OF SERVICE. An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based upon and related to the operational characteristics of the facility. Level of Service indicates the capacity per unit of demand for each public facility.

LEVEL OF SERVICE, ADOPTED. The Level of Service (LOS) standards adopted in the Queen Creek General Plan and in Section 5.1 herein.

LIBRARY OR MUSEUM. A room or building for exhibiting, or an institution in charge of a collection of books; artistic, historical, or scientific objects.

LIQUOR STORE. A retail establishment at which the sale of packaged alcoholic beverages comprises not less than sixty percent (60%) of the gross revenue for the establishment, but which does not include consumption of alcoholic beverages on the premises.

LIVESTOCK, LARGE. Cattle, oxen, horses, mules, donkeys, alpaca, llama, or similar animals. One (1) large livestock animal is equivalent to one (1) animal unit.

LIVESTOCK, MEDIUM. Sheep, goats or other similar animals (swine are only permitted as an educational activity as described in Section 6.2F). Five (5) medium livestock animals are equivalent to one (1) animal unit.

LIVESTOCK/FOWL, SMALL. Rabbits, ducks, chickens, geese or similar animals or fowl (excluding pea fowl). Ten (10) small livestock or fowl is equivalent to one (1) animal unit.

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 (10') in width, twenty feet (20') in length, and fourteen feet (14') in height.

LOADING SPACE. An off street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

LOCAL ROAD OR STREET. Provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

LODGE. A structure providing lodging or boarding for guests, located in close proximity to natural recreational areas and / or opportunities.

LONG-TERM CARE FACILITY. A facility or part of a facility that is intended to provide medical supervision for eight (8) or more residents for periods exceeding 72 hours.

LOT. A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.

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

LOT, CORNER. The intersection of two (2) or more lot lines, or angle point or change in direction of a lot line.

LOT COVERAGE. The area of land which is covered by a building on a particular site. Lot coverage shall be the percentage of net lot area which is covered by the gross floor area of the first floor. For all residential purposes, this small include covered porches and patios, detached garages, accessory dwelling units, and all other accessory buildings or structures that require a building permit and / or are larger than 120 square feet.

LOT, DOUBLE FRONTAGE (THROUGH LOT). An interior lot having frontage on two (2) non-intersecting streets.

LOT, FLAG. A lot having no frontage or access to a street or place except by a narrow strip of land.

LOT FRONTAGE. The distance for which a lot abuts on a street.

LOT, INTERIOR. A lot other than a corner lot.

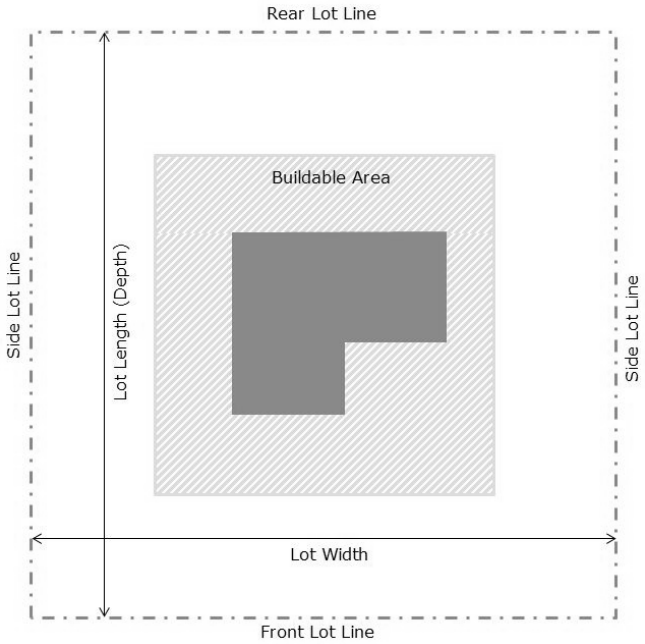
LOT, KEY. A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

LOT LINE. Any line bounding a lot.

LOT LINE, FRONT. In the case of a corner lot, the more narrow of the two (2) lot lines adjoining a street right-of-way. Where the two (2) lot lines of a corner lot are within fifteen feet (15') in length of each, either one (1) of the lot lines may be designated the front lot line. All appropriate setbacks shall be adjusted accordingly.

LOT LINE, REAR. A lot line which is opposite and most distant from, 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 (10').

LOT LINE, SIDE. The boundary of a lot which is not a front lot line or a rear lot line.



LOT LINE, ZERO. The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

LOT LENGTH. The length (or depth) of a lot shall be:

- If the front and rear lines are parallel, the shortest distance between such lines.
- If the front and rear lines are not parallel, the shortest distance between the midpoint

of the front lot line and the midpoint of the rear lot line
- If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten feet (10') long lying wholly within the lot.

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.

LUMEN. A unit of luminous flux. One (1) Foot candle is one (1) lumen per square foot. For the purposes of this Ordinance, the lumen output values shall be the initial lumen output ratings of a lamp.

M

MACHINE SHOP. A structure containing machinery for the manufacture, modification, or repair of metal goods and motor vehicle equipment. This use does not include the dismantling of motor vehicle parts and equipment.

MACHINERY AND EQUIPMENT SALES, STORAGE, AND REPAIR. An indoor or outdoor establishment primarily engaged in the cleaning, repair, painting, reconstruction, storage or other uses of heavy machinery, equipment, and vehicles, including vehicle body work.

MANUFACTURED HOME. See "Manufactured Housing".

MANUFACTURED HOME LAND LEASE COMMUNITY. Any area, lot, parcel, or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of manufactured homes as a primary residence. A manufactured home land lease community does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.

MANUFACTURED HOME SUBDIVISION, A parcel, or contiguous parcels of land subdivided into two (2) or more lots configured for development of manufactured housing.

MANUFACTURED HOUSING. A manufactured structure designed for residential occupancy that conforms to the HUD Code. Construction and safety certification shall be affixed in the original and permanent condition and shall not be removed. This definition includes any "Manufactured Home" as defined in A.R.S. §41-2142.

MANUFACTURING. Designing, assembling, fabricating, producing, constructing, or preparing a product or part of a product before sale or use.

MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MASSAGE ESTABLISHMENT. Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts, or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

MASSAGE. Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or appliance, with our without such supplementary aids as rubbing alcohol.

MASSEUR OR MASSEUSE. A "masseur" means a male person, and a "masseuse" means a female person, who practices massage.

MASSING. The shape and form of a building provided by all, or a combination of, architectural elements such as roof configuration, spacing between buildings, setbacks from the street right-of-way, proportion of fenestration and entryways, building form, exterior building materials, building scale, architectural styles, and landscaping.

MASTER PRELIMINARY PLAN. That portion of a preliminary plat or preliminary site plan submitted in connection with a multi-phase or phased subdivision application which provides the information and graphics meeting the requirements of this Ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.

MINOR ARTERIAL. A roadway designated as a "minor arterial" in the major roadway network.

MINOR PERMIT. An application for development approval proposing the development of any of the following:

- All new single lot or single unit residential uses on parcels of not less than forty (40) acres and not within a platted or recorded subdivision;
- New home occupations;
- The conversion of an existing building or structure from its current or previous use to a new or substantially different type of activity or use, or a revision or amendment to an approved development permit, which
- All temporary sales uses and temporary structures
- All auxiliary uses to utilities requiring a building permit.

MITIGATION. The concept of mitigation requires the minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated. If a vegetated area is altered, the site must be revegetated to the same or greater density, diversity, and volume of vegetation as existed prior to the alteration. Furthermore, the hydrology of the affected area shall be returned to a level consistent with its pre-development condition. At a minimum, mitigation shall provide for:

- Construction methods that identify and protect riparian habitat that is to be left unaltered;
- Selective clearing or other habitat manipulation;
- Replacement of affected vegetation with appropriate plant species in ratios which will result in simulation of the pre-alteration vegetation within five (5) years;
- Periodic monitoring of mitigation features;
- Maintenance and replacement of damaged plantings or other defective mitigation measures.

MIXED USE DEVELOPMENT MIXED USE PROJECT. A proposed development that includes primary non-residential and primary residential uses on the same development site.

MOBILE HOME. A single-family dwelling, factory built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act (42 U.S.C. sec. 5401, 1978 as amended) or the building code of the Town. This definition includes any "mobile home" as defined in A.R.S. §41-2142.

MODEL HOME COMPLEX. The area used by a home builder and approved by the Town as the location of the homes to be used as models for the home builder's development within the subdivision.

MODULAR HOME. A building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an offsite location to be assembled on site, and which complies with the building code adopted by the Town.

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.

MOTOR HOME. As defined in A.R.S. §28-4301.

MOTOR VEHICLE DEALER. As defined in A.R.S. §28-4301.

MOTOR VEHICLE REPAIR SHOP. A shop or place of business used for the repair and maintenance of motor vehicles and other motor vehicle equipment as defined in Title 42, C.R.S.

MULTI FAMILY DWELLING. A structure arranged, designed, and intended to be the residence of more than one (1) family, with each family having independent cooking and bathing facilities.

MUNICIPALITY. An incorporated city or town.

N

NATURAL HAZARD. A geologic, floodplain, or wildfire hazard as identified by a state or federal agency.

NATURAL RESOURCE. Existing natural elements relating to land, water, air, plant, and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

NEIGHBORHOOD PARK. An open area of five (5) to ten (10) acres in size and including lawn area, trees, shrubbery, walks, benches, a focal point (such as a fountain or statue), sandbox, and play apparatus.

NET ACRES. The total number of acres subject to an application for development approval excluding the following:

- Any areas reserved for arterial or collector street right-of-way; and
- Any areas reserved for schools and public sites.

NET AREA OR NET LOT AREA. The area of a lot or parcel, excluding all dedicated streets or alleys and roadway or alley easements.

NET DENSITY OR NET INTENSITY. See "Density, Net".

NET FLOOR AREA. The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, stairways, elevator shafts, elevator lobbies, mechanical areas, security areas or services areas.

NIGHT CLUB. A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which music, dancing or live entertainment is conducted.

NON-CHARTERED FINANCIAL INSTITUTION. (NFI) A business other than a State or Federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services and loans for payment of a percentage fee, specifically included are check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and payday loan businesses that make loans upon assignment of wages received. Excluded are retail uses in which a minimum of 70 percent of the floor area of the store is devoted to display or sale of merchandise. Non-chartered financial institutions may also be referred to as payday loan and / or check cashing businesses.

NON-CONFORMING USE. A use of land that:

- Legally existed before its current zoning or land use category designation; and
- Has been maintained continuously since the time the applicable regulations governing the land changed; and
- Because of subsequent changes, does not confirm to this Ordinance or General Plan provisions that now govern the land.

NON-PROFIT. Organizations which qualify for exemption from federal income taxes, pursuant to Section 501(c)(3) of the Internal Revenue Code, and for which an application for exemption thereto has been approved by the federal Internal Revenue Service.

NURSERY/GREENHOUSE/ LANDSCAPING MATERIALS. A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch, and other materials determined by the Director to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

NURSERY, PRESCHOOL, DAYCARE. A school and / or care facility which is licensed by the

State and is maintained for the whole or part of the day for more than six (6) children.

NURSING HOME. An establishment licensed by the State which maintains and operates continuous day and night facilities providing room and board, personal services, and medical care for compensation for two (2) or more persons not related to the operator of the home.

O

OBSTRUCTION. Any physical alteration in, to, along, across, or projecting into any watercourse which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where a flow of water might carry the same downstream.

OCCUPANCY FRONTAGE. For purposes of signage, the lineal building frontage occupied by a tenant.

OFFICE. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OFF-PREMISES DISPLAY AND SALES. As defined in A.R.S. §28-4301.

OFF-PREMISES EXHIBITION. As defined in A.R.S. §28-4301.

OFF STREET PARKING SPACE. The space required to park one (1) vehicle, exclusive of access drives, and not on a public right-of-way.

ONE HUNDRED YEAR (100 YEAR) FLOODPLAIN. The low land near a watercourse which has been, or may be, covered by water of a flood of 100 year frequency, as established by engineering practices of the U.S. Army Corps of Engineers. It shall also mean that a flood of this magnitude may have a one percent (1%) chance of occurring in any given year.

OPEN MINING. The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

OPEN SPACE. Means and refers to the following:

- Active Open Space or any park and recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user. Activity-based recreation areas include, but are not limited to, playgrounds, golf courses, bicycle trails, baseball or softball fields, football or soccer fields, basketball courts, tennis courts, picnic areas, playgrounds, and trails;
- Passive open space or areas in and located due to the presence of a particular natural or environmental setting and which may include conservation lands providing for both active and passive types of resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition that cannot easily be duplicated by man and includes, but is not limited to boating, fishing, camping, enhancement areas, nature trails and nature study; and,
- Critical areas, roadway areas including rights of way, parking lots and lawns, setback areas, or other undisturbed portions of building lots shall not constitute open space. Urban design features, such as landscaped or hardscaped plazas, paseos and promenades connecting commercial parking areas to adjacent commercial uses, and parking area landscaping that exceeds that required by this Ordinance, fountains and sitting areas which provide an open park-like atmosphere shall be considered open space. Boulevard strip areas and landscape median areas shall be considered open space consistent with Section 6.2 of the Subdivision Ordinance, which is hereby incorporated by this reference as if set forth in its entirety herein.

ORDINANCE. Unless otherwise specified refers to the Zoning Ordinance of the Town, which was adopted as RZ13-97 on January 6, 1999.

OUTDOOR CULTURAL EVENTS. Entertainment, educational and cultural events

generally involving the outdoor assembly of fifty (50) or more people.

OUTDOOR EVENT, TEMPORARY. A temporary commercial amusement activity such as a carnival, circus, rodeo, or auction.

OUTDOOR LIGHT FIXTURES. Outdoor artificial illuminating devices, 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 buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting. (See A.R.S. §49-1101).

OUTDOOR RENTAL YARD. An establishment, located fully or partially outside of an enclosed structure that offers goods for rent primarily for outdoor use.

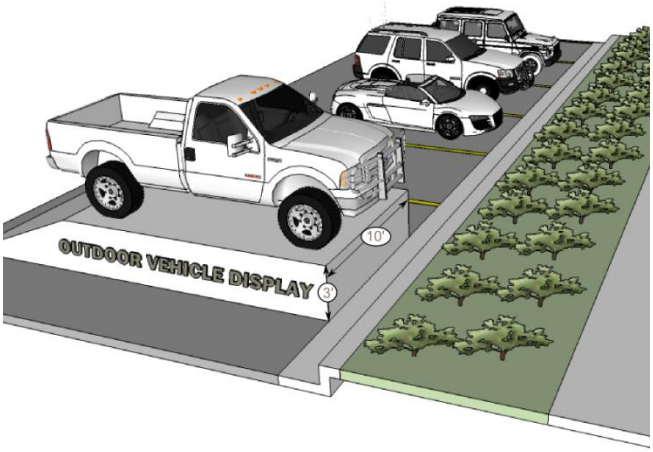
OUTDOOR RETAIL SALES. An establishment, located fully or partially outside of an enclosed structure that offers goods for sale primarily for outdoor use, including but not limited to home improvement and building materials, statuary, garden equipment and plants, but not including vehicle and boat sales or machinery and equipment sales.

OUTDOOR SALES. Any person(s), congregation, or assembly of vendors that offer for sale, trade, or barter any merchandise or goods in open air or indoor booths, stalls or other display areas for no more than eight (8) hours per day.

OUTDOOR STORAGE, NON-VEHICULAR. An establishment that provides for outdoor storage of machinery and equipment, not including vehicles.

OUTDOOR STORAGE, VEHICULAR. The containment of personal property by the owner or occupant of a premises, not to be located within the front yard, along street rights-of-way, or within five-hundred feet (500') of residential uses and residential zoning districts. Examples include vehicles, dumpsters, appliances, trailers, airplanes, boats, or any of the foregoing, or building materials.

OUTDOOR VEHICLE DISPLAY. The use of land at least ten feet (10') wide and spaced no closer than one (1) per one-hundred feet (100') of road frontage to show operable motor vehicles, recreational vehicles, boats, or trailers for sale, not to be within a required landscaped area or elevated higher than three feet (3') in the air.



OVERNIGHT CAMPGROUND. Campground located in urban areas or in close proximity to a major highway intending to serve the traveling public in need of overnight accommodation.

P

PARCEL. An area of land defined by a legal description and recorded with the County Assessor or Recorder.

PARK. Any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING GARAGE. An attached or detached building which is intended for the storage of motor vehicles and is available for use by the general public for free or for a fee.

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

PARKING SPACE. A permanently surfaced area, enclosed or unenclosed, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. Parking space dimensions shall be as defined in Section 5.6 of this Ordinance.

PARKING SPACE, OFF-STREET. A paved and properly drained area, enclosed or unenclosed, required by this Code to be permanently

reserved for parking one (1) motor vehicle. The size of such space shall be in accordance with Section 5.6 of this Ordinance.

PARKING STRUCTURE. A facility, partially or fully above ground, accessory to another facility or a primary use at which a fee may be charged for the temporary storage of passenger vehicles.

PARTIALLY SHIELDED. Fixtures that are shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal, as certified by photometric test report. (See A.R.S. §49-1101)

PATH, MULTI-USE. A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract or easement. Multi-use path activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

PAWN SHOP. An establishment at which money is lent on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

PEDESTRIAN PATH. An improvement located within a public or private right-of-way which is designed primarily for the use of pedestrians and / or bicyclists.

PEDESTRIAN RIGHT OF WAY. A right of way or easement dedicated for public pedestrian access.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERFORMER. Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

PERMIT. For the purpose of this Code, the term "Permit" shall mean Use Permit, except in those areas referring to building, construction, or offsite improvement permits.

PERSON. Any individual or group of individuals; or association, company, corporation, firm, organization, or partnership, singular or plural, of any kind; or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.

PERSONAL SERVICE ESTABLISHMENT. A business that provides personal services directly to customers at the site of the business, or which received goods from or returns goods to the customer which have been treated or processed at another location. "Personal service establishment" includes, but is not limited to travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools.

PETITIONER. An applicant.

PHARMACY. A building or part of a building, used for the dispensing of medicines or medical supplies only.

PHASED SUBDIVISION APPLICATION OR PHASED SITE. An application for subdivision or site plan approval in which the applicant proposes to immediately subdivide or develop the property but will develop in one (1) or more individual phase(s) over a period of time. A phased subdivision application may include an application for, approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments, mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.

PLACES OF PUBLIC ASSEMBLY, INDOORS. Buildings or indoor facilities for the purpose of, but not necessarily limited to banquet halls, auditoria, private clubs and lodges, conference centers, and theaters, including kitchen for the

preparation of food to be consumed at the premises.

PLACES OF PUBLIC ASSEMBLY, OUTDOOR. See "Commercial Amusement, Outdoor".

PLANNED AREA DEVELOPMENT. (PAD) An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process.

PLANNED CAPACITY. The capacity to be added by Planned Capital Improvements.

PLANNED CAPITAL IMPROVEMENT. A capital improvement which does not presently exist, but which is included and designated for commencement and completion of construction in a Capital Improvement Program.

PLANNED COMMUNITY (OR MASTER PLANNED) DEVELOPMENT. A tract of land planned and developed as an integrated unit under single ownership or control, the development of which is unique and of substantial impact upon the surrounding area.

PLANNING COMMISSION. The Town of Queen Creek Planning Commission. Also referred to as the "Commission".

PLANT NURSERY. The use of land, buildings, or structures for the growth and production of plant materials for sale.

PLANT NURSERY, RETAIL SALES. The use of land, buildings, or structures for the sales of plant materials, landscape materials, and fertilizer, excluding production of plant materials.

PLAT. As defined in the Subdivision Ordinance.

POINT SOURCE. Any discernible confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete, fissure, contained, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.

PRECIOUS METALS DEALERS. (We Buy Gold) Any business engaged in purchasing or making appraisals of precious metals and their alloys for resale to refiners, brokers, or the public.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS. Any tower or antenna for which a building permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

PRELIMINARY PLAT. The preliminary drawing or drawings described in the Code indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for a recommendation and the Town Council for approval.

PRINCIPAL ARTERIAL. Streets which provide a network of continuous routes serving intra- and inter-state travel as well as inter- and intra-urban travel.

PRINCIPAL BUILDING. A building or buildings in which the dominant use of the lot on which it is situated is conducted. In any residential district, any dwelling (excluding an accessory dwelling or accessory apartment) shall be deemed to be the main building of the lot on which it is situated.

PRINCIPAL STRUCTURE. The structure in which the principal use of a property is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.

PRINCIPAL USE. The main or primary use of a parcel of land.

PRIVATE. Anything not owned or operated by the federal government, state government, or any political subdivision.

PRIVATE CLUBS, LODGES. See "Places of Public Assembly, Indoors".

PRIVATE USE. One (1) which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

PRIVATE UTILITIES. Includes power, telephone, internet, natural gas, cable television, and private water supply service.

PRODUCE STAND. A temporary open air stand or place for the seasonal selling of agricultural produce. A produce stand must be portable and capable of being dismantled or removed from the sales site. (See also Farmer's Market.)

PROFESSIONAL OFFICE. An office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.

PUBLIC. Anything owned or operated by the federal government, state government, or any political subdivision.

PUBLIC FACILITIES. Capital Improvements including Water Facilities, Wastewater Facilities, Fire Protection Facilities, Public Schools, Regional Parks, and Streets.

PUBLIC HEARING. A public meeting for which public notice has been given and an opportunity for public testimony is provided.

PUBLIC LAND FOR DEDICATION AND OWNERSHIP. Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the Town Council and dedicated for the public's use or benefit.

PUBLIC MEETING. A meeting of a Board, Planning Commission, Town Council, or their representatives where the public may attend.

PUBLIC NOTICE. Notice to the public of a public hearing or meeting as required by state or local law.

PUBLIC RIGHT OF WAY. Any street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.

PUBLIC SCHOOLS. Elementary schools, middle schools, high schools, accommodation schools and charter schools, capital equipment provided therein and the land needed for Public Schools which are owned and operated by the applicable school district, as defined in A.R.S. §15-101.

PUBLIC USE. A use which is owned by, and operated for, the public by a public entity.

R

RAILROAD SWITCHING YARD. A facility that provides terminal facilities for rail traffic of railroad cars between terminal yards and similar facilities.

RECEIVING AREA. An area designated by this Ordinance as appropriate for development beyond the target density through the transfer of development rights.

RECLAMATION. Rehabilitation of plant cover, soil stability, water resources, and other measures which will allow or cause flora to permanently grow on land.

RECORDED/RECORD. Document(s) being placed in the indexed or coded files and book(s) of the County Clerk and Recorder.

RECREATIONAL CAMPGROUND. Campground located in close proximity to natural recreational areas and / or opportunities providing an outdoor living environment.

RECREATIONAL VEHICLE. Means a vehicular type unit which is:
(a) A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold for camping.
(b) A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
(c) A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty square feet and not more than four hundred square feet when it is set up, except that it does not include fifth wheel trailers.
(d) A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than three hundred twenty square feet. This subdivision includes fifth wheel trailers. If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers in A 119.5 of the American national standards institute code.
(e) A portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck. As defined in A.R.S. §41-2142.

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.

RECREATION VEHICLE PARK. Any parcel of land upon which two (2) or more recreation vehicles for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.

RECREATIONAL 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 "destination recreation" vehicle includes park model travel trailers.

RECREATIONAL VEHICLE RESORT. An integrated development where recreational vehicles are used for temporary residential purposes in conjunction with recreational and social centers designed to provide a significant portion of the recreational and social needs of the occupants of the resort.

RECREATIONAL VEHICLE SPACE. A parcel of land which is designed and intended for the accommodation of one (1) recreational vehicle.

RECYCLING CENTER. See "Scrap and Salvage Services".

RECYCLING COLLECTION POINT. An incidental use that serves as a neighborhood drop off point for temporary storage of recoverable resources. No processing of such items would be allowed.

REGIONAL PARKS. Park land and related facilities thereon containing at least fifty (50) acres, which offers natural and scenic quality,

which supports both passive and active recreational activities for all residents of the Town of Queen Creek, which is owned by Queen Creek and operated by the Town Parks and Recreation Department.

REGULATION. As used in this Ordinance, means an applicable provision of this Ordinance or any other requirement promulgated under this Ordinance or the Code of Ordinances of the Town.

REGULATORY FLOOD ELEVATIONS. The elevation which is one foot (1') above the calculated water-surface elevation of the base flood.

RELIGIOUS INSTITUTIONS. Buildings or facilities used for public worship and related educational, cultural, and social activities.

RENTAL, HOME ORIENTED. A business providing items for rent which are generally found or used in and around the home, including but not limited to furniture, appliances and small equipment, but not including heavy equipment.

REPAIR SERVICES, SMALL APPLIANCE, AND EQUIPMENT. An establishment located within a fully enclosed facility that offers repair services for small appliances and equipment, including, but not necessarily limited to electronics, computers, stereos, and home appliances, but not including vehicles and vehicle parts.

RESIDENTIAL RANCH. A residence that may include animal or crop production but does not include residential facilities for employees.

RESIDENTIAL SUB UNIT. A dwelling unit which is secondary and subordinate to a principal dwelling unit, and which is located within the same Building as the principal dwelling unit.

RESIDENTIAL ZONING DISTRICT. Any of the following zoning districts: R1-190; R1-145; R1-108; R1-54; R1-43; R1-35; R1-18; R1-15; R1-12; R1-9; R1-8; R1-7; R1-6; R-2; R-3; and R-4.

RESOURCE EXTRACTION. The on-site extraction of surface or sub-surface mineral products or other natural resources, including but not necessarily limited to quarries, burrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

RESTAURANT. An establishment serving food and beverages where all service takes place within an enclosed building or an accessory outdoor eating area.

RESUBDIVISION or RE-PLAT, FINAL. The changing of an existing parcel created by a plat and recorded with the County Clerk and Recorder.

RETAIL ACTIVITIES OR RETAIL USES. Includes sales of merchandise at retail prices, personal and business services, restaurants, galleries, and similar uses, but not including financial institutions.

RETAIL ESTABLISHMENT. A building, property, or activity the principal purpose of which is the sales of goods, products, or materials directly to the consumer. This includes, but is not limited to buying clubs, clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, florists, furniture stores, hardware stores, pet stores, toy stores, indoor tool and equipment rental, and variety stores. It does not include restaurants, personal service establishments, commercial amusements, or cleaning or processing establishments.

RETAINING WALL. A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

RIGHT-OF-WAY.

- A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes; and,
- The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian.

RIPARIAN ECOSYSTEM Living organisms (plants and animals) and habitat that occur in association with any spring, cienega, lake, watercourse, river, stream, creek, wash, arroyo, or other body of water, either surface or subsurface.

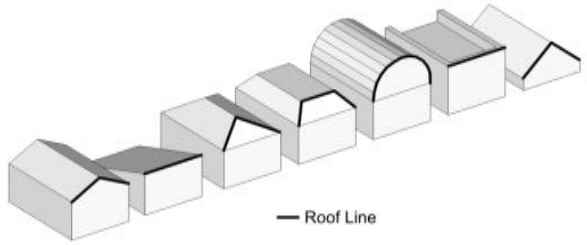
ROAD LINK. A section of the Major Roadway Network defined by a node at each end.

ROADSIDE STAND. An accessory structure for the seasonal retail sale of grown or produced food products on the lot.

ROADWAY. The improved portion of a street within a right of way and / or easement.

ROADWAY, SHARED. Any roadway upon which a bicycle lane is not designated and which may be legally used by bicycles regardless of whether such facility is specifically designated as a bikeway.

ROOF LINE. The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.



RUNWAY PROTECTION ZONE. A trapezoidal shaped zone located directly off the end of a runway's primary surface, beginning two-hundred feet (200') from the end of the pavement, and which is clear of all above ground obstruction or construction. The width is the same as for the primary surface. The length is determined by the use of the runway.

S

SAFETY SERVICES. Offices, stations, or related facilities for police protection, fire protection, and related activities designed to promote the public order and safety.

SALVAGE YARD. See Industrial Storage. Premise will not be considered a salvage yard if no more than two (2) vehicles are kept in an enclosed garage by the owner or occupant of the premise not to be located within the front or side yard setback.

SANITARY LANDFILL. A "municipal solid waste landfill", "solid waste landfill", or "waste tire facility" as defined in A.R.S. §49-201.

SATELLITE DISH ANTENNAE. A parabolic antenna designed to receive electromagnetic transmissions from a satellite.

SCHOOL. An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or trade or vocational schools.

SCHOOL, BUSINESS, TECHNICAL OR TRADE. A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty.

SCRAP AND SALVAGE SERVICES. An establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

SCREENING. Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or setback (See Landscape).

SELF-STORAGE. The use of self-storage, or mini-warehouse individual storage units which are accessed and secured independently without any offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units. All rental contracts shall include clauses prohibiting storage of explosive, corrosive, noxious materials, such as dust, fumes or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man or other organisms or properties.

SEMI-TRUCK STOP. See "Travel Plaza".

SENDING AREA. An area designated by this Ordinance as a sending area appropriate for the

conveyance of transferable development rights from the area.

SENSITIVE AREAS. Critical Areas, slopes exceeding fifteen percent (15%), critical wildlife habitat, stream corridors, wetlands, ridge lines, and areas defined as visually vulnerable, pursuant to the Environmental and Open Space Element of the General Plan.

SERVICE COMMERCIAL. Uses such as office and research parks and uses normally associated with residential areas (e.g. recreation center, beauty shop) that will broaden the Town's economic base and provide year-around employment.

SERVICE LINES. Electric, gas, communication, water, sewer, irrigation, and drainage lines providing local distribution or collection service.

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.

SERVICE YARD AND / OR ENTRANCE. An area and / or entrance to a structure which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets.

SETBACK. The minimum distance between a structure and property lines of a parcel of land or other established reference point.

SETBACK, FRONT. The minimum horizontal distance between any building and the property line.

SETBACK, REAR. The minimum horizontal distance between any building and the rear property line.

SETBACK, REQUIRED. The area in the rear yard within the rear setback, the area in the front yard within the front setback, and the area in the side yard within the side setback.

SETBACK, SIDE. The minimum horizontal distance between any building and the side property line.

SETBACK, YARD. The minimum horizontal distance between any building and the property line.

SEXUALLY-ORIENTED BUSINESS. Any business establishment or concern which as a regular and substantial course of conduct operates as an adult bookstore, adult theater, adult arcade, adult cabaret, adult figure modeling studio, adult motel or hotel; or any business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes adult oriented merchandise or sexually oriented merchandise, or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical parts", but not including those uses or activities which are preempted by State law.

SHOPPING CENTER. A group of stores planned and designed for the site on which it is built, functioning as a unit with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

SIDEWALK. The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

SIGN. Any object, device display or structure, or part thereof, visible from a public right-of-way and situated outdoors or on the inside face of a window, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images or to communicate information of any kind to the public. Excluded from these definitions are: national or state flags, window displays, athletic scoreboards, or the official announcement or signs of government. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN AREA. Includes the entire face of the sign, frame, and art work and shall include any spacing between letters, figures, and designs but shall not include the bracing or structure of the sign. When the sign only consists of letters, designs or figures engraved, painted, projected or fixed on a wall or frame of a freestanding sign, the total area of the sign shall be the area of the smallest rectangle within which the fixed lettering and / or artwork is inscribed. All sides of a sign are visible from any one (1) vantage point shall be measured in determining the area of the sign, except that only one (1) side of a sign shall be measured if the two (2) sides are back to back or separated by an angle of forty-five degrees (45°) or less. If the two (2) sides are not of equal size, the larger side shall be measured. A back-to-back sign shall have parallel faces, separated by not more than four feet (4').

SIGN, A-FRAME. A form of temporary sign constructed of two (2) panels angled to form a point and resembling the shape of the letter "A". Also known as a 'sandwich board' sign.

SIGN, ANIMATED. Any sign or part of a sign which changes physical position by any movement, rotation, or undulation or which gives the visual impression of such movement, rotation or undulation. This category of signs includes but is not limited to banners, pennants, flags and spinners as well as signs with flashing intermittent or sequential illumination.

SIGN, BANNER. A temporary sign constructed of fabric or similar material on a pole or building and intended for the temporary advertisement of a special event being conducted on the site. National flag or municipal flags, or the official flag of any institution or business, shall not be considered banner.

SIGN, BUILDING. Any sign attached to any part of a building, as contrasted to a freestanding sign.

SIGN, CANOPY. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service are. A marquee is not a canopy.

SIGN, CHANGEABLE COPY. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

SIGN, CONSTRUCTION. A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIRECTIONAL. Signs limited to directional messages, principally to direct and aid the flow of pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit", building address, and etc.; as well as providing directional information relating to points of interest, institutions, facilities, and districts.

SIGN, DOUBLE-FACED. Any sign having copy on two (2) faces of equal dimension with an interior angle between the two (2) faces of forty-five degrees (45°) or less.

SIGN, FACE. The area or display surface used for the message.

SIGN, FLASHING. A sign which contains an intermittent or flashing light source or a sign which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source.

SIGN, FLUSH WALL. A sign attached to, or erected against, the wall of a structure which has the sign face in a plane parallel to the plane

of the wall and which does not extend more than twelve inches (12") from the building face.

SIGN, FREE-STANDING. Any sign supported by structures of supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

SIGN, GARAGE SALE. A temporary sign advertising a short-term private sale of personal property characterized as being a "Yard Sale", "Garage Sale", "Rummage Sale", or similar event.

SIGN, GROUND. Any freestanding sign, other than a pole sign, placed upon or supported by the ground, independent of any other structure, except footings.

SIGN, HISTORIC. Any Sign which can be shown through photographs or other documentation to have been in existence fifty (50) years or more.

SIGN HEIGHT. The vertical distance measured from the adjacent street grade or upper surface of the curb, whichever permits the greatest height to the highest point of said sign, including ornamental features.

SIGN, IDENTIFICATION. A sign which shall refer only to the principal use or uses of the parcel upon which the sign is located. Such sign may include building mounted identification, identification wall mounted sign, identification ground-mounted sign.

SIGN, ILLUMINATED. A sign lighted by or exposed to artificial lighting either by lights on or inside the sign or directed towards the sign.

SIGN, ILLEGAL. A sign which is in violation of the requirements of this Ordinance, except for those signs qualifying as non-conforming.

SIGN, INCIDENTAL. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

SIGN, INSTITUTIONAL. A sign setting forth the name of a public, charitable, educational, or religious institution.

SIGN, INTEGRAL. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like which are carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure. Address sign and name plate sign are examples of Integral Signs.

SIGN MAINTENANCE. Replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear, or damage beyond the control of the owner.

SIGN, NEON. A piece of electrical equipment or an electrical apparatus inside of which are wiring and transformers that transform the electricity from low voltage into as high as 12,000 volts or greater, and the necessary high tension wires to the neon tubing which illuminates the sign.

SIGN, NON-CONFORMING. Any sign that does not conform to the requirements of this Ordinance.

SIGN, OBSOLETE. Any sign, which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, activity conducted, or product available on the premises where such sign is displayed.

SIGN, OFF-SITE. Any sign which directs attention to any business, commodity, service, or entertainment/event conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, PERMANENT. A sign which is securely attached to the ground or a structure so that it cannot readily be moved.

SIGN PLAN (COMPREHENSIVE SIGN PLAN). A plan required to be submitted with an application for a sign permit. The plan may show a single sign or multiple signs for a planned area development.

SIGN, POLITICAL. A temporary sign erected in support or opposition to a candidate seeking public office in a special, primary or general

election, or in support or opposition to a ballot measure on a special, primary or general election.

SIGN, POLE. A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

SIGN, PORTABLE. Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

SIGN, PROHIBITED. Any sign not specially authorized by this Ordinance are prohibited signs.

SIGN, PROJECTING. A sign attached to a structure wall and extending outward from the wall more than twelve inches (12").

SIGN, REAL ESTATE. A sign pertaining to the sale or lease or the premises, or portion of the premises, on which the sign is located.

SIGN, RESIDENTIAL. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this Ordinance.

SIGN, RIDER PANEL. A separate accessory panel affixed to a temporary subdivision sign or model home complex directional sign which is of a contrasting color and / or shape and used to promote a secondary message such as lot size, closing costs, down payment, etc.

SIGN, SUSPENDED. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY. Any sign, as defined in Section 8.5 of this Ordinance and that is used only temporarily and is not permanently mounted.

SIGN, VEHICLE. Signs attached to a vehicle primarily for the purposes of advertising, with such vehicle placed adjacent to a roadway and not used for the typical conduct of the business so advertised. Magnetic signs, and signs painted or wrapped on a vehicle which are used for the daily conduct of business, are not considered as vehicle signs under this provision.

SIGN WALKER. An individual who carries, holds, or displays a temporary sign intended to identify a business.

SIGN, WALL. A sign fastened to or painted on the wall 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. Any sign attached parallel to, but within six inches (6”) of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

SIGN, WALL (FRONT). A wall sign fastened to or painted on the building front intended as the main customer entrance.

SIGN, WALL (REAR). A wall sign fastened to or painted on the wall directly opposite of the building front.

SIGN, WALL (SIDE). A wall sign fastened to or painted on any wall not defined as the front or rear.

SIGN, WIND-DRIVEN. Consists of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subjected to pressure by wind or breeze and by that movement attract attention and function as a sign.

SIGN, WINDOW. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes, or glass and is visible from the exterior of the window.

SIGN WITHOUT BACKING. Any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in, nor otherwise made a part of any larger display.

SINGLE FAMILY DWELLING. A structure containing cooking and bathing facilities that is arranged, designed, and intended to be the residence of one (1) family. (See "Family".)

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.

SITE, WIRELESS. Site means the physical location upon which wireless telecommunications facilities are located. Unless otherwise stated in this Article, "site" shall be limited to the area occupied by a single tower and its accompanying ground- or roof-mounted equipment.

SITE PLAN, CERTIFIED. The map of a proposed development to be filed after approval by the Town Council and any accompanying material as described in this Ordinance, as signed and dated by the Planning Administrator.

SKETCH PLAN. A sketch preparatory to the preliminary plat or site plan (or final plat or site plan in the case of minor subdivisions or conditional use permits) to enable the subdivider to save time and expense in reaching general agreement with the Town as to the form of the plat and the objectives of this Ordinance.

SLOPE. A vertical rise in feet measured over a horizontal distance expressed as a percentage, measured generally at right angles to contour lines.

SPECIFIC AREA PLAN. A document encompassing a specific geographic area of the Town which is prepared in accordance with A.R.S. 9-461 and for the purpose of specifically implementing the General Plan by (1) refining the policies of the General Plan to a specific geographic area; and (2) containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.

SPECIFIED ANATOMICAL AREAS. "Specified Anatomical Areas" shall mean:

- Less than completely and opaquely covered: human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola;
- Any device or covering, when exposed to view, which simulates the female breast below a point immediately above the top of the areola, human genitals, public region or buttock; or,
- Human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Specified Sexual Activities" shall mean:

- Human genitals in a state of sexual stimulation or arousal;
- Acts of human masturbation, sexual stimulation or arousal;
- Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
- Masochism, erotic or sexually-oriented torture, beating, or the infliction of pain;
- Human excretion, urination, menstruation, vaginal or anal irrigation; and / or,
- Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

STABLE, COMMERCIAL. A stable of horses, mules, or ponies which are let, hired, used, or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands.

STABLE, PRIVATE. A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire, or sale.

STAFF. The employees of the Town of Queen Creek Planning Department.

START OF CONSTRUCTION. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvements was within one-hundred eighty (180) days of the permit date. The actual start means the first placement of a permanently constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and / or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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.

STREAM. A watercourse or body of running water flowing continually or intermittently in a channel on the surface of the ground or in a cavern below the surface.

STREET. A collector street, local street or arterial street.

STREET, ARTERIAL. An arterial street which is identified as a Major Arterial Street or Minor Arterial Street on the Major Roadway Network.

STREET, COLLECTOR. A street which is designed to collect and distribute traffic between local roads and arterial roads and to serve as a linkage between land access and mobility needs, and which is identified as a collector street on Major Roadway Network.

STREET FRONTAGE. The distance for which a lot line of a zone lot adjoins a public street, from one (1) lot line intersecting said street to the furthest distance lot line intersecting the same street.

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. Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on grade slabs, walks, driveways, landscaping materials or fences.

STRUCTURE, MAIN OR PRINCIPAL. See "Principal Building, Principal Structure".

STRUCTURE, PERMANENT. Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

SUBDIVIDE. The act or process of creating a subdivision.

SUBDIVISION ORDINANCE. The Subdivision Ordinance for the Town of Queen Creek which is incorporated by reference as if set forth in its entirety herein.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual

repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SURFACE, IMPERVIOUS. That land area covered by building roofs (including patios, balconies, and entryways) and asphalt or other surface devoted to parking spaces and driveways.

SURVEYOR. A land surveyor registered by the State of Arizona.

SWIMMING POOL, PRIVATE. A pool established or maintained on any premises by an individual for his or her or his or her family's use or for guests of his or her household.

T

TEEN CLUB. An enclosed or unenclosed structure which is open to persons from fifteen (15) through twenty (20) years of age unaccompanied by adults at which music is furnished for the purpose of social dancing, and at which a person fifteen (15) through twenty (20) years of age pays an admission, membership dues, or a minimum fee or cover charge, whether or not admission is limited to members only. "Teen dance center" shall include the enclosed or unenclosed structure and the surrounding premises used for parking and any activity related to the dancing operation.

TELEVISION, RADIO, AND FILM STUDIO. A facility for the production of films and / or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

TEMPORARY. Not to exceed a period of one (1) year unless otherwise specified in this Ordinance.

TEMPORARY USE OR STRUCTURE. A use that is established for a fixed period with the intent to discontinue such use upon the expiration of such time and that does not involve the construction of alteration of any permanent structure.

TOTAL PERMISSIBLE DWELLING UNITS OR TOTAL PERMISSIBLE SQUARE FOOTAGE. The total density or intensity of a project computed, pursuant to Section 4.7 of this Ordinance.

TOWER. Means any structure that is designed and constructed primarily for supporting one (1) or more antennas for telephone, radio, and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto.

TOWN. The Town of Queen Creek, Arizona.

TOWN COUNCIL. The Town Council of the Town of Queen Creek.

TOWNHOUSE. A single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common walls.

TRANSFER OF DEVELOPMENT RIGHTS. The conveyance of development rights by deed, easement, or other legal instrument authorized by this Ordinance to another parcel of land and the recordation of that conveyance among the County land records.

TRANSFER FACILITY. As defined in A.R.S. §49-201.

TRANSIENT. Housing or accommodations which are typically occupied by residents for periods of two (2) weeks or less, including but not limited to hotels, motels and travel lodges.

TRANSIT TERMINAL. A commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

TRANSITIONAL PERIOD. The three (3) year period following the effective date of this Ordinance.

TRANSMISSION LINES. Electric lines (115 KV and over) and appurtenant facilities; or pipelines/conveyors (ten inches (10") diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

TRANSMITTING FACILITIES. Buildings, structures, or land used for the above-ground transmission or reception of airborne radio or television signals including all transmitting or receiving towers, dishes, and antennae, but not including accessory antennae or dishes.

TRAVEL PLAZA. Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A travel plaza may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

TREATMENT FACILITY. Any "adult developmental home", "child developmental foster home", "intermediate care facility for the mentally retarded", or "secure facility" as defined in A.R.S. §36-551, and any "supportive residential living center" as defined in A.R.S. §36-1301.

TRIPLEX. A building containing three dwelling units, each of which has direct access to the outside or to a common hall.

TRUCK PARKING AREA. An area for the parking of trucks which are often left with either their motors running and / or their refrigerator unit motors operating.

U

UNDERGROUND PRESSURIZED IRRIGATION SYSTEM. A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that one-hundred percent (100%) irrigation water coverage is provided.

UNDERLYING DISTRICT. A standard zoning district classification which is combined with the Planned Area Development (PAD) or other overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

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

USE, APPROVED. Any use that is or may be lawfully established in a particular district or districts, if it conforms to all requirements of these regulations for the district in which such use is located.

USE PERMITS. Approval, with appropriate stipulations, by the Town Council after public hearing of a use, structure, condition or manner of operation in conjunction with an otherwise permitted use which, by ordinance, requires the property owner or applicant to obtain such a permit.

USE, QUASI-PUBLIC. Uses which are considered to be dedicated to public service or to culture. Their uses include, for the purposes of this Code, public schools, hospitals, universities, and churches.

UTILITIES. Services and facilities provided by public agencies and public monopolies such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, and solid waste disposal.

UTILITY FACILITIES. Buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used

solely for storage and maintenance of equipment and materials.

V

VARIANCE. In accordance with A.R.S. 9-462, a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

VARIETY OF MASSING. See "Massing".

VEGETATIVE GROUND COVER. Wood bark, shredded or chipped wood, (installed over an adequate matte of fabric weed barrier), sod, or live plants.

VEHICLE, ABANDONED OR JUNK. A vehicle or any major portion thereof which is incapable of movement under its own power and will remain without major repair or reconstruction.

VEHICLE, COMMERCIAL. A semi-trailer or semi-tractor or other commercial vehicle having a gross vehicle weight (GVW) exceeding fifteen-thousand (15,000) pounds as established by the manufacturer.

VEHICLE, LARGE. Any motor vehicle with a manufacturer's chassis rating greater than one (1) ton.

VEHICLE, MOTOR. A device, in, upon, or by which any person or property is or may be transported or drawn upon a road of highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles. For the purpose of these regulations "motor vehicles" are divided into two (2) divisions:

- First Division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons.
- Second Division: Those motor vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters, and those vehicles which are designed for pulling or carrying property, freight or cargo; those motor vehicles of the first division remodeled for use and used as motor vehicles of the second; and those motor vehicles of the first division used and registered as school buses.

VETERINARY HOSPITAL. As defined in A.R.S. §11-1001.

W

WAREHOUSING AND DISTRIBUTION, GENERAL. An establishment offering indoor or open-air storage, distribution, handling of materials and equipment, such as vehicle storage, monument or stone yards, grain elevators, or open storage yards.

WASTE TIRE COLLECTION SITE. As defined in A.R.S. §44-1301.

WASTEWATER FACILITIES. Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal systems, and on-site septic systems.

WASTEWATER TREATMENT FACILITY. As defined in A.R.S. §49-1201.

WATERCOURSE. Any lake, river, stream, creek, wash, arroyo, or other body of water or channel having banks and bed through which waters flow at least periodically.

WATER FACILITIES. Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, storage facilities, and transmission and distribution mains.

WELL. As defined in A.R.S. §49-201.

WETLAND. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands shall be designated in accordance with the Corps of Engineers Wetlands Delineation Manual (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service. Wetlands shall be classified as "high value," "moderate value"

or "low value" as designated in the document prepared for the Environmental Protection Agency, Region VIII and the United States Army Corps of Engineers entitled Wetlands of the Snyderville Basin: Snyderville Basin Advance Identification Study and Wetland Functional Assessment Interpretative Report (May 1991), which is incorporated by reference as if set forth in its entirety herein.

WHOLESALE, REHOUSING, AND DISTRIBUTION, LIMITED. An establishment offering wholesaling, storage, and warehousing services within a completely enclosed building, such as wholesale distributors, storage warehouses, and moving and storage companies.

X

XERISCAPE. Landscape methods which conserve water using drought-tolerant plants, planting and irrigation techniques.

Y

YARD. The open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance.

YARD, FRONT. A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line. Where a lot has sufficient land area, the front yard may exceed the minimum front setback as specified in Table 5.3-2 of this Ordinance.

YARD, REAR. A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard. Where a lot has sufficient land area, the rear yard may exceed the minimum rear setback as specified in Section 5.2 of this Ordinance.

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 lot line as defined or along the full depth in absence of front and rear yards and being the minimum horizontal distance between a side lot line and the side of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line. This side yard definition may apply for three (3) sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. Where a lot has sufficient land area, the side yard may exceed the minimum side setback as specified in Section 4.8 of this Ordinance.

Z

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 of the standards, criteria, procedures, and requirements contained in this Ordinance.

ZONING DISTRICT. Any portion of the area of the Town of Queen Creek in which the same Zoning regulations apply.

ZONING INSPECTOR. The Director of the Town of Queen Creek Development Services Department or his or her duly authorized representative.

LIST OF ABBREVIATIONS

A.R.S.: Arizona Revised Statutes.
F.A.A. Federal Aviation Administration.
F.C.C. Federal Communications Commission.
F.I.A.: Flood Insurance Administration.
GFA: Gross floor area.
GLA: Gross leasable area.
N/A: Not applicable.
SF: Square feet or square footage.

Zoning Ordinance

Article 2.0
Administration and Enforcement

2.0 Administration and Enforcement

Section	*Content*	*Page*
2.1	Town Council	1
2.2	Planning Dept. and Planning Administrator	1
2.3	Administrative Relief	3
2.4	Planning Commission	3
2.5	Board of Adjustment	5
2.6	Violations Enforcement and Penalties	5
2.7	Non-Conformities	9

2.1 Town Council

A. The Town Council shall have the following powers and duties:

1. To initiate, adopt and amend the General Plan, the General Plan Future Land Use Map, and all Elements of the General Plan;

2. To initiate amendments to the text and map of this Ordinance and the General Plan;

3. To hear, review and adopt amendments to the text of this Ordinance after a recommendation of the Planning Commission or a Hearing Officer has been submitted pursuant to A.R.S. §9-462.04.C;

4. To approve, deny or to amend and to grant applications for development approval as defined in this Ordinance;

5. To approve, deny, or to amend and to grant applications for conditional use permits or development agreements; action on those items heard will be based on consideration of evidence presented including, but not limited to, the following:

   a. Planning Commission recommendations;

   b. Conformance with this Ordinance and adopted plans, standards and policies;

   c. Staff recommendations;

   d. Review agency input;

   e. Public input and testimony received at the hearing; and,

   f. Effects of the proposal on the neighborhood, area and community-at-large.

6. To approve, deny, or to amend any appeal of a decision or interpretation of the Planning Commission.

7. To render determinations regarding the existence, expansion, or modification of nonconforming uses; and,

8. To take such other action not expressly delegated exclusively to the Planning Department, Planning Administrator, the Planning Commission, or the Board of Adjustment as the Town Council may deem desirable and necessary to implement the provisions of this Ordinance and the General Plan.

2.2 Planning Department and Planning Administrator

A. *Establishment of Planning Department.* Pursuant to A.R.S. §9-461.03, the Town Council hereby establishes the Planning Department of the Town of Queen Creek, Arizona, here and after referred to as the Development Services Department. The Development Services Department shall perform the planning functions for the Town and shall provide technical support and guidance for action on all plan and ordinance amendments and on applications for development approval and shall perform such other functions as may be requested by the Town Council or the Commission as authorized by this Ordinance.

B. *Establishment of Office of Planning Administrator.* Pursuant to A.R.S. §9-462.05.C, the Town Council hereby establishes the Office of the Planning Administrator. The Planning Administrator charged with enforcement of this Ordinance shall be the Development Services director or his or her designee. The Planning Administrator is authorized

to establish Department standards of operation and procedures consistent with the intent of this Ordinance, and is further empowered to delegate the duties and powers granted to, and imposed upon, the Planning Administrator by this Ordinance. As used in this Ordinance, "Planning Administrator" shall include his or her designee by the Planning Administrator.

C. *Inspection.* The Planning Administrator is hereby empowered to enter or inspect any building, structure, premises, or real property in the Town upon which, or in connection with which, a development or land use is located or proposed for the purpose of inspection to ensure compliance with the provisions of this Ordinance. Such inspections shall be carried out during business hours unless the Planning Administrator determines that an emergency exists. Entry onto private property for the purpose of inspection shall be made only after contact with the owner of the premises, whose permission to inspect a property. If permission is not granted, no inspection shall be undertaken without an order from a court of competent jurisdiction.

D. *Enforcement.* The Planning Administrator is hereby authorized and delegated the authority to commence an action to enforce the provisions of this Ordinance, pursuant to A.R.S. §9-462.05.A, §9-462.05.B, and Section 2.6 of this Ordinance.

E. *Interpretation.* The Planning Administrator, or designee thereof, shall interpret the provisions of this Ordinance. In the case of a dispute pertaining to the boundary of a land use category or zoning district, the Planning Administrator shall have jurisdiction and authority to render interpretations of the General Plan Future Land Use Map or Official Zoning Map, or disputes pertaining to lot lines, district boundary lines, or questions arising from the administration of the Zoning Ordinance use and bulk provisions. In the event that the terrain problems prevent an accurate determination of height, the Planning Administrator shall rule as to height. Requests for interpretation shall be made in writing and shall include any necessary application form, fees, and supporting materials. The Planning Administrator shall render a decision, in writing, on any interpretation request within ten (10) business days of receipt of a request for interpretation.

F. *Zoning Verification*.

1. The Planning Administrator or his or her designee shall be responsible for the verification of the boundaries and requirements of Zoning Districts and Zoning Regulations.

2. An application clearly stating the location and property identification number(s) for the property or properties in question may be submitted on a form prescribed by the Development Services Department with the required fee before a Zoning Verification will be made.

3. Zoning Verification letters may contain the following information:

   a. Current zoning on the property or properties.

   b. Development standards required by the property's zoning district including, but not limited to, building setbacks, maximum building height, lot coverage.

   c. Copies of Certificates of Occupancy.

   d. Verification of known building or Zoning Ordinance violations or failure to comply with development standards or development regulations.

4. Zoning Verification letters shall not certify legal non-conforming uses or act as legal authority with respect to legal interpretations such as vested rights.

5. The Planning Administrator or his or her designee shall issue written verification within ten (10) business days of the submission of a completed application requesting Zoning Verification. All Zoning Verifications shall be maintained in the Development Services Department records.

G. *Appeal.* Interpretations may be appealed to the Board of Adjustment.

2.3 Administrative Relief

A. The purpose of this Section is to provide flexibility in the application of and interpretation of the requirements of this Ordinance. Where and when flexible standards are permitted such flexible standards shall continue to meet the intent of the applicable regulations. In special circumstances, the Development Services Director may grant a waiver of any applicable fees, upon written request.

1. An application by the property owner or on behalf of the owner was submitted on a form prescribed by the Planning Administrator or authorized representative, and any applicable fees were paid;

2. The proposed improvement requiring relief will not be detrimental to the property requesting relief, any adjacent property, or the Town as a whole;

3. The relief requested is needed due unusual circumstances, including, but not limited to small size or irregular shape of the parcel, unique design and additional solution that is not prescribed in the Ordinance but still satisfies the intent;

4. The relief granted is the minimum required to meet the needs of the proposed improvement; and,

5. The relief shall not be contrary to the purpose and intent of this Ordinance.

B. The Planning Administrator or his or her designee may approve a request to modify the requirements of this Ordinance and the Town of Queen Creek Design Standards in accordance with the Administrative Relief process outlined in this Section.

C. The Planning Administrator, or authorized designee, may authorize relief of up to ten percent (10%) of any development standard. For projects located within a Town Center (TC) or Agri-tainment (AT) zoning districts the Planning Administrator or authorized designee may authorize relief up to fifteen percent (15%) of any development standard and may also waive specific non-quantitative development requirements for single family homes. Any relief authorized will be documented with findings consistent with all of the requirements below and filed with the building permit records, subdivision case file or other Development Services Department records. If determined by the Planning Administrator, application for relief may require notice, by first-class mail, postmarked at least fourteen (14) calendar days prior to the determination, and was given to adjacent property owners determined by the Planning Administrator or authorized designee as potentially affected by the request.

2.4 Planning Commission

A. *Establishment.* Pursuant to A.R.S. §9-461.01.A, there is hereby established a planning agency known as the Planning Commission of the Town of Queen Creek, Arizona ("Commission").

B. *Powers and Duties.* The Commission shall provide an advisory function to assist the Town Council in making decisions pertaining to amendments to the General Plan and this Ordinance, and applications for development approval. In no event is the Commission authorized to render a final decision approving, denying, or conditionally approving a change in the Zoning Ordinance or General Plan. The Commission shall have the following powers and duties:

1. Pursuant to A.R.S. §9-461.01B.1, to develop and maintain a General Plan or element thereof and to submit the proposed General Plan or element to the Town Council;

2. To prepare or cause to be prepared amendments to such plan and elements thereof and to submit the amendments to the Town Council;

3. To review and make recommendations to the Town Council with regard to amendments to the General Plan Land Use Map;

4. To initiate, hear, review and make recommendations to the Town Council on applications for amendments to the text or map of this Ordinance;

5. To hear, review and recommend approval or disapproval of all applications for subdivision, major site plan, specific plan, Minor PAD Amendment, Design Review, phased and conditional use permit applications, as provided by this Ordinance or the subdivision ordinance; and,

6. To adopt bylaws, policies, procedures, and regulations for the conduct of its meetings, the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Commission provided, however, that bylaws, policies, procedures, and regulations shall be consistent with this Ordinance and shall be approved by the Town Council before taking effect.

C. *Organization, Membership, Terms, Appointment, and Removal.* The Commission shall be organized as follows:

1. *Composition.* The Commission shall be composed of the number of members to be appointed by the Town Council as established by the minimum requirements of A.R.S. §9-461.02;

2. *Removal of Member.* The Town Council may remove any member of the Commission if written charges are filed against the member. The Town Council shall provide the member with a public hearing if requested;

3. *Compensation.* Members may be compensated per diem, based upon meetings actually attended and reasonable and necessary expenses, as determined by the Town Council;

4. *Terms.* All members shall serve a term of three (3) years. Members may be reappointed as necessary by the Town Council, however members shall not serve more than three (3) consecutive terms;

5. *Officers.* At an annual organizational meeting, the members of the Commission shall elect one (1) of their members as chair and one (1) as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair;

6. *Duties of Chair.* The chair, or in the chair's absence the vice-chair, shall administer oaths, shall be in charge of all proceedings before the Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Commission;

7. *Nonattendance.* If any member of the Commission shall fail to attend three (3) regular meetings of the Commission within any consecutive three (3) month period, or a total of six (6) regular meeting within any twelve (12) month period, the chair or the vice-chair, as the case may be, shall immediately file a notification of such nonattendance with the Town Council for placement on the agenda of the Town Council. The Town Council may, by appropriate action, terminate the appointment of such person and fill the vacancy thereby created as soon as practicable;

8. *Recording Secretary or Designee.* The Planning Administrator shall serve as the recording secretary to serve the Commission. The secretary shall keep minutes of all proceedings of the Commission, which minutes shall be a summary of all proceedings before the Commission, attested to by a majority of the members of the commission voting. In addition, the secretary shall maintain all records of commission meetings, hearings, proceedings, and the correspondence of the Planning Commission;

9. *Staff.* The Planning Administrator, or his or her designee, shall serve as the professional staff of the Commission;

10. *Quorum and Necessary Vote.* No meeting of the Commission may be called to order, nor may any business be transacted by the Commission, without a quorum consistent with A.R.S. §1-216.B, the chair shall be considered for purposes of establishing a quorum and shall act as a voting member. All actions shall require the concurring vote of a majority of the members of the Commission. If a general plan or land use regulation, requiring final approval of the Town Council, or amendment thereto or other development approval has been duly submitted to the Commission, and the Commission has failed to convene a quorum or to make a recommendation approving or denying such action at two (2) consecutive meetings, such action shall be deemed to be a negative recommendation and the Director shall submit the proposed land use regulation or amendment thereto or other development approval to the Town Council for its consideration pursuant to A.R.S. §9-461.06.C, §9-461.09.B, and / or §9-462.04.B; and,

11. *Meetings, Hearings and Procedure.*

    a. The Commission shall establish a regular meeting schedule by rule. Special meetings may be requested by the Town Council, the chair of the Commission, a majority of the members of the Commission, Mayor, or the Planning Administrator.

    b. If a matter is postponed due to lack of a quorum, the chair of the Commission shall continue the meeting to the next commission meeting. The recording secretary shall notify all members of the date of the continued meeting and also shall notify all parties.

    c. The Planning Commission shall hold regularly scheduled public hearings to receive and review public input on those items required by this Ordinance. On those items where is has review authority, the Commission shall recommend that the Town Council approve, approve with conditions, or deny applications. Planning Commission decisions and recommendations shall be based on consideration of the following evidence and analysis:

        1) Conformance with this Ordinance;

        2) Conformance with the Queen Creek General Plan and other adopted plans;

        3) Staff Recommendations;

        4) Review agency input;

        5) Public input and testimony received at the hearing; and,

        6) Effects of the proposal on the neighborhood, area and the community-at-large.

2.5 Board of Adjustment

A. *Establishment.* There is hereby established the Board of Adjustment of the Town of Queen Creek, Arizona.

B. *Appointment.* The Town Council shall appoint a Board of Adjustment as provided in A.R.S. §9-462.06.A.

C. *Powers and Duties.* The Board of Adjustment shall decide appeals of administrative interpretations and decisions and have the powers and duties as set forth in A.R.S. §9-462.06.

D. *Appeals*

1. Any appeal of a decision or interpretation of the Planning Administrator and any appeal for a variance shall be reviewed by the Board of Adjustment. A notice of appeal of an administrative decision from a final decision relating to an application for development approval shall be submitted to the Planning Administrator within thirty (30) days from receipt of decision.

2. The Board of Adjustment shall conduct a hearing on the appeal, pursuant to the

procedures established in A.R.S. §9-462.06.

C. *Approval Criteria.*

1. *Appeal of Decisions*. In an appeal to the Board regarding an administrative decision or interpretation, the Board's scope of review shall be limited to determining whether the decision or interpretation by the Planning Administrator was in accordance with the intent and requirements of this Ordinance, and accordingly, the Board will affirm or reverse the decision.

2.6 Violations, Enforcement and Penalties

A. *Authority*. The Planning Commission, Board of Adjustments, Town Council, Town Attorney, Building Official, Planning Administrator, are authorized to enforce the provisions and regulations of the Zoning Ordinance and are hereby referred to as "enforcement officials".

B. *Violations*. The remedies provided in this section for violations of any provision of this Ordinance, or regulation adopted pursuant to this Ordinance, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law. Except as otherwise provided in this Ordinance, any development or use initiated after adoption of this Ordinance, or maintained in violation of this Ordinance, which is not in compliance with the provisions of this Ordinance is prohibited and shall be referred to herein as an "unlawful" development or use.

C. *Inspection of Property.*

1. *Standard Inspections*. The Planning Administrator may conduct inspection of property either from a right-of-way, property suspected of a violation, or adjacent property. The Planning Administrator or his or her designee shall attempt to present sufficient evidence of their authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of inspection.

2. *Emergency Remedy*. When, in the opinion of the Planning Administrator and / or building official, the condition of the site causes serious danger to the health, safety, or welfare of the community, the Town may enter upon the site to remedy the dangerous condition without notice to the landowner.

3. *Denial of Access to Property*. In the event that the Planning Administrator or his or her designee and / or building official is denied entry, and providing there is evidence of violation of this Ordinance, a Town official may apply to the court of jurisdiction to invoke legal, equitable, or special remedy for the enforcement of the Zoning Ordinance or any applicable ordinances.

D. *Responsibility of Violations and Liability.* The property owner shall be responsible for any violation on the property. The property owner is liable for any structures that are raised or converted, or any land uses in violation of this Ordinance.

E. *Types of Violations.* Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided for in this Ordinance:

1. *Use, Structure, or Sign without Permit or Approval.* To place any use, structure or sign upon land that is subject to this Ordinance without all of the approvals required by this Ordinance;

2. *Activities Inconsistent With This Ordinance.* To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign, or other regulation of this Ordinance;

3. *Activities without Permit or Approval.* To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Ordinance without

all of the approvals required by this Ordinance;

4. *Activities Inconsistent with Permit.* To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required in order to engage in such activity;

5. *Activities Inconsistent with Conditions.* To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization;

6. *Making Lots or Setbacks Nonconforming.* To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance;

7. *Increasing Intensity of Use.* To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Ordinance;

8. *Removing or Defacing Required Notice.* To remove, deface, obscure, or otherwise interfere with any notice required by this Ordinance; and,

9. *Failure to Remove Signs or Other Improvements.* To fail to remove any sign or other improvement installed, created, erected, or maintained in violation of this Ordinance, or for which the permit, approval, permission or other authorization has lapsed.

F. *Continuing Violations*. Each day that a violation remains uncorrected after receiving notice of the violation from the Town shall constitute a separate violation of this Ordinance.

G. *Procedures for Violations*. Failure to comply with any provision of this Ordinance is hereby declared unlawful. The following remedies and enforcement powers may be used to administer and enforce this Ordinance:

1. *Withhold Permit.* The Town may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the Town. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question. The Town may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of this Ordinance. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation;

2. *Permits Approved with Conditions.* Instead of withholding or denying a permit or authorization (as described in subsection C.1 of this Section, above) the Town may grant such authorization subject to the condition that the violation be corrected;

3. *Revoke Permits.* If the Planning Administrator determines that there are reasonable grounds for revocation of a development permit or approval, the Planning Administrator shall set a hearing before the final decision-maker. If the decision was made by the Planning Administrator, the hearing shall be conducted by the Zoning Board of Adjustment. If the Town Council was the original decision-maker, it may refer the proposed revocation to the Planning Commission for a recommendation prior to the hearing. Any development permit or other form of authorization required under this Ordinance may be revoked by the Town when the Planning Administrator determines:

   a. That there is departure from the plans, specifications, or conditions as required under terms of the permit;

b. That the development permit was procured by false representation or was issued by mistake; or,

c. That any of the provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent, or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

4. *Notice and Public Hearing. Notice of a revocation hearing shall be given in the same manner as provided in A.R.S. §9-462.04 A public hearing shall be conducted in accordance with the procedures established in Section 3.1.C.3 of this Ordinance.*

5. *Decision and Notice. The decision-maker shall render a decision to revoke the permit to allow the applicant to retain the development permit, or to reconsider the permit, and shall notify the holder of the permit, and any other person who has filed a written request for such notice in the manner provided in A.R.S. §9-462.04.A.6*

6. *Effect and Appeals. A decision to revoke a development permit shall become final thirty (30) days after the date the decision is rendered, unless appealed. After such effective date of revocation, any activities continuing pursuant to such permit shall be deemed to be in violation of this Ordinance.*

7. *Right Cumulative. The Town's right to revoke a development permit, as provided in this section, shall be cumulative to any other remedy allowed by law.*

8. *Stop Work.* With or without revoking permits, the Town may stop work on any building or structure on any land on which there is uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes;

9. *Revoke Plan or Other Approval.* Where a violation of this Ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Town Council may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this Ordinance, the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the Town Council may reasonably impose;

10. *Injunction and Abatement.* The Town Council, through its authorized agents, including the Planning Administrator, may initiate injunction or abatement proceedings or other appropriate action by a Civil Hearing Officer in accordance with the Town Code, Chapter 5, Article 5-6 Civil Hearing Officer or in a court of competent jurisdiction against any person who fails to comply with any provision of this Ordinance, or any requirement or condition imposed pursuant to this Code, to prevent, enjoin, abate, or terminate violations pursuant to A.R.S. §9-462.05.B. The Town may seek penalties through a Civil Hearing Officer or a court order in the nature of mandamus, abatement, injunction or other action for proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation; and,

11. *Other Remedies.* The Town shall have such other remedies as are and as may be from time to time provided by Arizona law for the violation of zoning, subdivision, sign, or related Ordinance provisions.

H. *Fines and Penalties.*

1. *Penalty.* It is unlawful to erect, construct, reconstruct, maintain, or use

any land in any zoning district in violation of any regulation or any provisions of this Ordinance. Any person, firm, or corporation violating this Ordinance or any part thereof, is subject to a civil penalty of $250.00 per day. Each and every day during which the illegal erection, construction, reconstruction, alteration, maintenance, or use continues is a separate offense.

I. *Other Provisions.*

1. *Other Powers.* In addition to the enforcement powers specified in this Article, the Town may exercise any and all enforcement powers granted by Arizona law.

2. *Continuation.* Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions, underneath by the Town pursuant to previous and valid ordinances and laws.

3. *Remedies Cumulative.* The remedies and enforcement powers established in this Article shall be cumulative, and the Town may exercise them in any order.

4. *Enforcement Procedures.*

   a. *Non-Emergency Matters.* In the case of violations of this Ordinance that do not constitute an emergency or require immediate attention, the Planning Administrator shall give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the matter hereafter stated, after which the persons receiving notice shall have thirty (30) days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

   b. *Further Enforcement Action.* Violations that are not corrected within the time allotted in the notice shall be subject to further enforcement action through penalties issued by the Civil Hearing Officer or the court, in accordance with Section 2.6, and the Town Code, Chapter 5, Article 5-6 and 5-7.

   c. *Emergency Matters.* In the case of violations of this Ordinance that constitute an emergency situation as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the Town may use the enforcement powers available under this Article without prior notice, but the Planning Administrator shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement and to applicants for any relevant permit.

2.7 Non-Conformities

A. *Continuation of Non-Conformance*.

1. Any non-conforming uses, structures, or signs in existence at the time of the adoption of this Ordinance shall not be subject to this Ordinance to the extent that the regulations, restrictions, and requirements of this Ordinance would prohibit that use. Any non-conforming use which, at any time, is not in use for a continuous twelve (12) month period following the adoption of these regulations shall be considered to be abandoned and, therefore, extinguished. The initial decision as to whether a prior existing, non-conforming use has been abandoned shall be made by the Planning Administrator, subject to said decision being appealed to the Board of Adjustment be they affected property owner within three (3) months of the ruling by the Planning Administrator.

B. *Expansion or Enlargement*.

1. A non-conforming use, structure, or sign shall not be changed to another non-conforming use.

2. A non-conforming use, structure, or sign shall not be repaired and / or remodeled, except to the extent necessary to maintain the non-conforming use as is or convert it into a conforming use.

3. A non-conforming use or structure may be expanded or enlarged to an extent not exceeding twenty-five percent (25%) of the land area or building floor area devoted to the use at the time it became non-conforming. Such expansion shall require a conditional use permit.

C. *Non-Conforming Uses.*

1. A change of use permit may be granted for non-conformity only if the change in use is to principal use permitted in the district. Once the change from non-conformity to a principal permitted use is completed, no conversion to the previous non-conforming use shall be permitted.

D. *Non-Conforming Structures.*

1. If a non-conforming structure has been damaged so that the cost of repair or rebuilding in compliance with current construction codes is less than 50 percent of the value of the structure prior to the damage, the structure may be repaired or rebuilt. The extent of non-conformity shall not be increased by the repair or rebuilding.

2. If a non-conforming structure has been damaged so that the cost of repair or rebuilding in compliance with current construction codes equals or exceeds 50 percent of the value of the structure prior to the damage, the structure may be repaired or rebuilt, but only in conformance with this Ordinance.

E. *Non-Conforming Signs.*

1. A legal nonconforming sign may not be altered in any manner not in conformance with this Ordinance; however, such sign(s) shall be maintained as required by this Section and may be reasonably repaired as determined by the Administrator.

   a. Notwithstanding any provisions to the contrary contained herein, a legal nonconforming sign may be utilized in perpetuity as noted herein.

   b. Whenever the use of given building or premises changes to another use allowed in the respective zoning district, all nonconforming signs on the building and/or premises shall be modified to bring them into conformance with these regulations.

   c. Upon adoption of this Ordinance, any signs not enjoying legal nonconforming status shall be removed from display within six (6) months.

Zoning Ordinance

Article 3.0
Zoning Procedures

3.0 Zoning Procedures

Section	*Content*	*Page*
3.1	General Procedural Requirements	1
3.2	Permits Required	6
3.3	Site Plan Review	11
3.4	Amendment and Rezoning	14
3.5	Conditional Use Permit	16
3.6	Temporary Use Permit	17
3.7	Variance	23
3.8	Expiration of Development Approvals	23

3.1 General Procedural Requirements

A. *Application Process and Official Filing Date.* The specific procedures followed in reviewing various Applications for Development Approval differ. Reference shall be made to the appropriate section in this Ordinance which addresses the procedures and requirements of a particular application. Generally, the procedures for all applications have three (3) common elements: submittal of a complete application, including required fee payment along with appropriate information; review of the submittal by appropriate Town staff, agencies and boards and required public notifications; and, action to approve, approve with conditions, or deny the application.

1. *Pre-Application Conference.* The applicant shall meet with the Planning Administrator or his or her designee to discuss the nature of the proposed application, application submittal requirements, the procedure for action, and the standards for evaluation of the application. All applications require pre-application prior to formal application. This requirement may be waived by the Planning Administrator due to special circumstances.

2. *Application Materials.* Current application materials are available in the Development Services Department. Applications may be made available by other electronic means also. Materials may be picked up during normal business hours. The Development Services Department may publish an application schedule which prescribes the deadline for submitting an application to the Planning Commission or the Town Council. Completed applications shall be filed according to the published schedule of the Development Services Department. Such applications shall be filed and reviewed by staff in advance of any public hearing or public meeting required pursuant to this Ordinance or the A.R.S.

B. *Fees.* Where referenced in this Ordinance, applicable fees shall refer to the established fee schedule adopted by Town Council as modified from time to time. A current copy of the fee schedule is on file with the Development Services Department.

C. *Public Outreach Procedures*. The purpose of the public outreach process is to bring together interested and affected individuals, organizations, agencies and other governmental entities; to inform them about the projects and goals; to include them in the decision making process; to consult, or seek input or exchange information on plans and projects and involve them in an ongoing dialogue about the future of the Town. It shall be the applicant's responsibility to provide a signed and notarized affidavit confirming that all notice requirements have been met.

1. *Neighborhood Meeting.* The purpose of the neighborhood meeting is to provide a means for the applicant, surrounding neighbors and homeowners associations to review preliminary development proposals and solicit input and exchange information about the proposed development with the intent to resolve potential conflicts prior to the required formal hearings. A neighborhood meeting shall conform to the following standards:

   a. One (1) or more neighborhood meetings shall be required for all Rezonings, Major Site Plans, Conditional Use Permits, Variances and

other cases as determined by the Planning Administrator or his or her designee;

b. At least one (1) neighborhood meeting shall be held at least fifteen (15) calendar days prior to the scheduled Planning Commission Meeting;

c. *Mail Notification.* Mailing a notice by First Class Mail shall be provided by the applicant not less than fifteen (15) calendar days prior to the date of the Neighborhood Meeting to all property owners of record, and property management associations , homeowners associations, and any neighborhood associations on record with the Town at a distance determined in **Table 3.1-1.**

d. The applicant shall arrange for the facilities and bear all costs associated with the meetings, including all required notifications.;

e. Planning Administrator or appropriate planning staff shall be required to attend the neighborhood meeting;

f. Neighborhood Meetings may be held at the Town hall or a location near or on the development site and shall be in a publicly accessible place within the corporate limits of the Town of Queen Creek. The meeting shall be held on a weekday evening or weekend day at a reasonable time to ensure the majority of residents can attend the meeting; and,

g. A meeting summary shall be submitted to the Development Services Department not less than fifteen (15) calendar days prior to the Planning Commission Meeting with a copy of the mailing labels showing who was notified and written summary of the issues and discussion from the meeting and a list of attendees

2. *Public Hearing.* The purpose of the public notification is to encourage and enhance citizen participation in the development process and provide an opportunity to give public inputs. Requirements for the notice of the public meetings for Rezonings, Major Site Plans, Preliminary Plats, Conditional Use Permits, Variances and other Board of Adjustment cases as determined by the Planning Administrator are as follow:

a. *Mail Notification.* Staff shall mail a notice by First Class Mail not less than fifteen (15) calendar days prior to the scheduled Commission Meeting to all the necessary and required parties such as:

1) All property owners of record obtained from Maricopa County or Pinal County Assessor's Office, as appropriate,, chairpersons and management association of homeowners associations, and any neighborhood associations on record with the Town at a distance and type of notifications requirements mentioned in Table 3.1-1.

b. *Site Posting.*

1) The development site shall be posted by staff with at least one (1) sign having a minimum sign area of sixteen (16) square feet with a black copy on a white background, not less than fifteen (15) calendar days prior to the public meeting. Such signs shall be clearly legible and wherever possible, placed adjacent to the right of way of a public street.

2) Sites that exceed five (5) acres in size and / or have frontage on more than one (1) street shall post a sign having a minimum sign area of thirty-two (32) square feet with a black copy on a white background, not less than fifteen (15) calendar days prior to the public meeting. Additional signs at the rate of one (1) additional sign per every ten (10) additional acres, or one (1) sign for each street with a maximum of four (4) signs per project. Such signs shall be clearly legible and wherever possible,

placed adjacent to the right of way of a public street.

3) The site posting shall contain the date, time, and location of all applicable meetings, a summary of the request, and shall also have contact information for the applicant's representative.

4) It shall be the responsibility of the applicant to use reasonable efforts to maintain the sign once it has been placed on the property and remove the sign once the application is completed or approved or after the council hearing.

c. *Newspaper Advertisement.*

1) Staff shall publish a public notice in a display ad covering not less than one-eighth (1/8) of the full page in an official local newspaper of general circulation in the Town of Queen Creek (as determined by the Planning Administrator or his or her designee), no less than fifteen (15) days prior to the date of each meeting.

2) The public notice shall include a description of the request, the general location of the request and the date, time, and place of the hearing. The Planning Administrator or his or her designee shall provide the wording for the required newspaper advertisement to the applicant.

Table 3.1-1: Notification Requirements

Type of Case	Neighborhood Meeting* (Mail)	Notice of Hearing ** (Mail)	Neighborhood Meeting and Notice of Hearing Notification Distance# (Radius in Feet)	Newspaper Ad	Site Posting
Conditional Use Permit, Indoor, Up to 2,500 square feet of building/ leased area or Outdoor, five (5) acres and less	Yes	Yes	900	Yes	Yes
Conditional Use Permit, Indoor, Above 2,500 square feet of building/ leased area or Outdoor, above five (5) acres	Yes	Yes	1200	Yes	Yes
Rezoning, Five (5) acres and less	Yes	Yes	900	Yes	Yes
Rezoning, More than five (5) acres	Yes	Yes	1200	Yes	Yes
Site Plan, Five (5) acres and less	No	No	N/A	No	No
Site Plan, More than five (5) acres	Yes	Yes	1200	Yes	Yes
Site Plan Amendment, Major	Yes	Yes	1200	Yes	Yes
Site Plan Amendment, Minor	No	No	N/A	No	No
Temporary Use Permits	No	No	N/A	No	No
Variance	Yes	Yes	900	Yes	Yes
Zoning Ordinance Text Amendments	No	No	N/A	Yes	No

Notes:

* Applicant is responsible for noticing neighborhood meetings. Refer to Section 3.1 for more information.

** Notice shall be sent by mail in accordance with Section 3.1 and in conformance with Arizona Revised State Statutes.

\# Applicant shall notify property owners and all HOA and Neighborhood Associations within the required distance

3. *Public Hearing Procedures.*

a. *Setting of the Hearing*. When the Planning Administrator determines that a development permit application is complete the Planning Administrator or his or her designee shall cause notice of such hearing to be made at the expense of the Applicant.

b. *Purpose of Hearing.* The purpose of a public hearing is to allow the applicant and all other interested parties a meaningful and fair opportunity to be heard, to present evidence relevant to the application and to rebut evidence presented by others. Public hearing may be held by the Planning Commission and / or Town Council.

c. *Conduct of Hearing*.

1) Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative. Each person who appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization or group, the name and mailing address of the organization or group.

2) The Chair of meeting shall exclude testimony or evidence that is irrelevant, immaterial or unduly repetitions. At any point, members of the body conducting the hearing may ask unduly questions of the applicant, staff or public. The order of proceedings shall be as follows:

a) The Planning Administrator or appropriate staff members shall present a description of the proposed development and a written or oral recommendation, if required. The recommendation shall address each factor required by this Ordinance to be considered prior to action or approval on the development permit;

b) The applicant shall present any information that the applicant deems appropriate;

c) The Planning Administrator or other staff member may respond to any statement made by the applicant or any public comment;

d) The applicant may respond to any testimony or evidence presented by the staff or public; and,

e) The body conducting the hearing shall close the public portion of the hearing and conduct deliberations.

3) *Record of Proceedings*.

a) The body conducting the hearing shall record the proceedings by any appropriate means and according to such procedures as the Town Council may, from time to time, prescribe by rule. Such record shall be provided at the request of any person upon application to the Town Council to cover the cost of duplication of the record.

b) The record of all proceedings, including testimony and statements of personal opinions, the minutes of the secretary, all applications, exhibits, and papers submitted, all staff and Advisory Board or Commission or Council reports and recommendations, and the decision and report(s) of the body before which the hearing is heard shall constitute the record.

c) All such records shall be public records, open for inspection at reasonable times and upon reasonable notice. Recordings may be available in electronic format, upon request.

4) *Continuance*.

a) Any applicant or authorized agent of an applicant may be granted a continuance before the Planning Commission, Board of Adjustment, or Town Council upon written request by the applicant. A continuance may also be imposed by the body or agency conducting

the hearing, but no such administrative fee may be charged unless the continuance is requested by the applicant.

b) All motions to grant a continuance shall state the date on which the matter is to be heard. A majority vote of those members in attendance shall be required to grant a continuance and any stipulations or conditions placed upon the continuance.

5) *Additional Rules.* Where appropriate, additional rules governing the public hearing may apply including, but not limited to, other provisions of the ordinance applicable to the body conducting the hearing and any of the body's adopted rules or procedures as long as the same does not in conflict with this Article. The body conducting the hearing may adopt rules of procedure to limit the number of applications for Development Approval which may be considered per meeting and to limit the time for each presentation, or each speaker.

D. *Records.* The Planning Administrator or his or her designee shall provide for minutes to be written and retained, shall record the evidence submitted within the hearing time allotted for the item being considered, and shall include a summary of the considerations and the action of the Planning Commission.

E. *Notice Provisions.* The notice requirements for each type of application for development approval are prescribed in the individual subsections of this Ordinance applicable thereto and / or the A.R.S.

F. *Scope of Action.* The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application with conditions (if applicable); approval of the application or denial of the application. The reviewing body may allow amendments to the application if the effect of the amendments is to allow a lesser change than that requested on the original application, or to reduce the impact of the development, or to reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body shall not, in any case, permit a greater amount of development, or a use falling in a different general use category, or a larger land area than indicated in the original application, or a greater variance than was indicated in the notice.

G. *Appeals*.

1. Any person, including any officer or agency of Queen Creek, aggrieved by a final administrative determination on a development permit or administrative development approval by the Planning Administrator or final decision-maker may appeal such final determination to the appellate body designated by this Article, if any, in the manner provided in this Section.

2. A written appeal shall be filed with the Town Clerk within thirty (30) business days after the date of the final decision. The applicant shall submit the required materials as defined in the Town's application(s) and / or process guide(s), on file with the Town's Development Services Department. Only complete applications shall be accepted. The appeal shall contain a written statement of the reasons for which the appellant claims the final decision is erroneous. The appeal shall be accompanied by the fee established by the Town Council. If the appeal is from a Board of Adjustment decision, it shall be filed by any person aggrieved or by an officer, department, board, or bureau of the municipality within thirty (30) days of the decision.

3. The appellate body of the Town shall hear the appeal within a reasonable time after the filing of the appeal. The hearing before the appellate body shall be conducted in accordance with the provisions of Section 3.1.G hereto.

4. An aggrieved party shall include the applicant of the subject decision being appealed or a property owner within

three hundred feet (300') of a application where an administrative decision has been rendered.

3.2 Permits Required

A. *General.* No development or development activity may be undertaken within the Town unless all development permits applicable to the proposed development are issued in accordance with the provisions of this Ordinance. At a minimum, no development or development activity may occur until a corresponding application has been obtained from the Development Services Department or a building permit is obtained from the Building Department. Permits are required for all development, unless otherwise accepted, to ensure compliance with the various adopted codes, standards, and laws and to ensure consistency with the General Plan and policies of the Town.

B. The procedures for approval of a Major and Minor Site Plan Review, Rezoning, Conditional Use Permit, Temporary Use Permit, or a Board of Adjustment matter are prescribed in Section 3 of this Ordinance. The procedures for approval of permits which follow the above referenced procedures, or permits for special situations, are set forth in this Section. Unless otherwise provided in any particular section of this Ordinance, the following procedure shall apply to the issuance of any permit required of this Ordinance:

1. The applicant shall submit the required materials as defined in the Town's application(s) and / or process guide(s), on file with the Town's Development Services Department. Only complete applications shall be accepted;

2. After the application is filed, the Planning Administrator or his or her designee shall send a summary of review comments to the applicant. The applicant shall respond to any review comments within five (5) days of receipt of the comments. The application shall be approved, approved with conditions, or denied within ten (10) working days after submittal of the applicant's response to the review comments;

3. The filing of an appeal to the Board of Adjustment shall conform to the time established herein for the approval or issuance of a permit required by this Section; and,
4. Upon approval of any permit required by 3.2.C to 3.2.J of this Section (excluding subsection B hereto, below), a Zoning Clearance and Building Permit application may be submitted by the applicant.

C. *Zoning Clearance and Building Permit.*

1. *Application*. On and after the effective date of adoption of this Ordinance, structures shall be erected only on parcels of land that have been created in conformance with this Ordinance. No person shall construct any structure, use any land, or change the use of any structure or land until a zoning clearance has been obtained from the Development Services Department and a building permit had been obtained from the Building Department.

2. *Exceptions.* The provisions of the preceding paragraph shall not apply to any legal nonconforming use established in accordance with the provisions of Section 2.7 of this Ordinance.

3. *Application Procedures.*

   a. Site Plan Review is required in accordance with Section 3.3 of this Ordinance. Current application materials are available in the Development Services Department. Applications may be made available by other electronic means. If the proposed development or development activity is exempt from site plan review pursuant to Section 3.3 hereto, a plot plan consistent with the sketch plan requirements as defined in the Town's application(s) and / or process guide(s), on file with the Town's Development Services Department shall be provided. The Planning Administrator or his or her designee

shall assist the applicant in determining which materials are required for a submittal. Building permit applications are required and available from the Building Department.

b. When the required materials are submitted to each respective department, the Building Department shall review its applicable building codes. The Development Services Department shall review its application for conformance with the Ordinance.

c. Following review, applications shall be approved, approved with conditions, or denied. Applications which are denied shall have the reasons for denial, in writing, attached to the application.

4. *Approval Criteria.*

a. The building plans and related diagrams and written information shall be provided in conformance with the adopted building code, fire code, electrical code, mechanical code and any other applicable codes and policies adopted by the Town.

b. The proposed building plan shall be in conformance with the land uses permitted in the zoning district in which the development project will be constructed.

c. The building plans shall be in conformance with all applicable regulations of this Ordinance.

5. *Validity.* The building permit shall be valid for the use for which the zoning clearance was granted, as long as the use complies with applicable codes, providing that within six (6) months of issuance of the clearance a certificate of occupancy has been obtained by the applicant. A new zoning clearance and any applicable fee shall be required for any approved project that did not commence construction within that six (6) month period.

F. *Fence Permit.*

1. *Application.* Unless a building permit is required for a lot in the interior of a subdivision or for the interior of a lot, no fence shall be erected or constructed unless and until a fence permit has been issued by the Planning Administrator.

2. *Processing Procedures.* The procedure for processing a fence permit shall be as set forth in Section 3.2 of this Ordinance, except that the time period for the approval, conditional approval, or denial of a fence permit shall be thirty (30) days.

3. *Approval Criteria.* No fence permit shall be issued or approved, and no fence shall be constructed, unless evidence is presented which demonstrates that the proposed fences shall be designed, constructed, and erected in conformance with Section 5.2 of this Ordinance.

G. *Home-Based Occupation Permit*.

1. *Application.* No home occupation shall be commenced or established unless and until a home occupation permit has been issued by the Planning Administrator or his or her designee.

2. *Processing Procedures.* The procedure for processing a home occupation permit shall be set forth in Section 3.2.B of this Ordinance, except that the time period for the approval, conditional approval, or denial of a home occupation permit shall be thirty (30) days.

3. *Approval Criteria.* No home occupation permit shall be issue or approved, and no home occupation shall be established, except in conformance with Section 6.4 of this Ordinance.

H. *Sexually Oriented Business (SOB) Permit*.

1. *Application.* No sexually oriented business shall be commenced or established unless and until a sexually oriented business (SOB) permit has been issued by the Planning Administrator or his or her designee.

2. *Processing Procedures.* The procedure for processing an SOB permit shall be as set forth in Section 3 of this Ordinance, except as follows.

3. *Approval Criteria.* No SOB permit shall be issued or approved and no sexually oriented business shall be established, except in conformance with Section 6.7 of this Ordinance.

H. *Schools.*

1. *Application.* Pursuant to A.R.S. §15-189.01, charter schools shall be classified as public schools for the purposes of the assessment of zoning fees, site plan fees and development fees. The procedures herein are adopted in order to ensure that hearings and administrative reviews involving charter schools are scheduled and conducted on an expedited basis and that charter schools receive a final determination from the Town within thirty (30) days of the beginning of processes, requiring only an administrative review, and within ninety (90) days of the beginning of processes requiring a public hearing, and allowing an appeal to the board of adjustment or the Town Council, as required by A.R.S. §15-189.01. This section further provides benefits relating to zoning for schools, as authorized by A.R.S. §15-342.16(a).

2. *Processing Procedures.*

a. Charter schools are designated as uses permitted as of right in all zoning districts where they are designated as a permitted use.

b. For schools other than charter schools and which are subject to A.R.S. §15-342, the procedure for processing shall be the same as the procedure set forth in subsection 2.a above of this subsection F. Where such schools are designated as a conditional use, the Planning Commission shall submit its recommendation within thirty (30) days after receipt of a complete application for site plan approval. The failure of the Planning Commission to submit a recommendation within this time period shall be deemed a recommendation of approval, and the application shall be forwarded to the Town Council. The Town Council shall render its determination within sixty (60) days after receipt of the recommendation of the Planning Commission.

3. *Approval Criteria*. No school shall be established, except in conformance with any applicable provisions of Articles 4, 5, and 6 of this Ordinance.

I. *Religious Institutions.*

1. *Application.* No new religious institution building shall be constructed unless and until a building permit has been issued by the Development Services Department.

2. *Processing Procedures*. The procedure for processing a permit shall be set forth as follows:

a. The applicant shall submit the required materials as defined in the Town's application(s) and / or process guide(s), on file with the Town's Development Services Department.

b. The Planning Administrator shall review the application in accordance with the criteria established in Section 6.10 *Religious Institutions* of this Ordinance. The Planning Administrator shall solicit review comments in accordance with general review procedures. The applicant shall hold a neighborhood meeting in accordance with the requirements set forth in section 3.1.C.1 *Neighborhood Meetings* of this Ordinance.

1) Religious Institutions (with seating capacity up to 1,500 persons) which meet the criteria established in applicable sections of this Ordinance will be required to proceed through Town Council approval. After a complete application has been reviewed, the Planning Administrator shall submit to Town Council for final site plan approval as an

administrative item only. The applicant may apply for building permits consistent with the proposed plans. No building permit application may be issued by the Planning Administrator until he has certified such application conforms to the approved final site plan.

2) Religious Institutions (with seating capacity up to 1,500 persons) which do not meet the criteria established in applicable sections of this Ordinance will be required to proceed through the public hearing process as established in Section 3.4 *Amendment and Rezoning* of this Ordinance.

3) Large Religious Institutions (with seating capacity greater than 1,500 seats) will require Conditional Use Permit approval as indicated in Table 4.6-1 and will be required to proceed through the public hearing process as set forth in Section 3.5 Conditional Use Permit of this Ordinance. Large Religious Institutions which do not meet the criteria established in applicable sections of this Ordinance will be required to proceed through the public hearing process as established in Section 3.4 *Amendment and Rezoning* of this Ordinance. Both requirements may be processed concurrently.

c. *Approval Criteria.* No religious institution building shall be established, except in conformance with any applicable provisions of Article 4 and 5 of this Ordinance.

J. *Sign Permit*.

1. *Application.* Permits are required for all new signs except as provided in Article 7 of this Ordinance. The alteration of sign faces by painting or overlay shall be considered as construction of a new sign and require a permit. Touching up or repainting existing letters or symbols shall be considered maintenance and repair and shall not require a permit. An application form and a site plan completed by a licensed sign contractor (the applicant), shall be submitted to the Development Services Department.

2. *Processing Procedures.*

a. The Planning Administrator shall review the application in accordance with the criteria established in this Article 7 of this Ordinance. The Planning Administrator shall solicit review comments in accordance with general review procedures.

b. Permanent signs for planned area developments, subdivisions, and conditional uses shall be reviewed as part of the site plan.

3. *Approval Criteria.*

a. All signs shall be constructed and maintained in accordance with Article 7 of this Ordinance. Sign types shall be those allowed for specific purposes in the zoning district in which the sign shall be erected. All signs shall be located on the premises to which they refer unless permitted as off-premise signs under this regulation.

b. The Administrator or his or her designee shall find that all requirements of the sign permit issued for the development project has been satisfactorily completed.

K. *Telecommunications Permit*.

1. *Application.* No antenna or tower shall be erected, constructed, or established unless and until a telecommunications permit has been issued by the Planning Administrator or his or her designee.

2. *Processing Procedures.* The procedure for processing a telecommunications permit shall be as set forth in Section 3.2 of this Ordinance, except as follows:

a. Where an antenna or tower is considered a permitted use, the Planning Administrator shall review the application for development approval and submit his review comments to

the applicant. The applicant shall respond to any review comments.

b. Where an antenna or tower is considered a conditional use, the Planning Administrator shall refer the application to the Planning Commission. The Planning Administrator shall review the application then submit a staff report to the Planning Commission. The matter shall be scheduled at the first available meeting of the Planning Commission but not less than the statutory requirements. The Planning Commission shall submit its recommendation within thirty (30) days after its initial public hearing on the application. If no recommendation is timely submitted by the Planning Commission, the application shall be referred to the Town Council without a Planning Commission recommendation, and shall be placed on the agenda of the Town Council at the first available opportunity. The Town Council shall render its decision approving, approving with conditions, or denying the application for a conditional use permit within sixty (60) days after the first public hearing relating to the application.

3. *Approval Criteria.* No telecommunication permit shall be issued or approved, and no antenna or tower shall be constructed or erected, except in conformance with Section 6.9 of this Ordinance.

L. *Certificate of Occupancy.*

1. *Application.* No vacant land or building shall be occupied or used (including change of use) or hereafter erected or structurally altered until a certificate of occupancy has been issued by the Building Official.

2. *Processing Procedures*.

a. The applicant shall submit the required materials with a request for final inspection, to the Planning Administrator.

b. The Planning Administrator shall review the permit application and application submittal and require that the departments involved in the initial review make a final inspection to ensure that the work activities have been completed in accordance with the criteria established in this Ordinance and the adopted building and fire codes.

3. *Approval Criteria.*

a. The Administrator or designee shall find that all requirements of all permits issued for the development project have been satisfactorily completed.

b. The Administrator shall obtain from the Building Official a document/record that the final development conforms with the final development conforms to the Building Permit issued for the development project.

3.3 Site Plan Review

A. *Purpose.* The site plan review provisions and regulations of this Section are intended to promote the safe, functional and aesthetic development of property and to ensure that new structures, utilities, streets, parking, circulation systems, yards and open spaces are developed in conformance with the standards of this Ordinance, the Queen Creek Design Standards, the General Plan, and consistent with any adopted specific plans. The site plan review shall consider site, landscape, and architectural design of all structures, and related on-site or off-site improvements to promote harmonious relationships with adjacent development, herein after referred to as "site plan".

B. *Application.*

1. No application for development approval in the following categories shall be approved unless a plan set has been submitted consistent with the requirements as defined in the Town's application(s) and / or process guide(s), on file with the Town's Development

Services Department, and has been approved in accordance with the procedures prescribed in this Section:

a. An application for development approval requesting a non-residential use or any multi-family dwelling unit;

b. An application for approval of a conditional use; and,

c. An application for change in the Official Zoning District classification (a "rezoning"), including any application for approval of a Planned Area Development (PAD).

2. Site plans shall be reviewed and approved concurrently with the requirements of the Town of Queen Creek Design Standards. Design review submittal requirements shall conform with subsection 3.3.C, below.

3. Site plan review shall occur prior to issuance of a building or grading permit.

C. *Submittal Requirements.* The applicant shall submit to the Development Services Department a completed application as defined in the Town's application(s) and / or process guide(s), on file with the Town's Development Services Department. During the pre-application conference, the Planning Administrator or his or her designee shall inform the applicant of the appropriate minimum submittal standards required for the specific project. As a result of the agency and staff reviews, more information may be required. Therefore, it is incumbent upon the applicant to discuss the project with the applicable review agencies prior to submittal in order to avoid delays. Only complete submittals shall be accepted.

D. *Approval Procedures*.

1. *Minor Site Plan*. Any proposed site less than or equal to five (5) acres shall be considered a minor site plan and shall conform to the procedures below:

a. An application for approval of a site plan shall be submitted to the Development Services Department. The Department shall determine whether the application for site plan approval is complete, and shall submit a report as to compliance with this Ordinance and the application for site plan approval to the Planning Administrator;

b. If the site plan application is incomplete, the Department shall return it to the applicant with a statement of the reasons why the proposed site plan does not conform to the provisions as defined in the Town's application(s) and / or process guide(s), on file with the Town's Development Services Department;

c. If a use permitted by right is proposed, the Development Services Department shall submit a recommendation to the Planning Administrator. The Planning Administrator shall approve the site plan, approve the site plan with conditions, or deny the site plan; and,

d. If a conditional use, rezoning, or PAD is proposed and accompanies the minor site plan application for review, the application shall follow the procedures as set forth by the conditional use, rezoning, and / or PAD procedures, as applicable.

e. Within twenty (20) calendar days of final approval, minor site plan approvals may be appealed to a full hearing of the Town Council by two or more members of the Town Council or by the Town Mayor.

2. *Major Site Plan*. Any proposed site greater than 5 acres shall be considered a major site plan and shall conform to the procedures below:

a. An application for approval of a site plan shall be submitted to the Planning Administrator. The Planning Administrator shall determine whether the application for site plan approval is complete, and shall submit a report as to compliance with this Ordinance and

the application for site plan approval to the Planning Commission;

b. If the site plan application is incomplete, the Planning Administrator shall return it to the applicant with a statement of the reasons why the proposed site plan does not conform to the provisions as defined in the Town's application(s) and / or process guide(s), on file with the Town's Development Services Department;

c. If a use permitted by right is proposed, the Planning Administrator shall submit a recommendation to the Planning Commission. The Planning Commission shall approve the site plan, approve the site plan with conditions, or deny the site plan; and,

d. If a conditional use, rezoning, or PAD is proposed and accompanies the major site plan application for review, the application shall follow the procedures as set forth by the conditional use, rezoning, and / or PAD procedures, as applicable.

E. *Appeals*. Any site plan approval, conditional approval and / or denial may be appealed to the Town Council by an aggrieved party, subject to the procedures set forth in Section 3.1.G of this Ordinance.

F. *Deviations from Approved Site Plan.* Development activities subject to the requirements of this section may be carried out only in substantial conformance with the approved site plan and any conditions or restrictions attached thereto. Development activities may seek Administrative Relief per Section 3.2 of this Ordinance. Any substantial deviation from the approved site plan, unless approved in advance and in writing by the Planning Administrator, or Town Council as stated below or through Administrative Relief, shall be deemed a violation of this Ordinance. The Planning Administrator may direct that a new application to revise the approved site plan be filed. Furthermore, no certificate of occupancy shall be issued if said development activities do not conform to the approved site plan.

G. *Revision of Approved Site Plan.* Any change or modifications to an approved Site Plan shall be considered an amendment to the Site Plan. For all Site Plan amendments, revised Site Plans incorporating the changes shall be submitted to the Development Services Department. Site Plan amendments shall be classified as Major or Minor as below:

1. *Minor Revisions*. Any modification which, as determined by the Development Services Department, does not substantially change the approved site plan and the change/reduction is ten percent (10%) or less, shall be considered a Minor Site Plan Amendment. The Department shall consider changes such as minor dimensional building configuration and landscape changes, open space or outdoor living area as well as the addition of shade structure, to be Minor Site Plan Amendments. Minor Revisions may seek Administrative Relief per Section 3.2 of this Ordinance.; and,

2. *Major Revisions*. Any modification which, as determined by the Development Services Department, changes the original approval such as: a change in intent, phasing or revisions that do not conform to Town standards, or a change that is ten percent (10%) or more, shall be considered a Major Site Plan Amendment and shall be required to file a new application form together with the revised Site Plan and associated materials, along with the application fees, and shall be subject to the Site Plan Review and recommendation by the Planning and Zoning Commission.

H. *Effect of Site Plan Approval*.

1. *Effective Period*. The approval of a site plan shall be effective for a period of one (1) year from the date of Town Council approval, at the end of which time the applicant must have submitted an application for building permit. If a building permit is not submitted for within the one (1) year period, the

approval shall be null and void, and the applicant shall be required to submit a new site plan for review.

2. *Building Permit*. After a site plan has been approved by the Town Council, the applicant may apply for building permits consistent with the site plan as approved. If a valid building permit has been filed within one (1) year of site plan approval, and said building permit remains active, site plan may remain valid, as determined by the Planning Administrator. No building permit application may be issued until the site plan has been certified as conforming to the site plan as approved by the Town Council.

3. *Commencement of Development*. Development shall commence within eighteen (18) months of site plan approval, unless approved otherwise, or the approval becomes null and void. In such cases where certain development requirements cannot be met immediately due to weather conditions, a temporary certificate of occupancy may be issued, provided that adequate surety for such development requirement will be provided. Said completion shall not exceed a period of eighteen (18) months from date of issuance of the temporary certificate of occupancy.

I. *Final Inspection.* The Planning Administrator shall inspect the site for compliance with the approved site plan before a certificate of occupancy is issued for the project. Any deficiencies shall be recorded in a letter to the applicant. The applicant shall have ten (10) days in which to eliminate the deficiencies. If the applicant is unable to comply within the ten (10) day period, the applicant shall request, in writing, an extension of time for the completion which shall not exceed six (6) months. The written request shall state the extenuating circumstances causing the delay. Upon review and approval by the Planning Administrator, a temporary certificate of occupancy may be issued indicating the date by which the deficiencies shall be eliminated.

J. *Validity.*

1. Site plan approval shall bear the signature of the Planning Administrator or his/her designee and date signed on the site plan. Approval shall become effective immediately.

2. Site plan approval shall lapse and become void twelve (12) months following the date on which such approval became effective unless application for a building permit has been made, if an extension request has been filled, or a valid building permit is issued and construction is commenced and diligently pursued toward completion. After issuance of a certificate of occupancy, the approved site plan will govern site development.

3. Upon violation of any applicable provision of this section or, if granted subject to conditions, upon failure to comply with conditions, site plan approval shall be suspended upon notification to the owner of a use or property subject to the site plan.

4. A site plan shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application approval pursuant to these provisions.

3.4 Amendment and Rezoning

A. *Application*.

1. When the owner of the affected property initiates an amendment to the district boundaries, an application for such amendment shall be submitted to the Planning Administrator. Before any application is accepted by the Development Services Department, the applicant shall submit an application for a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a zoning amendment request pursuant to these Regulations.

B. *Initiation of a Rezoning.* An owner of real property within the Town, or that owner's

authorized representative, may, upon proof of ownership, apply for a change in zoning district boundaries (rezoning) for that landowner's property.

C. *Initiation of a Text Amendment.* Any person may request an amendment of the text of the Ordinance, after a pre-application meeting is held, by filing a written request and application with the Planning Administrator.

D. *Procedures*.

1. A pre-application conference shall be scheduled by the applicant with the Planning Administrator to discuss the proposal. During the conference, the Planning Administrator will identify the submittal request.

2. Application for Rezoning or Text Amendment shall follow the Public Outreach procedures outlined in Section 3.1 of this Ordinance.

3. When the owner of the affected property initiates an amendment to the district boundaries, an application for such amendment shall be submitted to the Planning Administrator. An application for amendment or rezoning needs to follow the requirements as defined in the Town's application(s) and / or process guide(s), on file with the Town's Development Services Department. Before any application is accepted by the Development Services Department, the applicant shall submit an application for a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a zoning amendment request pursuant to these Regulations.

4. A rezoning shall be an amendment to the Official Zoning Map as established and maintained according to Section 4.4 of this Ordinance.

5. The Planning Commission shall recommend approval, approval with conditions, or denial of a petitioned zone or text change.

6. Upon a recommendation for approval of a rezoning request or text amendment, with or without conditions, the Planning Administrator shall schedule the application for hearing before the Town Council. The Town Council shall approve, approve with conditions, or deny the rezoning or text amendment.

7. When a rezoning application is accompanied by an application for a conditional use permit or subdivision approval such dual applications may be processed and reviewed concurrently. If the proposed rezoning is inconsistent with the General Plan Future Land Use Map, an application for an amendment to the Future Land Use Map shall be submitted by the applicant in accordance with the requirements of the Town of Queen Creek General Plan. Amendments to both the Official Zoning Map and the General Plan Future Land Use Map may be considered concurrently.

E. *Approval Criteria.* The Planning Commission and Town Council shall consider the following questions, at a minimum, in reviewing an application for a rezone:

1. Whether the existing zoning was in error at the time of adoption;

2. Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development;

3. The degree to which the proposed zoning will benefit the community. Whether there will be benefits derived by the community, or area, by granting the proposed rezone;

4. Whether the proposed rezone is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezone, parking problems, or environmental impacts that the new use will generate such an excessive storm runoff, water, air or noise pollution,

excessive nighttime lighting, or other nuisances;

5. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the General Plan, other adopted plans, and the goals, objectives and policies of this Ordinance, and other Town regulations and guidelines, including goals and policies relating to economic development;

6. Compliance with the Adequate Public Facilities criteria as set forth in Section 5.1 of this Ordinance;

7. The zoning districts and existing land uses of the surrounding properties;

8. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;

9. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character;

10. The length of time the subject property has remained vacant as zoned; and,

11. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.

F. *Protest.* The majority of votes prescribed by A.R.S. §9-462.04.G, shall be required if a protest petition is filed in accordance with said statute and the subsection F. The protest petition shall be filed in writing with the Town Clerk at or before noon (12:00) on the date of the Town Council hearing.

G. *Subsequent Applications*. In the event that an application for amendment is denied by the Town Council or that the application is withdrawn after the town Planning Commission hearing, the Planning Commission shall have the authority to refuse to accept another application for the same amendment within one (1) year of the original hearing.

3.5 Conditional Use Permit

A. *Applicability.*

1. Conditional uses are those uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

2. Only those uses that are enumerated as conditional uses in a zoning district, as set forth in Section 4.6 of this Ordinance, or as authorized pursuant to subsection D.2 of this Section, shall be authorized by the Town Council. A conditional use permit shall not be required for a use allowed as a permitted use in a given zoning district. No conditional use shall be established until a site plan has been approved in accordance with section 3.3 of this Ordinance. Applications for a conditional use and site plan review shall be submitted and reviewed concurrently.

B. *Approval Criteria.* As may be specified within each zoning district, uses permitted subject to conditional use review criteria shall be permitted only after review and approval by the Planning Commission and the Town Council only if the applicant demonstrates that:

1. The proposed conditional use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 4 and Article 5 of this Ordinance, and any applicable performance standards as set forth in Article 6 of this Ordinance;

2. The proposed conditional use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration

shall be given to the location, type, and height of the buildings or structures and the type and extent of landscaping and screening on the site;

3. Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided;

4. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;

5. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas;

6. The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair the property values within the neighborhood;

7. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

8. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; and,

9. The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.

C. *Approval Procedures.*

1. The approval of a conditional use permit shall follow the procedures set forth in the Major Site Plan Approval Procedures in Section 3.3.D.2. When a complete conditional use permit application has been submitted, the conditional use permit shall be submitted with a recommendation to the Planning Commission and the Town Council for approval, approval with conditions, or denial. The procedure for processing a conditional use shall be as set forth in A.R.S. §9-462.04.

2. When a conditional use is approved, the Town Council must concurrently approve, approve with condition(s) or deny a site plan. Any conditions of approval of the site plan shall be made condition(s) of approval of the conditional use by reference.

D. *Town Council Authority*.

1. Any use that the Town Council may permit as a Conditional 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 Conditional Use as herein provided.

2. The Town Council may permit any use within a zoning district upon a finding that said use is materially similar to other permitted or conditional uses within the same zoning district, in accordance with the procedures and standards set forth in this Section. No use shall be authorized by the Town Council, pursuant to this subsection, except by the favorable vote of three-fourths (3/4th) of all members of the Town Council.

3.6 Temporary Use Permit

A. *Purpose.* The temporary use permit is a mechanism by which the town may allow a use to locate within the town on a short-term basis and by which it may allow seasonal or transient uses not otherwise allowed.

B. *Application and Uses Permitted.* Prior to conducting or establishing a temporary use or structure, applicants shall submit a completed application form and a site plan for the approval of a temporary use permit to the Development Services Department. Applications requirements shall be established by the Planning Administrator.

The uses listed under Section 3.6.D of this Ordinance are authorized temporary uses subject to the regulations and times specified therein and only in the zoning districts specified in Section 4.6 of this Ordinance. Unless otherwise specified herein, Temporary Use Permit renewals or extensions shall not be permitted. All other uses shall be considered permanent and subject to all regulations within this and other applicable Ordinances.

C. *Applications Procedures*.

1. An application for approval of a temporary use permit shall be submitted to the Development Services Department as set forth and determined by the Planning Administrator which shall include a general project report and a site plan, except that the site plan format may be eleven by seventeen inch (11″ x 17″). The Development Services Department shall determine whether the application for temporary use permit approval is complete, and shall submit a recommendation of approval, approval with conditions, or denial to the Planning Administrator.

2. If the temporary use permit application is incomplete, the Development Services Department shall return it to the applicant with a statement of the reasons why the temporary use permit does not conform to the provisions of temporary use permit application and / or provisions mentioned in Section 3.6.D of this Ordinance.

3. If a temporary use permitted by right is proposed, the Development Services Department shall submit a recommendation to the Planning Administrator. The Planning Administrator shall approve the temporary use permit, approve the temporary use permit with conditions, or deny the temporary use permit.

D. *Approval Criteria for Uses.* All temporary uses listed in this section require a Temporary Use Permit. The Planning Administrator shall not approve or modify an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to criteria for any particular temporary use as specified in subsections of this Section:

1. *General.*

a. *Compatibility with/effect on Surrounding Area.* Except as provided herein, no Temporary Use shall be proposed and or approved on residential zoned land. The allowance of such use shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

b. *Location on Public Property*. The use shall not be on publicly owned property unless the applicant first obtains approval of a revocable or other applicable permit through the Town or the owner, if not the Town.

c. *Traffic.* The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area.

d. *Parking and Access*. Adequate off-street parking, in accordance with Section 5.6 of this Ordinance, shall be provided to serve the use. The use does not displace the required off-street parking spaces or loading areas of the principal permitted uses on the

site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

e. *Property Line Setbacks*. Structures and / or display of merchandise shall comply with the yard and property line setback requirements of the zone district within which it is located. The items shall be displayed so as not to interfere with the sight visibility triangle of the intersection of the curb line of any two (2) streets or a driveway and a street. In no case shall items be displayed within the public right-of-way.

f. *Signs*. Temporary Use Permit for signs shall be permitted only for the time frame established in Section 7.5 of this Ordinance. No sign for a temporary use shall exceed thirty-two (32) square feet, not including permanent signage that may be on a vehicle. All signs for temporary uses shall be attached to a structure, vehicle, or existing sign post. Off premise signage for a temporary use shall not be allowed.

g. *Number per Business*. Only one (1) Temporary Use Permit shall be permitted for a single business at any given time.

h. *Period of Time between Permits*. The period of time between any temporary use permit on a parcel and application for another temporary use permit on that parcel shall be at least three (3) times the amount of time of the first (previous) permit.

2. *Enterprise Sales.* "Enterprise Sales" may be conducted, unless otherwise prohibited, without reference to other regulations of this Ordinance, upon issuance of a Permit by the Planning Administrator, when it is found that the following criteria will be met:

a. That the Permit shall be obtained prior to commencing any enterprise sale;

b. That the Permit shall not authorize a sale for more than four (4) days in length, no more than six (6) times per calendar year for each of the following:

1) A bona fide non-profit, charitable or religious organization and fraternal or service club;

2) An individual bona fide Queen Creek merchant who shall possess a valid Business License for a specific identifiable location in a commercial zoning district in the Town of Queen Creek. All merchandise offerings shall consist of items normally stocked by the holder of the Business License;

3) That the site or location of such sales shall be kept in a clean and orderly fashion, free of refuse and other debris;

4) That no element of the sale will obstruct or interfere with the safe and normal flow of pedestrian or vehicular traffic;

5) That no element of the sale will constitute a condition which, in the opinion of the Planning Administrator, Building Inspector, or Fire Chief presents a danger to the health, safety, or welfare of the general public; and,

6) That upon the conclusion of the sale, the site, or location shall be cleaned and restored to its previous condition.

3. *Temporary Seasonal and Community Events.* Temporary Events may be allowed, without reference to other regulations of this Ordinance, upon issuance of a permit by the Planning Administrator for events lasting not more than thirty (30) days and customarily associated with recognized local or national holidays, and activities, such as:

a. Christmas Tree sales at Christmas time;

b. Pumpkin sales at Halloween;

c. Music festivals;

d. Promotional events;

e. Horse shows, Rodeos, and Charity Events;

f. Fireworks Sales; and,

g. Events utilizing or encroaching on public right-of-way.

4. *Temporary Retail Sales Uses*.

a. *Seasonal Sale of Agricultural Products.* Temporary Use Permits are required for all seasonal sales of agricultural products in non-residential zone districts such as farmers' market. Such sales are limited to a period of time not to exceed four (4) consecutive months per calendar year. A maximum of one (1) building/display booth shall be allowed and may cover a maximum of four-hundred (400) square feet. The structure must be portable and completely removed at the end of the period.

b. *Seasonal Greenhouses (Accessory to Established Business).* Limited to only non-residential zone districts for a period of time not to exceed six (6) months per calendar year. A maximum of one (1) building shall be allowed and may cover a maximum of two-thousand (2,000) square feet. The structure must be portable and completely removed at the end of the permit period.

c. *Sidewalk Vendors*. The sale of food, beverages, or merchandise from a stand or motor vehicle, or from a person may be allowed in non-residential zoning districts consistent with the requirements of subsection C of this Section (Enterprise Sales), and shall be limited to a period not to exceed ninety (90) continuous days per calendar year in a given location. Even if at any time the vendor does not occupy the permitted site, the 90-day limit shall not be extended.

d. *Fireworks Sales*. The display and sale of consumer fireworks as defined by the American Pyrotechnics Association Standard 87-1 and pursuant to State Law.

1) Permissible Consumer Fireworks include: ground and hand-held sparkling devices, cylindrical and cone fountains, illuminating torches wheels, ground and flitter sparklers, toy smoke devices, wire sparklers or dipped sticks, multiple tube fireworks devices and pyrotechnic articles.

2) Does not include anything that is designed or intended to rise into the air and explode or detonate in the air or to fly above the ground, including, for example, firework items commonly known as Bottle Rockets, Sky Rockets, Missile-Type Rockets, Helicopters, Torpedoes, Roman Candles, and Jumping Jacks.

3) A person shall not sell or permit or authorize the sale of permissible consumer fireworks to a person who is under sixteen (16) years of age.

4) Use of consumer fireworks pursuant to the Queen Creek Town Code, Chapter 9.

5) Applicant, Entity, and / or person responsible for fireworks sales shall provide a written informational flyer, to all customers and visitors, describing the use of consumer fireworks in the Town of Queen Creek pursuant to the Town Code. Flyer shall include exact language from the Town Code, including section number, of provisions regulating use of fireworks. Cost of informational brochure shall be the responsibility of the Applicant.

5. *Real Estate Development and Construction-Related Temporary Uses*. The following uses are allowed in all zoning districts.

a. *Permits Required*. Temporary Use Permits are required for real estate development and construction-related

temporary uses and are subject to the following criteria:

1) The property owner or authorized representative shall obtain zoning clearance and building permit authorization for construction prior to issuance of the Temporary Use Permit. Unless otherwise specified below.

2) The temporary building, travel trailer, or mobile home shall be located on the lot or parcel on which construction is occurring and shall be occupied and / or used only by the property owner or authorized representative.

3) Any temporary use permit for such temporary building, travel trailer or mobile home issued by the Planning Administrator shall be limited to a period of time not to exceed one (1) year from the date of such approval unless otherwise specified within this Ordinance, but said permit may be renewed thereafter upon the property owner submitting a request to the Planning Administrator for the renewal of said permit and the submittal of satisfactory evidence to the Planning Administrator indicating that the need for such temporary building, travel trailer or mobile home continues to exist.

4) Unless such Temporary Use Permit is renewed, the temporary building, travel trailer or mobile home shall be removed from the property upon expiration of the previously issued Temporary Use Permit or within ten (10) days after completion of the construction work, or within ten (10) days after the expiration of the authorized building permit for the construction work, whichever comes first. If an accessory building has been used for temporary residential use during construction, the building shall be returned to its accessory use state and any kitchen facilities placed in the building shall be removed within the above time frame.

b. *Contractors Office and Equipment/ Storage Sheds.* Accessory to a Construction Project (Residential or Non-Residential). Multiple temporary structures may be allowed under one (1) temporary use permit. Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one (1) year as and if approved by the Planning Administrator. A trailer may be used for a contractor's office or for the contractor's storage of equipment or materials. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a Certificate of Occupancy or completion of the construction project, whichever occurs first.

c. *Real Estate Office in a Trailer/Mobile Homes*. One (1) temporary structure such as trailer or mobile home may be used as a real estate sales office in any new construction project for the sale of units within that project only. Such a temporary use may be allowed in all zone districts subject to the following:

1) The property owner or authorized representative shall obtain zoning clearance and make application for construction of a model prior to issuance of the temporary use permit;

2) The permit shall be valid for a period of six (6) months or until all units for the project are sold, whichever comes first. At the conclusion of the 6-month period or lot sales, then the temporary structure shall be removed from the site within ten (10) days after the expiration of the temporary use permit. Said permit may be renewed thereafter upon the property owner submitting a request to the Planning Administrator for renewal of said permit and the submittal of satisfactory evidence to the Planning Administrator indicating that the need for such temporary

building, travel trailer or mobile home continues to exist;

3) An all-weather emergency access road approved by the fire department and the Town engineer shall be provided to the site. All weather access shall mean a minimum twenty foot (20') wide roadway consisting of a minimum six inches (6") of aggregate base;

4) An off-street parking area shall provide one (1) stall for each person stationed at the mobile home, plus two (2) customer spaces and one (1) handicapped accessible space;

5) Prior to opening the sales office there shall be operable fire hydrants within five-hundred feet (500') of the sales office;

6) An affidavit from the builder stating that no general public access to home sites shall be permitted until street improvements are completed;

7) All ADA requirements shall be complied with; and,

8) Evidence of compliance with all other state/county agencies shall be provided.

d. *Real Estate Office in Model Homes*. Accessory to Construction of a New Residential Development. Limited to a period of time not to exceed one (1) year with the option of an extension of up to one (1) year as and if approved by the Planning Administrator. The number of employees utilizing the office at any one (1) time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

e. *Single Family Dwelling in Temporary Structure*. During the active construction period (after a building or grading permit has been issued) of a construction project involving a non-residential use or a residential development, one (1) mobile home or trailer may be allowed on the same property to be used as a temporary residence or for a night watchman for a period not to exceed twelve (12) months or the active construction period, whichever is less. The temporary home shall be removed from the site within fourteen (14) days of issuance of the final Certificate of Occupancy for a non-residential structure or the first residential unit if within a residential development.

6. *Amusement Enterprises.* Carnival, circus, or menagerie and amusement rides may be allowed in any non-residential zone district for a period not to exceed fifteen (15) days within any calendar quarter. This classification excludes events conducted in a permanent entertainment facility.

7. *Special Events and Activities.* Except when utilizing public right-of-way, special events and activities conducted on public property such as school sites and Town parks shall be exempt from the provisions of this section of the Ordinance but must comply with any guidelines, regulations and permitting process required by the authorizing agency (*e.g.* School District or Town Parks and Recreation Department). Events utilizing public right-of-way shall comply with the provisions of this Section.

8. *Location of Manufactured, Mobile Homes, Travel Trailers, Aircraft, Boats, Camping Trails, Truck Campers, and Motor Homes.* Unless otherwise permitted by the use regulations for a specific zoning district, the location or storage of manufactured homes, mobile homes, travel trailers, aircraft, boats, camping trailers, truck campers and motor homes outside of approved mobile home parks, travel trailer parks and manufactured/mobile home subdivisions, and the location or storage of aircraft, boats, camping trailers, truck campers and motor homes in all zones shall be subject to the following:

a. At no time shall the manufactured home, mobile home, travel trailer,

aircraft, boat, camping trailer, truck camper, or motor home be occupied or used for living, sleeping, or household purposes.

b. Manufactured homes, mobile homes, travel trailers and motor homes intended for non-residential uses shall be subject to securing a temporary use permit; provided the 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 subject to the zoning permit requirements.

c. If a manufactured home, mobile home, travel trailer, aircraft, boat, camping trailer, truck camper and / or motor home is located outside a garage or carport, it shall be placed in the rear yard of the lot and screened from view by an opaque fence (e.g. wood picket, or block), except that placement in other than the rear yard for loading and unloading purposes may be permitted for a period of time not to exceed seventy-two (72) hours.

9. *Similar and Compatible Uses Not Specified.* Those uses which are similar and compatible to those allowed as temporary uses in this Section.

a. Determination of what constitutes similar and compatible shall be made by the Planning Administrator.

b. In such instances, the applicant shall provide the following information by which the proposal can be reviewed:

1) Type of use;

2) Number of employees;

3) Parking/circulation needs;

4) Hours of operation; and,

5) Duration of operation.

E. *Appeal*. Upon receiving notification of the Department's decision to approve or deny the application for a Temporary use Permit, the applicant or any party in interest, aggrieved by the decision may file an appeal to the Board of Adjustment. Such appeal shall be filed in writing, within seven (7) calendar days of the decision. Any appeal to the Board of Adjustment shall follow the procedures outlined in Article 2.5 of this Ordinance.

F. *Validity.* The temporary use permit shall be valid for the use for which the permit was granted for the length of time indicated in the permit as long as the use is in compliance with applicable ordinances.

3.7 Board of Adjustment

A. *Application.* The Board of Adjustment (BOA) shall decide appeals of administrative interpretations and decisions.

B. *Processing Procedures.* Appeals from administrative decisions.

1. Any appeal of a decision or interpretation of the Planning Administrator and any appeal for a variance shall be reviewed by the Board of Adjustment. A notice of appeal of an administrative decision from a final decision relating to an application for development approval shall be submitted to the Planning Administrator within thirty (30) days from receipt of decision.

2. The Board of Adjustment shall conduct a hearing on the appeal, pursuant to the procedures established in A.R.S. §9-462.06.

G. *Approval Criteria.*

1. *Appeal of Decisions*. In an appeal to the Board regarding an administrative decision or interpretation, the Board's scope of review shall be limited to determining whether the decision or interpretation by the Planning Administrator was in accordance with the intent and requirements of this Ordinance, and accordingly, the Board will affirm or reverse the decision.

2. *Appeals for Variance*. Variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the hardship criteria established in, A.R.S. §9-462.06. Pursuant to, A.R.S. §9-462.06, no use variance or variance based upon self-imposed hardship shall be granted.

3. *Validity.* Rights and privileges established by the granting of a variance shall be exercised within one (1) year following the date of approval unless a different time limit is specified by the Board at the time the variance is granted. Failure to exercise a variance within the time limits specified shall cause the variance to become null and void.

4. *Required Findings.* The Board of Adjustment may grant a variance only after all of the findings set forth below have been met:

   a. Special circumstances or conditions exist on the subject property including its size, shape, topography, location, or surroundings that does not exist on other property in that zoning district.

   b. The literal interpretation of the provisions of this Ordinance would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district.

   c. Granting the variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land, parcels, structures, or buildings in the same zoning district.

3.8 Expiration of Development Approvals

A. *Time of Expiration.* Unless otherwise specifically provided for in this Ordinance, development applications shall automatically expire and become null and void, and all activities taken pursuant to such development application shall cease and become null and void, and all activities pursuant to such approval thereafter shall be deemed in violation of this Ordinance, when: 1) the applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the application for the development approval, or that was made pursuant to the terms of any development agreement, including the failure to abide by specified time limits established therein; or 2) the applicant fails to present a subsequent development application as required by Table 3.8-1 or 3.8-2 of this Ordinance or the A.R.S. Except for Rezoning or Map change, if no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be presumed to be two (2) years from the date of approval.

1. *Extension Procedures.* Unless otherwise prohibited by Arizona law this approval is for a period not to exceed two (2) years from the date of the original decision granting approval, if the application for extension is made in writing within the original period of validity. Subsequent extensions may be made by the final approval body upon finding that conditions at the same time of approval have not changed.

2. *Date from Which Time Limit is measured*.

   a. Each time period referenced on Table 3.8-1 and Table 3.8-2 shall run from the final action of the appropriate Town official, officer, board, commission or the governing body with valid and legal jurisdiction to take such action or to approve such plans or to issue such permits. Except as may be otherwise indicated herein, the date of final action shall be the date such action was taken or such approval was granted or such permit was issued, as set forth on such action, approval or permit.

   b. In order to assure that all applicants for actions, approvals or permits are informed of the applicable time limit, the date of final action and the

expiration date shall be shown on each such action, permit or approval; but provided, however, that the Town's failure to include either the date of final action or the expiration date shall not be deemed to be a waiver of such dates nor shall it be the basis of any action by the applicant to challenge the applicable expiration date. The burden is on the applicant to know the date of issuance and the expiration date. If either or both of such dates are not shown, the applicant may request, and the Town shall promptly supply such date or dates.

c. All actions, approvals, or permits shall expire on the expiration date unless a valid extension has been granted on or before the expiration date pursuant to Subsection D herein.

3. *Extensions of Time Limits*.

a. There shall be no extension of any time limits for actions, approvals or permits set forth herein, as of right. Any extensions must be expressly requested by the applicant, in writing, and approved by the appropriate official, officer, board, commission or the governing body which originally took the action, approved the plan, or issued the permit.

b. A request for extension, with applicable fees, of an expiration date shall be made on an application form provided by the Town and shall include, but shall not necessarily be limited to, the following:

1) The current date of expiration;

2) The extension period requested, which shall be no longer than the original period of time granted; and,

3) The reason(s) that the applicant has been unable to proceed within the period of the original expiration date.

c. Before granting an extension, the Town official, officer, board, commission or the governing body shall determine whether any applicable changes in land use regulations have occurred which would impose new requirements with respect to such action, approval or permit, if an extension were denied and the applicant were compelled to re-file for an original action, approval, or permit. If changes have occurred, the Town official, officer, board, commission or the governing body shall balance the burden imposed on the applicant if required to re-file for an original action, approval or permit against the benefit accruing to the Town and the public by requiring the applicant to comply with the new regulation.

Table 3.8-1 Time Limits for Use of Zoning Approvals and Permits

Type	Time Limit
Rezoning Zoning Map	Time limits for Rezoning or Zoning Map change shall be at the discretion of the Town Council.
Conditional Use Permit	Eighteen (18) months to obtain a building permit and commence construction of the primary use authorized by the permit, or in the case of home occupations, to complete any necessary alterations, adjustments, modifications, or other activities authorized by the permit.
Variance or Special Exception	Six (6) months to obtain a building permit and to commence construction of the primary use authorized by the variance.
Building Permit	Six (6) months.
Site Plan	Eighteen (18) months to commence construction after receiving site plan approval, two (2) years from commencement of construction to complete construction.
Development Agreement	The above-referenced time limits may be extended up to a maximum of five (5) years, pursuant to an approved development agreement.

Table 3.8-2 Time Limits for Use of Subdivision Approvals

Type	Revised Time Limit
Preliminary Plat	Twenty-four (24) months to submit final plat or preliminary plat void.
Final Plat	Twenty-four (24) months to initiate construction of improvements; Thirty-six (36) months to complete construction of improvements.

Zoning Ordinance

Article 4.0
Zoning Districts

4.0 Zoning Districts

Section	*Content*	*Page*
4.1	Purpose	1
4.2	Establishment of Zoning Districts	1
4.3	Relationship to General Plan	2
4.4	Zoning Map	6
4.5	District Boundaries	6
4.6	Use Regulations	6
4.7	Dimensional and Density Regulations	21
4.8	Density Bonus	26
4.9	Performance Criteria	27
4.10	Planned Community District	32
4.11	Planned Area Development Overlay District	37
4.12	Manufactured Housing Overlay District	42
4.13	Transfer of Development Rights	43
4.14	Phoenix-Mesa Gateway Airport Overlay District	44

4.1 Purpose

A. The Town is hereby zoned and divided into districts. The purpose of establishing these districts is:

1. To implement the Queen Creek General Plan;

2. To conserve and promote the public health, safety, and general welfare;

3. Encourage the most appropriate use of land throughout the Town and to ensure logical and orderly growth and development of the physical elements of the Town;

4. Prevent scattered and haphazard growth and guide orderly transition of urban areas;

5. Conserve and enhance economic, social and aesthetic values;

6. Protect and maintain the integrity and character of established neighborhoods;

7. Facilitate adequate provision of transportation, water, sewage, schools, parks, and other public and commercial facilities and services;

8. Promote the development of convenient and beneficial clusters of uses, including business and shopping facilities where satisfactory proof is made that the same are reasonably necessary and desirable for the public convenience and welfare;

9. Provide for adequate light and clean air;

10. Aid in preventing traffic congestion in the streets and public ways of the Town;

11. Prevent unduly noisome and / or injurious substances, conditions and operations; and,

12. Secure safety from fire, panic and other dangers.

4.2 Establishment of Zoning Districts

A. In accordance with the requirement of A.R.S. §9-462.01.B, that zoning regulations be districts, the Town of Queen Creek, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following zoning districts which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title.

B. Additional zoning districts may be added from time to time upon the recommendation of the Planning Commission to the Town Council pursuant to A.R.S. §9-462.03. Proposed changes to the zoning district regulations or the Official Zoning Map, including the addition of new zoning districts, may be submitted by the Planning Commission or any other interested party.

C. Uses not listed as a permitted use or conditional use within the applicable zoning district regulations herein shall be prohibited, unless determined by the Planning Administrator as described in subsection 4.6.B.1.

D. If a use does not conform to the uses designated as permitted uses within the zoning district, the applicant may submit

an application for an amendment to the Official Zoning Map and / or the text of the Zoning Ordinance, or an interpretation of zoning district boundaries or permitted uses pursuant to Section 2.2 of this Ordinance.

Table 4.2-1 Zoning Districts

Zoning District			Area Requirements
Residential Districts	A-1	Agricultural District – Rural Development	Ten (10) acres/du
	R1-190	Rural Development District	Five (5) acres/du
	R1-145	Rural Development District	Three and one-third (3 1/3) acres/du
	R1-108	Rural Development District	Two and a half (2 1/2) acres/du
	R1-54	General Rural Development District	One and one-fourth (1 1/4) acres/du
	R1-43	Rural Estate District	One (1) acre/ du
	R1-35	Suburban Residential Type A District	Thirty five thousand (35,000) sq. ft. /du
	R1-18	Suburban Residential Type B District	Eighteen thousand (18,000) sq. ft. /du
	R1-15	Suburban Development Type B District	Fifteen thousand (15,000) sq. ft. /du
	R1-12	Suburban Development Type B District	Twelve thousand (12,000) sq. ft. /du
	R1-9	Urban Development Type A District	Nine thousand (9,000) sq. ft. /du
	R1-8	Urban Development Type A District	Not Permitted after August 1, 1998
	R1-7	Urban Development Type A District	Seven thousand (7,000) sq. ft. /du
	R1-6	Urban Development Type A District	Not Permitted after August 1, 1998
	R1-5	Urban Development District	Up to 5 du/acre
	R1-4	Urban Development District	Up to 8 du/acre
	R-2	Urban Development Type B District	Townhouse
	R-3	Urban Development Type B District	Limited Multiple Family
	R-4	Urban Development Type B District	Multiple Family
Non-Residential Districts	C-1	Light Commercial District	N/A
	C-2	General Commercial District	N/A
	C-3	Regional Commercial Center District	N/A
	EMP-A	Office/Industrial Park	N/A
	EMP-B	General Industrial District	N/A
	PRC	Parks, Recreation and Conservation Zone District	N/A
	P/QP	Public/Quasi Public District	N/A
	NC	Neighborhood Commercial/Office Mixed Use District	N/A
	TC	Town Center Mixed Use District	N/A
	GMU	General Mixed Use District	N/A
	AT	Agri-tainment District	N/A
	PCD	Planned Community District	Two-hundred (200) acres
Overlay Districts	PAD	Planned Area Development Overlay District	N/A
	MHR	Manufactured Housing Overlay District	N/A

4.3 Relationship to General Plan

A. The purpose of this Ordinance is to implement the land use policies of the General Plan Land Use Element, including the Land Use Plan. Pursuant to A.R.S. §9-462.F, all zoning ordinances or regulations adopted pursuant to this Ordinance shall be consistent with the General Plan and any specific plans of the Town, if any, as adopted under A.R.S. §9-6 This section describes the relationship between the various zoning districts and the General Plan and a summary of each development district in tabular form. The provisions of Article 4 to Article 7 shall prevail, if there is any inconsistency with the tabular summary below.

1. Purpose Statements for All Districts. The purpose and intent of each district is listed in Table 4.3-1 on the next page.

Table 4.3-1 Relationship of Residential Districts to General Plan

Agriculture District		
A-1	Ten (10) Acres Per Dwelling Unit	To provide areas for low intensity agricultural operations, supportive agricultural industries, and very low density single family. This district is appropriate where low density single family uses development is desired or where terrain and / or lack of public facilities and services require low density development. A-1 zoning implements the Very Low Density Residential future land use classification of the Queen Creek General Plan.
Rural Development District		
R1- 190	Five (5) Acres Per Dwelling Unit	To provide areas for low intensity agricultural operations and to conserve and protect farms and other open land uses, and prevent urban and agricultural land use conflicts. Rural 190 zoning implements the Very Low Density Residential future land use classification of the Queen Creek General Plan.
R1-145	Three and One-Third (3 1/3) Acres Per Dwelling Unit)	To provide areas for low intensity agricultural operations and to conserve and protect farms and other open land uses, and prevent urban and agricultural conflicts, Rural 145 zoning implements the Very Low Density Residential future land use classification of the Queen Creek General Plan.
R1-108	Two and One-Half (2 1/2) Acres Per Dwelling Unit	To provide areas for low intensity agricultural operations and to foster orderly growth in the Rural Preservation Tier, and to prevent urban and agricultural land use conflicts. Rural 108 zoning implements the Very Low Density Residential future land use classification of the Queen Creek General Plan.
General Rural District		
R1-54	One and One-Fourth (1 1/4) Acres Per Dwelling Unit	To provide areas for low intensity agricultural operations and to provide a zoning classification for property formerly located in the unincorporated areas of Pinal County upon the annexation into the territorial limits of the Town of Queen Creek. Generally, such properties are zoned GR (General Rural) pursuant to the Pinal County Zoning Ordinance. Such properties shall, upon annexation into the Town of Queen Creek, be zoned R1-54 unless and until a different zoning classification is applied to said property. R1-54 zoning implements the Very Low Density Residential future land use classification of the Queen Creek General Plan and is located in the Rural Preservation Tier of the General Plan.
R1-43	One (1) Acre Per Dwelling Unit	To provide areas for low intensity agricultural operations and to provide areas for very and low density single family uses in the Rural Preservation Tier, Property zoned R1-43 should include only those tracts which abut or are in close proximity to existing large-lot single family development, making R1-43 an appropriate transition district between rural and urban uses, This zoning district implements the Very Low Density Residential and Low Density Residential future land use classification of the Queen Creek General Plan.
Suburban Residential		
R1-35 Type A	35,000 Square Feet Per Dwelling Unit	To provide areas for medium low-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. R1-35 zoning implements the Very Low Density Residential (VLDR), Low Density Residential (LDR), and Medium Density Residential (MDR) future land use classifications of the Queen Creek General Plan.
R-18, R-15, R-12 Type B	18,000, 15,000, 12,000 Sq. Feet Per Dwelling Unit	To provide areas for medium low-density, single family residential uses where adequate public facilities and services exist with capacity to serve development. R1-18, R1-15 AND R1-12 zoning implants the Low Density Residential (LDR) and Medium Density Residential (MDR) future land use classifications of the Queen Creek General Plan.

Table 4.3-1 Relationship of Residential Districts to General Plan (Continued)

Urban Development		
R1-9 Type A	9,000 Square Feet Per Dwelling Unit	To provide for medium density detached and attached single family homes and duplexes in areas where large-lot development is discouraged and adequate public facilities and services are located nearby. R1-9 supports the Queen Creek General Plan's principles of concentrating urban growth and reinforcing existing community centers. A mix of dwelling types is allowed in this district. This district implements the Medium Density Residential future land use classification of the Queen Creek General Plan.
R1-8 Type A	8,000 Square Feet Per Dwelling Unit	Pursuant to Ordinance 127-98, this district is not in use after August 1, 1998.
R1-7 Type A	7,000 Square Feet Per Dwelling Unit	High density district allowing the full spectrum of residential single family detached unit types within specified densities where adequate public facilities and services are available in the Urban Corridor and Town Center tiers. R1-7 may serve as a transitional district between single family and multi-family and non-residential districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. R1-7 implements the Medium Density Residential future land use classification of the Queen Creek General Plan. However, it may also be appropriate in lower intensity areas where it is part of a mixed density development.
R1-6 Type A	6,000 Square Feet Per Dwelling Unit	Pursuant to Ordinance 127-98, this district is not in use after August 1, 1998.
R1-5 Type B	Up to Five (5) Dwelling Units Per Acre	To provide a transitional district between lower density and higher density residential uses or non-residential uses. It may also be used to facilitate "infill" development for properties that may be difficult to develop due to their size, shape, or location at the same densities as adjacent residential properties. Lower densities may be developed in this district and it requires approval of a Planned Area Development (PAD) overlay as part of the development application process. This district implements the MHDR-A Future Land Use classification of the Queen Creek General Plan.
R1-4 Type B	Up to Eight (8) Dwelling Units Per Acre	To provide residential uses in conjunction with Office and Commercial uses as part of a master planned development. The R1-4 district is intended to allow a broader mix of residential opportunities by allowing single family housing on smaller lots and lot clustering. Lower density residential may be developed in this district and it requires approval of a Planned Area Development (PAD) Overlay as part of the development application process. This district implements the MHDR-B Future Land Use classification of the Queen Creek General Plan.
R-2 Type B	Town House	High density district allowing for single family attached residential uses within specified densities where adequate public facilities and services are available in the Urban Corridor (PAD only) and Town Center tiers. R-2 may serve as a transitional district between single family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. R-2 implements the Medium Density Residential, Mixed Use, and Town Center future land use classifications of the Queen Creek General Plan.
R-3 and R-4 Type B	Limited/ Multiple Family	High density residential allowing for multiple family unit types and densities to provide a balance of housing opportunities. R-3 and R-4 districts implement the Medium Density, Mixed Use, and Town Center future land use classifications of the Queen Creek General Plan. These districts are most appropriate in the Town Center tier.

Table 4.3-2 Relationship of Non-Residential Districts to General Plan

Non-Residential Districts		
MU	Mixed Use	To provide a mixture of residential, commercial, office and public uses that serve the neighborhood and / or community. Residential uses are allowed up to eighteen (18) units per acre. The MU District promotes integration of Office, Commercial, and Residential uses to support pedestrian and non-motorized alternatives to driving, and to promote a broader range of employment and housing options. It allows a range of development intensities and uses including, but not limited to: personal and professional services, institutional and civic uses, retail, office, and multi-family dwellings. The Mixed-Use District implements the Mixed Use and Town Center Future Land Use classifications of the Queen Creek Town Center and General Plans, and requires a Planned Area Development (PAD) Overlay.
TC	Town Center	To provide concentrated downtown retail, service, office and mixed uses. Major/regional shopping centers are permitted, but considerable care should be taken in order to design the site and building on a neighborhood commercial scale versus community commercial scale. All buildings should be designed as a village concept. Large outdoor sales areas are not permitted. Pedestrian circulation is encouraged as are common parking areas. The TC district promotes the long-term vitality of the Town Center Area as provided by the Queen Creek General Plan. This district implements the Town Center future land use classification of the Queen Creek General Plan.
NC	Neighborhood Commercial/ Office	To provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners as promoted by the Queen Creek General Plan. NC implements Commercial Goal 6, Policies 6.c and 6.f (page 27) of the Queen Creek General Plan.
AT	Agri-tainment District	To provide for land uses that support and enhance agriculture use in the Town. Such uses shall be compatible with agriculture, and may include uses that support open space, natural resource management, outdoor recreation, enjoyment of scenic beauty, commercial and residential uses. The Agri-tainment District requires a Planned Area Development (PAD) Overlay.
PCD	Planned Community District	To provide an alternative to standard zoning for planned developments. The purpose of the PCD is to encourage creative approaches in land development which conform and elevate the policies and goals of the General Plan. The district shall provide a wide mix of uses, densities, and intensities and shall be implemented through a Development Agreement. The PCD should strive to utilize the existing topography, surrounding uses, and open space opportunities through flexible design solutions.
Commercial Districts		
C-1	Light Commercial	Indoor retail, service, and office use requiring arterial street access and business and commercial development along urban arterials. The purpose of the C-1 district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure, and provide orderly transitions and buffers between uses. C-1 implements Commercial Goal 6, of the Queen Creek General Plan.
C-2	General Commercial	General commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing, and limited retail sales, with some outdoor display of goods, but limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the Town and County, providing community balance as described in the Queen Creek General Plan. The C-2 implements the Commercial Goal 6, of the General Plan.
C-3	Regional Commercial Center	To provide for a mixture of shopping, housing, recreation and employment opportunities to serve a regional market greater than the Town. Retail malls and power centers, auto dealers, major office centers, hospitals, apartments and condominiums and other similar larger scale and higher intensity uses are anticipated. Residential uses may also be developed. These projects must be developed as part of a master-planned development requiring approval of a Planned Area Development (PAD) Overlay. This district implements the Regional Commercial Center Future Land Use classification of the Queen Creek General Plan.

Table 4.3-2 Relationship of Non-Residential Districts to General Plan (Continued)

Employment Districts		
EMP-A	Office/ Industrial Park	To provide for a mix of light manufacturing uses, office park, and limited retail service uses that services the industrial uses, in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. This district implements the Employment A future land use classifications of the Queen Creek General Plan.
EMP-B	General Industrial	Areas of heavy and concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation, and the availability of public services and facilities. EMP-B must be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. This district implements the Employment B future land use classification of the Queen Creek General Plan.
Others		
PRC	Recreation and Conservation Zone	The principle purpose of the Recreation and Conservation Zoning District is to conserve and protect open space, washes, natural desert lands, wildlife habitats, and lands agreed to be left undeveloped through the plan approval process. The primary purpose of designating these areas is to raise the degree of assurance that such areas will remain open.
P/QP	Public/Quasi Public District	The purpose of this zoning district is to accommodate large-scale governmental, public utility, recreational and educational facilities. It is the intent of this district to recognize, by classification, those uses, which are provided by public usage or convenience, and to insure compatibility with surrounding uses.

4.4 Zoning Map

A. The boundaries of zoning districts established by this Ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the Town of Queen Creek, which Official Zoning Map is hereby incorporated by reference.

B. The Official Zoning Map shall be located in the Office of the Planning Administrator and a copy of the Official Zoning Map shall be kept on file with the Town Clerk. Any changes thereto shall be identified as an amendment to the Official Zoning Map and shall be filed in accordance with this subsection. The Official Zoning Map may, from time to time, be republished to delineate any rezoning approved pursuant to Section 3.4 of this Ordinance or any other amendments thereto.

4.5 District Boundaries

A. Unless otherwise provided, zoning district boundaries shall be located on municipal corporate lines, section lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, railroad rights-of-way or these lines extended. In cases where these lines are not used, the zoning district lines shall be determined by using the scale of the Official Zoning Map. If a parcel of land is divided by a zoning district boundary line at the time of enactment of this Ordinance or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

B. Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with Section 2.2 of this Ordinance.

4.6 Use Regulations

A. *Generally.* No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency of the Town, unless said use is listed as a permitted, accessory or conditional use in this Section 4.6 and all applicable permits and approvals have been issued by the Town. Those uses permitted as permitted

uses, conditional uses and accessory uses within each zoning district shall be those uses listed in Table 4.6-1 to this Ordinance.

B. *Uses Not Mentioned.* No building permit shall be issued for a use not specifically mentioned or described by category in the Tables 4.6-1 of this Section. Evaluation of these uses shall be as follows:

1. *Interpretation.* The Planning Administrator shall make a determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the Town Council upon recommendation by the Planning Commission at a regularly scheduled meeting. It is the intent of this Ordinance to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a conditional use permit. Uses not listed as a permitted or conditional use shall be presumed to be prohibited from the applicable zoning district. In the event a particular use is not listed in this Section and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Planning Administrator shall determine whether a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Planning Administrator's decision shall be recorded in writing. Should the Planning Administrator determine that a materially similar use does not exist, the matter may be referred to the Planning Commission for consideration for amendment to this Section to establish a specific listing for the use in question. The Planning Administrator may determine that a use is materially similar if it falls within the same industry (5-digit) classification of the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 1997)("NAICS"), and if the proposed use does not generate trips exceeding more than ten percent (10%), as determined by the Transportation Research Board, Highway Capacity Manual (Washington, D.C.: National Research Council, 3d ed. 1998); which documents are hereby incorporated by this reference.

2. *Non-Interpretation.* Where the Planning Administrator determines that a use not mentioned is of a type, scope, or impact that does not fit any existing use category, the Planning Administrator may initiate a text amendment procedure for reviewing the specific use applied for and its location. An approval does not create a right for similar use within the same zone category.

C. *Permitted Uses*.

1. *Generally.* No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency of the Town, unless said use is listed as a permitted, accessory or conditional use in Table 4.6-1 and all applicable permits and approvals have been issued by the Town. Table 4.6-1 lists the principal uses allowed within Residential Zoning Districts and Non-Residential Zoning Districts.

2. *Use Categories and Specific Uses*. The use categories listed in the first column of Table 4.6-1 are defined in this Ordinance. If there is a conflict between the abbreviated definition herein and a definition contained in Section 1.14, the provisions of Section 1.14 shall control. Specific Use Types are listed in the Second column of the table. If a Specific Use Type is listed in the table, that use type is allowed only within the districts indicated, not within every district that allows the broader Use Category.

[P] *Permitted Uses*. A "P" indicates that the listed use is permitted by-right within the respective zoning district. Permitted uses are subject to all other applicable standards of this Ordinance. Performance standards may be applicable.

[C] *Conditional Uses.* A "C" indicates that

the listed use is permitted within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review procedures of Section 3.5 of this Ordinance. Conditional Uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town Council consistent with the criteria set forth in Section 3.5 of this Ordinance and any Supplementary Use Regulations, which apply to said use.

[--]*Prohibited Uses*. A dash ("- -") indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.

[*] *Supplemental Use Regulations*. An asterisk (*) indicates that the listed use type may be permitted, but is subject to performance standards listed in Article 6, however, that such designation is provided merely for the convenience of the reader, and that the absence of an asterisk next to the use type shall not excuse an applicant from compliance from any applicable standards or requirements of Article 6.

[A] *Accessory Uses*. An "A" indicates that the use is permitted only as an accessory use to a primary use on the same lot or parcel; such uses cannot be established unless the primary use has been established on the lot or parcel.

[T] *Temporary Uses*. A "T" indicates that the use is permitted for a short-term period of time with the intent to discontinue such use upon the expiration of such time and shall comply with the applicable standards and requirements of Section 3.6.

[W]*Permitted with Conditions*. A "W" indicates that the listed use type is permitted and subject to additional conditions listed within Section 4.6.D provided. Performance standards may be applicable in Section 4.9.

D. *Permitted With Conditions Uses*.

1. *Bed and Breakfast Inns.*

   a. No receptions, private parties, and meals serviced to the general public, or similar activities shall be permitted unless expressly approved as part of a Conditional Use Permit or Site Plan application.

   b. No cooking facilities shall be permitted in the guest rooms.

   c. Parking requirements shall adhere to the standards set in Table 5.6-3 of this Ordinance and screening will be provided for the site for more than four (4) parking spaces.

   d. Signage will adhere to the standards set in Article 7 of this Ordinance.

2. *Campgrounds.*

   a. Sites will provide a minimum of one-thousand two-hundred fifty (1,250) square feet with at least one-hundred (100) square feet dedicated to a recreational area per campground space.

   b. Parking requirements shall adhere to the standards set in Table 5.6-3 and provide payment or treatment to reduce dust.

   c. Signage will adhere to the standards set in Article 7 of this Ordinance.

3. *Farming-Related Businesses.*

   a. Not more than five (5) persons, other than the owners, partners, or residents of the farm related businesses business shall be employed in the farm related business.

   b. Any outdoor storage area shall be subject to a conditional use and not located closer than six feet (6') to the rear property line or closer than twenty feet (20') to the side property line and be screened from adjoining roads and existing residences except for dwellings located on the same parcel as the farm-related business.

4. *General Office, Medical Office/Clinic.*

   a. The business shall not be open to customers between the hours of 10:00 p.m. and 6:00 a.m.

   b. The floor area devoted to each business shall not exceed three thousand (3,000) square feet.

   c. The business shall not receive more than three (3) commercial deliveries in a twenty four (24) hour period.

   d. Outdoor storage or display shall be prohibited.

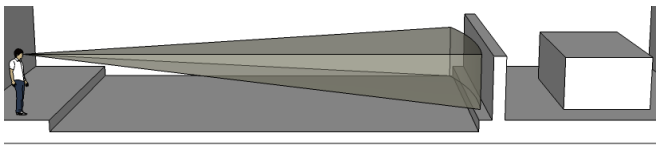
   e. Parking requirements shall adhere to the standards set in Table 5.6-3 and provide payment or treatment to reduce dust.

   f. Signage will adhere to the standards set in Article 7 of this Ordinance.

5. *Industrial and Heavy Equipment Storage.*

   a. Storage areas shall be screened from all surrounding land uses and all roadways by a wall or fence not less than eight feet (8') in height of solid, one-hundred percent (100%) opaque construction of wood, masonry or other similar material approved in writing by the Administrator.

   b. Stored items shall not project above the screening and tires, if stacked, shall not exceed six feet (6') in height. Gasoline, oil, or other hazardous materials, which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state, and local regulations.



6. *Institutional and Civic Uses*. Museums, art galleries, opera houses, libraries, community buildings, all other community services, parks and open space, educational facilities.

   a. Walls which face a public street shall be stuccoed, have mortar wash finish or otherwise be designed to match the primary building on the site, Such walls shall be a minimum of three feet (3') in height.

   b. When located within shopping centers or large commercial projects, which are adjacent to residential uses, a buffer setback shall be used.

   c. Mechanical equipment, whether ground level or roof-mounted, shall be screened from public view and designed to appear as an integral part of the building. Electrical meter and service components shall be screened from public view and painted to match the exterior color of the building.

   d. Noise from loudspeakers or paging systems shall not be audible from adjacent properties. Where abutting a residential district, sirens on vehicles shall not be activated until emergency vehicles reach the nearest arterial street.

   e. All access shall be taken from a collector roadway or higher street classification. Access may be proposed on a lower street classification through the conditional use permit process.

7. *Limited Day Care*. These conditions shall apply to 'C' and 'W' Limited Day Care uses.

   a. On-street parking shall be prohibited.

b. Commercial deliveries shall be limited to not more than three (3) per day.

c. Home based day cares shall operate only between 6:00 a.m. and 9:00 p.m. and only on weekdays.

d. Outdoor play area should be provided in the rear yard, except within the required front yard, in which fencing requirements shall comply with the requirements of Section 5.2 of this Ordinance.

e. Commercial trash pickup shall be prohibited on residential zoned property.

8. *Multi-Family Residential/ Multiple Dwelling.*

a. Site shall provide shared access and connectivity to adjacent residential and non-residential properties.

b. Site shall providing screening and buffer setbacks (see Section 5.3) when adjacent to loading docks when located within shopping centers or large commercial projects.

9. *Schools*.

a. Schools may be located in a residential zoning district provided that it is located on an arterial street or at the intersection of two (2) collector streets.

b. Schools adhere to the signage requirements of the C-1 District when located in Single-Family Residential Districts

10. *Outdoor Sales.*

a. Flea markets shall not derive access from a collector or local street which serves a residential district located within twelve-hundred feet (1,200') of the site.

b. Sanitary facilities shall be provided on site. No storage of items, other than those available for retail sale, may be stored on the premises unless for vehicle sales display, indoors, or confined within an approved screened storage area.

11. *Restaurants.*

a. The outdoor dining area shall only be allowed if located on the same property as the restaurant; or if located adjacent to and connected to the same property as a restaurant within public right-of-way as an encroachment.

b. The outdoor dining area shall not twenty-five percent (25%) of the restaurant gross floor area.

c. Music or entertainment is limited to recorded music or one (1) entertainer. Other live entertainment shall be permitted only upon securing a use permit and site plan approval in accordance with Article 3 of this Zoning Ordinance.

d. Patron dancing shall be prohibited.

e. Outdoor dining areas should be placed away from off-site uses that are sensitive to noise and night-time activity. Restaurant seating in the pedestrian portion of the public right-of way is encouraged and may be conditionally permitted when not obstructing pedestrian traffic. Where space allows, outdoor dining areas should be used to help synergize plazas, courtyards, and street frontages.

f. Consumption of only beer and wine in restaurants in Agri-tainment and Town Center districts is permitted.

g. Restaurants with full services should have alcohol sales less than fifty percent (50%) of gross sales revenue.

12. *Self-Storage Mini-Warehouse.*

a. The facility shall provide an on-site manager to maintain the establishment.

b. The repair, construction, or reconstruction of any boat, engine, motor vehicle, furniture, and the storage of any propane, gasoline engine, or storage tank is prohibited. No business activity other than rental of storage units shall be conducted on the premises.

c. Driving lanes shall be at least twenty-six feet (26') wide when cubicles open onto one (1) side of the lane only and at least thirty feet (30') wide when cubicles open onto both sides of the lane.

d. Parking requirements shall adhere to the standards set in Table 5.6-3 of this Ordinance.

Table 4.6-1 Permitted Uses

Use Category	Specific Use Type	Residential Zoning Districts					Non-Residential Zoning Districts										
		A1 R1-190 R1-145 R1-108	R1-54 R1-43 R1-35	R1-18 R1-15 R1-12	R1-9 R1-8[1] R1-7 R1-6[1] R1-5 R1-4	R-2 R-3 R-4	AT	NC	TC	MU	C-1	C-2	C-3	EMP A	EMP B	PRC	PQP
Residential																	
Dwelling Units	*Accessory Uses	A	A	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	Live / Work	--	--	--	--	--	P	P	P	P	C	C	C	C	--	--	--
	*Accessory Dwelling Unit	A	A	--	--	--	P	--	--	--	--	--	--	--	--	--	--
	Single-Family, Detached	P	P	P	P	P	P	C	P	P	--	--	--	--	--	--	--
	Single-Family, Attached	--	--	--	--	P	P	C	P	P	--	--	--	--	--	--	--
	Modular Home	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--
	Manufactured Housing (Permitted in MHR Overlay only)	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--
	Mobile Home	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--	--
	Duplex / Triplex / Townhouse	--	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--
	Multiple Dwelling (See Section 4.6.D.8)	--	--	--	--	P	P	P	P	P	W	W	--	--	--	W	--
	Boarding House or Rooming House	--	--	--	--	C	--	P	C	C	C	--	--	--	--	--	--
	All Other Household Living	--	--	--	--	C	--	C	C	C	C	C	C	C	C	C	--
Group Living	Assisted Living Facility	C	C	--	--	P	--	P	C	C	C	P	P	--	--	--	--
	*Group Care Homes	P	P	P	P	P	--	P	P	P	P	P	P	P	P	P	--
	Treatment Facility	--	--	--	--	--	--	C	C	C	C	C	C	--	--	--	--
Lodging	Hotels, Motels,	--	--	--	--	--	--	P	P	P	P	P	P	--	--	--	--
	Bed & Breakfast Inns (See 4.6.D.1)	--	--	--	--	--	W	--	W	--	--	--	--	--	--	--	--
Institutional & Civic																	
Community Service	Museums, Art Galleries, Opera Houses, and Libraries (See Section 4.6.D.6)	W	W	W	W	W	W	W	W	W	W	W	W	--	--	W	W
	Community Building (See Section 4.6.D.6)	W	W	W	W	W	W	W	W	W	W	W	W	--	--	W	W
	All Other Community Service (See Section 4.6.D.6)	W	W	W	W	W	W	W	W	W	W	W	W	--	--	W	W
Day Care	Home-Based Day Care (1-6 children plus 2 children after school) (See Section 4.6.D. 7)	W	W	W	W	W	--	--	--	--	--	--	--	--	--	--	--
	Limited Day Care (6-12 children) (See Section 4.6.D.7)	C	C	C	C	C		W	W	W	W	W	W	--	--	--	--

Table 4.6-1 Permitted Uses (Continued)

Use Category	Specific Use Type	Residential Zoning Districts					Non-Residential Zoning Districts										
		A1 R1-190 R1-145 R1-108	R1-54 R1-43 R1-35	R1-18 R1-15 R1-12	R1-9 R1-8[1] R1-7 R1-6[1] R1-5 R1-4	R-2 R-3 R-4	AT	NC	TC	MU	C-1	C-2	C-3	EMP A	EMP B	PRC	PQP
Institutional & Civic (Continued)																	
Day Care (Continued)	General Day Care (13 or more children) and Nursery School/ Pre-School (See Section 4.6.D.7)	--	--	--	--	--	--	W	P	P	W	P	P	--	--	--	--
	All other	--	--	--	--	--	--	C	C	C	C	C	C	--	--	--	--
Parks & Open Space	Neighborhood Park (See Section 4.6.D.6)	W	W	W	W	W	--	--	--	--	--	--	--	--	--	--	--
	Cemetery (See Section 4.6.D.6)	W	W	W	W	W	--	--	C	--	C	C	--	C	C	W	--
	Golf Course (See Section 4.6.D.6)	W	W	W	W	W	--	--	W	C	W	W	C	C	C	W	--
	Golf Driving Range	--	--	--	--	--	--	--	C	C	C	C	C	C	C	C	--
	Parks/lakes/reservoirs	--	--	--	--	--	--	C	C	C	C	C	C	C	C	C	--
	All Other Parks/Open Space (See Section 4.6.D.6)	W	W	W	W	W	W	C	C	C	C	C	C	C	C	C	--
Religious Institutions	Institution (seating capacity up to 1,500 persons)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--
	Large Institution (seating capacity greater than 1,500 persons)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--
	All other religious uses	--	--	--	--	--	--	C	C	C	C	C	C	--	--	--	--
Safety Services (See Section 4.6.D.6)	All	C	C	C	C	C	C	C	C	C	W	W	C	C	C	C	W
Educational Facilities (See Section 4.6.D.6)	Boarding School	C	C	C	C	C	--	C	C	C	C	C	C	--	--	--	W
	Charter, Private and Parochial School	W	W	W	W	W	--	W	W	W	W	W	W	--	--	--	W
	Dance/Art/Music Schools	--	--	--	--	--	--	W	W	W	W	W	C	--	--	--	W
	Elementary Schools	W	W	W	W	W	W	W	W	W	W	W	W	--	--	--	W
	Riding Academies	--	--	--	--	--	P	C	W	C	C	W	C	C	C	--	W
	Secondary Schools	W	W	W	W	W	W	C	W	W	C	W	W	--	--	--	W
	College or University	C	C	--	--	--		--	W	W	W	W	W	--	--	--	W
	Vocational/Tech School	--	--	--	--	--	P	--	W	W	W	W	W	W	W	--	W
	All other Schools	W	W	W	W	W	W	C	C	C	C	C	C	--	--	--	W

Table 4.6-1 Permitted Uses (Continued)

Use Category	Specific Use Type	Residential Zoning Districts					Non-Residential Zoning Districts										
		A1 R1-190 R1-145 R1-108	R1-54 R1-43 R1-35	R1-18 R1-15 R1-12	R1-9 R1-8[1] R1-7 R1-6[1] R1-5 R1-4	R-2 R-3 R-4	AT	NC	TC	MU	C-1	C-2	C-3	EMP A	EMP B	PRC	PQP
Institutional & Civic (Continued)																	
Utility, Basic	Utility Facilities and Utility Service Yards	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	All other Utility, Basic	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	P
Utility Corridors	Transmission Lines (underground)	P	P	P	P	P	P	C	C	C	C	P	P	P	P	C	P
	Transmission Lines (above ground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Utility Treatment, Production or Service Facilities	--	--	--	--	--	C	--	C	C	C	C	C	C	C	C	P
Detention Facilities	Jails, Reformatories	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P
	Honor Camps	--	--	--	--	--	--	--	--	--	C	C	--	P	P	--	P
Hospital/ Clinic	Clinics/Medical/Dental Offices (see section 4.6.D.4)	--	--	--	--	--	W	W	W	W	P	P	P	C	--	--	--
	Adult Day Care	--	--	--	--	--	--	P	P	P	P	P	P	C	--	--	--
	Blood Bank or Plasma Center	--	--	--	--	--	--	P	P	P	P	P	P	C	--	--	--
	Counseling Centers (non-resident)	--	--	--	--	--	--	C	P	P	C	P	P	C	C	--	--
	Counseling Centers (non-resident) for the treatment of drug abuse and / or alcohol	--	--	--	--	--	--	C	C	C	C	C	P	C	C	--	--
	Hospital/Mental Hospital	--	--	--	--	--	--	--	C	C	C	C	C	C	--	--	--
	Physical and Mental Rehabilitation (resident)	--	--	--	--	--	--	--	--	C	--	C	C	C	C	--	--
	All other medical facilities	--	--	--	--	--	--	--	--	C	--	C	C	C	C	--	--
Commercial																	
Eating and Drinking Establishments	Bars & Nightclubs (with or without live music and dancing) and Alcohol Sales, by the drink (primary use) (see section 4.6.D.10)	--	--	--	--	--	W		C	W	C	C	P	C	--	--	--
	Restaurant, limited service (see section 4.6.D.10)	--	--	--	--	--	P	C	P	P	P	P	P	P	P	--	--
	Restaurant, full service (see section 4.6.D.10)	--	--	--	--	--	W	W	W	P	P	P	P	P	P	--	--

Table 4.6-1 Permitted Uses (Continued)

Use Category	Specific Use Type	Residential Zoning Districts					Non-Residential Zoning Districts										
		A1 R1-190 R1-145 R1-108	R1-54 R1-43 R1-35	R1-18 R1-15 R1-12	R1-9 R1-8[1] R1-7 R1-6[1] R1-5 R1-4	R-2 R-3 R-4	AT	NC	TC	MU	C-1	C-2	C-3	EMP A	EMP B	PRC	PQP
Commercial (Continued)																	
Eating and Drinking Establishments (Continued)	* Restaurant, with In-Vehicle Service	--	--	--	--	--	--	--	C	C	C	C	P	--	--	--	--
	Coffee Houses (see Section 4.6.D.10)	--	--	--	--	--	P	C	P	P	C	P	P	--	--	--	--
* Home-based occupations	All (when AT, TC, MU is residential use)	P	P	P	P	--	P	--	P	P	--	--	--	--	--	--	--
Office	General Offices (see section 4.6.D.10)	--	--	--	--	--	W	P	W	P	P	P	P	P	--	--	--
	* Office with Drive-Thru	--	--	--	--	--	C	--	C	C	C	C	P	--	--	--	--
	All other offices	--	--	--	--	--	C	C	C	C	C	C	P	--	--	--	--
Parking, Commercial	Commercial Parking Lot or Parking Structure	--	--	--	--	--		C	C	C	C	C	C	C	C	--	--
Entertainment Event Major	Indoor Facilities	--	--	--	--	--	P	C	P	P	C	C	P	P	P	C	--
	Outdoor Facilities	--	--	--	--	--	P	C	C	C	C	C	C	P	P	C	--
Recreation and Entertainment Outdoor	Campgrounds and Camps (see Section 4.6.D.2)	W	W	--	--	--	W	--	--	--	--	--	--	W	W	W	--
	Commercial Ranch, Commercial Stable, Outdoor Guest Ranch	C	C	--	--	--	P	--	--	--	--	--	--	--	--	--	--
	Equestrian boarding and riding arenas, (setback 500 feet from all property lines)	--	--	--	--	--	P	--	--	--	--	--	--	C	C	--	--
	Equestrian facilities in conjunction with an approved single family residential development	--	--	--	--	--	P	--	--	--	--	--	--	--	--	C	--
	Hunting, fishing, game preserves and recreational clubs or camps - not including recreational vehicle campgrounds.	--	--	--	--	--	P	--	--	--	--	--	--	--	--	P	--
	Resort, Cabins and Lodges	C	C	--	--	--	P	--	--	C	--	P	C	C	C	C	--
	Swimming Pools	A	A	A	A	A	--	C	P	C	C	P	C	--	--	P	--
	Shooting Ranges	C	---	--	--	--	--	--	--	--	--	--	--	C	C	C	--
	Commercial Amusement, Outdoor	C	C	--	--	--	P	--	--	C	C	C	C	C	C	--	--

Table 4.6-1 Permitted Uses (Continued)

Use Category	Specific Use Type	Residential Zoning Districts					Non-Residential Zoning Districts										
		A1 R1-190 R1-145 R1-108	R1-54 R1-43 R1-35	R1-18 R1-15 R1-12	R1-9 R1-8[1] R1-7 R1-6[1] R1-5 R1-4	R-2 R-3 R-4	AT	NC	TC	MU	C-1	C-2	C-3	EMP A	EMP B	PRC	PQP
Commercial (Continued)																	
Recreation and Entertainment Outdoor (Continued)	Miniature Golf	C	C	--	--	--	P	--	--	--	--	--	--	--	--	--	--
	Zoo	C	C	--	--	--	P	--	--	C	C	C	C	C	C	C	--
	Carnivals, Dances, Circuses	--	--	--	--	--	--	--	--	C	--	--	C	--	--	--	--
	All Other Outdoor Recreation	C	C	--	--	--	C	C	C	C	C	C	C	C	C	C	--
Recreation and Entertainment Indoor	Assembly/Auditorium	C	C	--	--	--		--	P	P	C	C	C	--	--	--	--
	Amusement Center	C	C	--	--	--	P	--	--	--	--	--	--	--	--	--	--
	Bowling Alley	--	--	--	--	--	C	--	--	--	--	--	--	--	--	--	--
	Commercial Amusement, Indoor	--	--	--	--	--	P	--	P	P	C	P	P	P	P	--	--
	Clubs, Lodges, Health Club, or Fitness Center	--	--	--	--	--	C	--	P	P	C	P	P	--	--	--	--
Retail Sales and Service	Alcohol sales, retail	--	--	--	--	--	P	P	P	P	C	P	P	C	--	--	--
	Alcohol sales, in restaurant	--	--	--	--	--	P	P	P	P	C	P	P	C	C	--	--
	Veterinary Hospitals, Kennels	--	--	--	--	--	P	--	C	P	--	C	P	C	C	--	--
	Indoor, small animals	--	--	--	--	--	P	P	P	P	P	P	P	C	--	--	--
	Indoor, large animals	--	--	--	--	--	P	C	P	C	C	P	C	C	C	--	--
	Animal Sales and Care	--	--	--	--	--	P	P	P	P	P	P	P	P	--	--	--
	Bed & Breakfast	C	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	Outdoor Sales Operations (see Section 4.6.D.9)	--	--	--	--	--	P	W	W	W	W	W	W	W	W	--	--
	Arts, crafts and boutiques	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--
	Bakeries (small scale not factory or distribution warehousing)	--	--	--	--	--	P	P	P	P	P	P	P	P	--	--	--
	Bakeries (large scale, including distributors or warehousing)	--	--	--	--	--	P	--	--	--	--	--	--	C	P	--	--
	Banks (excluding drive-thru facilities)	--	--	--	--	--	C	P	P	P	P	P	P	P	--	--	--
	Bars & Nightclubs (with or without live music and dancing)	--	--	--	--	--	P	--	C	P	C	C	P	--	--	--	--
	* Sexually Oriented Business	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--

Table 4.6-1 Permitted Uses (Continued)

Use Category	Specific Use Type	Residential Zoning Districts					Non-Residential Zoning Districts										
		A1 R1-190 R1-145 R1-108	R1-54 R1-43 R1-35	R1-18 R1-15 R1-12	R1-9 R1-8[1] R1-7 R1-6[1] R1-5 R1-4	R-2 R-3 R-4	AT	NC	TC	MU	C-1	C-2	C-3	EMP A	EMP B	PRC	PQP
Commercial (Continued)																	
Retail Sales and Service (Continued)	* Large Format Retail	--	--	--	--	--	--	--	--	P	--	P	P	--	--	--	--
	Book Stores	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--
	Cemeteries, Mausoleums	--	--	--	--	--	P	--	--	--	--	--	--	C	C	--	--
	Contractor and Trade Shops, Indoor operations and storage	--	--	--	--	--	P	--	C	--	--	C	C	P	P	--	--
	Supermarkets or Convenience Stores	--	--	--	--	--	P	--	P	P	P	P	P	--	--	--	--
	Delivery and Dispatch Services (vehicles on-site)	--	--	--	--	--	P	--	--	C	P	P	P	P	P	--	--
	Department Stores	--	--	--	--	--	--	--	P	P	--	P	P	--	--	--	--
	* In-vehicle ("drive-thru") service facilities uses, including automated tellers, banks, cleaners, liquor, fuel and restaurants.	--	--	--	--	--	--	C	--	C	C	C	P	--	--	--	--
	Farm-Related Business, such as: feed stores, fruit, and vegetable stands. (see Section 4.6.D.3)	--	--	--	--	--	P	W	W	W	W	W	W	--	--	--	--
	Fertilizer and Seed Sales	--	--	--	--	--	P	C	C	--	C	C	C	P	P	--	--
	Food Service	--	--	--	--	--	P						P				
	Catering	--	--	--	--	--	P	C	P	P	C	P	P	C	C	--	--
	Fuel Sales	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	Funeral Home/Mortuary Crematorium	--	--	--	--	--	--	--	C	C	C	C	P	P	P	--	--
	Hardware Stores	--	--	--	--	--	P	C	P	P	C	P	P	--	--	--	--
	Landscaping Materials	--	--	--	--	--	P	C	P	--	P	P	C	P	P	--	--

Table 4.6-1 Permitted Uses (Continued)

Use Category	Specific Use Type	Residential Zoning Districts					Non-Residential Zoning Districts										
		A1 R1-190 R1-145 R1-108	R1-54 R1-43 R1-35	R1-18 R1-15 R1-12	R1-9 R1-8[1] R1-7 R1-6[1] R1-5 R1-4	R-2 R-3 R-4	AT	NC	TC	MU	C-1	C-2	C-3	EMP A	EMP B	PRC	PQP
Commercial (Continued)																	
Retail Sales and Service (Continued)	Manufactured Building Sales and Service	--	--	--	--	--	--	--	--	--	--	--	C	C	P	--	--
	* Massage Establishments	--	--	--	--	--	--	--	C	C	C	P	P	--	--	--	--
	Motor Vehicle Dealer	--	--	--	--	--	--	--	--	C	--	P	P	--	--	--	--
	*Non-chartered Financial Institutions	--	--	--	--	--	--	--	C	--	--	C	--	C	--	--	--
	Nurseries and Green Houses where retail sales and services will be conducted on the premises	--	--	--	--	--	P	P	P	C	P	P	P	--	--	--	--
	* Pawn Shops and Precious Metals Dealers (We Buy Gold)	--	--	--	--	--	--	--	--	--	--	C	--	C	--	--	--
	Rental Services (see 4.6.D.5) where heavy equipment is involved)	--	--	--	--	--	--	W	W	W	W	W	W	W	W	--	--
	Repair Services (appliances)	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	--
	Personal or General Services	--	--	--	--	--	--	P	P	P	P	P	P	C	C	--	--
	Shopping Centers less than 25,000 square feet	--	--	--	--	--	P	--	P	P	C	P	P	--	--	--	--
	* Shopping Centers, 25,000 to 400,000 square feet	--	--	--	--	--	--	--	--	P	--	P	P	--	--	--	--
	* Shopping Centers, more than 400,000 square feet	--	--	--	--	--	--	--	--	C	--	--	P	--	--	--	--
	* Medical Marijuana Dispensary, Operation or Cultivation	--	--	--	--	--	--	--	--	--	--	C	--	C	C		
	Swap Meets and Farmer's Markets	--	--	--	--	--	P	--	C	P	--	C	P	C	C	--	--
	Theaters	--	--	--	--	--	P	--	P	P	--	--	P	--	--	--	--
	All Other Retail Sales and Service	C	C	--	--	--		C	C	C	C	C	C	C	C	--	--
Agriculture	General agriculture uses, agribusiness, entertainment farming	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--

Table 4.6-1 Permitted Uses (Continued)

Use Category	Specific Use Type	Residential Zoning Districts					Non-Residential Zoning Districts										
		A1 R1-190 R1-145 R1-108	R1-54 R1-43 R1-35	R1-18 R1-15 R1-12	R1-9 R1-8[1] R1-7 R1-6[1] R1-5 R1-4	R-2 R-3 R-4	AT	NC	TC	MU	C-1	C-2	C-3	EMP A	EMP B	PRC	PQP
Commercial (Continued)																	
Agriculture (Continued)	Concentrated animal feeding operation	--	--	--	--	--	P	--	--	--	--	--	--	C	C	--	--
	Dairy	--	--	--	--	--	P	--	--	--	--	--	--	C	C	--	--
	Feed Lot	--	--	--	--	--	P	--	--	--	--	--	--	C	C	--	--
	Greenhouses	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--
	Agribusiness	--	--	--	--	--	P	--	--	P	--	--	--	P	P	--	--
	Christmas Tree Sales	--	--	--	--	--	P	--	--	--	--	--	P	P	P	P	--
	Grain Storage, when not used in connection or accessory to use of the property for agriculture cultivation	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--
	Winery	--	--	--	--	--	P	--	--	--	--	--	--	C	C	--	--
	All other agriculture, including mini-farms, and community gardens	P	P	C	C	C	C	--	--	--	--	--	--	C	C	--	--
Self-Service Storage	Self-Storage (see Section 4.6.D.11)	--	--	--	--	--	--	W	W	W	W	W	W	W	W	--	--
Vehicle Service	Automotive Repair	--	--	--	--	--	--	--	--	C	--	P	P	P	P	--	--
	Body Shop	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--
	* Car Wash	--	--	--	--	--	--	--	--	C	--	P	P	--	--	--	--
	* Gasoline Service Station	--	--	--	--	--	--	C	--	P	C	P	P	--	--	--	--
	* Quick Lubrication	--	--	--	--	--	--	C	--	C	C	P	P	P	P	--	--
	Semi-Truck Repair	--	--	--	--	--	--	--	--	--	--	--	--	C	P	--	--
	Semi-Truck Stop/Travel Plaza	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--
	Tire Recapping and Storage (not junkyards)	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
	All other Vehicle Service	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--
Other																	
Aviation or Surface Passenger Terminal	Airport/Heliports	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
	Bus/Commuter Stops	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	--
	Bus/Railroad Depot	--	--	--	--	--	P	--	P	P	C	P	P	P	P	--	--

Table 4.6-1 Permitted Uses (Continued)

Use Category	Specific Use Type	Residential Zoning Districts					Non-Residential Zoning Districts										
		A1 R1-190 R1-145 R1-108	R1-54 R1-43 R1-35	R1-18 R1-15 R1-12	R1-9 R1-8[1] R1-7 R1-6[1] R1-5 R1-4	R-2 R-3 R-4	AT	NC	TC	MU	C-1	C-2	C-3	EMP A	EMP B	PRC	PQP
Other (Continued)																	
Aviation or Surface Passenger Terminal (Continued)	Helipads	--	--	--	--	--	--	--	--	P	C	C	P	C	C	--	--
	All other Aviation or Surface Passenger Terminal	--	--	--	--	--	--	C	C	P	C	C	P	C	C	--	--
Mining	Extractive Use	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
	Oil or Gas Drilling	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
	Quarry	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
	Processing	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
	Sand or Gravel Extraction or Processing	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
* Tele-communication Facilities	* Antennas or towers, other	C	C	C	C	C	C	C	C	P	C	C	P	C	C	C	C
	*Antennas or towers on property owned, leased, or otherwise controlled by the Town of Queen Creek	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P
	Satellite Dish Antennas for private residential use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--
Temporary Uses (see Section 3.6)	Enterprise Sales	T	T		-	-	T	T	T	T	T	T	T	T	T	--	--
	Temporary Events	T	T	-	-	-	T	T	T	T	T	T	T	T	T	T	--
	Temporary Retail Sales	T	T	-	-	-	T	T	T	T	T	T	T	T	T	--	--
	Temporary real estate and construction-related uses	T	T	T	T	T	T	T	T	T	T	T	T	T	T	--	T
	Amusement enterprises	T	T	T	T	T	T	T	T	T	T	T	T	T	T	--	--
	Promotional activities involving the display of goods and merchandise	T	T	-	-	-	T	T	T	T	T	T	T	T	T	--	--
	Special events and activities on public property	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
	Display and Sale of Consumer Fireworks	--	--	--	--	--	T	--	T	T	T	T	T	T	T	--	--
	Temporary uses not specified	T	T	-	-	-	T	T	T	T	T	T	T	T	T	T	T

Table 4.6-1 Permitted Uses (Continued)

Use Category	Specific Use Type	Residential Zoning Districts					Non-Residential Zoning Districts										
		A1 R1-190 R1-145 R1-108	R1-54 R1-43 R1-35	R1-18 R1-15 R1-12	R1-9 R1-8[1] R1-7 R1-6[1] R1-5 R1-4	R-2 R-3 R-4	AT	NC	TC	MU	C-1	C-2	C-3	EMP A	EMP B	PRC	PQP
Industrial																	
Industrial Service, Manufacturing and Production	Animal Food Manufacturer	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
	Cleaning or Processing Establishment	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
	Indoor Operations and Storage such as Assembly, Food Products, and Manufacturing/ Processing	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
	Indoor Operations with Outdoor Storage such as Assembly, Food Products, and Manufacturing/Processing, Contractor and Trade Shop (see Section 4.6.D.11)	--	--	--	--	--	W	--	--	--	--	--	--	C	W	--	--
	Outdoor Operations and Storage such as Assembly, Food Products, and Manufacturing/Processing, Contractor and Trade Shops (see Section 4.6.D.11)	--	--	--	--	--	W	--	--	--	--	--	--	W	W	--	--
	All other Industrial Service	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
Warehouse and Freight Storage	Indoor Operations, Storage and Loading	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
	Indoor Storage with Outdoor Loading Docks (see Section 4.6.D.11)	--	--	--	--	--	--	--	--	--	--	--	--	W	W	--	--
	Outdoor Storage or Loading (see Section 4.6.D.5)	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--
Waste-Related Use	Transfer Station: (Non)Hazardous Waste	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
	Solid Waste Disposal Sites	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
	Junkyards/Automotive Recycler	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
	All other waste-related	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
Wholesale Sales	Wholesale business without highly flammable material or liquids	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--
	All other wholesale uses	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--

(1) Designation of R1-8 and R1-6 districts is prohibited after August 1, 1998 (pursuant to this Ordinance, and Ordinances 127-98 and 128-98).

4.7 Dimensional and Density Regulations

A. *Purpose.* This section establishes minimum and maximum standards for the location, height, bulk, number of stories and size of buildings and structures, the size of lots, yards, courts and other open spaces, the percentage of a lot which may be occupied by a building or structure, access to incidental solar energy and the intensity of land use within each zoning district pursuant to, A.R.S. §9-462.02.A.3.

B. *Intensity of Land Use Standards*.

1. *Computation of Permitted Dwelling Units*. Total permitted dwellings units shall be computed by multiplying the maximum net density (Table 4.7-1, Column (B)) by the net area of the site, as set forth in the equation below. The maximum net density (Table 4.7-1, Column (B)) shall not be construed to guarantee the establishment of a given number of dwelling units on any parcel, but is used exclusively for the calculation of the total number of dwelling units that may be established on a given parcel. This section shall not apply to the computation of permitted dwelling units for a PAD district, as set forth in Section 4.10 of this Ordinance. The following formula shall be used to compute the total number of dwelling units on any parcel, which formula is deemed to be consistent with the "Residential Net Density" formula as set forth in part D.2 of the Queen Creek General Plan:

$$D = \frac{DU}{A - (C + I + S + a + OS)}$$

DU: Total No of Dwelling Units Permitted
D: Maximum Net Density (Table 4.7-1, Column (B))
A: Total Site Area (Acres)
C: Total Commercial Land Area (acres)
I: Total Industrial Land Area (acres)
S: School Sites Reserved for Purchase by the School District (acres)*
a: Arterial and Collector Rights-of-Way (acres)
OS: Open Space
* Does not include sites dedicated to the School District.

2. *Measurement of Floor Area Ratio.* Unless otherwise stated, all references to non-residential intensity refer to the ratio of enclosed floor area to the gross area of the lot.

3. *Residential and Non*-Residential Density and Intensity. No Application for Development Approval shall be approved unless the density, intensity, floor area ratio, and impervious surface ratio conform to the requirements as set forth in Table 4.7-1 and Table 4.7-2 below. In Table 4.7-1, density (column (B)) is expressed in dwelling units per acre. In Table 4.7-2, Floor area ratio and impervious surface ratio (B) and (C) is a maximum and is expressed as a ratio.

4. *Floor Area Ratio*. Applicable to all zones, except single family residential zones refer to Table 4.7-2.

5. *Impervious Surface Ratio*. Not applicable to single family residential.

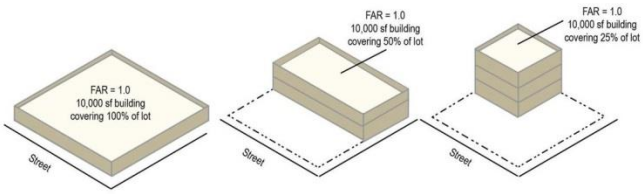
Table 4.7-1 Density and Intensity Regulations

(A) Zoning District	(B) Maximum Net Density	(A) Zoning District	(B) Maximum Net Density
A-1	0.1	R1-9	4.0
R1-190	0.2	R1-8*	4.0
R1-145	0.3	R1-7	4.0
R1-108	0.4	R1-6*	4.0
R1-54	0.8	R1-5	5.0
R1-43	1.0	R1-4	8.0
R1-35	1.2	R-2	10.0
R1-18	2.0	R-3	14.0
R1-15	3.0	R-4	18.0 +
R1-12	3.0		

* Designation of R1-8 and R1-6 districts is prohibited after August 1, 1998 (pursuant to this Ordinance, and Ordinances 127-98 and 128-98).

Table 4.7-2 Intensity Regulations

(A) Zoning Districts	(B) Floor Area Ratio	(C) Impervious Surface Ratio
GMU	1.0	0.9
TC	3.0	0.7
NC	0.5	0.52
AT		
C-1	0.3	0.7
C-2	0.6	0.7
C-3	1.0	0.9
EMP-A	1.0	0.8
EMP-B	1.0	0.9
RC	-	0.10



C. *Dimensional Standards.* Table 4.7-1, Table 4.7-2 and Table 4.7-3 lists the dimensional standards that apply within zoning districts. These are required standards, not guarantees that stated minimums or maximums can be achieved on every site. Other regulations of this Ordinance or site-specific conditions may further limit development on a site. The standards apply to all uses unless otherwise expressly provided in this Ordinance. The Alternative Development Standards of this Section provide additional or supplemental standards for Flag Lots, Attached Housing, and Zero Lot Line.

Table 4.7-3: Dimensional Standards

(A) Zoning District	(B) Minimum Area (Sq. Feet or Acres)	(C) Minimum Width (Feet)	(D) Minimum Depth (Feet)	(E) Maximum Lot Coverage (Percent)	(F) Maximum Height (Feet)	(G) Minimum Front Yard Setback (Feet)	(H)(15) Minimum Side Setback (Feet)	(I)(15) Minimum Rear Setback (Feet)
Residential Zoning Districts								
A-1	10 acres	300	--	10	30	60	30	60
R1-190	190,000	300	--	10	30	60	30	60
R1-145	145,054	200	--	10	30	50	30	50
R1-108	108,900	200	--	20	30	40	30	40
R1-54	54,450 sf	100	--	20	30	40	20	40
R1-43	43,560 sf	145	--	25	30	40	30	40
R1-35	35,000 sf	145	--	25	30	40	20	40
R1-18	18,000 sf	120	150	35	30	20(10)	10	30
R1-15	15,000 sf	115	130	35	30	20(10)	10	25
R1-12	12,000 sf	100	120	35(5)	30	20(10)	10	25
R1-9	9,000 sf	90	100	40(5)	30	20(10)	5(4)	25
R1-8*	8,000 sf	80	--	40(5)	30	20(10)	7	25
R1-7	7,000 sf	70	100	40(5)	30	20(10)	5(4)	25
R1-6*	6,000 sf	60	--	40(5)	30	20(10)	5	25
R1-5	5,000 sf	50	70	50(8)	30	20(10)	5(8)	20(11)
R1-4	4,000 sf	40	65	50(9)	30	20(10)	5(8)	15(12)
R-2	6,000 sf(1)	60	80	50	30	20	5	25
R-3	6,000 sf(1)	60	80	50	30(2)	2	5	25
R-4	6,000 sf(1)	60	80	50	30(2)	20	5	25

Table 4.7-3 Dimensional Standards (Continued)

(A) Zoning District	(B) Minimum Area (Sq. Feet or Acres)	(C) Minimum Width (Feet)	(D) Minimum Depth (Feet)	(E) Maximum Lot Coverage (Percent)	(F) Maximum Height (Feet)	(G) Minimum Front Yard Setback (Feet)	(H) Minimum Side Setback (Feet)	(I) Minimum Rear Setback (Feet)
Non-Residential Zoning Districts								
NC	--	50	100	75	30	--	10	5
TC	--	--	--	100	30(2)	--	0(3)	15
MU	--	--	--	80	90	(6)	(6)	(6)
AT	--	(6)	(6)	(6)	(6)	(6)	(6)	(6)
C-1	--	50	100	60	30	--	5(3)	0
C-2	--	50	100	60	48	--	10(3)	15
C-3	--	--	--	80	(6)	(6)	(6)	(6)
EMP-A	--	100	150	80	48	--	10(3)	15
EMP-B	--	100	150	80	48	--	10(3)	25
PRC	--	--	--	--	48	60	30	60
P/QP	--	--	--	100	30(2)	--	0(3)	15

Notes:

(1) For dwelling units other than single-family detached, a minimum lot area per dwelling unit also applies as follows: 2,000 square feet in R-4, 3,000 square feet in R-3, and 4,000 square feet in R-2.

(2) Building height may be increased to a height not exceeding forty feet (40') if a conditional use permit is approved by the Town Council.

(3) Yard standards apply (See Table 5.3-2).

(4) In the R1-9 and R1-7 districts, adjoining lots shall have a minimum spacing of fifteen feet (15') between buildings. For example, if one (1) lot has an existing five foot (5') side yard setback, then the adjoining lot shall have a side yard minimum of a ten foot (10') setback. Staggered setbacks are encouraged to create differentiation in building orientation to the street.

(5) In the R1-6, R1-7, R1-8, R1-9, and R1-12 districts, lot coverage may increase up to five percent (5%) for houses that provide front porches that meet the design criteria stated in Town of Queen Creek Design Standards.

(6) These setbacks for the MU, C-3, and AT Districts will be established as part of the development approval PAD process.

(7) Side yard setbacks may be 0' for attached housing products.

(8) 55% for single-story homes.

(9) 60% for single-story homes.

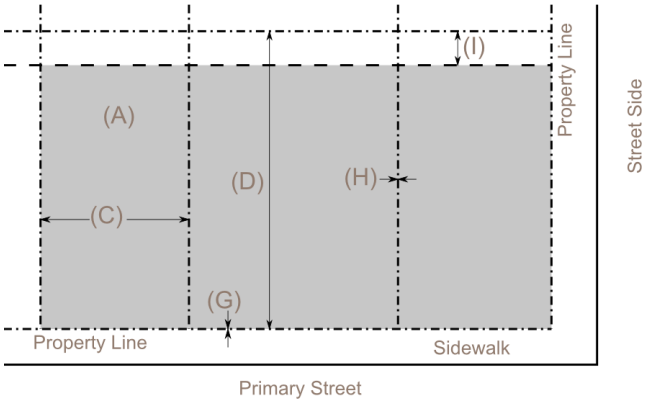
(10) 20' to front of garage (front entry)/10' to front of garage (side entry) and living area/10' to covered front porch.

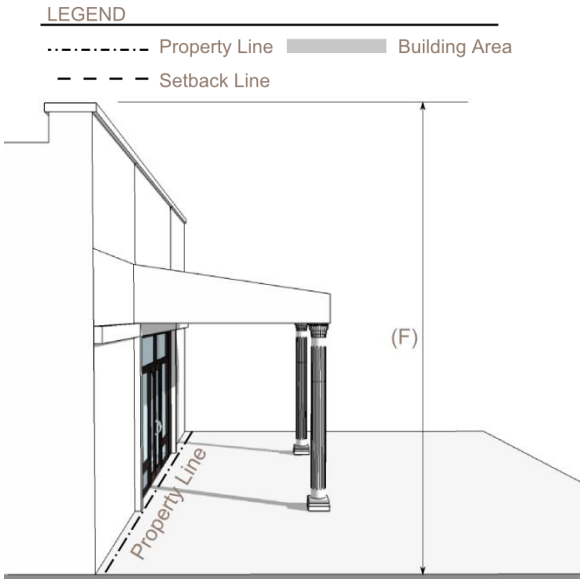
(11) 20' for two-story homes/15' for single-story homes and / or covered patios.

(12) 15' for two-story homes/10' for single-story homes and / or covered patios.

(13) Lot Area. No building permit or development approval shall be issued for a lot that does not meet the minimum and maximum lot area requirements of Section 4.7.C of this Ordinance except in the following instances

(14) Utilities. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area are exempt from minimum lot area standards.





1. In Table 4.7-3, lot area (B) is expressed in square footage unless otherwise specified. In Table 4.7-3, the following figures are expressed in feet: lot width (C), lot depth (D), height (E), minimum and maximum street frontage (G) through (I).

2. Maximum lot area restrictions do not apply to lots designated for open space or recreational uses pursuant to Section 5.5 of this Ordinance. The minimum setback for the TC district applies only to the first twenty feet (20') of building height in order to assure the provision of adequate sidewalk and planting strips.

D. *Lot Area.* No building permit or development approval shall be issued for a lot that does not meet the minimum and maximum lot area requirements of Section 4.7.C of this Ordinance except in the following instances:

1. *Utilities*. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area are exempt from minimum lot area standards.

E. *Setbacks.*

1. *Measurement*. For purposes of this Section, the "setback line" shall be deemed the future right-of-way line of a street or the property line. Setbacks are measured as the unobstructed, unoccupied open area between the furthermost projection of a structure (except as modified by the standards of subsection E.3, below) and the nearest setback line of the lot on which the structure is located. Structures shall meet the front yard setback from all abutting streets unless otherwise provided in this Ordinance. This measurement does not apply to corner lots unless the garage is side loaded in which case this measurement applies to both street frontages.

2. *Obstructions*. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section.

3. *Exceptions and Permitted Encroachments*. The following features may encroach into required setbacks:

a. Landscaping;

b. Bay windows, not to exceed three feet (3');

c. Chimneys, not to exceed two feet (2');

d. Clothesline post;

e. Driveways, curbs and sidewalks;

f. Flagpoles;

g. Heating and cooling units, not to exceed three feet (3');

h. Mailboxes;

i. Overhanging roofs, eaves, gutters, cornices, or similar architectural features and awnings, not to exceed three feet (3');

j. Septic systems, wells and underground utilities;

k. Signs (in accordance with Article 7 of this Ordinance);

l. Steps, stairs or fire escapes (non-enclosed), not to exceed six feet (6');

m. Uncovered, unenclosed terraces or porches not to exceed six feet (6'), but in no case closer than three feet (3') to any property line;

n. Accessory buildings or uses, within required side and rear setbacks only or as otherwise allowed in Article 6 of this Ordinance;

o. Fences, in accordance with Section 5.2 of this Ordinance;

p. Yard and service lighting fixtures or poles;

q. Fire escapes not to exceed six feet (6'); and,

r. In residential districts covered front porches may be allowed to encroach up to twenty-five percent (25%) of the distance of the required front yard setback. For example, a lot in the R1-43 district requires a forty (40)-foot front yard setback, twenty-five percent (25%) of which is ten feet (10'). Therefore, the front porch may encroach up to ten feet (10') for that particular lot. Porches built in the R1-7, R1-9, and R1-12 districts shall meet a minimum design criteria outlined in Article 5 to qualify for this exemption.

4. *Measurement of Front Yard Setbacks and Garage Placement.* Front facing garages shall be setback a minimum of five feet (5') from the livable or front porch area of the building. For purposes of this subsection, the front face plane shall not be measured from porch or overhang encroachments. Alternative setbacks may be proposed with the intent of reducing garage door dominance through the Administrative Appeal Process outlined in Section 2 of this Ordinance.

F. *Height*.

1. *Measurement*. Please refer to Section 1.14, for interpretive purposes.

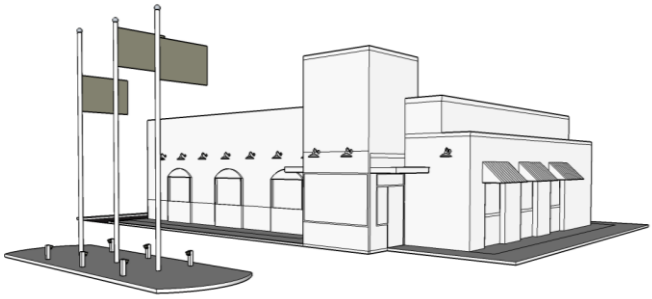
2. *Exceptions.* Zoning district height limits shall not apply to belfries, cupolas, steeples, spires, domes, monuments, airway beacons, structures for essential services, windmills, chimneys, or chimney flues. Height limits shall not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than thirty-three percent (33%) of the area of the roof.

3. *Navigation Hazards*. The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take off of aircraft near an airport, is prohibited.

4. *Flagpoles and Flags*. The following regulations shall apply to all non-single family zoning districts and uses.

a. *Location*. Flagpoles shall be depicted on site plans

b. *Flagpole Height*. Flagpoles shall not exceed 1.5 times the allowed building height for the zone in which it is located, or have a maximum height of not more than sixty feet (60').



c. *Flagpole Building Permit*. A building permit shall be required for the structure.

d. *Number Limited*. Three (3) flagpoles are allowed on a site.

e. *Flag Order*. Any flag flown in conjunction with the United States or State of Arizona Flag shall be flown beneath them and shall not exceed them in size.

f. *Flag Illumination*. Flags shall be illuminated if flown at night.

g. *Sign Permit*. A sign permit is not required for a flag or insignia of any nation, state, county, city or other political unit or corporate flag.

5. *Religious Institutions*. The building height shall be consistent with the zoning district in which the structure is located. The height of a church steeple is subject to Section 4.7.F.2, above, of this Ordinance. For churches and places of worship located in or adjacent to residential zoning districts, the following restrictions apply. For any height above thirty feet (30') (congregation seating area only), the minimum setback for the congregation seating area is determined by doubling the zoning district's minimum setback requirement (the most restrictive or adjacent zoning district setback applies) and for each one foot (1') increase in building height above thirty feet (30'), the setback is increased by an additional one foot (1').

4.8 Density Bonus

A. An applicant may be granted a density bonus as established in Column (C) of Table 4.8-1 by providing any of the community benefits listed in Column (A) of Table 4.8-1 herein, consistent with the criteria set forth in Column (B) of Table 4.8-1. No density bonus shall be granted for mere compliance with the minimum park dedication, open space dedication, or agricultural preservation requirements of this Ordinance. The total number of dwelling units permitted shall be a density bonus granted pursuant to this section and shall not exceed the number of total dwelling units permitted pursuant to Section 4.7.B.1, multiplied by the factor set forth in Column (D) of Table 4.8-1 and provided further that the total dwelling units permitted shall not exceed the maximum density within the applicable land use category of the General Plan.

Table 4.8-1 Density Bonus

(A) Community Benefit	(B) Criteria	(C) Density Bonus	(D) Maximum Density Factor
Public Park Land Dedication	Acreage shall comply with Section 5.5 of this Ordinance.	For each acre in excess of the minimum requirements of Section 5.5 of this Ordinance, a density bonus equal to the density permitted per acre in the zoning district (**Table 4.7-1**, Column (B)) may be allowed.	1.3
Open Space Dedication	The area shall exceed ten (10) contiguous acres and comply with Section 5.5 of this Ordinance.	For each acre in excess of ten (10) acres dedicated for open space, a density bonus equal to 1 times the density permitted per acre in the zoning district (**Table 4.7-1**, Column (B)) may be allowed.	1.3
Agricultural Preservation	Agricultural land development rights shall be transferred to the Town Center Activity Area or the Urban Corridor, pursuant to Section 4.15 of this Ordinance.	One unit for each unit of development potential transferred to any zoning district located within the Town Center Activity Area or the Urban Corridor Tiers. Credit is based on allowable density (e.g., if allowed density on donor site is one (1) unit per one (1) acre, then one (1) unit may be transferred for every one (1) acre reserved through a conservation easement or dedication.)	1.3

4.9 Performance Criteria

A. *Specific A-1 and Residential Zoning District Performance Criteria.* Application for development approval in the A-1 zoning district or in any residential zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 of this Ordinance and all proposed uses conform to the requirements of Articles 4, 5, and 6 of this Ordinance.

B. *Specific NC District Performance Criteria.* No application for development approval in the NC zoning district shall be approved unless the proposed development conforms to the requirements of the Town of Queen Creek Design Standards and any and all proposed uses conform to the requirements of Articles 4, 5, and 6 of this Ordinance and the following additional criteria:

1. NC districts shall be limited to areas above the frontage of arterial or collector streets or the intersection of two (2) principal, minor arterial streets or combination thereof, except where an existing center has been established prior to the adoption of this Ordinance;

2. NC districts shall be located at least 4224' (8/10ths) of a mile from another Business or Commercial zone district. The distance shall be measured between the closest boundaries of the two (2) (existing and proposed) districts;

3. Design requirements. See the Town of Queen Creek Design Standards;

4. All uses in this district shall close to customers and deliveries and extinguish illuminated signs not later than 11:00 p.m. daily;

5. Service entrances and service yards shall be located only in the rear or side yard of the business use. Service yards shall be screened from adjacent zones or uses by the installation and maintenance of a solid decorative wall, fence or vegetation having a height of not less than four feet (4') or more than six feet (6'). If vegetation is proposed, it shall be designed so that it provides immediate screening similar to walls and fences; and,

6. When practical and feasible, refuse enclosures shall be located at the rear of the site and screened with a decorative wall and gate.

C. *Specific TC District Performance Criteria.* No application for development approval in the TC zoning district shall be approved unless the proposed development conforms to the requirements of the Town of Queen Creek Design Standards and any and all proposed uses conform to the requirements of Articles 4, 5, and 6 of this Ordinance and the following additional criteria:

1. *Purpose*. The purpose of these criteria is to encourage a mix of uses designed to foster the growth of the Town Center as a special place of community and as a mixed use activity center consistent with the policies of the General Plan and the Queen Creek *Town Center Plan*. These standards are designed to project a quality, rural townscape, to promote a pedestrian friendly environment, to establish a variety of mixed uses in the core of the Queen Creek community, to provide an orderly development pattern, to maintain a supply of developable land while preserving the Town Center's compact form, to improve traffic circulation and to promote alternatives to automobile travel, to provide housing opportunities within a walking distance of employment, service and retail opportunities; to maintain an overall design theme, to preserve a human scale; to provide economic development opportunities through clean industry, office and commercial uses; and to provide for the daily needs and services of the community;

2. *Design Requirements*. See the Town of Queen Creek Design Standards;

3. *Pedestrian Orientation*: Refer to the Town of Queen Creek Design Standards document;

4. *Second Floor Residential*. Residential dwellings shall be permitted above the first floor of any building with commercial and / or retail uses on the first floor and which abuts a Major Arterial Roadway, Minor Arterial Roadway, or a Major Collector Roadway;

5. *Service Entrances and Service Yards*. Service entrances and service yards shall be located only in the rear or side yard. Service yards shall be screened from adjacent residentially zoned or used property pursuant to the Landscape Setback Table 5.3-2 as set forth in Section 5.3; and,

6. *Town Center District Use Restrictions*.

   a. In order to promote pedestrian activity and to avoid the impacts of heavy traffic and other automobile intensive uses on pedestrian safety, no auto-oriented uses shall be located within one-thousand feet (1,000') of another auto-oriented use, as measured from the exterior boundaries of the buildings, parking and storage areas relating to said uses.

   b. For purposes of this subsection, "Auto-Oriented Uses" shall mean and refer to the following:

      1) Large format retail;

      2) Drive-thru uses including automated tellers, banks, cleaners, liquor, fuel and restaurants;

      3) Fuel Sales;

      4) Shopping Centers exceeding 25,000 square feet;

      5) Vehicle Sales as part or outside of a dealership;

      6) Self-Storage;

      7) Auto Mechanical Repair;

      8) Car Wash;

      9) Gasoline Service Station; and,

      10) Quick Lubrication.

   c. Each new building in the Town Center district is encouraged to install a period street lamp on the front portion of the property.

D. *Specific C-1 District Performance Criteria.* No application for development approval in the C-1 zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 and 6 of this Ordinance and the following criteria listed below. This district implements *Commercial Goal 1, Policy 1F: encourage small scale neighborhood services that complement the Town Center*.

   1. Where feasible, development shall have a minimum twenty-five foot (25') wide landscape strip abutting adjacent to rights-of-way to present a favorable image of the community.

   2. The following criteria shall be used (in addition to the general rezoning criteria established in Section 3.4.E) in consideration of the placement of this zone and the type and arrangement of uses within it:

      a. The zone and its uses shall provide for the orderly development and concentration of business and commercial uses;

      b. Pedestrian and vehicular conflicts shall be minimized by providing for adequate separation and channeling of pedestrian and vehicular movements;

      c. Appropriate space and site design shall be provided to satisfy the needs of automobile oriented commercial development while maintaining pedestrian access from surrounding development;

      d. The authorized uses shall be compatible with adjacent development by providing adequate buffers and safe

connections to adjacent neighborhoods; and,

e. C-1 uses are typically personal services in nature and not auto-intensive. Special considerations should be taken to ensure neighborhood compatibility.

3. All uses authorized in the C-1 District, including operations and storage of goods, shall be performed within an enclosed building. Outdoor display of merchandise is authorized subject to the provisions of Section 3.6 of this Ordinance.

4. The location, size, number, and alignment of driveways shall be so arranged as to prevent traffic hazards and conflicts. The Town Engineer may require common driveways, acceleration and deceleration lanes and / or frontage roads where it is determined, based on the trip generation and distribution of traffic calculated in accordance with Section 5.1, that such items are necessary to prevent traffic hazards and conflicts.

5. The portion of the property forming the sight triangle of an intersection abutting a major highway corridor and a major arterial street shall be landscaped with a variety of plantings to create a gateway effect.

6. Service entrances shall be located only in the rear and side yard of the commercial use.

7. Landscaping requirements are set forth in Section 5.3.

E. *Specific C-2 District Performance Criteria.* No application for development approval in the C-2 zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 and 6 of this Ordinance and any and all proposed uses conform to the following criteria listed below.

1. Fabrication, assembly, and repair work shall be limited to areas within enclosed buildings.

2. Unless otherwise approved by the Town Council, rezoning to the C-2 zone shall not be permitted adjacent to any Single Family Residential Zoning District.

3. All garage doors, storage unit doors, and loading areas shall be oriented so that the door does not open towards an abutting residential district or arterial street.

4. Outdoor storage shall be screened and located within the side or rear yards.

5. Outdoor display of merchandise shall be limited to:

   a. Goods that are stored indoors each night;

   b. Automobiles, motorcycles, recreational vehicles and manufactured housing in areas outside required parking and landscaping areas; and,

   c. Screened displays in the side or rear yards.

6. No outside display shall be located within the right-of-way. Outdoor storage of other goods shall be limited to screened areas outside the front yard.

7. Landscaping requirements are set forth in Section 5.3 of this Ordinance.

F. *C-3 District Performance Criteria*. Development in the C-3 District shall conform to the following criteria:

1. All applications for this zoning district shall be accompanied by site plan and PAD applications.

2. Outdoor display is limited to automobiles, motorcycles, recreational vehicles, trailers and other similar items, including temporary retail sales as authorized in Section 3.6 of this Ordinance.

3. All projects in this zoning district shall comply with the standards in Section 4.6.D of this Ordinance.

G. *Mixed Use District Performance Criteria*. Development in the MU zoning district shall conform to the following criteria:

1. All applications for this zoning district shall be accompanied by Site Plan and PAD applications.

2. Developments in this district shall integrate residential and commercial uses to support pedestrian circulation and transit as an alternative to driving and to provide employment and housing options.

H. *Specific Employment A District Performance Criteria*.

1. No application for development approval in the Employment A zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 of this Ordinance and all proposed uses conform to the requirements of Article 6 of this Ordinance.

2. *Permitted Uses*.

a. Any use indicated as a permitted or conditional use in the Employment A column of Table 4.6-1 shall be permitted subject to the additional criteria set forth herein.

b. Factory Retail - Retail commercial operations, when the product sold at retail is the product which is manufactured as the primary use, not exceeding ten percent (10%) of the gross floor area. Factory retail commercial operation is directly related to the primary industrial use when the product sold at retail is the product which is manufactured or stored is the primary use. Factory retail commercial operations directly related to the primary industrial use may exceed ten percent (10%) of the gross floor area upon securing a Conditional Use Permit, pursuant to Section 3.5 of this Ordinance.

c. Complementary Retail - Retail commercial uses which are not directly related to the primary industrial use, but which are complementary to the primary use, the other uses in the industrial park, or the other uses in the district and not exceeding ten percent (10%) of the gross floor area of the principal use. Complementary Retail Use may be permitted where so designated in Table 4.6-1 hereto if the Planning Administrator finds the following:

1) The market area of the proposed retail commercial use is principally directed toward the primary use, the other uses in the industrial park or other uses in the district;

2) The retail commercial use shall close to customers not later than 8:00 p.m.; and,

3) The retail commercial use meets one (1) or more of the following standards:

a) The use provides cultural or recreational opportunities for employees;

b) The use provides day care or pre-schooling for the children of the employees;

c) The use is a restaurant; and,

d) The use sells at retail, products or services used by the primary use, the other uses in the industrial park or the other uses used in the district.

3. *Approval Process*. Uses in this district shall be in full conformance with the standard of this and other applicable sections of this Ordinance.

4. *Performance Standards*. Uses in this district shall be in full conformance with the standard of this and other applicable sections of this Ordinance.

a. At least fifty percent (50%) of the gross floor area shall be devoted to

office or research. Not more than twenty-five percent (25%) of the employees shall be engaged in manufacturing processing at any one time.

b. No buildings or other structures, except streets and parking lots, shall be erected closer than the following setback lines measured along the perimeter of the district:

1) Sixty feet (60') of the Town Center Zoning District.

c. All activity shall be conducted within a completely enclosed building

d. Principal vehicle access to and from the site shall be via a primary driveway.

e. No application for development approval shall be approved or issued unless the proposed use complies with the performance standards set forth in the Design Standards document.

f. All loading shall be from the rear side of the building, but not facing a public street or residential neighborhood.

g. All exterior building façades must be of wood, reinforced concrete, or masonry construction. Corrugated metal buildings shall not be permitted.

h. All buildings shall incorporate architectural elements to relieve long continuous flat appearances such as:

1) Variety of massing and height of buildings;

2) Primary architectural elements shall be included on all sides of the building to create four (4) sided architecture; and,

3) Provision of courts and plazas.

i. The following site plan elements shall be promoted to create an office complex ambiance and appearance to the industrial development:

1) Loading courts which are not visible from any public street. Screening of these areas shall be by the principal building;

2) Entry courts and pedestrian plazas;

3) Unique landscape features such as berming, fountains, and sculpture gardens, particularly adjacent to the arterial street;

4) Covered or decked parking structures which appear as an integrated part of the industrial building;

5) Major entry features;

6) The majority of the parking structures shall not be located adjacent to the arterial street; and,

7) The principal entrance of the primary building should be oriented to an arterial street.

j. Permitted uses shall not cause to be exhausted or emitted into the air beyond the industrial district wherein such use is located, smoke, soot, dust, fumes or other gases, and vibration. No uses shall endanger surrounding neighborhoods through the risk of explosion or radiation.

k. Landscaping requirements are set forth in Section 5.3.

l. No use shall emit any continuous, frequent, or repetitive odor or odor causing substances which is detectable at or beyond the point of measurement. An odor which is emitted no more than fifteen (15) minutes in any one (1) day nor more than two (2) days out of the calendar month shall not be deemed to be continuous, frequent, or repetitive under this subsection. Substances which are not listed in that table shall not be deemed to be odorous unless analysis by a competent chemist demonstrates that a discernible odor is being emitted.

m. No direct or sky reflected glare, whether from flood lights or from high temperature processes, such as combustion or welding, shall cause illumination in excess of 1/2 foot-candles at the point of measurement. In all other districts, no operation or activity shall be conducted so that any glare, whether direct or reflected, is visible at the point of measurement.

I. *Specific Employment B District Performance Criteria.*

1. No application for development approval in the Employment B zoning district shall be approved unless the proposed development conforms to the requirements of Article 5 of this Ordinance and any and all proposed uses conform to the requirements of Article 6 of this Ordinance.

4.10 Planned Community District

A. *Purpose.* The purpose of the Planned Community District (PCD) is to provide for the alternative development of land that creatively meets or enhances the Town of Queen Creek General Plan and Zoning Ordinance requirements while promoting flexibility in the design, construction and processing of residential, commercial and / or industrial developments of a higher quality for planned developments that could not be met under conventional zoning. The PCD shall achieve the following goals:

1. Promote the health, safety, and general welfare of the residents of the Town;

2. Encourage creative approaches in land development and combinations of land uses;

3. Preserve and utilize open space;

4. Promote the Town of Queen Creek in order to enhance the Town's strong sense of community;

5. Establish a unique, distinctive character of the development; and,

6. Assure the PCD is developed alongside a Development Agreement.

B. *Minimum District Size and Applicability*.

1. The minimum area requirement for a Planned Community District is two-hundred (200) acres held under a single ownership at the time of application submittal or under multiple ownership controlled via a single entity such as a limited liability company, a corporation or a partnership at the time of application submittal.

2. The required minimum acreage may be reduced upon written request by an applicant to the Development Services Director.

3. PCD may be established in any one (1) or combination of General Plan Land Use designations.

C. *Permitted Uses.*

1. Any use may be permitted within the PCD and shall be specifically listed within the approved report, entitled "The Development Plan for _____".

D. *Conditional Uses.*

1. Any use may be established as a conditional use and permitted within the PCD. Such use shall be specifically listed, with required conditions for approval, in the approved report, entitled "The Development Plan for _____". Conditional Uses shall follow the established Conditional Use Permit approval process and procedures as established in Section 3.5 of this Ordinance.

E. *"The Development Plan for _____".*

1. The report shall including the following at a minimum:

   a. Name and address of recorded landowner, architect/ engineer/ surveyor and contractor;

   b. Date, north arrow, and scale;

c. Vicinity map at a scale of not less than 1" = 2,000 ft.;

d. A complete (surveyed) written legal description of the aggregate property boundaries and each individual sub land use parcel or properties under application for approval;

e. A survey map noting the property boundaries and legal description, topography with a maximum contour interval of two feet (2') where existing ground is on a slope of less than two percent (2%), then either one foot (1') contours or spot elevation shall be provided where necessary, existing structures, adjacent streets (location, name and width) and significant natural features;

f. Maps indicating the land use parcel sizes and zoning categories. Said map shall be accurately measured and described, indicating acreage of land uses and zoning districts proposed specifying the number of units proposed for each parcel, with gross and net densities as defined by the General Plan or this Ordinance;

g. A plan with notes specifying the intended land uses, types of structures and intensity of use, proposed underlying zoning, primary points of access and major interior street alignments; off-street parking and loading, site perimeter setbacks, typical landscaping and screening treatments; total area in open space and drainage information;

h. The survey map and conceptual plan should be combined into one (1) plan and may include other data as requested by the Planning Department to assure compliance with this Section; and,

i. Availability of roads, parks, open space, sewer, water, and storm water facilities at, or exceeding the levels of service established in the Queen Creek General Plan and land development regulations.

F. *PCD Procedures.* Subject to the additional procedures set forth in this section, a PCD shall be processed in accordance with the procedures for a rezoning, pursuant to Section 3.4 of this Ordinance.

1. No application for a rezoning to a PC District shall be accepted and no PCD shall be approved by the Town Council until a neighborhood meeting has been completed pursuant to Section 3.1.C of this Ordinance. Failure to meet the notice and meeting requirements shall render the PCD application invalid and no further processing will be completed by the Town.

2. A specific land use plan shall be submitted with the PCD and rezoning application including the following documents and information:

a. *"The Development Plan for _____".*

b. *Master Open Space, Landscape, Pedestrian, and Bicycle Plan.*

1) A preliminary landscape plan as defined in Article VI of the Subdivision Ordinance. A concept plan may be submitted if no preliminary plat is submitted along with the PCD application;

2) A master sign plan, detailing all proposed signage for the site; and,

3) A pedestrian and bicycle master plan that details all improvements and amenities being provided.

c. *Master Phasing Schedule*. A schedule for development of the specific, proposed use or uses for which rezoning is required. The schedule for development shall include a construction schedule for various phases of the development if construction phases are anticipated.

d. Residential Design Guidelines. Indicate at a minimum, typical lot(s), setbacks, architectural style variations, types of materials proposed, and the overall theme of the various districts.

Indicate how garages will be de-emphasized.

e. Preliminary master drainage report as defined in the Town of Queen Creek Subdivision Ordinance and required by the Town Engineer;

f. Preliminary master water report as defined in the Town of Queen Creek Subdivision Ordinance and required by the Town Engineer;

g. Preliminary master sewer report as defined in the Subdivision Ordinance and required by the Town Engineer;

h. Evidence in both narrative and graphic form of compliance with this Ordinance and the following standards where applicable:

1) All state air quality standards;

2) All state water quality standards; and,

3) School site dedication.

i. An ALTA survey.

1) One full size copy (24" x 36"). The survey shall be performed within 12 months of the date of the submission of the preliminary plat application.

2) The survey shall be sealed by a licensed surveyor or engineer.

3. The Planning Commission shall hold a public hearing to consider the proposed rezoning and master plan according to the following criteria:

a. The project is consistent with and implements the Town of Queen Creek General Plan and the provisions of this Ordinance;

b. The arrangement of all uses and improvements reflects the natural capabilities and limitations of the site as well as the characteristics and limitations of the adjacent property;

c. Development is compatible with the immediate environment of the site and neighborhood relative to architectural design, scale, bulk and building height; historical character and disposition and orientation of buildings on the lot;

d. Buildings, transportation improvements and open space areas are arranged on the site so that activities are compatible with the neighborhood and consistent with adopted ordinances and generally accepted planning principles;

e. Buildings, transportation improvements, open space and landscaping are designed and arranged to produce an efficient, functionally organized and cohesive development;

f. Buildings, transportation improvements, open space, and landscaping are in favorable relationship to the existing natural topography, natural water bodies, and water courses, exposure to sunlight and wind and long views. Planned building sites are located and designed to minimize their impact on long views;

g. Buildings, transportation improvements, open space and landscaping are designed and arranged to maximize quality of life of the project and surrounding areas; and

h. Adequate facilities shall include water, sewer, storm water, and streets, all of which shall be constructed to the levels of service established in these regulations, the Town of Queen Creek General Plan or other Town ordinance and planning policy documents.

4. The Planning Commission may recommend approval to the Council of request for modifications to the requirements of the underlying zoning districts, except for modifications to the overall use and density, when the Planning Commission finds:

a. That the requested modifications to the requirements of this Ordinance and the underlying zoning districts are in the best interests of the Town and are beneficial to the Town in that a higher quality or more appropriate design, or economic benefits (such as employment) can be achieved by not requiring strict adherence to the terms and regulations of this Ordinance;

b. That strict adherence to the requirements of this Ordinance is not required in order to ensure the health, safety and welfare of the future occupants of the proposed development;

c. That strict adherence to the requirements of this Ordinance is not required in order to ensure that property values of adjacent properties will not be reduced; and,

d. That the proposed development is consistent with the goals, objectives and policies of the General Plan.

5. PC Districts shall be approved by ordinance that states:

a. Findings of fact upon which the approval is based;

b. Any schedule for development for the specific use or uses for which the PCD is being requested; and,

c. A stipulation that the PCD is conditionally approved subject to the approval of a Final Site Plan or Preliminary Plat for each land use parcel within two (2) years of the effective date of the ordinance. The Council may refer the application back to the Planning Commission. An extension of this time limitation may be extended upon written request of to the Development Services Director.

6. The Council may approve or disapprove any application for PCD zoning. An approval may include conditions deemed appropriate by the Council to ensure that all required findings as stipulated in Subsection 4.10.I.4. hereto are substantiated. The applicant and the Town may enter into a Development Agreement consistent with A.R.S. §9-500.05, in order to effectuate the requirements of this Section.

7. Upon the effective date of the ordinance, the Official Zoning Map shall be amended to designate the affected area with a PCD symbol or symbols on the subject property.

8. All ordinances establishing a PC District shall contain, as a condition of rezoning, a requirement for Final Development Plan approval within two (2) years, in accordance with the Master Plan approved by the Town Council or other standards adopted by the Town Council and adopted as an amendment to the Official Zoning Map. An extension of this time limitation may be extended upon written request of to the Development Services Director.

G. *Final Development or Site Plan.* Within four (4) years of the effective date of the amendment, the applicant shall file with the Planning Commission the following documents:

1. A Final Site Plan or Preliminary Plat for a phase of development incorporating a fully dimensioned plan identifying land use parcel dimensions, acreages, locating all proposed streets, structures, parking areas, landscaped areas, walls, sidewalks, and other elements of the first phase of the proposed project;

2. Final Master Water and Sewer Report;

3. Final Master Drainage Report;

4. A Final Open Space and Landscape Plan with representation of the location of all plant materials, hardscape, walkways, and screening walls; a plant materials schedule indicating plant name (Latin and common), number and sizes used in the plan and on-center spacing;

5. A Final Pedestrian and Bicycle Master Plan.

6. Typical building elevations for all residential units and specific building elevations for any commercial or recreational buildings. If specific residential or commercial buildings are not known, then conceptual elevations will suffice as long as attention is paid to specific architectural features, such as building scale, form, material types and colors;

7. The final site plan or final plat for each land use parcel shall be in substantial conformance with the land use plan and all requirements and conditions of the amendment adopted by the Council;

8. The final site plan or final plat may be submitted separately for each phase of development or as a whole; each submittal shall require a separate public hearing and approval by the Planning Commission and Council prior to the issuing of the zoning and issuance of building permits. When the final development or site plan is submitted in phases, the first phase shall be submitted as indicated above and each subsequent phase within two (2) years of approval of the previous phase; and,

9. Where the Planned Community District is used to impose special provisions regarding the design and development of a subdivision, the Final Plat as described in the Town's Subdivision Ordinance may constitute the applicant's Master Plan and Final Subdivision Map or the Final Site Plan for the individual parcel, provided, however, that the Final Site Plan/plat shall include all the elements and data provided for in paragraph 1 of this subsection.

H. *Amendments to the Approved PC District.* An amendment to the approved PC District or "The Development Plan for _____" may be applied for by the original applicant or its successors. A determination shall be made by the Development Services Director as to whether the request is considered a major or minor amendment.

1. *Major Amendment*. If the Development Services Director determines the request to be a major amendment, the request shall follow the procedures set forth in subsection F. of this Section.

   a. An amendment would be ruled major if any of the following is being applied for:

      1) An increase or decrease in the overall PC District boundary by more than ten percent (10%) of the original approved PC District boundary;

      2) An increase by more than ten percent (10%) of the original approved total non-residential acreage or total number of approved dwelling units; and,

      3) Any changes in the land use or residential density that would have a net negative effect on public facilities, utilities infrastructure, or major street system as determined by the Development Services Director.

2. *Minor Amendment*. If the Development Services Director determines the request does not meet the criteria listed in subsection H.1, the Development Services Director may administratively act on the requested amendment and may add stipulations or conditions of approval thereto, to meet or exceed the PCD goals.

3. *Appeals to a Minor Amendment Approval.* An action or decision by the Development Services Director may be appeals within twenty (20) days from the date of decision.

   a. Appeals shall be submitted in writing to the Development Services Department and shall include only the specific criteria being appealed.

   b. The Planning Department shall submit a report to the Board of Adjustment (BOA) regarding the appeal request to be heard at the next BOA meeting.

c. The BOA procedure will follow the process outlined in Section 3.7.B of this Ordinance.

I. *Administration and Enforcement.* The PC District will continue to be enforced and regulated regardless of any ownership transfer. It shall be the responsibility of the owner to inform any prospective purchasers of the existence of the PC District and "The Development Plan for _____". It is also the responsibility of the owner to maintain dialogue with the Development Services Director to ensure the development maintains all scheduled hearings and time frames required.

J. *Termination of the PCD Classification.* Any zoning ordinance amendment adopted under the provisions of this Ordinance shall terminate and the zoning classification of the affected property shall revert, subsequent to a public hearing conducted, to its prior district classification at the end of the two (2) years following the effective date of said amendment if the Final Site Plan or Plat thereof has not been submitted to the Planning Commission and Council for approval. When the submittal is phased, each subsequent phase shall be submitted within two (2) years of approval of the previous phase. The Council may grant one (1) extension of time not exceeding one (1) year for any phase of the development. The Planning Commission and Council shall hold a public hearing prior to any such reversion.

K. *Extension of the PCD Classification.* An extension of the two (2) year time limitation may be extended upon written request of to the Development Services Director. Such written request shall provide sound justification based one (1) or more of the following:

1. Financial and / or property dedication to the PCD's school district, improvement district or other government entity, per the terms of an established development agreement for the purpose of furthering and or implementing the subject PCD;

2. Final design of the PCD's community infrastructure has been approved; or

3. Other documented financial expenditure for the purpose of implementation of the PCD per the terms of the Council approval and / or Development Agreement.

4.11 Planned Area Development Overlay District

A. *Purpose.* The purpose of the Planned Area Development Overlay District (PAD) is to provide for the orderly development of land consistent with the Town of Queen Creek General Plan and Zoning Ordinance while permitting flexibility in the design, construction and processing of residential, commercial and / or industrial developments of a quality which could not be achieved by traditional lot by lot development under conventional zoning concepts. While the conventional zoning districts and the requirements of those districts set forth in the Town of Queen Creek Zoning Ordinance are reasonable, there may be circumstances in which it is in the Town's best interests to allow unique and / or creative designs and techniques that:

1. Promote the most appropriate use of a parcel;

2. Allow diversification of use;

3. Allow economic development;

4. Facilitate the adequate and economical provision of streets, parks, open space, schools, storm drainage, sewer and water utilities;

5. Preserve and utilize open space;

6. Offer recreational opportunities close to residential uses;

7. Enhance the neighborhood's appearance;

8. Counteract adverse effects of urbanization; and,

9. Provide for the unified control of land development.

B. *Permitted Uses*.

1. The uses permitted in the PAD District shall be governed by the permitted uses in the underlying district or combination of underlying districts, as approved by the Council. An "underlying zoning district" shall mean those zoning districts set forth in Article 4 of this Ordinance.

2. The following criteria will be used by the Town Council in approving a Development Application for PAD:

   a. The development application for PAD approval proposes substantial land use planning standards and principles over and beyond the minimum standards required in this Ordinance or any development ordinance adopted by the Town;

   b. The development application for PAD approval exceeds the minimum intent of the underlying zoning district(s) creating neighborhoods and sustainable communities over and above the criteria established in this Ordinance;

   c. The development application narrative for PAD demonstrates specific goals exceeding the General Plan and demonstrates how the overall goal of the General Plan is exceeded by the proposed development; and,

   d. The development application for PAD represents a unique and ingenious approach to land use development that separates itself from other typical suburban and / or urban developments found within the region.

C. *Permitted Densities*.

1. *Mix of Densities.* PAD developments shall contain a mix of zoning districts pursuant to the General Plan that result in a maximum gross density as follows:

Table 4.11-1

District	Density
Town Center	6-18 DU/AC
Medium Density Residential (MDR) Urban Corridor	2-3 DU/AC
Low Density Residential (LDR) Suburban Transition	1-2 DU/AC
Very Low Residential (VLDR) Rural Preservation	0-1 DU/AC

2. *PAD District Requirements*. The PAD district shall comply with the bulk and area requirements of the underlying zoning district(s) except as otherwise set forth in this Section establishing the specific PAD district. A PAD district may be approved with modifications of these requirements in accordance with subsection G of this Section.

3. *Modifications of Requirements*. Any modification of the requirements of the underlying zones with respect to overall density and use shall be approved, by the Town Council.

4. *Applications for Changes or Modifications*. Applications for changes or modifications of the underlying zoning district(s) shall be submitted and processed concurrently with an application requesting approval of a Planned Area Development Overlay District.

D. *Required Design Elements and Amenities for PAD.* DS.6 of Design Standards for the Town of Queen Creek lists required and optional design elements for a PAD.

E. *PAD Procedures.* Subject to the additional procedures set forth in this section, a PAD shall be processed in accordance with the procedures for a rezoning, pursuant to section 3.4 of this Ordinance.

1. No application for a rezoning to a PAD district shall be accepted and no PAD shall be approved by the Town Council until a neighborhood meeting has been completed pursuant to Article 3.1.C of this Ordinance. Failure to meet the notice and meeting requirements shall render the PAD application invalid and no further processing will be completed by the Town.

2. A specific land use plan shall be submitted with the PAD and rezoning application including the following documents and information:

   a. A narrative document and / or report, entitled, "The Development Plan for _____" including the following at a minimum:

      1) Name and address of recorded landowner, architect/ engineer/ surveyor and contractor;

      2) Date, north arrow, and scale;

      3) Vicinity map at a scale of not less than 1" = 2,000 ft.;

      4) A complete (surveyed) written legal description of the aggregate property boundaries and each individual sub land use parcel or properties under application for approval;

      5) A survey map noting the property boundaries and legal description, topography with a maximum contour interval of two feet (2') where existing ground is on a slope of less than two percent (2%), then either one foot (1') contours or spot elevation shall be provided where necessary, existing structures, adjacent streets (location, name and width) and significant natural features;

      6) Maps indicating the land use parcel sizes and zoning categories. Said map shall be accurately measured and described, indicating acreage of land uses and zoning districts proposed specifying the number of units proposed for each parcel, with gross and net densities as defined by the General Plan or this Ordinance;

      7) A plan with notes specifying the intended land uses, types of structures and intensity of use, proposed underlying zoning, primary points of access and major interior street alignments; off-street parking and loading, site perimeter setbacks, typical landscaping and screening treatments; total area in open space and drainage information;

      8) The survey map and conceptual plan should be combined into one (1) plan and may include other data as requested by the Planning Department to assure compliance with this Section; and,

      9) Availability of roads, parks, open space, sewer, water, and storm water facilities at, or exceeding the levels of service established in the Queen Creek General Plan and land development regulations.

   b. *Master Open Space, Landscape, Pedestrian, and Bicycle Plan.*

      1) A preliminary landscape plan as defined in Article VI of the Subdivision Ordinance. A concept plan may be submitted if no preliminary plat is submitted along with the PAD application;

      2) A Comprehensive Sign Plan, detailing all proposed signage for the site (if applicable); and,

      3) A pedestrian and bicycle master plan that details all improvements and amenities being provided.

   c. *Master Phasing Schedule*. A schedule for development of the specific, proposed use or uses for which rezoning is required. The schedule for development shall include a construction schedule for various phases of the development if construction phases are anticipated.

   d. *Residential Design Guidelines (if applicable)*. Indicate at a minimum, typical lot(s), setbacks, architectural style variations, types of materials proposed, and the overall theme of the various districts. Indicate how garages will be de-emphasized.

   e. Preliminary master drainage report as defined in the Town of Queen Creek

Subdivision Ordinance and required by the Town Engineer;

f. Preliminary master water report as defined in the Town of Queen Creek Subdivision Ordinance and required by the Town Engineer;

g. Preliminary master sewer report as defined in the Subdivision Ordinance and required by the Town Engineer;

h. Evidence in both narrative and graphic form of compliance with this Ordinance and the following standards where applicable:

1) All state air quality standards;

2) All state water quality standards; and,

3) School site dedication or documentation that sufficient capacity exists.

3. The Planning Commission shall hold a public hearing to consider the proposed rezoning and master plan according to the following criteria:

a. The project is consistent with and implements the Town of Queen Creek General Plan and the provisions of this Ordinance;

b. The arrangement of all uses and improvements reflects the natural capabilities and limitations of the site as well as the characteristics and limitations of the adjacent property;

c. Development is compatible with the immediate environment of the site and neighborhood relative to architectural design, scale, bulk and building height; historical character and disposition and orientation of buildings on the lot;

d. Buildings, transportation improvements and open space areas are:

1) Arranged on the site so that activities are compatible with the neighborhood and consistent with adopted ordinances and generally accepted planning principles;

2) Designed and arranged to produce an efficient, functionally organized and cohesive development;

3) In favorable relationship to the existing natural topography, natural water bodies, and water courses, exposure to sunlight and wind and long views. Planned building sites are located and designed to minimize their impact on long views; and,

4) Designed and arranged to maximize quality of life of the project and surrounding areas.

e. Adequate facilities shall include water, sewer, storm water, and streets, all of which shall be constructed to the levels of service established in these regulations, the Town of Queen Creek General Plan or other Town ordinance and planning policy documents.

4. The Planning Commission may recommend approval to the Council of request for modifications to the requirements of the underlying zoning districts when the Planning Commission finds:

a. That the requested modifications to the requirements of this Ordinance and the underlying zoning districts are in the best interests of the Town and are beneficial to the Town in that a higher quality or more appropriate design, or economic benefits (such as employment) can be achieved by not requiring strict adherence to the terms and regulations of this Ordinance;

b. That strict adherence to the requirements of this Ordinance is not required in order to ensure the health, safety and welfare of the future occupants of the proposed development;

c. That strict adherence to the requirements of this Ordinance is not required in order to ensure that

property values of adjacent properties will not be reduced; and,

d. That the proposed development is consistent with the goals, objectives and policies of the General Plan.

5. PAD districts shall be approved by ordinance that states:

a. Findings of fact upon which the approval is based;

b. Any schedule for development for the specific use or uses for which the PAD is being requested;

c. Any modifications to the requirements of the underlying zoning district or districts which may be approved; and,

d. A stipulation that the PAD is conditionally approved subject to the approval of a Final Site Plan or Preliminary Plat for each land use parcel within two (2) years of the effective date of the ordinance. The Council may refer the application back to the Planning Commission.

6. The Council may approve or disapprove any application for PAD overlay zoning. An approval may include conditions deemed appropriate by the Council to ensure that all required findings as stipulated in Subsection 4.10.I.4. hereto are substantiated. The applicant and the Town may enter into a Development Agreement consistent with A.R.S. §9-500.05, in order to effectuate the requirements of this Section.

7. Upon the effective date of the ordinance, the Official Zoning Map shall be amended to designate the affected area with a PAD symbol or symbols on the subject property.

8. All ordinances establishing a PAD Overlay District shall contain, as a condition of rezoning, a requirement for Final Development Plan approval within two (2) years, in accordance with the Master Plan approved by the Town Council or other standards adopted by the Town Council and adopted as an amendment to the Official Zoning Map.

F. *Final Development or Site Plan.* Within two (2) years of the effective date of the amendment, the applicant shall file with the Planning Commission the following documents:

1. A Final Site Plan or Final Plat incorporating a fully dimensioned plan identifying land use parcel dimensions, acreages, locating all proposed streets, structures, parking areas, landscaped areas, walls, sidewalks, and other elements of the first phase of the proposed project;

2. Final Master Water and Sewer Report;

3. Final Master Drainage Report;

4. A Final Open Space and Landscape Plan with representation of the location of all plant materials, hardscape, walkways, and screening walls; a plant materials schedule indicating plant name (Latin and common), number and sizes used in the plan and on-center spacing;

5. A Final Pedestrian and Bicycle Master Plan;

6. Colored, typical elevations for all residential units and specific building elevations for any commercial or recreational buildings;

7. The final site plan or final plat for each land use parcel shall be in substantial conformance with the land use plan and all requirements and conditions of the amendment adopted by the Council;

8. The final site plan or final plat may be submitted separately for each phase of development or as a whole; each submittal shall require a separate public hearing and approval by the Planning Commission and Council prior to the issuing of the zoning and issuance of building permits. When the final development or site plan is submitted in phases, the first phase shall be submitted as indicated above and each

subsequent phase within two (2) years of approval of the previous phase; and,

9. Where the Planned Area Development Overlay District is used to impose special provisions regarding the design and development of a subdivision, the Final Plat as described in the Town's Subdivision Ordinance may constitute the applicant's Master Plan and Final Subdivision Map or the Final Site Plan for the individual parcel, provided, however, that the Final Site Plan/plat shall include all the elements and data provided for in paragraph 1 of this subsection.

G. *Changes to the Master Plan or Final Site Plan or Plat.* Following adoption of the Master Plan or Final Development or Site Plan, as the case may be, said plan shall not be changed, amended, or altered in any manner except as set forth herein. Any substantial change or alteration in the physical or spatial characteristics of the plan or its configuration shall be considered a rezoning and shall only be accomplished pursuant to this Article.

H. *Termination of the PAD Classification.* Any zoning ordinance amendment adopted under the provisions of this Ordinance shall terminate and the zoning classification of the affected property shall revert, subsequent to a public hearing conducted, to its prior district classification at the end of the two (2) years following the effective date of said amendment if the Final Site Plan or Plat thereof has not been submitted to the Planning Commission and Council for approval. When the submittal is phased, each subsequent phase shall be submitted within two (2) years of approval of the previous phase. The Council may grant one (1) extension of time not exceeding one (1) year for any phase of the development.

I. *Existence of PAD Districts Prior to Adoption of this Ordinance.* Any Planned Area Development Overlay District (PAD) that was legally authorized by the Queen Creek Town Council prior to the adoption of this Ordinance may remain as a Permitted Planned Area Development Overlay District (PAD).

4.12 Manufactured Housing Overlay District

A. *Purpose.* The principal purpose of the Manufactured Housing Residential Overlay Zoning District is to provide for housing which is similar to conventional site-built housing in subdivisions or on individual lots of record in areas where manufactured housing is appropriate by taking into consideration existing conditions, including present use of land and public utilities.

B. *General Provisions*.

1. The Manufactured Housing Residential Overlay Zoning District is an overlay zone and may be combined with any Residential Zoning District and not with any other Zoning District. The height, yard, intensity of use, parking, loading and unloading regulations shall be governed by the provisions of the underlying Zoning District.

2. All portions of a lot or parcel located within the Manufactured Housing Residential Overlay Zoning District as designated on the Zoning District maps shall be subject to the regulations set forth in this Section and that meet the design criteria stated in Town of Queen Creek Design Standards.

C. *Use Regulations.* The Use Regulations which apply to property in any Zoning District with which the Manufactured Housing Residential Overlay Zoning District has been combined shall remain the same as specified in the primary Zoning District, except that a manufactured house shall be utilized in lieu of a site-built single-family dwelling in all cases.

D. *Other Regulations.* Additional regulations which apply to property in any Zoning District with which the Manufactured Housing Residential Overlay Zoning District has been combined shall remain the same as specified in the primary

Zoning District unless otherwise specified herein.

E. *Locations Regulations.* A manufactured house shall be oriented on a lot or parcel so that the wide side of the manufactured house faces the front lot line, except on lots or parcels where such an orientation would not meet side yard width requirements at every location between the front and rear setback lines.

F. *Permanent Foundation*. A manufactured house shall be permanently attached to a permanent foundation on a lot or parcel.

4.13 Transfer of Development Rights

A. *Purpose.* The density or intensity of a use that would have been allowed on a site designated as a critical area in the absence of the application of this Ordinance may be used by clustering the development within non-sensitive areas within the project site (see Section 4.10.E of this Ordinance) or off-site through the transfer of development rights pursuant to this Section.

B. *Development Rights Created.* The Town of Queen Creek Development Rights is hereby created. All Critical Areas, except for those owned by a public agency and those subject to a conservation easement or other legal restriction precluding the physical development of the land on the effective date of this Ordinance, are assigned Town of Queen Creek Development Rights at the following ratios:

1. *Hillside Protection*. Development potential may be transferred at the ratio set forth in Section 4.13.D.2 of this Ordinance.

2. *Agricultural Preservation*. One-hundred percent (100%) of the development potential may be transferred to the Town Center Zoning District.
3. *Owners of Protected Environmentally Sensitive Areas*. Smaller than the acreage specified above are entitled to fractional development rights at the ratios established above. Any fraction equal to one-half (1/2) or greater shall be rounded to the nearest whole number.

C. *Severability.* Town of Queen Creek Development Rights shall be severable from the underlying fee and shall be transferable to receiver parcels of land.

D. *Use of Development Rights on Receiver Parcels*.

1. *Receiving Districts Designated*. Severable development rights established in accordance with subsection B of this section may be transferred to any of the following districts up to the maximum density set forth in Section 4.7 of this Ordinance:

   a. Town Center; and,

   b. Any zoning district located within the Town Center Activity Area or the Urban Corridor Tier.

2. *Unique Circumstances*. If the Town of Queen Creek determines, during the review process established within this Ordinance, that the parcel proposed for development reflects unique or unusual circumstances, or that development of the parcel at the maximum density would affect surrounding uses in a manner contrary to the public health, safety, and welfare, or would be inconsistent with the General Plan, the Town Council may limit the number of development rights that may be transferred to the receiver parcel. Any development order that limits the use of development rights to less than the indicated maximum density shall include specific findings of fact on which the restriction is based and shall specify what changes, if any, would make the parcel proposed for development eligible for development at the maximum indicated density.

E. *Procedure for Transferring Development Rights.*

1. *Timing*. Development rights allotted to a Critical Area may be transferred to any

person at any time and shall be deemed, for taxation and all other purposes, to be appurtenant to the land from which the rights are transferred until a development order is issued authorizing use of the Development Rights at a receiver parcel at which time they shall attach to the receiver parcel for all purposes.

2. *Recordation of Transfer of Development Rights.* No Development Right shall increase the intensity or density of the use of a receiver site until the owner of the transferor parcel has recorded a deed in the chain of title of the transferor parcel expressly restricting the use of the land in perpetuity to a conservation zone. The deed restriction shall be expressly enforceable by the Town of Queen Creek, and a boundary plat for the transferor parcel shall be recorded reflecting the restriction.

3. *Evidence of Restriction Required For Development Approval*. A developer of a receiver site must submit, in conjunction with his application for development approval, evidence that the transferor parcel has been restricted to non-development uses and that a boundary plat has been recorded in accordance with the above provisions.

F. *Notice and Hearing Requirements*. Any proposed transfer of development rights from the sending property or to the receiving property shall be subject to the notice and hearing requirements of A.R.S. §9-462.04.

G. *Preceding Transfer of Development Rights*. Prior to any transfer of development rights, the Town Council shall adopt an ordinance providing for:

1. The issuance and recordation of the instruments necessary to sever development rights from the sending property and to affix development rights to the receiving property. These instruments shall be executed by the affected property owners and lien holders.

2. The preservation of the character of the sending property and assurance that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner.

3. The severance of transferable development rights from the sending property and the delayed transfer of development rights to a receiving property.

4. The purchase, sale, exchange, or other conveyance of transferable development rights prior to the rights being affixed to a receiving property.

5. A system for monitoring the severance, ownership, assignment, and transfer of transferable development rights.

6. The right of the Town of Queen Creek to purchase development rights and to hold them for resale.

4.14 Phoenix-Mesa Gateway Airport Overlay District

A. *Purpose*.

1. Designate an area in the Town that is or may be impacted by noise generated by aircraft using the Phoenix-Mesa Gateway Airport; and,

2. Mitigate the effects of aircraft noise on the public health, welfare and safety by prohibiting noise sensitive uses in new projects in Overflight Area 1, by establishing noise attenuation requirements applicable to noise sensitive uses in new projects in Overflight Area 2, and by requiring notification to future owners and occupants of possible noise impacts on noise sensitive uses in new projects in Overflight Areas 2 and 3 of the Phoenix-Mesa Gateway Airport Overlay District.

B. *Applicability.* Phoenix-Mesa Gateway Airport Overlay District overlays base zoning districts. Base zoning district regulations that are not modified by an overlay district shall apply. The Official

Zoning Map shall identify each Overflight Area within the Phoenix-Mesa Gateway Airport Overlay District.

1. The provisions of this section shall apply only to noise sensitive uses in new projects located wholly or partially within the Phoenix-Mesa Gateway Airport Overlay District.

2. If a new project is located partially within Overflight Areas 2 and 3, then the development and notification requirements for Overflight Area 2 shall apply to noise sensitive uses in the entire new project.

3. If a new project is located partially within Overflight Area 3 and partially outside of any overflight area, then the development and notification requirements for Overflight Area 3 shall apply to noise sensitive uses in the entire new project.

4. For the purposes of this Section, the following words and terms shall have the following meanings:

   a. "Airport" means the Phoenix-Mesa Gateway Airport owned and operated by the Phoenix-Mesa Gateway Airport Authority.

   b. "New project" means a project with the following status of development as of September 18, 2004: 1) no preliminary plat has been approved; or 2) a preliminary plat has expired; or 3) no preliminary design review site plan has been approved; or 4) a preliminary design review site plan has expired.

   c. "Noise sensitive uses" means single family or multi-family residential uses, hospitals, nursing homes, places of worship, libraries, public and private schools, and daycare centers.

   d. "Overflight Areas" means those areas designated on the Official Zoning Map as overflight areas. Overflight areas are divided into Overflight Areas 1, 2, and 3.

   e. "Project" means either, as applicable, a subdivision with boundaries that have been or will be established by a final subdivision plat or a site with boundaries depicted on a site plan.

   f. "Phoenix-Mesa Gateway Airport Overlay District" means that area designated on the Official Zoning Map.

C. *Development and Notification Requirements within the Phoenix-Mesa Gateway Airport Overlay District.* Use and development of land within the Phoenix-Mesa Gateway Airport Overlay District shall conform to the base zoning district regulations and other requirements of this code, except as modified by a Development Plan for a Planned Area Development overlay ordinance. An aerial map that is a minimum of three foot by four foot (3' x 4') which depicts the subject property and the relationship of that site to the Overflight Areas 1, 2, 3 be posted in the sales office or rental office in a location clearly visible to prospective buyers/renters. Include information regarding Overflight Areas in the CC & Rs.

1. *Overflight Area 1.* No noise sensitive use shall be permitted in a new project on a lot that is located wholly or partially in Overflight Area 1.

2. *Overflight Area 2 and 3.* New projects located within Overflight Area 2 that includes a noise sensitive use shall comply with the following:

   a. Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following:

   b. "This property, due to its proximity to Phoenix-Mesa Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft."

   c. Sales offices for new single family residential projects shall provide notice

to prospective buyers that the project is located within an Overflight Area. Such notice shall consist of a sign at least two foot by three foot (2′ x 3′) installed at the entrance to the sales office or leasing office at each residential project. The sign shall be installed prior to commencement of sales and shall not be removed until the sales office is permanently closed. The sign shall state the following in letters of at least one inch (1″) in height:

d. "This subdivision, due to its proximity to Phoenix-Mesa Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals. The mix of aircraft consists of cargo, commercial, charter, corporate, general aviation and military aircraft. For additional information contact the Arizona Department of Real Estate at: (602) 468-1414 or Phoenix-Mesa Gateway Airport Public Relations Office at: (480) 988-7600."

e. Leasing offices for new multi-family residential projects shall provide notice to prospective lessees that the project is located within an Overflight Area. Such notice shall consist of a sign at least two foot by three foot (2′ x 3′) installed at the entrance to the sales office or leasing office at each residential project. The sign shall be installed prior to commencement of leases and shall not be removed until the leasing office no longer leases units in the new project. The sign shall state the following in letters of at least one inch (1″) in height:

f. Public reports filed with the Arizona Department of Real Estate shall disclose the location of the Airport and potential aircraft overflights. The following statement shall be included in the public report:

g. The construction, alteration, moving, and substantial repair of any human occupied building or structure in the new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 25 decibels (dB) or an exterior to interior NLR that results in an interior noise level of 45 DNL or less. The developer shall submit a signed and sealed letter from a registered architect or engineer certifying that construction materials, methods, and design were employed to achieve the required noise reduction. A copy of the certification shall be submitted with the application for a building permit.

h. The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an avigation easement prior to or concurrently with the recordation of any final plat or approval of a final site plan for the new project. The easement shall be in a form approved by the Director of Planning.

i. Properties located in this overflight area may still be located in the FAA, Phoenix-Mesa Gateway Airport 65 DNL designation. Further, these properties are to be deed restricted denoting the 65 DNL.

Zoning Ordinance

Article 5.0
Site Improvement Standards

5.0 Site Improvement Standards

Section	*Content*	*Page*
5.1	Adequate Public Facilities	1
5.2	Fencing and Walls	1
5.3	Landscaping Standards	5
5.4	Lighting	13
5.5	Open Space	17
5.6	Parking and Loading Standards	20

5.1 Adequate Public Facilities

A. *Adoption by Reference*. The "Town of Queen Creek Adequate Public Facilities" requirements, a current copy of which is on file with the Development Services Department and which may be modified from time to time, are hereby adopted by reference as if set out at length in this Ordinance.

5.2 Fencing and Walls

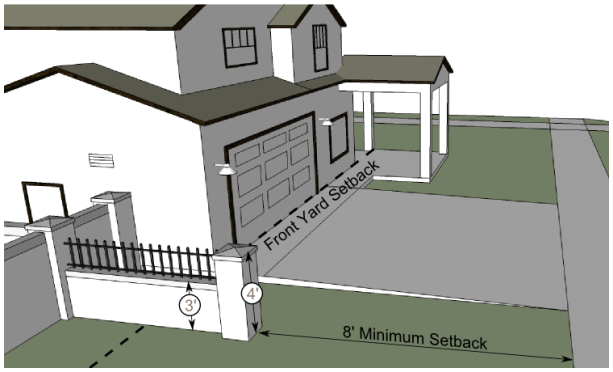
A. *General Standards*.

1. Fencing and screening shall be permitted as provided in this Section.

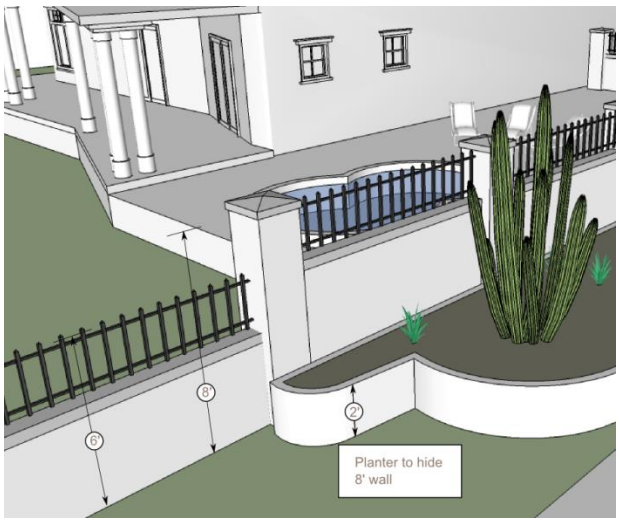
2. Fence materials shall be durable and consistent with abutting fences.

3. The height and location requirements of this section may be modified as part of a subdivision, planned area development, special use, or conditional use approval. For fences on retaining walls, see definition of a retaining wall.

4. Fences in the required front yard setback shall not exceed thirty six inches (36") in height. Such fences may be increased to forty-eight inches (48") maximum height if the fencing material extending above the thirty-six inch (36") height is an open material such as wrought iron or vinyl rail. Parcels that are zoned R1-43 and larger may construct fences up to six feet (6') in height, where the solid portion of the fence, if any, does not exceed thirty-six inches (36") and does not encroach any closer than eight feet (8') from the front property line or create any visibility conflicts that may be determined by the Town.



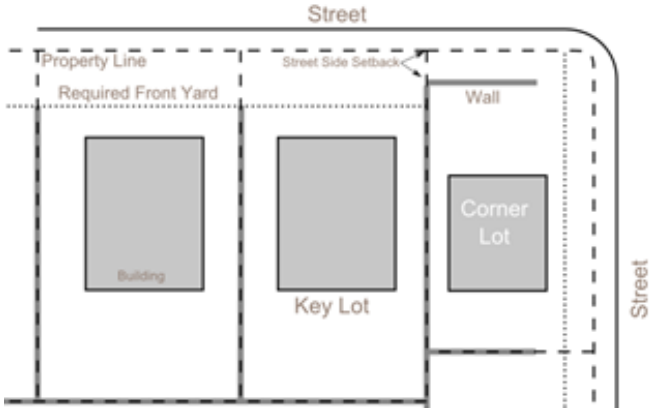
5. A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished grade adjacent to the fence, nor more than eight feet (8') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') height on the low side shall use berming, landscaping, fence offset(s) or similar enhancements to mask height differences, and in no case shall the fence height exceed eight feet (8'). Where the fence height exceeds six feet (6') on the lower side, a view fence shall be required for the portion above six feet (6') six feet solid, two feet view (6' solid – 2' view).



6. Any fence above six feet (6') in height shall be designed by an Arizona registered structural engineer ad approved by the Town.

7. On that part of the lot other than the required front yard setback area, fences may be erected to six feet (6′) in height.

8. When a corner lot abuts a key lot, the fence or freestanding wall over three feet, six inches (3′ 6″) but not more than six feet (6′) in height on the corner lot shall be set back from the street side property line not less than one-half (1/2) the depth of the required front yard.



9. The fencing details shall show the proposed method of construction and anchoring of the fence, posts, and gate.

10. The fencing details shall clearly show the proposed distance between the fence and the abutting property lines and the distance to the sight line of a street right-of-way intersection. Adequate sight distance shall be maintained.

11. The height of fences shall be determined by measurement from the ground level at all points upon which the fence is located. An increase in height shall be allowed when spacing for drainage under the fence is needed.

12. The use of wire mesh or chain link shall not be used in any zoning district.

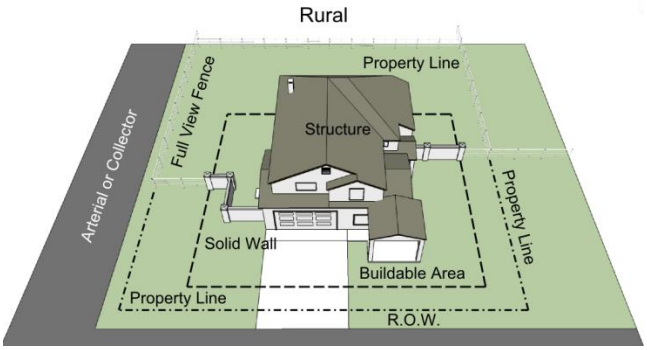
13. Storage areas, solid waste dumpsters, and large items for solid waste pick-up shall be confined in an enclosed area and shall be of solid construction, six feet (6′) high with locking gates providing access.

B. *Rural Zoning Districts A-1, AT, R1-190, R1-154, R1-108, R1-54*.

1. Construction of solid fences shall be limited to the buildable area of the lot within the building envelope.

2. All solid fences within the building envelope shall be decoratively treated on the public side to match the residential product architectural style and design.

3. All fencing along the arterial streets and the perimeter of the subdivisions shall be view fencing (of an open-style material). However, any fencing which is adjacent to an arterial or collector road, whether public or private, may be constructed in such a manner as to achieve at least thirty-three (33%) openness overall. The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member.



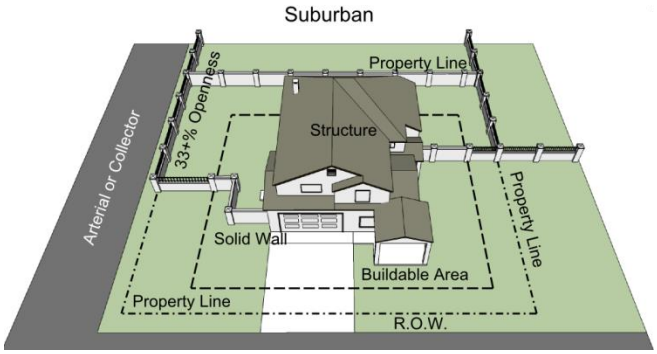
C. *Suburban Zoning Districts R1-43, R1-35, R1-18, R1-15, R1-12.*

1. Fences adjacent to streets may be solid fences, regardless of the landscape tract width separating the lots from the street. Openings in the perimeter wall are encouraged at the end of the abutting interior cul-de-sac streets.

2. All perimeter fences shall be decoratively treated on the public side to match the residential product architectural style and design.

3. Fences adjacent to a community open space system or trail shall be partial view fencing (4′ solid – 2′ view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member.

4. Fences alongside an arterial or collector street shall be eight foot (8′) partial view fencing (6′ solid – 2′ view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member.



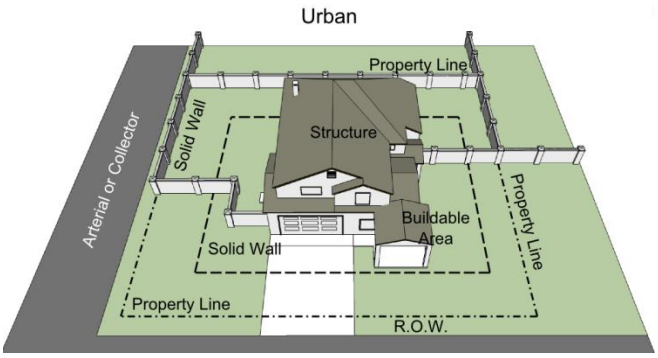
D. Urban Residential District*, R1-9, R1-8, R1-7, R1-6, R-4, R-3, R-2, and TC.*

1. Fences adjacent to streets may be solid fences, regardless of the landscape tract width separating the lots from the street. Openings in the perimeter wall are encouraged at the end of the abutting interior cul-de-sac streets.

2. All perimeter fences shall be decoratively treated on the public side to match the residential product architectural style and design.

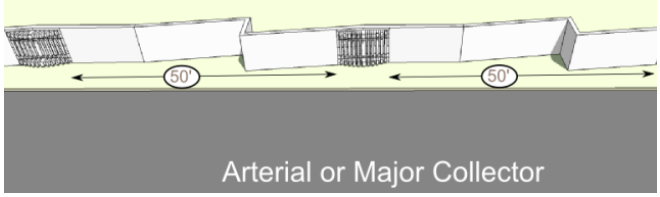
3. Fences adjacent to a community open space system or trail shall be partial view fencing (4′ solid – 2′ view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member.

4. Fences alongside an arterial or collector street shall be eight foot (8′) solid fencing. The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member.



E. *Non-Residential Zoning Districts*.

1. All perimeter fences adjacent to an arterial or major collector shall be decorative and undulating. A decorative variation shall be provided every fifty feet (50').



2. All perimeter fences shall be finished on all sides to match the commercial and / or industrial product architectural style and design.

3. A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished grade adjacent to the fence, nor more than eight feet (8') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') height on the low side shall use berming, landscaping, fence offset(s) or similar enhancements to mask height differences, and when adjacent to single or multi-family residential the fence shall the fence height exceed eight feet (8').

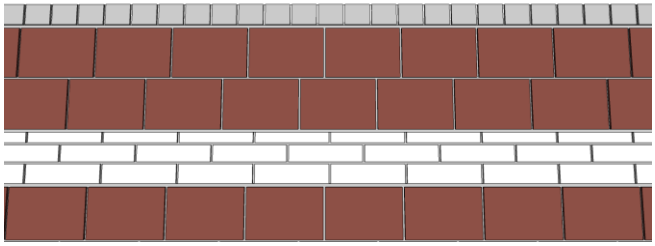
4. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three feet (3') in order to adequately screen the undercarriages of the parked vehicles.

F. *Fencing Requirements and Standards.* The use of solid perimeter fences is not permitted, except where indicated.

1. Six inch (6") wide Interlocking Blocks: Six inch (6") wide concrete masonry blocks designed in accordance with the approved Town of Queen Creek design specification are permitted for internal lot line and privacy fences.

2. Six inch (6") wide Non-Interlocking Blocks: All perimeter subdivision fences adjacent to open space or arterial and collector rights-of-way shall be constructed of a 6" block provided the fence system is designed by an Arizona registered structural engineer and approved by the Town.

3. Eight inch (8") wide Non-Interlocking Blocks: 8" non-interlocking block is permitted in all areas of the subdivision provided it is designed and installed in accordance with the Town of Queen Creek design specification or an Arizona registered structural engineer.



G. *Solid Perimeter Fence Standards.* Solid fencing use along arterial and collector streets on the perimeter of residential projects addresses individual property concerns regarding noise, light, privacy, and safety. Because solid fence use affects the image, character, safety, and privacy of the community, design upgrades such as material choices and additional buffering to offset the reduction in project openness and reduce the impact of solid fencing is required.

1. Solid fence designs shall require use of a minimum of three (3) materials including stone, brick, block, or textured block including treated, split-face, single-score or patterned integrally colored block or similar enhancement

and may include changes in color or texture.

2. Offsets or undulations of solid fencing with a minimum of two feet (2') change to create additional variety. The length of the offset shall be the lesser of three lot widths or a minimum length of fifty feet (50').

5.3 Landscaping Standards

A. *Purpose.* The purpose of this Section is to implement the goals of the Queen Creek General Plan in regard to providing landscaping and buffering standards for landscaping that will capitalize on the Town of Queen Creek's agricultural character and identity while preserving natural resources, native plants, and scarce water supplies. These requirements will be applied to all new development, redevelopment or building expansion (greater than twenty-five (25%) of the gross building area) projects including streetscaping of rights-of-ways. Landscape plans, complete with irrigation plans, shall accompany any application for development approval. These minimum landscaping requirements will:

1. Establish a landscape theme including street trees and streetscape design to be used throughout the Town to promote the overall Town and neighborhood character and identity;

2. Provide buffering and transitions between less intensive land uses abutting intensive development and land uses and between washes, multi-use trails and low intensity residential development;

3. Preserve and accentuate Queen Creek's agricultural heritage;

4. Preserve existing native vegetation, as an integral part of the Sonoran Desert and wildlife habitats, and incorporate native plants, low-water need plant communities, and ecosystems into landscape design;

5. Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging water and energy conservation;

6. Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;

7. Manage efficiently and effectively the groundwater supplies by using drought-tolerant, low maintenance, and low-water consumptive landscape;

8. Encourage community gardens for cultivation of fruits, flowers, vegetables, or ornamental plants;

9. Maintain and increase property values by requiring landscaping to be incorporated into development; and,

10. All plant material shall be selected from the Arizona Municipal water Users Association (AMWUA) list of very-low, low, or moderate water use plants, except that the use of Dalbergia Sissoo and Pistacia Chinensis shall be prohibited.

B. *Interpretation of Landscaping Terms.* Where necessary to interpret the precise meaning of technical landscaping terms used in this Section, reference shall be made to The American Standard For Nursery Stock, as published by the American Association of Nurserymen (AAN), which document is hereby incorporated by reference as if set forth in its entirety herein.

C. *Minimum Standards for Landscaping Design and Development*.

1. *Landscape Requirements.* Except for single family uses, the minimum

required landscaping shall be one (1) tree and ten (10) shrubs for each increment of five-hundred (500) square feet or fraction thereof of required landscape area. The planting requirements of this paragraph, as well as the total square footage of landscape area required, may be reduced up to twenty-five percent (25%) where existing shade trees in excess of the minimum requirement are retained upon the approval of the Planning Administrator or his or her designee. Existing shade trees shall measure four inch (4") caliper or more when measured eighteen inches (18") above ground.

2. *Landscape Requirements for single family uses*. See the design criteria stated in Town of Queen Creek Design Standards for front yard landscaping options.

3. *Minimum Plant Size.* The minimum allowable plant size for new installations shall be as follows:

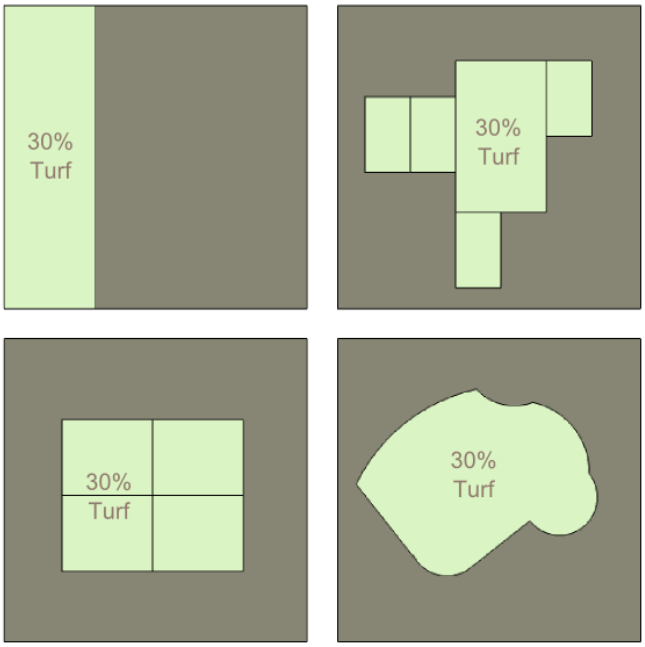
   a. The minimum size shall be fifteen (15) gallons, six feet (6') in height, and a caliper of one inch (1") measured four inches (4") above the soil line. Fifty percent (50%) of the required number of street frontage trees are to be twenty-four inch (24") box size or larger, six feet (6') in height, and a caliper of one and a half inch (1 1/2") measured four inches (4") above the soil line.

   b. Shrubs shall measure a minimum of five (5) gallon size upon installation.

   c. Organic ground covers shall be a minimum of one (1) gallon size upon installation.

   d. Inorganic ground covers shall be used and shall consist of decomposed granite (minimum size half-inch (1/2") minus or screened, except quarter-inch (1/4") minus shall be used on all equestrian trails) or turf. Where boulders are used one-third (1/3) of the boulder shall be buried.

4. All plant material shall meet the minimum standards contained in the most recent edition of the Arizona Nursery Association's Growers Committee Recommended Tree Specifications which document is hereby incorporated by reference as if set forth in its entirety herein, as to size, condition and appearance. *Acceptable Frontage Landscaping.* A minimum of thirty percent (30%) of all frontage landscaped areas shall be covered with vegetative or organic ground cover consisting of turf, not to exceed fifty percent (50%) of the minimum requirement, or other living plant materials characterized by horizontal growth which generally do not exceed eighteen inches (18") in height.



5. *Common Area Landscaping Requirements*.

   a. In any duplex, multifamily, or single residence district, a minimum of two (2) trees per dwelling unit shall be required, which may include street trees and perimeter landscaping. A minimum of twenty-five percent (25%) of required trees shall be twenty-four inch (24") box or larger.

   b. Office, commercial, and industrial developments shall be landscaped not less than twenty-five percent (25%) of the development parcel.

6. *Landscape Setbacks*. The purpose of requiring landscape setbacks is to ensure visual separation between uses when appropriate; create a transition area; to preserve and enhance property values; and, to implement the goals and policies of the General Plan. The following landscape setback standards shall be provided for as described in Table 5.3-2.

7. *Buffer Setbacks*.

   a. A buffer setback as described in Table 5.3-1 shall be provided between dissimilar uses. To the extent that there is an inconsistency between this Section and the Subdivision Ordinance, the more restrictive requirement shall be used.

   b. A buffer setback may be used for passive recreation. It may contain sidewalk or path, park, open space, or storm water retention basins. Active recreational uses, such as play fields, swimming pools, or other active, structured recreational uses or circulation drives and parking lots, shall not be permitted in the buffer setback.

   c. A proportional share of the required buffer setback shall be installed by each development.

   d. A buffer setback shall be developed in the outer perimeter of a lot or parcel extending to the lot or parcel line. The buffer setback shall not be located on any public right-of-way or private street.

Table 5.3-1 Buffer Setbacks

	Use Type			
	SFR	**MFR**	**COM**	**EMP/RC**
SFR	0	30	30	40
MFR	30	0	20	20
COM	30	20	0	20
EMP/RC	40	20	20	0

SFR - Single Family Residential
MFR - Multi Family Residential
COM - Commercial
EMP/RC - Employment / Regional Commercial

8. *Landscape Street Setbacks*.

   a. For all residential subdivision, multi-family and non-residential development a thirty foot (30') wide landscaped setback shall be provided along all abutting arterial roadways with breaks for approved access points. A minimum fifteen foot (15') wide landscape setback shall be planted along collector roadways.

Table 5.3-2 Landscape Setbacks

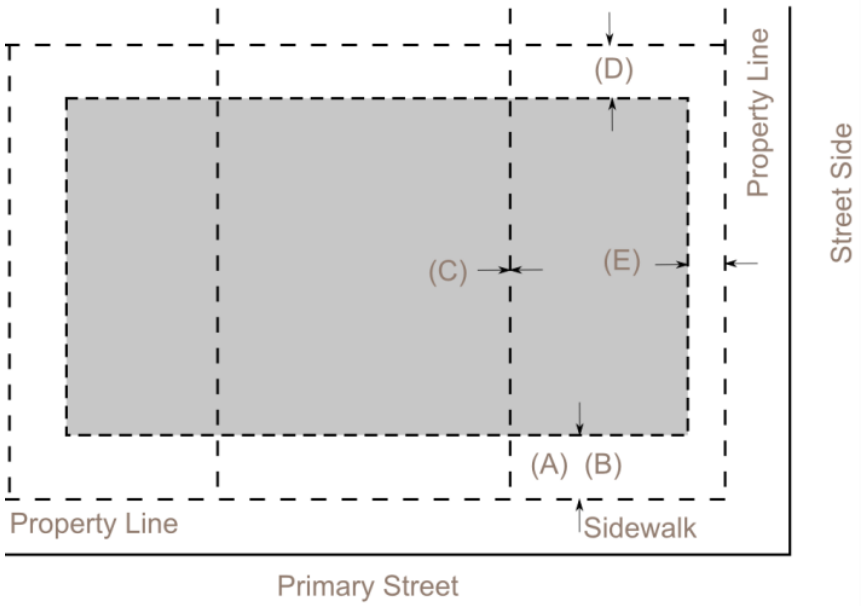
District	(A) Front Min (Feet)	(B) Front Max (Feet)	(C) Side Min (Feet)	(D) Rear Min (Feet)	(E) Streetside Min (Feet)
A-1	60	N/A	30	60	N/A
R1-190	60	N/A	30	60	N/A
R1-145	50	N/A	30	50	N/A
R1-108	40	N/A	30	40	N/A
R1-54	40	N/A	20	40	N/A
R1-43	40	N/A	30	40	N/A
R1-35	40	N/A	20	40	30
R1-18	25[1]	35	10	30	30
R1-15	25[1]	35	10	25	30
R1-12	20[1]	30	10	25	30
R1-9	20[1]	30	7[2]	25	30
R1-7	20[1]	30	5[2]	25	30
R1-5	20[1]	30	5[3]	20	30
R1-4	20[1]	30	5[3]	15	30
R-2	20	30	5	25	30
R-3	20	30	5	25	30
R-4	20	30	5	25	30
AT	PAD	PAD	PAD	PAD	PAD
NC	N/A	N/A	10	5	30
TC	N/A	N/A	0	15	30
MU	PAD	PAD	PAD	PAD	PAD
C-1	N/A	N/A	5	0	30
C-2	N/A	N/A	10	15	30
C-3	PAD	PAD	PAD	PAD	PAD
EMP-A	N/A	N/A	10	15	30
EMP-B	N/A	N/A	10	25	30
RC	60	N/A	30	60	N/A

Notes:

1 Side entry garages, living areas, and, covered porches may encroach up to five feet (5') into the front setback area.

2 The minimum landscape setback for both sides of the lot or parcel combined shall not be less than fifteen feet (15').

3 Front, side, and rear setback standards shall apply around the perimeter of any attached housing products.



N/A Not Applicable

PAD The standards shall be established through a Planned Area Development process.

9. *Landscape Installation.* All landscaping shall be installed in accordance with accepted planting procedures. If after three (3) years following installation, plant materials have not formed an effective screen, or if an effective screen is not maintained, the Planning Administrator may require that another type of screen be added or additional plantings be installed. Landscaped areas shall require protection from vehicular encroachment. The Planning Administrator or his or her designee shall inspect all landscaping and no Certificate of Occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided.

10. *General.* All required landscaping materials shall be in place prior to the time of issuance of a final Certificate of Occupancy, weather permitting. In periods of adverse weather conditions, a temporary Certificate of Occupancy may be issued, subject to the posting of a cash escrow or irrevocable letter of credit in an amount equal to one and one-half (1-1/2) times the estimated cost of the landscaping, with said estimated cost to be certified by a landscaping provider. The cash escrow or irrevocable letter of credit may be forfeited if the landscaping is not completed within one (1) year after the issuance of the temporary Certificate of Occupancy. Forfeiture of any cash escrow or irrevocable letter of credit shall not relieve the owner of the responsibility to complete the required landscaping.

    a. Trees and shrubs shall be adequately supported and staked when planted. No trees shall be planted under overhead service wires if their mature heights will interfere with the wires.

    b. All landscaped areas shall be finished with a natural topping material which may include, but is not limited to, the following: turf, groundcover planting, decomposed granite two inches (2") minimum in depth, river run rock, or expanded shale.

    c. Trees shall not be planted under outdoor lighting structures. Landscape plant material shall be arranged in a manner not to obstruct security lighting. Where a conflict arises between landscape elements required under this Ordinance and security lighting, the Planning Administrator shall make the final determination.

    d. Plant material installed within the site triangle at roadway intersections shall not exceed twenty-four inches (24") in height at maturity. Tree canopy height shall not be less than six feet (6'). The site triangle at an intersection shall be calculated according to Chapter 9, Section 9.2 of the Maricopa County Department of Transportation Roadway Design Manual. The Town of Queen Creek's official reference for roadway design standards.

    e. All plant materials used in public right-of-way, medians, or parking lot islands shall come from the Arizona Municipal Water Users Association Low Water Use Plant List.

11. *Site Stabilizations.* The applicant shall revegetate the graded and / or disturbed land where any construction activity has occurred in order to prevent erosion by water, wind or subsidence, as follows:

    a. Revegetate the construction area with native species or with revegetation seed mixes. Revegetative native plants include: desert trees, desert shrubs and grasses, large specimen cacti or seeding of the same.

    b. Weedy species such as Russian Thistle, Telegraph Plant, Desert Broom, Pigweed or Burrow Bush shall be weeded to prevent growth and spread of such species onto adjacent properties.

    c. Slopes steeper than three to one (3:1), where revegetation and plant material alone will not hold soil in place, shall be held in place with turf, retaining walls, rip-rap, or shall be developed with a system of terraces or

diversions to ensure slope stability, control surface water runoff and encourage rapid vegetation establishment, or any method deemed appropriate by the Town.

12. *Dust Control.* During grading and until revegetation is established, the applicant shall use the following methods to reduce and mitigate the production of dust and such methods shall be addressed in the grading permit prior to commencement of construction.

    a. Dust palliative approved by Town Engineer;

    b. Watering during grading;

    c. Use of decomposed granite or other decorative landscape material as a groundcover for non-slope and vehicular/pedestrian areas; and,

    d. The use of motor oil, oil treatment, sodium chloride, or any other palliative method that cause adverse effects on human, animal or plant life or that may cause property damage shall be prohibited.

D. *Prohibited Plants.* The "Swan Hill Olive" and the "Wilson Hill Olive" varieties may be used due to their non-flowering non-pollen status and are exempt from the prohibited plants list:

1. Olive Trees (Olea Europaea) are prohibited for reasons of their profuse production of allergy producing pollen except for the two (2) varieties as mentioned above;

2. Fountain Grass (Pennisetum Setaceum) is prohibited as a defined weed with the potential to spread throughout the Town and become a fire hazard;

3. Common Bermuda grass (Cynodon Dactilon) is prohibited as a defined weed and for its profuse production of allergy producing pollen. (For clarification purposes, non-allergenic species are permissible as approved by the Town); and,

4. Mulberry Trees (Morus) are prohibited as noxious pollen producers.

E. *Street Rights-Of Way Landscaping*.

1. Street rights-of-way shall be landscaped with street trees and other plantings such as shrubs, vegetative ground cover and accent plantings.

2. All parcels located at the intersection of an arterial intersection, shall observe a buffer setback pursuant to Table 5.3-1. Said buffer shall not be encumbered by parking areas, buildings or other improvements. The Planning Administrator or his or her designee shall have the authority to impose special conditions or guidelines on the development of property at arterial intersections that affect the following design elements in order to achieve the purposes of this section:

    a. Landscape architecture;

    b. Building architecture;

    c. Building orientation;

    d. Vehicular ingress, egress, and circulation;

    e. Walls and screening devices; and,

    f. Building setbacks.

3. Street trees shall be spaced alternately on each side of the street in order to form a pleasant experience for motorists, pedestrians, and building occupants, as applicable.

4. Planting shall be spaced at regular intervals without regard to property

lines in order to present a balanced appearance. Required spacing shall be not greater than thirty feet (30') or fraction thereof to achieve a tree-lined street appearance. Linear planting is preferred.

5. Trees for an entire block shall be planted at the same time.

6. Up to two (2) different species of trees may be planted alternately where an entire block is developed.

7. A minimum of six (6) shrubs are required per every one (1) tree planted.

8. The entire area of the right-of-way, between the street property line and back of curb (BOC) and / or pavement except for approved driveways, walkways and bike paths, shall be landscaped.

9. A minimum of fifty percent (50%) shading at full tree maturity shall be required in order to form a pleasant experience for pedestrians.

F. *Parking Lot Landscaping.* Parking lots shall be landscaped in accordance with the requirements of Section 5.6 of this Ordinance.

G. *Retention Basin Landscaping and Design Requirements*.

1. All private retention basins in single residence, duplex, multifamily, commercial, or industrial projects, or districts shall be landscaped. Such basins shall not exceed more than fifty percent (50%) of the linear street frontage.

2. Retention basins shall be contoured and designed as an integral part of any frontage landscaping and shall not take on the appearance of a ditch or basin.
3.

H. *Native Plant Preservation and Landscape Plan Standards*.

1. *Purpose.* The purpose of these standards is to protect native plants and to ensure appropriate re-vegetation for all development projects. The standards provide for in-place preservation protection of existing plants and the transplanting of native plant materials indigenous to the area such as: varieties of Acacia, Mesquite and Cercidium trees, Ocotillo, Cholla, Bursage and mixed Palo Verdi-Cacti Community, Hedge Hog Cactus and Barrel Cactus, shrubbery and succulents typical of the Sonoran Desert Region. These standards protect the public health, safety and general welfare by:

   a. Preserving organic and inorganic characteristics of the Sonoran Desert Region;

   b. Preserving desert wildlife habitats and food sources;

   c. Requiring protection re-vegetation of native plants, disturbed during land development;

   d. Encouraging the use of native plants that are drought tolerant and require low maintenance and minimal groundwater after establishment; and,

   e. Reducing the potential for erosion by water, wind, or subsidence.

2. *Standards*.

   a. All existing native plants shall be preserved in their original location except within those areas permitted to be graded. Large and / or unique native plants within areas proposed for grading shall be preserved in place.

b. In no case, shall native plants be removed, destroyed, or relocated from an existing stand of native plants which is to be preserved in place.

c. Protected native plants (as defined by the Arizona Department of Agriculture) determined to be transplantable shall be salvaged and relocated on-site when they are located within areas designated to be graded. Salvaged plants may be maintained in a temporary nursery pending relocation in accordance with the approved landscape plan. All temporary nurseries shall:

1) Provide automatic drip irrigation system.

2) Provide fertilizer to promote plant health.

d. Native plants are to be transplanted on-site and shall be used within those areas designated as "common area" or landscaped area that has been graded as part of the approved grading plan and within the front yards of residential lots.

e. Mistletoe infestations shall be removed from all salvaged plants prior to relocation.

3. Determination of S*alvageability*.

a. Salvageability shall be indicated on the Landscape Plan submittal during the site plan process.

b. All plants receiving a "high" rating shall be preserved in place or salvaged and transplanted within on-site landscaped areas. All "medium" and "low" rated plants shall be placed in a salvage pool from which fifty percent (50%) of the plants shall be used on site or replaced on a two to one (2:1) basis with nursery stock.

High: A "high" rating will be assigned to plants meeting the following criteria:

1) Plant health is good to excellent with no major infestations or apparent diseases.

2) Plant age is young enough to suggest a likely chance of transplant survival.

3) Plant is undamaged and is conducive to box or space transplanting, (upright branching).

4) Soils can be excavated, are cohesive, and seem capable of supporting a boxed or spaded rootball.

5) Surrounding topography permits access with the appropriate equipment needed to box or spade and remove the plant.

6) Adjacent plants do not pose a likely interference with root systems or interfere with plant removal.

4. *Inspections*. All protected native plants scheduled to remain in place or authorized for destruction, removal or relocation by the approved Landscape Plan shall be tagged and numbered prior to an on-site inspection by the Planning Administrator. Salvage operators shall not commence until the Planning Administrator has performed an inspection and given approval to begin salvage.

5. Tagging shall be completed as outlined below:

a. Tags shall be color-coded according to the following schedule so that the status of each plant may be easily identified: plants proposed for destruction shall be tagged with red plastic tape; plants proposed for relocation on-site shall be tagged with blue plastic tape; plants proposed for relocation to another site shall be tagged with yellow plastic tape; and plants proposed to remain in place shall be tagged with white plastic tape.

b. Tags required by this Section shall be affixed in a visible location on the

plant. The initial inspection will be performed once tagging is completed and an inspection request has been received by the Planning Administrator.

c. Once affixed, the tags shall not be removed until the approved Landscape Plan is implemented and a final inspection has been performed by the Planning Administrator.

d. All areas designated to remain as natural open space shall be fenced or taped off for protection during the grubbing and / or grading operation. The developer is responsible for maintaining this "no disturbance" boundary line and no plants shall be salvaged from this protected area.

e. No permit for grubbing or grading of a site may be issued prior to the completion of the initial on-site inspection.

6. For single-family lot development, the Planning Administrator shall verify limits of grading and the relocation of any salvaged plants in accordance with the approved site plan.

7. A follow-up inspection shall be performed which verifies the required on site relocation of salvaged plants to their new locations or the holding nursery, and the required in place preservation of native plants.

I. *Irrigation Guidelines*. An irrigation plan is required and subject to review and approval by Planning Administrator or his or her designee.

J. *General Landscaping and Site Maintenance*.

1. The applicant, property owner, and / or subsequent or successor owners and their agents shall be responsible for maintenance of landscaping on the property on a continuing basis for the life of the development as specified in this Section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding, and other activities common to the maintenance of landscaping.

2. Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.

3. All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease, and / or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season after installation. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development order or development permit.

5.4 Open Space

A. All new development in the Town of Queen Creek shall provide Open Space as provided herein and designed as required in Chapter 6 of the Town of Queen Creek Subdivision Ordinance.

B. *Community Trails System.* The applicant shall provide a community open space network and / or trails system, which system shall be integrated with the *Parks Trails and Open Space Master Plan,* which is hereby incorporated by this reference as if set forth in its entirety herein. The trails shall be maintained by the applicant.

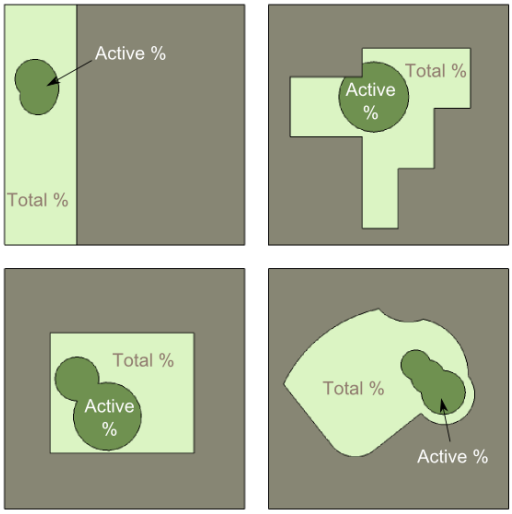
C. *Required Open Space.* Required open space shall be reserved for any development in the zoning districts types forth in Column "A" of Table 5.4-1, below, based upon the percentage of net acres in the proposed development corresponding the zoning district as set forth in Columns "B" and "C" in Table 5.4-1 hereto.

Table 5.4-1 Required Open Space

(A) Zoning District	(B) Total Open Space	(C) Active Open Space
Rural Residential (A-1, R1-190, Rl-145, R1-108)	0%	0%
Estate Residential (R1-54 R1-43)	0%	0%
Suburban Type-A (R1-35)	5%	10%
Suburban Type-B (R1-18, R1-15, R1-12)	7.5%	15%
Urban Residential (R-9, R-8, R-7, R-5, R-4,R-3, R-2 PAD)	20%	30%
Commercial (B1, C-1, C-2, C-3, MU, AT and TC)	15%	N/A
Industrial (EMP-A and EMP-B)	10%	N/A

1. *Active Open Space*. Active Open Space shall be provided as referred in Table 5.4-1 may include, but shall not be limited to: recreational activities as golf courses, sport courts / fields, picnic areas, playgrounds and trails as defined in Section 1.14. Additional active amenities and reduction in active open space may be approved by the Planning Administrator.

2. *Passive Open Space*. Open Space not defined as Active maybe considered as Passive Open Space as defined in Section 1.14 of this Ordinance.



D. *Open Space Designation.* Open space shall not be further than the following distances from any lot or, if the proposed development does not involve a subdivision, any primary building, and the entrance allowing people, bikes, or equestrians to enter into the open space or view the open space area:

1. One-sixth (1/6th) of a mile or eight-hundred and eighty feet (880') from passive open space; and,

2. One-fourth (1/4th) of a mile or one-thousand, three-hundred and twenty feet (1,320') from active open space.

E. *Open Space Maintenance.* Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed except as provided below.

1. Any areas reserved as open space shall be indicated on the sketch plan and preliminary site plan or subdivision plat. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open space areas required by this Ordinance. The plan shall:

   a. Designate areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site;

   b. Designate the type of open space which will be provided; and,

   c. Specify the manner in which the open space shall be perpetuated, maintained, and administered.

2. The types of open space which may be provided to satisfy the requirements of this Ordinance, together with the maintenance required for each type, are as follows:

   a. Passive open space shall be maintained in a healthy, neat, clean,

and weed-free condition. Waterways and landscaped areas lying between public right-of-way lines and the property, unless such streets, waterways, or landscaped areas are expressly designated to be maintained by a designated governmental authority shall be free-flowing and devoid of debris;

b. No specific maintenance is required for agricultural uses;

c. Active open space areas shall be accessible to all residents of the development. Maintenance is limited to insuring that there exist no hazards, nuisances, or unhealthy conditions; and,

d. Greenways are linear green belts linking residential areas with other open-space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.

3. All designated open space shall be of suitable size, location, dimension, topography and general character and shall have proper road and / or pedestrian access, as may be appropriate, to be usable open space.

a. The minimum dimension for usable open space shall be thirty feet (30') and the minimum area shall be one-thousand (1,000) square feet.

b. Retention areas or detention basins which are required as part of this Ordinance or the Subdivision Ordinance shall not qualify as an open space area unless fifty percent (50%) or more of the active and usable area is above the twenty-five (25) year storm and is designed for multiple area(s) conforms to the requirements of subsection (1) and (2) below. This standard shall not apply to non-residential developments which shall be permitted to calculate the retention and detention are as part of the required open space area.

1) Retention or detention areas shall be an integral part of the subdivision either as a greenbelt, or as a single basin. Retention areas shall be improved so as to be useable and accessible. Site and architectural amenities, such as armadas or benches shall be provided. "Tot lots", playground equipment, and sport courts equipment shall be elevated above the bottom of the basin for uninterrupted use.

2) Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming and contouring is required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three to one (3:1) slope.

c. Open space areas shall be landscaped and the majority of the area shall be visible from at least one (1) adjoining arterial, collector, or local street.

F. *Preservation of Open Space.* Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as determined by the Town Council by any of the following mechanisms or combinations thereof:

1. Dedication of open space to the Town, an appropriate public agency, or a non-profit entity if there is a public or non-profit agency willing to accept the dedication and financially capable of maintaining such open space. The Town may not accept the dedication of open space unless such dedication is part of a linked open space or trails system included in the Queen Creek Open Space and Trails Plan. Dedication of Sonoqui and Queen Creek washes may be required along with rezoning and / or plat approval if the Town demonstrates that impacts of the development on stormwater discharge, public recreation, or water quality are proportionate to the

amount of wash area being dedicated. The applicant for plat approval or rezoning may consent to said dedication, pursuant to Section 3.4 of this Ordinance or as a condition of development approval, and said consent shall be deemed to waive any and all constitutional challenges to said dedication requirement;

2. Common ownership of the open space by a homeowner's or neighborhood association which assumes full responsibility for its maintenance except for lands dedicated to the Town. The restrictive covenants shall provide that, in the event that any private owner of open space fails to maintain same according to the standards of this Ordinance, the Town may, following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space and shall constitute a lien upon the property and buildable lots of the subdivision or development site; and,

3. Payment of a fee in lieu of dedication of open space, if:

   a. The Town Council establishes an Open Space Acquisition Trust Fund for the receipt of fees and other financial commitments for the acquisition and development of public open space.

   b. The Town Council adopts an ordinance establishing a fee in lieu or dedication of land for open space. The ordinance shall include the following:

      1) The fee amount per residential dwelling unit or equivalent residential dwelling unit;

      2) Time of determination of the fee;

      3) Time of payment of the fee;

      4) Form of payment of the fee;

      5) Restrictions on use of the fees collected;

      6) Time limit on expenditure of fees;

      7) Placement of fees in the Open Space Acquisition Trust Fund;

      8) Maintenance of financial records;

      9) Allocation of interest on trust fund accounts; and,

      10) Refund procedures.

G. *Open Space Requirements*. As a part of any application for development approval such as rezoning, site plan, and subdivision and in conjunction with the required landscape plans in Section 5.3, the applicant shall submit an Open Space Provision and Maintenance Plan meeting the requirement of subsections A through C herein.

5.5 Lighting

A. *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 the rural atmosphere, astronomical observations, and which create glare. It is the intention of this Ordinance to encourage good lighting practices such that lighting systems are designed to conserve energy and money, to minimize glare, to protect the use and enjoyment of surrounding property, and to increasing nighttime safety, utility, security, and productivity. The provisions of this Section are authorized by Section 49-1106, A.R.S., which provides that the provisions of Section 49-1101 through Section 49-1106, A.R.S., are cumulative and supplemental and shall not apply within any county, city or town which by ordinance or resolution has adopted provisions restricting light pollution which are equal to or more stringent than the provisions of this Section.

B. *Conformance with Applicable Codes*.

1. All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this section and the building code of the Town of Queen Creek.

2. Where any provisions of the Arizona Revised Statutes, or any Federal law, or any companion Ordinance conflicts with the requirements of this outdoor light control provision, the most restrictive shall govern.

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. In considering any variance from the provisions of this Ordinance, the Board of Adjustment shall take into consideration any state of the art technology which is consistent with the intent of the Ordinance as new lighting technology develops which is useful in reducing light above the horizontal plane.

C. *Shielding and Filtration*.

1. All non-exempt outdoor lighting fixtures shall limited to the types of fixtures specified in Table 5.5-1 of this Ordinance and shall have shielding and filtration as required by Table 5.5-1 of this Ordinance.

2. Light source locations shall be chosen to minimize the hazards of glare. The ratio of spacing to mounting height shall not exceed a four to one (4:1) ratio.

3. Poles and standards. All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated to minimize glare from the light source.

D. *Illumination.* In order to minimize glare and hazardous conditions, illumination levels shall not exceed the levels set forth in Table 5.5-2 for any use permitted by this Ordinance. The maximum illumination shall be measured at grade at the property line of the site in accordance with subsection J of this Section.

Table 5.5-1 Shielding Requirement

Fixture Lamp Type	Shielded	Filtered
Low Pressure Sodium [1]	Partially	None
High Pressure Sodium	Fully	None
Metal Halide	Fully [2, 6]	Yes
Fluorescent	Partially [3, 5]	Yes
Quartz [4]	Partially	None
Incandescent, Greater than 150W	Partially	None
Incandescent, 150W or Less	No	None
Fossil Fuel	No	None
Glass Tubes filled with Neon, Argon, Krypton	No	None

Notes:

[1] This is the preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations.

[2] Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaries.

[3] Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects.

[4] For the purposes of this Code, quartz lamps shall not be considered an incandescent light source.

[5] Warm white and natural lamps are preferred to minimize detrimental effects.

[6] Metal halide fixture lamp types shall be filtered. "Filtered" means any outdoor light fixture which has a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement).

Table 5.5-2 Illumination Standards

Area / Activity	Lux (lx)	Footcandles (fc)
Residential Zoning Districts		
Building Exterior	50	5.0
Front, side, or rear yard (at property line)	10	1.0
Non-residential zoning districts		
Adjoining another non-residential zoning district along major arterial	20	2.0
Adjoining residential zoning district along major arterial	10	1.0
Adjoining another non-residential zoning district along minor arterial or collector street	6	0.6
Adjoining another non-residential zoning district along local street	4	0.4
Adjoining another non-residential zoning district along property line	10	0.9
Adjoining residential zoning district along property line	2	0.2
Outdoor Events		
Adjoining non-residential zoning district	1,000	100
Adjoining or within one-thousand feet (1,000') of residential zoning district	100	10

E. *Control of Glare*.

1. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.

2. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height not exceeding the value 3 + (D3), where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed twenty-five feet (25').

3. *Exceptions*.

   a. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or less and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution or mounting height except that if any spot or flood luminaire rated 900 lumens or less is aimed, directed or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be re-directed or its light output controlled as necessary to eliminate such conditions.

   b. Luminaires used for public roadway illumination may be installed at a maximum height of twenty-five feet (25') and may be positioned at that height up to the edge of any bordering property.

   c. All temporary emergency lighting needed by the Police, the Fire Departments or other emergency services as well as all vehicular luminaires shall be exempt from the requirements of this Ordinance.

F. *Prohibitions*.

1. *Mercury Vapor Fixtures and Lamps*. The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.

2. *Certain Other Fixtures and Lamps*. The installation of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor lighting fixture or lamp that does not comply with the shielding requirements of Table 5.5-1 and the illumination standards of Table 5.5-2 is prohibited.

3. *Laser Source Light*. The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.

4. *Searchlights*. The operation of searchlights for advertising purposes is prohibited between the hours of 11:00 p.m. and sunrise.

5. *Recreational Facilities*. No outdoor recreational facility, public or private, shall be illuminated by non-conforming means after 11:00 p.m., unless otherwise permitted by the Town Council pursuant to a conditional use permit, 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. All recreational outdoor lighting shall comply with height restrictions as specified in the building codes. Outdoor lighting for open-air arenas primarily used for rodeo and roping activities, shall be permitted to a maximum height of thirty feet (30'), provided shielding and filtration requirements are met.

6. *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.

G. *Exceptions.* The following types of light fixtures shall be exempt from the provisions of this Section:

1. *Non-Conforming Fixtures*. All outdoor light fixtures installed prior to January 1, 1985, those 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.

2. *Fossil Fuel Light*. Light which is produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

3. *Low Intensity Fixtures*. Any outdoor lighting fixture which has a maximum candle power or less than one-thousand (1,000) candelas is exempt from these provisions, if equipped with an automatic device which shuts off the fixture between the hours of 11:00 p.m. and sunrise.

H. *Recreational Facilities*. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to football fields, soccer fields, baseball fields, softball fields, tennis courts, auto race-tracks, horse race-tracks or show arenas, consistent with the illumination standards specified in Table 5.5-2 herein, provided all of the following conditions are met:

1. All fixtures used for event lighting shall be fully shielded, or shall be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.

2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m.; except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

3. The height of such lighting shall be a maximum of eighty feet (80').

I. *Outdoor Display Lots*. Any light source permitted by this Ordinance may be used for lighting of outdoor display lots such as, but not limited to, automobile sales or rental, recreational vehicle sales or building material sales, provided all of the following conditions are met:

1. All fixtures used for display lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.

2. Display lot lighting shall be turned off within thirty (30) minutes after the closing of the business. The full illumination of the lot may be permitted after 11:00 p.m., pursuant to a Temporary Use Permit (see Section 3.6).

Any lighting used after shall be used as security lighting.

J. *Measurement*.

1. *Metering Equipment.* Lighting levels are to be measured in foot-candles with a direct-reading, portable light meter. The meter typically has a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five percent (5%). It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of its use.

2. *Method of Measurement*. The meter sensor shall be mounted not more than six inches (6") above ground level in a horizontal position. Readings are taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements are made after dark with the light sources in question on, then with the same sources off. The difference between the two (2) readings shall be compared to the maximum permitted illumination and property line at ground level. This procedure eliminates the effects of moonlight and other ambient light sources. Where light patterns overlap, their total intensity shall be the sum of their individual intensities.

5.6 Parking and Loading Standards

A. *Off-Street Parking*.

3. *Purpose*. This section sets minimum standards for off-street requirements for new construction and expansion of or changes to existing uses.

4. *Uses Not Identified*. The Planning Administrator shall determine the parking requirement for uses which do not correspond to the categories listed in Table 5.6-2. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:

   a. Type of uses;

   b. Number of employees;

   c. Building design capacity;

   d. Square feet of sales area and service area;

   e. Parking spaces proposed on-site;

   f. Parking spaces provided elsewhere; and,

   g. Hours of operation.

5. *Multiple Uses*. In those instances where there is clearly identified accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure, resulting in a total parking requirement when summed, except as provided in paragraph 4, Shared Parking Facilities.

6. *Shared Parking Facilities*. Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when the following conditions are met:

   a. The off-site, off-street parking facilities are within five-hundred feet (500') of the property;

   b. The parking demands of the individual uses, as determined by the Planning Administrator based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required; and,

   c. A written agreement between the owners and lessees is executed for a minimum of twenty years, approved by the Planning Administrator, recorded with title to the land, and a copy maintained in the project file. Should the lease expire or otherwise terminate, the use for which the off-

site parking was provided shall be considered nonconforming and any and all approvals, including Conditional Use Permits, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.

d. Developments which contain a mix of uses on the same parcel requesting to reduce the amount of required parking shall submit a shared parking analysis to the Town that clearly demonstrates the feasibility of shared parking.

e. In TC, C-1, C-2, and NC Zoning Districts the parking design standards of Section 4.9.C.3 shall govern development in order to encourage and protect pedestrian activity.

f. In EMP-A and EMP-B Zoning Districts, parking may be allowed in front of the building.

7. *Location.* The parking area shall be provided on the same parcel as the principal structure wherever practicable. In non-residential zoning districts, the parking may be up to five-hundred feet (500') from the property, but shall be located within a zoning district which allows business, commercial, or industrial parking. Parking spaces shall not be located in the front yard setback, or a side yard setback when adjacent to a residential zoning district.

8. *Parking Lot Landscaping*. The minimum landscaping requirements are intended to alleviate adverse visual and environmental effects associated with parking facilities for all development except single family detached and duplex dwellings including climate modification. The application of these standards will improve the compatibility and the appearance of such facilities, implement the public realm goals of the General Plan provide relief from unshaded paved areas, reduce heat gain, and minimize glare and lights associated with parking areas.

a. The interior area of a parking facility is defined as the perimeter of the curbs or the edge of pavement. One (1) twenty-four inch (24") box tree shall be provided for each eight (8) spaces, exclusive of perimeter landscaping and street trees. Such landscaped areas shall be located and designed in such a manner as to break up the expanse of paving and better define parking lot circulation. Where possible, existing large trees shall be maintained. Such required interior landscaping shall be in addition to required perimeter and street frontage landscaping. All landscape areas shall include a minimum of one-hundred (100) square feet of planting area.

b. Where parking is provided for twelve (12) or more vehicles, the interior of the parking lot shall have, at a minimum, landscaped end islands. The landscaped island shall be ten feet by twenty feet (10' x 20') and shall be located within the row of spaces to break up the expanse of paved area, as shown in the following diagram, landscaped parking rows. These requirements may be waived, in whole or in part, upon approval by the Planning Administrator, where an alternative design or configuration of spaces meets the intent of this standard by providing less impervious surface, less visibility from the public right-of-way, and fewer conflicts between pedestrians and automobiles.

c. All landscaped areas shall be protected from vehicular encroachment by six inch (6") concrete vertical curbing. Planting islands shall be wide enough to protect against trees and vegetation against bumper overhang and swinging doors. A two foot (2') overhang clearance area shall be provided on planting islands where vehicle or door overhang is anticipated. Overhang clearance area materials are limited to concrete, paver blocks, or decomposed granite; asphalt paving is not permitted. For purposes of this subsection, the "overhang clearance area" means and

refers to the area between the curb and the edge of the planting island.

d. *Plant Materials*. All plants used in parking lot islands shall be from the AZDWR list of low water use plants and in accordance with the requirements of Section 5.3 of this Ordinance. The foliage crown of trees shall not be used in calculating this percentage. The remaining twenty-five percent (25%) of the required landscape area may be covered with inorganic materials such as decomposed granite (minus, screened size) of either a desert or Madison Gold or similar color.

e. *Use of Landscape Paving Material*. Pedestrian crossing areas in parking lots (especially near building areas) shall be constructed of alternative materials such as, but not limited to, surface pavers, such as brick, stone blocks, interlocking brick pavers, stamped concrete or other materials that form a smooth surface but contrast with asphalt, as may be approved by the Planning Administrator.

f. Responsibility of Maintenance. The maintenance of all required landscaping, whether located on the property in question or on adjoining right-of-way shall be the responsibility of the property owner. The property owner is responsible for obtaining required permits for the location of landscaping in a public right of way.

g. Submittal Requirements. A Conceptual Landscape Plan shall be submitted as part of the Site Plan or Preliminary Plat application.

9. *Parking Lot Lighting Requirements*. Adequate lighting shall be provided for surface parking facilities used at night. Lighting sources shall not be directly visible from adjacent roadways or residential uses.

a. *Lighting Height, Maximum*. The maximum height of required lighting is fifteen feet (15'). Lighting located near buildings and adjacent to sidewalks shall not exceed twelve feet (12') in height. This provision does not apply to lighting on buildings.

b. *Lighting Location*. Parking area lighting shall be located in landscaped areas such as planting islands and buffers.

c. *Submittal Requirements*. A Lighting Plan shall be submitted as part of the Site Plan or Preliminary Plat application which details the location and specifications of all lighting provided. An ISO foot-candle diagram shall also be provided to indicate the level and extent of proposed lighting.

10. *Vehicle Traffic Areas.* All parking and vehicular traffic surfaces are subject to the following:

a. All required parking and vehicular traffic surfaces shall be graded for drainage and surfaced with concrete or bituminous pavement in accordance with Town standards. The Town Engineer may permit a gravel or similar surface to be used in overflow parking areas, low-traffic storage yards, or as provided in (2) below, if the applicant establishes that dust in excess of the amount which would be generated by a paved surface area will not be generated. Dust control applications may be required as determined necessary by the Town. Overflow parking means parking in addition to the minimum required by this Ordinance, which is designed not to be used more than ten (10) times per year. A low-traffic storage yard means a storage area generating less than 30 ADT (average daily trips).

b. All surfaces shall be maintained in sound condition and free of weeds, dust, trash, and debris. All vehicular traffic areas shall meet or exceed construction standards established by the Town Engineer.

c. A temporary parking lot shall be used only with an approved site plan. Temporary surface parking lots are

parking areas which serve as a transitional use of a property during development and shall not be used for more than twenty-four (24) months from issuance of a Town permit. Temporary parking lots shall be a permitted use in the non-residential zoning districts and shall be subject to site plan review as required in Section 3.3 of this Ordinance. Temporary parking lots shall be hard surfaced or gravel be applied with a Town approved dust control agent and shall be graded for drainage and maintained in sound condition and free of weeds, dust trash and debris. Temporary parking lots shall be subject to all landscaping and screening requirements.

d. Vehicular traffic areas shall be screened in order to minimize disturbance to occupants of adjacent residential buildings. For each boundary line directly abutting a residential zone or use, a decorative solid wall or fence at least four feet (4') in height shall be erected, in accordance with Section 5.2 of this Ordinance.

e. All entrances and exits to vehicular traffic areas shall be located and constructed to minimize traffic congestion on the public street system. Wheel or bumper guards shall be provided, located, and arranged so that no part of any parked vehicle will extend beyond the boundaries of the parking area.

f. All above-grade equipment at gasoline service stations or public garages for the service of gasoline, oil, air, or water shall be completely screened from public view and no closer than ten feet (10') to any public right-of-way.

11. *Measurement*. Parking Stall and Aisle Dimensions shall comply with the following standards:

a. Off-street parking areas shall be surfaced with permanent pavement and striped as required herein;

b. Except where a wall is required, a minimum six inch (6") high vertical concrete curb shall be constructed so that no part of a vehicle extends beyond the property line;

c. Parking spaces and driveways shall be arranged to require ingress and egress from the lot to a street by forward motion of the vehicle; and,

d. Minimum dimensions of parking spaces (other than compact car parking spaces) and maneuvering area shall be as set forth in Table 5.6-2.

Table 5.6-2 Parking Aisle Dimensions

Parking Angle	Stall Width	Stall Depth	One-Way Aisle Width	Two-Way Aisle Width
0º	22'	10'	12'	20'
45º	10'	20'	13'	24'
60º	10'	21'	18'	24'
70º	10'	21'	19'	24'
90º	10'	20'	24'	24'

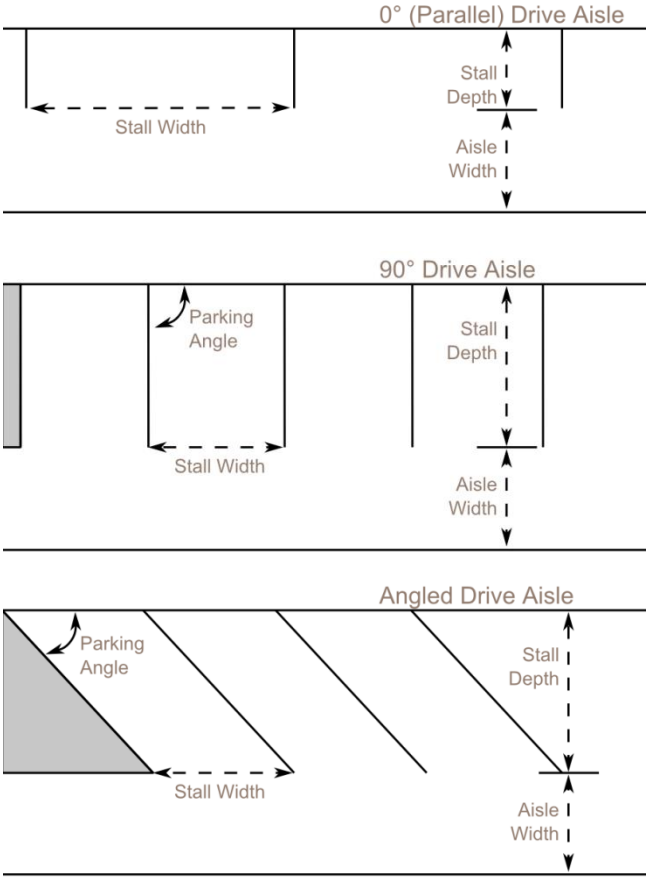


Table 5.6-3 Off-Street Parking Requirements

Use Categories	Specific Uses	Minimum Vehicle Spaces	Minimum Bicycle Spaces
Residential			
Group Living	Assisted Living Facilities; Treatment Facility	0.3 per room	N/A
Household Living	Bed and Breakfast	1 per guest room plus 2 spaces for owner's portion	N/A
	Rooming/Board House	1 per room	N/A
	Dormitories/ Fraternities/ Sororities	1 per 2 beds	0.5 per unit
	Single-Family and Duplex	2 accessible (non-tandem) spaces per dwelling unit	N/A
	Elderly housing	1 per three units	N/A
	All Other Dwelling Units	1 per unit	N/A
Lodging	Hotels/Motels; Bed and Breakfast Inn	1 per room + 1 per 800 sf of public meeting area and restaurant space	N/A
Multi-Family Complex	One Bedroom	1.5 per unit	.2 per unit
	Two Bedroom	2 per unit	.5 per unit
	Three or more bedrooms	2.5 per unit and - .5 per additional bedroom	.75 per unit
Institutional			
Colleges	All	1 per 4 students	1 per 5 vehicle spaces
Community Services	All	1.5 per 250 sf GFA	1 per 20 vehicle spaces
Cultural	Museums, Art Galleries, Opera Houses, Libraries	1.5 per 1,000 sf GFA	2 per 1,000 sf GFA
Day Care	Limited Day Care and General Day Care (see Appendix C)	1 per 375 sf GFA	N/A
Hospital or Medical Clinic	All	1 per 200 sf + 1 space per physician or 3 spaces per bed	.2 per 1,000 sf GFA
Parks and Open Space	All Other	20 per athletic field or ball diamond or 1 per 4 seats, whichever is more	1 per 10 vehicle spaces
Public Safety Service	All	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space	2% of number of parking spaces
Religious Assembly	All	1 per 8 seats	N/A
Schools	Elementary and Junior Highs	1 per classroom + 1 per 200 sf office space	1 per 10 students
	High Schools	1 per 200 sf	1 per 20 students
	Schools of Private Instruction	1 per 200 sf	1 per 10 students
Utilities, Basic	All	1 per employee	N/A
Commercial			
Office	General	1 per 350 sf GFA	1 per 30 vehicle spaces, 4 space minimum
	Medical	1 per 200 sf GFA	1 per 30 vehicle spaces, 4 space minimum
Recreation and Entertainment Indoor	Assembly/Auditorium	1 per 6 seats or 1 per 50 sf of GFA if no permanent seats	1 per 20 vehicle spaces
	Amusement Center, Skating Rink, and Dance Hall	1 per 250 sf of GFA	1 per 10 vehicle spaces
	Bowling Alley	2 per lane	1 per 10 vehicle spaces
	Clubs/Lodges	1 per 3 persons or 1 per 200 sf whichever greater	1 per 20 vehicle spaces
	Funeral Home/ Mortuary/Crematorium	1 per 4 seats	N/A
	Health Club/Fitness Center	10 spaces + 1 per 200 sf in excess of 1,000 sf	1 per 10 vehicle spaces

Table 5.6-3 Off-Street Parking Requirements (Continued)

Use Categories	Specific Uses	Minimum Vehicle Spaces	Minimum Bicycle Spaces
Commercial (continued)			
Recreation and Entertainment Outdoor	All Other Outdoor Recreation, including amusement parks, miniature golf, batting ranges, and water slides	1 per 600 sf outdoor recreation area	N/A
	Driving Range	1 per 2 tees	N/A
	Golf Course	4 per hole + 1 per 200 sf for clubhouse	N/A
Retail Sales and Service	General	1 per 300 sf GFA	1 per 10 vehicle spaces; 4 space minimum
	Appliance sales/ repair shops, nurseries, green houses and similar uses	1 per 300 sf GFA	1 per 20 vehicle spaces; 4 space minimum
	Bank	1 per 250 sf GFA, plus required stacking spaces for drive-thru (if applicable)	1 per 30 vehicle spaces; 4 space minimum
	Bars/Nightclubs	1 per 2 seats	1 per 10 vehicle spaces
	Convenience Store	6 per 1,000 sf GFA	1 per 10 vehicle spaces
	Drive-In Cleaners; Drive-In Liquor	1 per 250 sf GFA	N/A
	Fuel: full-service with repair/service facility; full service no repair/service facility; self-service	1.5 per 1,000 sf GFA	N/A
	Other Service Business, Stand-Alone (e.g. salon/barber, frozen food lockers, laundries, and similar uses)	1 per 300 sf GFA	1 per 20 vehicle spaces; 4 space minimum
	Outdoor Sales (e.g. plant nurseries, building supplies) and Vehicle Sales, (including Recreational Vehicles/Boats)	1 per 375 sf GFA of sales and service building	N/A
	Restaurants	1 per 75 sf GFA + 1 per 400 sf outdoor dining area	1 per 20 vehicle spaces; 4 space minimum
	Restaurant with Drive-In Facilities	1 per 50 sf GFA of patron seating area + 1 per 200 sf office/food prep. area	1 per 20 vehicle spaces
	Shopping Centers less than 50,000 sf	3 per 1,000 GFA	1 per 20 vehicle spaces; 4 space minimum
	Swap meets/ farmer's markets	1 per 100 sf gross public sales area	N/A
	Supermarkets, department and hardware stores, book stores, big box stores and similar uses greater than 50,000 sf	1 per 300 sf GFA	1 per 10 vehicle spaces; 4 space minimum
	Theaters	1 per 6 seats	1 per 20 vehicle spaces; 4 space minimum
Industrial			
Industrial	Manufacturing and Production, Warehouse and Freight Movement, Wholesales Sales	0.3 per employee + 1 space per 1,000 sf GFA to 10,000 sf, then 1 space for each 10,000 sf over	1 per 20 vehicle spaces; 4 space minimum
Waste-Related Uses	All	1 per employee	N/A
Other			
Agriculture	All	None	N/A
Aviation, Surface Passenger Terminals	All	1 per employee + spaces required to satisfy projected peak parking needs	N/A
Telecommunication Facilities	All	1 per service employee	N/A

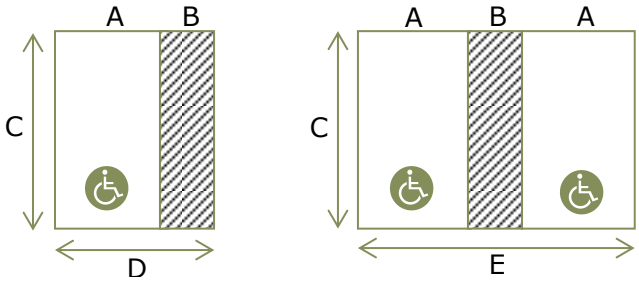
12. *Minimum Amounts.* Table 5.6-3 establishes the minimum numbers of parking spaces required and the maximum number of parking spaces permitted for the uses indicated. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the Gross Floor Area of the building.

13. *Exceptions*. In unusual circumstances, the standard parking requirement may not be appropriate. The Planning Administrator shall have the authority to vary the parking requirement, either upward or downward by up to ten percent (10%) of the required number of vehicle parking or bicycle parking.

14. *Accessible (Handicapped) Parking.*

    a. Accessible parking spaces shall be a minimum of sixteen feet by twenty feet (16′ X 20′) for a single space [eleven feet (11′) in width in addition to a five foot (5′) access aisle]; or twenty-seven feet by twenty feet (27′ X 20′) for a double space [eleven feet in width for each space with a five foot (5′) access aisle between the spaces].

    b. All off-street parking areas other than for single family dwellings shall include reserved spaces for use by disabled persons. The Town of Queen Creek requires accessible parking spaces in accord with the ADA (American with Disabilities Act) "Universal Parking Space" design, as may be amended. The number of spaces provided shall be in accordance with Table 5.6-4.



A – Width of Stall: Eleven feet (11′)
B – Width of Access Aisle: Five feet (5′)
C – Length of Space: Twenty feet (20′)
D – Overall With of Single Space: Sixteen feet (16′)
E – Overall Width of Double Space: Twenty-seven feet (27′)

Table 5.6-4 Accessible Parking Spaces Required

Total Number of Spaces	Number of Accessible Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and more	20 plus 1 for each 100 over 1,000

15. *Existing Parking Lots*. Parking areas provided before the effective date of this Section may combine and convert existing parking spaces to accessible parking spaces and associated access aisles, provided that the overall reduction in total parking spaces availability shall not exceed five percent (5%) below the quantity of off-street parking spaces otherwise required by this Ordinance.

16. *Large Vehicle Parking*. Certain uses may be required to install larger customer parking spaces for trucks and trucks hauling equipment. A maximum of twenty percent (20%) of the total required parking may be used to meet large vehicle parking requirements. Minimum dimension standards for large vehicles shall be thirty-five feet by twelve feet (35′ x 12′). Said spaces shall be clearly marked for customer use. Applicants shall be required to differentiate on applications the type of customer parking provided.

17. *Off-Street Parking.* Off-street parking space shall be connected with a public street by a paved driveway which affords safe and convenient ingress and egress. The minimum width of driveways shall be twenty feet (20′) if ingress and egress are the same. If ingress and egress are separate drives, then the maximum width shall be twelve feet (12′).

18. *Compact Parking Allowance*. Where there is less than one-hundred (100) parking spaces, a compact parking allowance may be permitted where, up to ten percent (10%) of the required total number of parking spaces may be designated as compact parking where there is more than one-hundred (100) parking spaces, up to twenty percent (20%) may be designated as compact parking.

    a. The minimum size for a compact parking space shall be eight one-half feet by sixteen feet (8 1/2' x 16').

    b. All compact parking spaces are to include a sign or pavement marking.

    c. No more than eight (8) compact spaces shall be located within a single cluster. A minimum radius of sixty feet (60') shall separate multiple clusters.

19. *Continuation of Use.* The area reserved for off-street parking or loading in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking or loading space is provided. Street parking allowed adjacent to any land use shall not reduce the off-street parking requirements.

20. *Parking or Storage of Large Vehicles.*

    a. Parking or Storage of these classes of vehicles is permitted as follows:

        1) In any Residential zone while actively loading or unloading for a time period not to exceed forty-eight (48) hours;

        2) In R1-190, R1-145, and R1-108 Residential Districts; and,

        3) In R1-54 and R1-43 Residential Districts consisting of two (2) or more contiguous acres.

    b. Parking or Storage of these classes of vehicles is prohibited as follows:

        1) In Residential Districts R1-54, R1-43, R1-35, R1-18, R1-15, R1-12, R1-9, R1-8, R1-7, R1-6, R1-4, R1-3 and R1-2; and,

        2) Closer than ten feet (10') from any property line in R1-190, R1-145, R1-108, R1-54 and R1-43 Residential Districts.

    c. Where permitted in R1-190, R1-145, R1-108, R1-54 and R1-43 Residential Districts, large vehicles shall be parked behind the back wall of the primary residence and no closer than ten feet (10') from any property line.

    d. Vacant lots or open area in any Residential District. The use of vacant lots or open land area in any Residential District for parking of customer or employee passenger vehicles or large vehicles is prohibited.

    e. Inoperable vehicles shall be stored only in conjunction with an industrial use completely screened from view of a public street.

    f. Bus parking. Buses shall not be parked in the front yard of any Residential District.

21. *Parking or Storage of Recreational Vehicles*

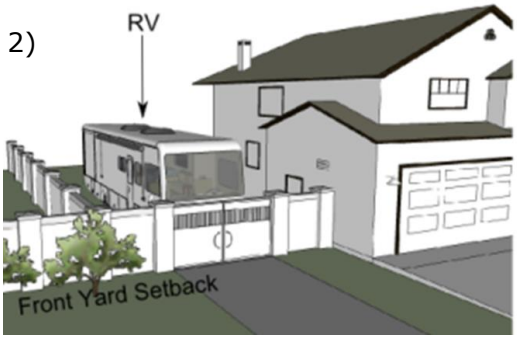
    a. Such vehicles may be parked for short-term purposes in any district for purposes of loading and unloading.

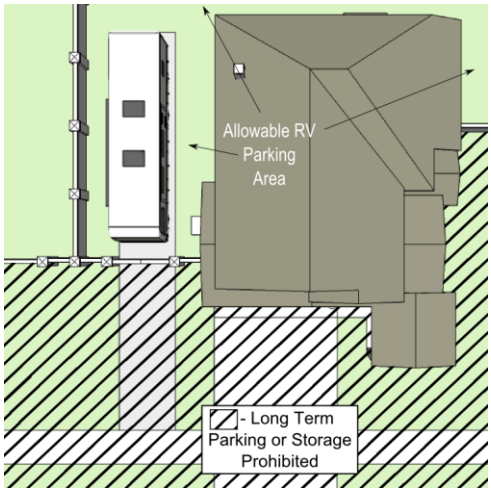
    b. For long-term purposes, these types of vehicles shall be parked behind the minimum front yard setback required by the zoning district and where possible, screened through the use of masonry fence walls, solid gates, and landscaping.

        1) In the R1-18 and all smaller lot residential Zoning Districts, not more than one (1) may be parked for short-term or long-term purposes at any one time and such

vehicle shall not be parked in front of the home during long-term storage.

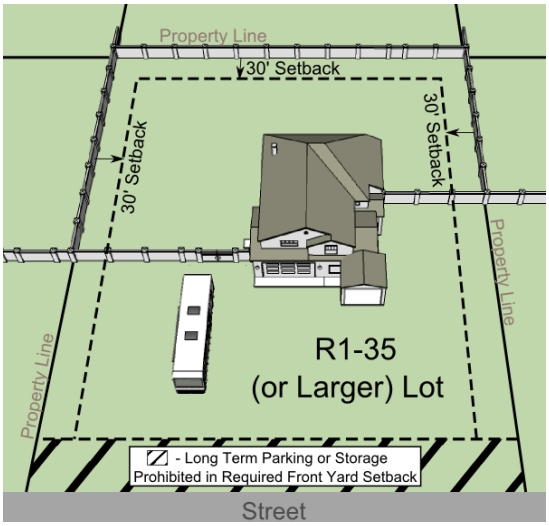
2)





3) In the R1-35 and all larger lot residential Zoning Districts, such vehicle may be parked in front of the home during long-term storage, provided it is not parked in the required front setback.

*Home Owner's Associations may have additional requirements.



22. *Parking or Storage of Boats or Trailers.*

a. Temporary parking may be permitted in any single-family residential zoning district while actively loading or unloading for a time period not to exceed forty-eight (48) hours;

b. Long-term parking or storage is permitted in residential districts as follows:

1) Shall be parked behind the front yard setback and where possible, screened through the use of masonry fence walls, solid gates, and landscaping.
*Home Owner's Associations may have additional requirements.

B. *Loading.*

1. There shall be provided on the same lot with each commercial and industrial building or structure adequate space for off-street loading, unloading and the maneuvering of commercial vehicles. There shall be no loading or unloading of commercial vehicles on the public street. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. All loading and maneuvering areas shall:

a. Be surfaced with hard, impervious surface dustless material;
b. Be properly drained;

c. Be designed with regard to pedestrian safety;

d. Have direct access to public streets;

e. Shall be screened from adjacent residentially zoned property as provided in Section 5.3 of this Ordinance; and,

f. No loading docks, service bays, or service windows shall be visible from an arterial or collector right-of-way.

2. Off-street loading spaces shall be not less than twelve feet (12') in width and thirty-five feet (35') in length, exclusive

of access aisles and maneuvering space.

3. A Multi-Family Residential, Commercial or Industrial structure or use (except self-service storage warehouses) that has an aggregate gross floor area of 25,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with Table 5.6-6.

Table 5.6-6 Off-Street Loading

Square Feet of Aggregate Gross Floor Area Devoted to Such Use:	Required Number of Berths
25,000-40,000 Sq. Ft	1
40,001-100,000 Sq. Ft	2
100,001-160,000 Sq. Ft	3
160,001-240,000 Sq. Ft	4
240,001-320,000 Sq. Ft	5
320,001-400,000 Sq. Ft	6
400,001-490,000 Sq. Ft	7
For Each Additional 100,000 Sq. Ft	+1

Requirements

Notes:
Off-street loading facilities required shall be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area to satisfy the off-street parking requirements of this Ordinance. The provisions of this section shall apply to the entire Town, including the Town Center (TC) District.

Zoning Ordinance

Article 6.0
Supplemental Use Regulations

6.0 Supplemental Use Regulations

Section	*Content*	*Page*
6.1	Accessory Buildings and Uses	1
6.2	Animal Regulations	2
6.3	Group Care Homes	4
6.4	Home-Based Occupations	5
6.5	In-Vehicle Service Facilities	6
6.6	Massage Establishments	8
6.7	Sexually Oriented Businesses	10
6.8	Large Format Retail	12
6.9	Wireless Communications	17
6.10	Non-Chartered Financial Institutions	26
6.11	Medical Marijuana	26

6.1 Accessory Buildings and Uses

A. *All Districts*.

1. Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has been substantially commenced or the primary use established. Accessory buildings shall not be used for dwelling purposes, except as provided in subsection B of this Section.

2. Accessory buildings shall not exceed the height regulations of the zoning district within any part of the buildable lot area, and shall not exceed fifteen feet (15') in height in any required yard.

3. Detached accessory buildings shall not be located in the required front yard setback. Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of the required rear yard setback and shall not be closer than five feet (5') of rear lot line.

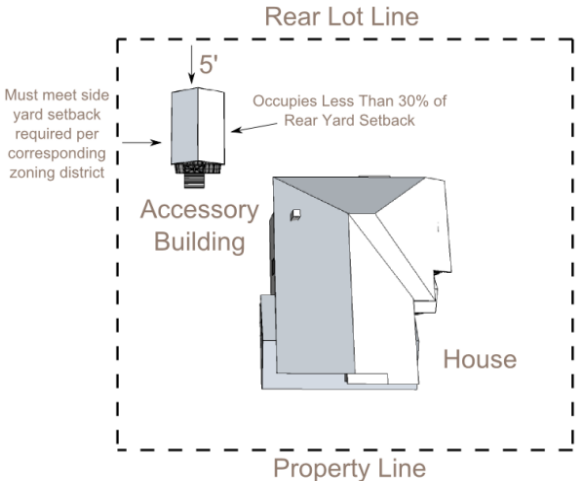
4. Except as permitted per Section 6.2, Animal Regulations, detached accessory buildings shall meet the side yard setback of the corresponding zoning district.

5. Detached accessory structures:

   a. Accessory Dwelling Units and Buildings shall be of the same architectural design, including building materials, roof type, and color as the primary residence.

   b. Other Structures as determined by the Planning Administrator shall be of the same architectural character as the primary structure.

6. Accessory buildings on through lots shall not be closer to either street than a distance equal to the required front yard of such lot.



7. Accessory buildings that are not a guesthouse as defined by the Queen Creek Zoning Ordinance shall be allowed to install an electrical meter. Any accessory building that is later converted to a guest house shall be required to remove the meter and connect to the electrical service of the main residence and meet all of the terms and conditions stated in Section 6.1.B., Accessory Dwelling Units.

8. Accessory buildings used in conjunction with a home occupation shall be subject to the requirements of Section 6.4 Home-Based Occupations.

9. Covered structures, such as stables, for the purpose of sheltering animals are considered detached accessory buildings and shall conform to standards set forth in Section 6.2.

B. *Detached Accessory Dwelling Units.* Detached accessory dwelling units, where permitted pursuant to Section 4.6 to this

Ordinance, shall not be established except in accordance with the following criteria in addition to the criteria set forth in Section 6.1.A hereto:

1. The detached accessory dwelling unit shall comply with the minimum yard and intensity of use regulations as set forth in Section 4.7 of this Ordinance;

2. The detached accessory dwelling unit shall not exceed fifty percent (50%) of the square footage of the livable area of the primary;

3. The detached accessory dwelling unit shall be connected to the primary structure's utilities and meter, subject to the exceptions set forth in subsection 4 hereto;

4. The detached accessory dwelling unit shall be connected to the primary structure's central sewer connection, however, a separate septic system may be allowed;

5. Only one (1) accessory unit shall be permitted per lot; and,

6. Required parking for the detached accessory dwelling unit shall be located on the property of the principal structure in accordance with the standards established in Section 5.6 of this Ordinance.

C. *Swimming Pools.* The following standards shall apply where swimming pools are permitted as an accessory use.

1. A swimming pool not be located in the required front yard or a side yard required for vehicle access, required landscaped areas or closer than three feet (3') from the water's edge to any lot line.

2. All fish ponds and other contained bodies of water, either above or below ground level, with the container being eighteen inches (18") or more in depth and / or wider than eight feet (8') at any point measured in the long axis shall conform to the location and enclosure requirements for swimming pools.

3. Swimming pool shall be secured from unauthorized access by an enclosure as provided in Town Code Chapter 7.

D. *Tennis Courts.* Where permitted as an accessory use, private tennis courts may be allowed up to 10 feet from side and / or rear property lines. Tennis court fences or walls shall not exceed twelve feet (12') in height or six feet (6') in height in any required side or rear yard. Any lights for the tennis court shall be consistent with the height provisions for accessory uses in Section 6.1 and shall be shielded so as to not direct or reflect light on adjoining properties, pursuant to Section 5.4 of the this Ordinance.

E. *Conflict with Other Regulations.* If there is a conflict between the accessory dwelling unit standards of this Section and any other requirement of this Ordinance, the standards of this Section shall control. Otherwise, accessory dwelling units are subject to all other applicable requirements of this Ordinance.

6.2 Animal Regulations

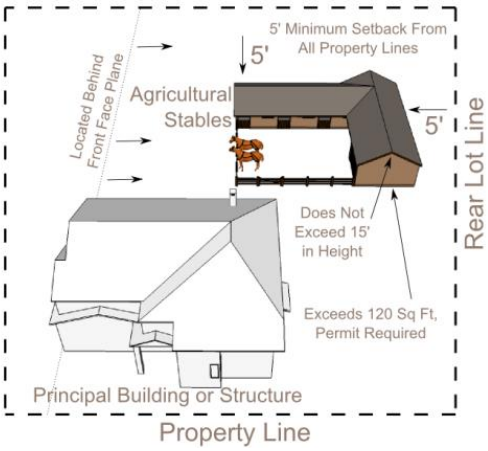
A. *Purpose and Scope.* The purpose is to provide rules and regulations for the keeping of agricultural animals, household pets and other animals so that these animals do not become a nuisance, hazard, and / or health problem to the adjoining neighbors and the general public.

1. The area used for grazing, exercising, or training of said animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying. For lots less than one (1) acre in size, no confinement area shall be located in the front yard, and the grazing of livestock shall be limited to the side and rear yards.

2. Fencing shall be required for all agricultural animals and shall consist of a view or partial view type fence, pipe rail or other similar fencing material, or a wall of sufficient height to restrain the

animal(s). Such fence or wall shall be maintained and kept in a sound condition at all times.

3. Where permitted, stables used for the keeping of agricultural animals shall be located behind the front face plane of the principal building or structure. Stables shall be set back a minimum of five feet (5') from the rear property and five feet (5') from the side property lines. Stables shall not exceed the height regulations of the zoning district in which they are located. Where allowed to be located within the setbacks, stable height shall not exceed fifteen feet (15'). Any structure one-hundred twenty (120) square feet or larger is required to obtain a building permit as established in Section 3.2 of this Ordinance.



4. Where permitted by Section 4.6 of this Ordinance, private stables for the housing of agricultural animals shall be constructed so as to facilitate maintenance in a clean and sanitary condition. Sheet metal buildings are discouraged.

5. Corrals, or yard areas used for the keeping of agricultural animals on lots less than one (1) acre shall be located within the rear half of the lot (or side yard) or parcel and shall be enclosed by a view or partial view-type fence, pipe rail or other similar fencing material, or wall of sufficient height to restrain the animal(s). Such fence or wall shall be maintained and kept in a sound condition at all times.

Table 6.2-1 Permitted Animal Units Allowance

Square Footage Of Residential Lot	Number of Animal Units Permitted
35,000 sf to 39,999 sf	2
40,000 sf to 43559 sf	3
43,560 sf and larger*	4
Exceptions:	
• One (1) additional animal unit permitted per 3,000 sf in excess of one (1) acre (43,560 sf).	
• Offspring (under the age of six (6) months) of animals on-site, do not count towards the number of permitted animal units.	
• Animals used for educational purposes as stated in Subsection F do not count towards the number of permitted animal units.	

6. Animal wastes shall be stored at least fifty feet (50') from any property line, open space, drainage channel or surface waters and shall not violate the health and sanitation provisions of the Town Code and Maricopa County's Health Code.

B. *Household Pets.* The Board of Adjustment shall have the powers and duties as set forth in A.R.S. §9-462.06.A.

C. *Kennels.* Facilities for the boarding of all dogs and other household pets shall conform to the following:

1. No shelter or building used for boarding of said animals or the storage of feed and supplies shall be located closer than thirty feet (30') from any property line.

2. A conditional use permit is required for commercial boarding and kennel facilities.

3. Animal wastes shall not be stored any closer than fifty feet (50') from any property line, open space, drainage channel, or surface waters.

4. The area used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from

straying or a suitable restraint shall be provided to prevent straying.

D. *Animal Husbandry.* Offspring (under the age of six (6) months of age) of animals on-site is not counted toward the number of permitted animal units.

E. *Animal Husbandry for Educational Purposes.*

1. Any agricultural/livestock activity or project conducted primarily for educational purposes or school credits, are permitted in the R1-35 and larger zoning districts.

2. Under this provision, animals utilized in projects are not counted toward the number of permitted animal units. Animals may include swine. The following criteria shall be met:

   a. Active membership must be maintained and verification of such may be required upon request; and,

   b. A sign designating a given member is in residence must be posted on the property at all times any such project or activity is in progress.

6.3 Group Care Homes

A. *Purpose*.

1. Group Care Homes are defined as set forth in Article 1 of this document.

2. The purpose of these regulations is to permit handicapped persons to reside in single family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.

3. A completed registration form shall be submitted to the Development Services Department on a form established by the Department. Registration shall become effective upon issuance of a Certificate of Occupancy for the Group care home and shall terminate when the Group care home use ceases. No registration shall be accepted for a Group care home that does not comply with the requirements of this Ordinance.

4. Prior to registration, a request for zoning confirmation may be submitted to the Development Services Department to confirm that the proposed location of the Group care home is permitted under Article 4 of this document.

5. Group care homes are permitted in all residential zoning districts and all commercial zones and other zones specified in this Ordinance, subject to zoning clearance by the Development Services Department. The Development Services Department shall review all applications for Group care homes submitted pursuant to this section. Group care homes shall be located, developed, and operated in compliance with the following standards:

   a. The Group care home provides twenty-four hour care to no less than seven (7) and no more than ten (10) persons. In determining the number of persons served by a Group care home, the following individuals shall not be counted: the operator of the Group care home, members of the operator's family, and persons employed at the Group care home as staff.

   b. No signs, graphics, displays, or other visual means of identifying the Group care home shall be visible from a public street.

   c. Large and/or multiple trash receptacles not usually found in the residential area in which the Group care home is located shall be blocked from public view.

   d. No outside fire escapes and stairways leading to second-floor bedroom windows shall be permitted on the building in which the Group care home is located.

   e. The Group care home shall comply with all applicable building and fire safety regulations. If any Group care home has one or more non-

ambulatory residents, additional building code requirements apply.

f. Pursuant to A.R.S. § 36-582(H), the proposed Group care home shall not be located within one-thousand, two hundred (1,200) feet from any existing residential facility in a residential area. For the purposes of this Section 6.7, all distances shall be measured from the property lines of a residential facility, including any rights-of-way.

g. The Group care home shall have a valid permit issued by the Arizona Department of Health Services or the Maricopa County Health Department.

h. Copies of all materials including licenses, certifications, or registrations required for the Group care home by a county, state or federal agency shall be submitted to the Town.

i. All Group care homes shall be subject to an annual inspection by the Town of Queen Creek to ensure compliance with applicable law, including the standards set forth in this Section.

j. The decision of the Development Services Department or its designee to issue or deny zoning clearance to a Group care home shall be final; provided, however, that such decisions shall be appealable to the Town of Queen Creek Board of Adjustment.

6. Any applicable requirements or provisions of State law, including but not limited to any applicable requirements set forth in Title 36 of the Arizona Revised Statutes, shall apply in addition to the provisions set forth in this Section. To the extent that applicable State law conflicts with the provisions of this Section, such laws shall preempt any conflicting term, but shall not affect the remaining provisions of this Section.

6.4 Home-Based Occupations

A. *Purpose.* A home based occupation is permitted as an accessory use in all residential districts. The purpose of the home based occupation regulations and performance standards are:

1. To establish criteria for operation of home based occupation in dwelling units within residential districts;

2. To ensure that such home based occupations are compatible with, and do not have a deleterious effect on nearby residential properties and uses;

3. To allow residents to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, and criteria;

4. To enable the fair and consistent enforcement of home based occupations; and,

5. To promote and protect the public health, safety and general welfare.

B. *Standards.* The following general and performance standards shown in Table 6.4-1 shall apply to all home-based occupations in all districts:

1. Obtain permits, per Section 3.2.H and conforms to applicable town ordinances and regulations;

2. Home shall continue to be used and maintained as a residence and maintain a residential character and appearance;

3. Not more than twenty-five percent (25%) of the gross floor area of the primary structure to be used for the home based occupation;

4. No exterior indication of a non-residential use, other than one (1) non-illuminated sign not exceeding three (3) square feet attached to the building or placed in a window;

5. Full-time home resident is the business operator;

6. The home is not to be used as a location for the assembly of employees for instruction or dispatch to other locations;

7. Five (5) or fewer clients per day. Customer hours between 8:00 a.m. and 6:00 p.m.;

8. Music, art, sports, or similar lessons: Five (5) or fewer clients per day;

9. Storage of all products and use of all equipment, and materials shall be done within an enclosed building;

10. No hazardous equipment or hazardous or toxic chemicals or materials shall be kept at the property;

11. Parking shall be provided only on the driveway or in the garage/carport and shall not create hazards or street congestion. Overnight on-street parking is not permitted;

12. Deliveries and pickups shall not block traffic and shall occur within the hours of 8:00 a.m. and 8:00 p.m. Monday-Saturday and not block traffic circulation;

13. Demonstrate that public facilities and utilities are adequate to safely accommodate equipment used for home occupation;

14. Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials;

15. Outside storage of heavy equipment or material shall be prohibited; and,

16. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.

Table 6.4-1 Home Based Occupation Performance Standards by Zoning District

Performance Standards	R1-190/ R1-145/ R1-108/ R1-54	R1-43	R1-35	R1-18/ R1-15	R1-12/ R1-9/ R1-8/R1-7/ R1-6/R1-5/ R1-4/R-2/ R-3/R-4
1. No employees other than those residing in the home.	- -	- -	- -	A	A
2. No more than one (1) non-resident employee.	A	A	A	- -	- -
3. Home day care: Six (6) or fewer clients per day	- -	- -	A	A	A
Twelve (12) or fewer clients per day	A	A	- -	- -	- -
4. No truck or van with a payload rating of more than one-half (1/2) ton shall be parked on the site.	- -	- -	A	A	A
5. No truck or van with a payload rating of more than one (1) ton shall be parked on the site.	- -	A	A	A	A
6. Mechanized equipment shall be used only in a completely enclosed building.	- -	A	A	A	A

"A" Applicable "--" Prohibited

6.5 In-Vehicle Service Facilities

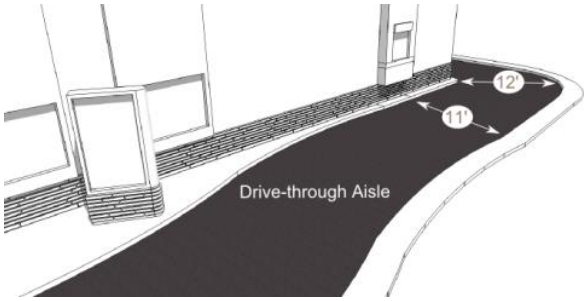
A. *Description.* In-vehicle sales and service uses include all uses which perform sales and / or services in vehicles, or to vehicles which may be occupied at the time of such activity. Such uses often have traffic volumes which exhibits their highest levels concurrent peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and car washes. If performed in conjunction with a principal use, in-vehicle sales and service land uses shall considered accessory.

B. *Performance Standards.* All in-vehicle services facilities are subject to a conditional use permit review procedure.

1. Establishments providing in-vehicle facilities may be permitted in the C-2 and Town Center districts only.

2. Pedestrian walkways should not intersect the drive-through drive aisles, but where that do, they shall have clear visibility, and they must be emphasized by enriched paving, such as products to similar to boomanite, stone, etc.)

3. Drive-through aisles shall have a minimum twelve foot (12') width on curves and a minimum eleven foot (11') width on straight sections.



4. All service areas, rest rooms, and ground mounted and roof mounted mechanical equipment shall be screened from view.

5. Landscaping shall screen drive-through or drive-in aisles, payment, and pick-up windows from the public right-of-way and shall be used to minimize the visual impact of menu boards, and directional signs.

6. The building shall be the main element of the overall site plan and parking shall be oriented on the side or rear of the site.

7. Menu boards shall comply with Section 7.2.L of this Ordinance.

8. Drive-through uses within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-through use must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create a variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the use of opening and recesses, which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment and landscaping plaza.

9. No drive-through aisles shall exit directly onto a public right-of-way.

B. *Internal Circulation Requirements*.

1. A traffic study shall be submitted to the Town along with the required application packet. The traffic study shall address the following issues:

   a. Nature of product or service being provided;

   b. Method by which the order is being processed;

   c. Time required to serve a typical customer;

   d. Arrival rate of customers;

   e. Peak demand hour;

   f. Anticipated vehicular stacking required; and,

   g. Location of the storage of loading area with respect to parking spaces of circulation aisles.

2. Traffic study shall include a scaled drawing delineating all parking spaces, circulation facilities, driveways and nearest public street.

3. Each drive-through lane shall be designed to prevent circulation congestion, both on-site and on adjacent public and private streets and access ways.

4. The stacking lanes for drive-thru facilities should not cross or pass through off-street parking areas nor cross or be crossed by pedestrian access ways.

C. *Elevations.* Elevations for all sides shall be submitted along with the application packet.

D. *Refuse Disposal Areas.* Refuse disposal areas shall be located to the rear of the site and screened with a decorative masonry wall and gate matching the main building architecture.

E. *Speaker Boxes and Other Noise Related Impacts.* Speaker boxes designed to communicate from drive-through or pump islands shall not be audible on any

residential property adjacent to the business. Failure to contain the sound shall warrant the speaker boxes immediate removal upon proof or two (2) or more complaints within a twelve-month period of violations of the Town's noise/nuisance ordinances. When abutting residential zone or use, all drive-through facilities with noise generating equipment must document in advance that the facility will meet off-site impact noise standards. Noise generating equipment includes items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.

6.6 Massage Establishments

A. *Purpose.* The Town Council hereby finds and determines that massage parlors can, if not regulated properly, serve as covers for lewd or illegal conduct which can produce secondary impacts on surrounding neighborhoods, crimes such as prostitution and money laundering, and a reduction in property values. The Town Council further finds that massage establishments which are properly regulated can operate in a manner compatible with surrounding issues. The standards established herein are designed to ensure that:

1. The massage establishment is operated for the legitimate purpose of massage therapy and not as a front for prostitution, money laundering, or other crimes;

2. The massage establishment does not become a de facto sexually oriented business without the proper licensing;

3. The massage establishment is clean and sanitary, and accordingly, does not become a blighting influence on the neighborhood; and,

4. The areas in which massage activities occur are adequately lighted and open so as to permit inspection for compliance with the provisions of this Ordinance.

B. *Location*. A massage establishment may be located in any zoning district where permitted as a primary use, and as an accessory use to any medical or chiropractic office, athlete club, health club, gymnasium, reducing salon, spa, or hotel, subject to the following reasons:

1. Where permitted as a primary use, no massage establishment shall be located within:

   a. Five-hundred feet (500’) of a public or private school, park, playground, civic center, cultural, site, or church site; or,

   b. Within five-hundred feet (500’) of another massage establishment.

2. Where permitted as an accessory use, the area if the massage establishment shall not exceed the lesser of:

   a. Twenty-five percent (25%) of the floor area of the primary use; or,

   b. Four-hundred (400) square feet.

C. *Owner/Operator and Minimum Training*. No application for development approval shall be accepted to establish a massage establishment unless evidence is provided that the owner, operator, responsible managing employee, manager, or licensee in charge of or in control of any massage establishment, and any masseuse or masseur employed therein, has passed the National Certification Exam and has completed not less than five-hundred (500) hours of training by a school approved by the American Massage Therapy Association ("AMTA") Commission on Accreditation and Training. No massage shall be administered by any person who is not certified as a full member, in good standing, of AMTA. Proof of such membership shall be provided to the Planning Administrator and the City Clerk.

D. *Nude Massaging Prohibited*.

1. No massage establishment shall be established or conducted as part of a sexually-oriented business.

2. No owner, operator, responsible managing employee, manager, or licensee in charge of or in control of any massage establishment shall permit any person in any area within the massage establishment which is used in common by the patrons or which can be viewed by from such an area (excluding bathrooms, dressing rooms, or any room utilized for dressing purposes), unless the person's specified anatomical areas are fully covered. In addition, no owner, operator, responsible managing employee, manager, or licensee in charge of or in control of a massage establishment shall permit any person to be in any room with another person unless all persons' specified anatomical areas are fully covered.

3. No owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any masseur, masseuse, or employee to be on the premises of a massage establishment during its hours of operation while performing, or available to perform any task or service associated with the operation of a massage business, and no masseur/masseuse or employee shall be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or services associated with the operation of a massage business, unless the masseur/masseuse or employee is "fully covered". For purpose of this subsection, "fully covered" means the state of dress in which the covering shall be of an opaque material and shall be maintained in clean and sanitary condition, and which extends from a point not to exceed four inches (4”) above the center of the knee cap to the base of the neck.

4. No masseur/masseuse or employee, while performing any task or service associated with the massage business, shall be present in any room with another person unless the person's specified anatomical areas are fully covered.

E. *Massage Rooms*.

1. Rooms in which massage is to be administered shall have at least fifty (50) square feet of clear floor area and shall maintain a light level of not less than forty (40) foot-candles as measured three feet (3’) above the floor. Such rooms shall be equipped with cabinets for the storage of clean linen and chemicals and approved receptacles for the storage of soiled linen. Such rooms shall contain a door incapable of being locked from the exterior or interior. Such door shall contain a transparent window pane no less then twelve inches (12”) wide and twelve inches (12”) long, such that an obstructed view of the room is provided from a hallway or other less common access area, which is immediately adjacent to the room.

2. Separate bathing, dressing, locker, toilet, and massage room facilities shall be provided for female and male patrons, so that female and male patrons can be served simultaneously without viewing one another while bathing, dressing, washing, or receiving a massage, if both sexes are permitted by the establishment.

3. All walls, ceilings, floors, pools, showers, bathtubs, steam room, hand basins, and all other physical facilities for the massage establishment must be in good repair and maintained in a sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, bathtubs, hand basins, and toilet rooms shall be thoroughly cleaned and disinfected at least once each day the business is in operation. For purpose of this subsection, "sanitary" means free from vegetative cells of pathogenic microorganisms.

F. *Hours of Operation.* No massage establishment shall open earlier than 8:00 a.m. or remain open later than 10:30 p.m.

6.7 Sexually Oriented Businesses

A. *Purpose and Findings*.

1. The Town Council finds that this Ordinance in order to protect the Town for the potential secondary effects adults business including crime, the protection of the Town's retail trade, the prevention of the blighting of neighborhoods and the maintenance of property values, protecting and preserving the quality of the Town's quality of life, the increased threat of the spread of sexually transmitted diseases, and the protections of the peace, welfare and privacy of persons who patronize adult businesses. Experience in this Town, as well as in cities and counties within and outside of Arizona including the County of Los Angeles, the City of Garden Grove and the cities of Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix, Arizona have demonstrated that such uses have objectionable secondary effects upon immediately adjacent residential and commercial areas. The Town recognizes and relies upon the experience of these other cities and counties in adopting adult businesses regulations including the County of Los Angeles (as discussed in *Smith v. County of Los Angeles* 211 Cal.App.3d 188 (1989)); City of Renton, Washington (as discussed in *City of Renton v. Playtime Theaters, Inc.*475 U.S. 41 (1976)); The City of Seattle, Washington (as discussed in *Northern Cinema v. City of Seattle* 90 Wash 90.2d 709, 585 P.2d 1153 (1978)); and the County of Palm Beach, Florida (as discussed in *Movie & Video World v. Board of County Commissioners* 723 F.Supp. 695 (S.D. Fla.1989)) in support of this Ordinance. The Town also recognizes and relies upon the studies done by: (1) the 1979 Adult Use Study by the Phoenix Planning Department; (2) Tucson, Arizona (1990); (3) the 1991 report to the City of Garden Groves by Drs. McCleary and Meeker on the relationship between crime and adult business operations; (4) the City of Los Angeles in 1977; (5) the 1984 "Analysis of Adult Entertainment Business in Indianapolis" by the Department of Metropolitan Development; (6) Minneapolis, Minnesota (1980); (7) Cleveland, Ohio (1977); (8) Oklahoma City, Oklahoma (1986); (9) Austin, Texas' study of effects of adult businesses; (10) Amarillo, Texas (1977); (11) Beaumont, Texas (1982); (12) Houston, Texas (1983); and (13) Seattle, Washington (1989).

2. Prior to the Adoption of this Ordinance the Town Council reviewed the detailed studies prepared by other jurisdictions regarding the social and economic effects on a persons and properties surrounding established adult used facilities. Copies of these studies are available for the public review upon request. The Town Council believes the following statements are true, in part based upon its understanding of the experiences of various jurisdictions identified.

3. Crime rates tend to be higher in residential areas surrounding adult uses than in industrial areas surrounding adult uses.

4. Areas within one-thousand feet (1,000’) of single and multiple family dwellings should be free of adult uses.

5. Adult uses should be restricted to specific areas of the Town which are specified distance from sensitive uses such as residences, parks, religious institutions, and schools, irrespective of whether physical barriers are present. This is necessary to (1) insure that the impact on such sensitive uses by adverse secondary effects cause by adult uses are mitigated to the maximum extent possible; (2) to prevent ad hoc decisions with respect to potential adult use site which does not meet the criteria set forth herein; and (3) to provide certainty to the residents of the Town and adult use operators with respect to potential adult use sites.

6. The image of the Town of Queen Creek as an attractive place to reside will be

adversely affected by the presence of adult uses in closed proximity to residential uses, schools, religious institutes and parks.

7. The existence of adult uses in close proximity to residential areas has been shown in some cities to reduce the property values in those residential areas.

8. A reasonable regulation of the location of adult uses protects the image of the community and its property values and protects its residents for the adverse secondary effects of adult uses, while providing those who desire to patronize adult uses an opportunity to do so in appropriate areas in the Town.

9. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and being aggravated by adult businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution pandering, and violence against persons and property. The studies from other cities establish convincing evidence that adult which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for adult business should be developed to prevent deterioration and / or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.

10. The Town Council recognizes and relies on the findings set forth in the 1986 Attorney General's Report on pornography in support of this Ordinance including, but not limited to its recommendations that local governments band certain features of video booths that facilitate carnal sexual encounters. A copy of the Attorney General's Report on Pornography is available for public review upon request.

11. The Town Council finds the following, in part based upon its understanding of the document and judicial decisions in the public record:

    a. Evidence indicates that some dancers, models and other person who publicly perform specified sexual activities or publicly displayed anatomical parts in adult businesses (collectively referred to as "performers") have been found to engage in sexual activities with patrons of adult businesses on the site of the adult business;

    b. Evidence has demonstrated that performers employed by adult businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

    c. Evidence indicates that performers at adult businesses have been found to engage in acts of prostitutions in acts with patrons of the establishment; and,

    d. As a result of the above, and the increase of incidence of AIDS and Hepatitis B, which are both sexually transmitted diseases, Town have a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at adult businesses.

12. The Town Council has determined that the establishment of an adult use development permit process is a legitimate and reasonable means of insuring that:

    a. Operators of adult businesses comply with the reasonable regulations of this Ordinance;

    b. The recognized secondary impacts of a proposed adult use business in a specific location are mitigated; and,

    c. Adult use operators have specific guidelines with respect to where they

can establish or operate an adult business.

13. It is not the intent of the Town Council in adopting this Ordinance to suppress any activities protected by the First Amendment, but rather to enact content neutral Ordinance, which addresses the secondary effects that adult uses have on the Town.

14. The Town Council desires to protect the rights conferred by the United States Constitution to adult use businesses in a manner that insures the continued and orderly development of property within the Town and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of adult uses.

15. The Town Council and Planning Commission have held duly noticed public hearings, to receive input and testimony from the public concerning the subject of regulation of adult uses and this proposed Ordinance.

B. *Location Standards*.

1. No sexually-oriented businesses shall be located within one-thousand feet (1,000') of any other sexually-oriented business.

2. No sexually-oriented business shall be located within five-hundred feet (500') of an establishment having an Arizona Spirituous Liquor License with any of the following classifications; Bar License (Series #06), or Beer and Wine License (Series #07), or the equivalent of any such license. No person shall, on premises having an Arizona Spirituous Liquor License, perform acts of or acts which constitute or simulate: (1) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; or (2) the touching, caressing or foundling of the breast, buttocks, anus, or genitals; or (3) the displaying of post-pubertal human genitals, buttocks, or public area, or the female breast below the top of the nipple. No person shall, on such licensed premises use artificial devices or inanimate objects to perform, simulate or depict any of the prohibited conduct or activities described in the Section. It shall be unlawful for any person to show, display, or exhibit, on licensed premises, any film, video, still picture, electronic reproduction, or any other visual reproduction or image of any act or conduct describes in this Section. No operator shall allow or permit to remain in or about the licensed premises any person who performs acts of or acts which constitute or simulate: (1) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; or (2) the touching caressing or fondling of the breast, buttocks, anus or genitals; or (3) the displaying of post-pubertal human genitals, buttocks, or pubic area, or the female breast below the top of the nipple.

3. No sexually-oriented business shall be located within one-thousand feet (1,000') of a public or private school, public or private daycare center, public or private recreation center, or church or park used by the public for recreational purposes.

4. No sexually-oriented business shall be located within five-hundred feet (500') of a hotel, motel, or boarding house that has fewer than forty (40) sleeping rooms.

5. No sexually-oriented business shall be located within one-thousand feet (1,000') from any single of multifamily dwelling.

6.8 Large Format Retail

A. *Purpose.* The following standards and guidelines are applicable to any single-user retail structure in excess of fifty thousand (50,000) square feet or any shopping center in excess of twenty-five thousand (25,000) square feet.

B. *Standards.*

1. *Pedestrian Circulation*. Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

   a. Sidewalks at least eight feet (8') in width shall be provided along all sides of the lot that abut a public street.

   b. Continuous internal pedestrian walkways, not less than eight feet (8') in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity including, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty percent (50%) of its length. Four foot (4') wide pedestrian walkways shall be provided in the parking aisle medians.

   c. Sidewalks, not less than ten feet (10') in width, measured from the face of the building to the face of the columns, raised permanent planters or other permanent amenities that define the outer edge of the sidewalk, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Should such sidewalks be utilized for outdoor display of retail goods, a minimum of eight feet (8') clear walking area shall be maintained at all times. Such sidewalks shall be located at least six feet (6') from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.

   d. Internal pedestrian walkways provided in conformance with part (b) above shall provide weather protection features such as awnings or arcades within thirty feet (30') of all customer entrances.

2. *Parking Lot*. Parking areas shall provide safe, convenient, and efficient access. Buildings shall be placed along the required setbacks and between the street frontage and parking areas in order to provide a visual buffer. No parking is permitted within the required buffer area or landscape areas. Parking areas shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. No more than twenty-five percent (25%) of the off-street parking area for the entire property shall be located between the front façade of the principal building(s) and the primary abutting street.

3. *Outdoor Storage, Trash Collection, and Loading Areas*. The following standards are intended to reduce the impacts of outdoor storage, display of retail goods, loading and operations areas on adjacent land uses, on-site visitors and improve general public street curb appeal of the use.

   a. Areas for truck parking and loading shall be screened by a combination of structures and evergreen landscaping to minimize visibility from adjacent streets and property lines.

   b. Areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located in the rear of the lot. If that is not feasible,

then the side yard can be used, but in no case shall such areas be located within twenty feet (20') of, and shall not be visible from, any public street, public sidewalk, or internal pedestrian way.

c. Outdoor storage, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping plan. Views of these areas shall be screened from visibility from all property lines and separated from pedestrian areas.

d. Screening structures shall be made of the same materials as the principal structure.

e. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and / or fences. Materials, colors, and design of screening walls and / or fences shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors on the building.

f. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 P.M. and 7:00 A.M. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 dB, as measured at the lot line of any adjoining property.

g. Outdoor display of retail goods shall be limited to the Plaza area and / or building front sidewalk. A maximum of sixty percent (60%) of the plaza area may be utilized for outdoor display. No individual item or stack of items may exceed eight feet (8') in height. The minimum clear walking area shall be maintained consistent with Article 6.17C.

4. *Screening*. To the greatest extent possible, mechanical appurtenances shall be located within the structure. External mechanical appurtenances such as heating and air conditioning equipment shall be screened and finished to match the colors of adjacent building materials.

5. *Entryways.* Superstores shall feature multiple entrances to reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building façades that face bordering land uses.

a. All sides of a principal building that directly face an abutting public street shall feature at least one (1) customer entrance. Where a principal building directly faces more than two (2) abutting public streets, this requirement shall apply only to two (2) sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street.

b. Entryway design elements and variations shall provide orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

1) Canopies or porticos;

2) Overhangs or arcades;

3) Recesses/projections;

4) Raised cornice parapets over the door;

5) Peaked roof forms or arches;

6) Outdoor patios;

7) Display windows;

8) Architectural details such as tile work and moldings which are integrated into the building structure and design;

9) Integral planters or wing walls that incorporate landscaped areas and / or places for sitting; or,

10) Building Height. Building height shall not exceed thirty-five feet (35') measured from the average natural grade. Average grade is the average elevation of the highest point of the building perimeter and the lowest point measured at prior to site fill or excavation.

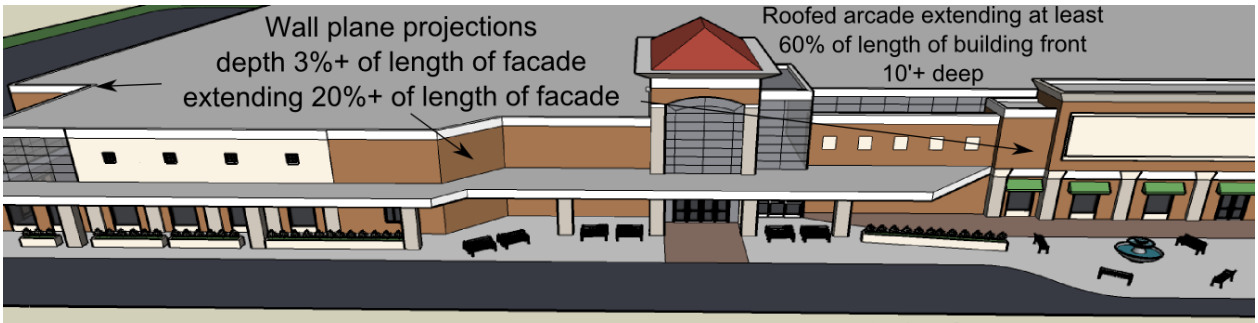
C. *Design Criteria*.

1. *Community Spaces*. Superstores and big box retail uses shall provide outdoor spaces and amenities to link structures with the remainder of the community. Bus stops, drop-off and pick-up points shall be integrated with traffic patterns on the site. Special design features shall enhance the building's function as a center of community activity.

2. *Features*. Each development shall provide a roofed arcade extending along at least sixty percent (60%) of the length of the building front. Arcades shall be at least ten feet (10') in width as measured from the building face to the columns supporting the arcade. In addition, at least one (1) of the following design features shall be provided: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, a fountain or water feature, or a clock tower.

3. *Plaza.* A plaza area shall be provided along at least sixty percent (60%) of the length of the front of the building. The plaza shall start at the outside face of any columns, planters or other amenities provided as part of the arcade or walkways, and extend a maximum of twenty feet (20') measured perpendicular to the building face. The plaza shall be equal in grade (flush) with the adjacent sidewalk and drive aisles. It shall also provide decorative materials to define the perimeter of the plaza and enhance the plaza itself. The plaza shall further incorporate bollards or other decorative elements and signage to prevent parking, loading, and / or unloading at the main entry.

4. *Façades*. The following standards shall apply to all building façades and exterior walls that are visible from adjoining public streets or properties**.** Façades greater than one-hundred feet (100') in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of any façade shall exceed one-hundred fifty (150) horizontal feet. These façades shall utilize raised permanent planters, seating areas, screen walls or other amenities between the columns of the arcade to provide visual interest, and provide a background for outdoor display but not to obscure display windows. Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty percent (60%) of their horizontal length.

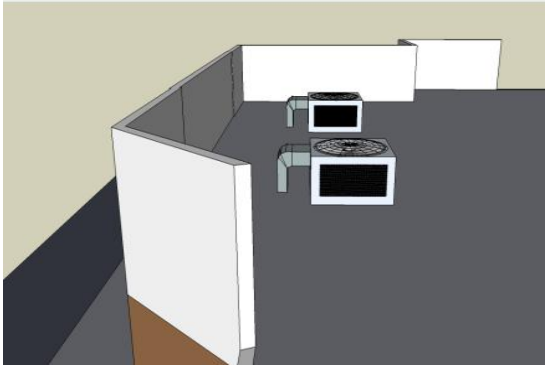


Ground floor facades that face public streets shall have design features along no less than 60% of their horizontal length

5. *Off-Street Bus Stop*. Each development shall provide an off-street bus stop.

6. *Roofing*. The following standards are intended to foster variations in roof lines to add interest to, and reduce the massive scale of large buildings. Roof features shall complement the character of adjoining development. Roofs shall have no less than two (2) of the following features:

   a. Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not exceed, at any point, one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments and shall not be of a constant height for a distance of greater than one-hundred fifty feet (150');



   b. Overhanging eaves, extending no less than three feet (3') past the supporting walls, for no less than thirty percent (30%) of the building perimeter;

   c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot (1') of vertical rise for every three feet (3') of horizontal run and less than or equal to one foot (1') of vertical rise for every one foot (1') of horizontal run; or,

   d. Three or more roof slope planes.

7. *Materials and Colors*. The following standards are intended to ensure that large structures are compatible with neighboring development.

   a. Predominant exterior buildings materials shall be high quality materials such as brick, wood, stucco, sandstone, native stone, and tinted/textured/concrete masonry units.

   b. Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited.

   c. Building trim and accent areas may feature brighter colors, including primary colors.

   d. Predominant exterior building materials shall not include smooth-faced concrete block or tilt-up concrete panels, or pre-fabricated steel panels.

D. *Landscaping.*

1. Peripheral. A thirty foot (30') wide landscaped setback shall be provided along the front property line and along all abutting arterial roadways with breaks for approved access points. A minimum fifteen foot (15') wide landscape setback shall be planted along all other property lines and along all internal roadways.

2. Where the façade faces adjacent residential uses, an earthen berm and / or opaque fence, no less than six feet (6') in height, containing at a minimum evergreen trees planted at intervals of twenty feet (20') on center, or in clusters or clumps and shrubbery shall be provided.

3. A minimum of twenty percent (20%) of the parking area shall be landscaped. Landscaped areas shall be protected by raised curbs and shall be a minimum of one-hundred fifty (150) square feet in size except that parking lot islands shall be a minimum of twelve feet (12') in width between parallel parking rows and

shall run the length of the parking aisle capped at each end by the termination of the island. No parking space shall be located more than one-hundred feet (100') from a landscaped area. Landscaped planters shall be provided a minimum of one (1) every twelve (12) parking spaces. For other types of parking configurations, Landscaping Standards shall prevail.

4. *Required Plantings*.

   a. *Street Tree Spacing*. Trees shall be planted on thirty-foot (30') centers. For variety, trees may be occasionally grouped to accent an area.

   b. *Number of Trees and Shrubs per One-Hundred (100) Square Feet*. Trees and shrubs shall be provided consistent with Section 5.3 of this Ordinance.

   c. *Ground Cover Areas.* All areas shall be planted at a minimum with turf or grass. Ground covering such as ivy or similar material shall be used to accent planting areas.

E. *Public Art.* Large Format Retail shall be required to install public art as part of the development pursuant to the following:

1. Public art should celebrate any distinct characteristics found in the surrounding area around the site;

2. Pieces shall be placed in public view and should be made accessible to a pedestrian; and,

3. Art should not impede or block pedestrian travel within the site.

6.9 Wireless Communications

A. *Purpose.* The purpose of this Ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Ordinance are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;

2. Encourage the location of towers in non-residential areas;

3. Minimize the total number of towers throughout the community;

4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;

8. Consider the public health and safety of communication towers; and,

9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Town of Queen Creek shall give due consideration to the Town of Queen Creek General Plan, the Town of Queen Creek Zoning Ordinance, existing land use, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. *Applicability*.

1. New Towers and Antennas. All new towers or antennas in the Town of Queen Creek shall be subject to these regulations.

2. *Exceptions*.

   a. A*mateur Radio Station Operators/Receive Only Operations.* This ordinance shall not govern any tower, or the installation of any antenna, that is under the maximum

building height of the zoning district in which such structure is located and which is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only operations.

b. *Pre-existing Towers or Antennas*. Legally established pre-existing towers and preexisting antennas shall not be required to meet the requirements of this Ordinance, other than the requirements of subsection 6 and 7 of this Section

c. *AM Array*. For purposes of implementing this Ordinance, an AM array, consisting of one (1) or more tower units and supporting ground system which functions as one (1) AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right

C. *General Requirements*.

1. *Principal or Accessory Use*. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

2. *Lot Size*. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

3. *Inventory or Existing Sites*. Each applicant for an antenna and / or tower shall provide to the Planning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town of Queen Creek or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. Each applicant shall also provide a one-year build out plan for all other proposed wireless communications facilities within the Town. Planning Administrator may share such information with other applicants applying for administrative approvals or conditional use permits under this Ordinance or with other organizations seeking to locate antennas within the jurisdiction of the Town of Queen Creek, provided, however that the Planning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. *Aesthetics*. Towers and antennas shall meet the following requirements:

a. Towers shall by configured in a way that minimizes adverse impacts by careful design, landscape screening, and innovative camouflaging techniques or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness; and,

b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; and,

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. *Lighting*. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

6. *State or Federal Requirements*. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

7. *Building Codes; Safety Standards*. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA) and by the Telecommunications Industries Association (TIA), as amended from time to time. If, upon inspection, the Town of Queen Creek concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

8. *Measurement*. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Town of Queen Creek irrespective of municipal and county jurisdictional boundaries.

9. *Not Essential Services*. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

10. *Franchises*. Owners and / or operators of towers or antennas shall certify that all franchises required by law for the construction and / or operation of a wireless communication system in the Town of Queen Creek have been obtained and shall file a copy of all required franchises with the Planning Administrator.

11. *Public Notice*. For purposes of this Section, any conditional use request shall require public notice pursuant to section 3.5 of this Ordinance except that the notice required shall include posting of the property, and mailing to all property owners within three-hundred feet (300') of the proposed use, and publication in a newspaper of general circulation regardless of any expression to the contrary in Section 3.5.

12. *Signs*. No signs shall be allowed on an antenna, on a tower or on any portion of the premises leased for wireless telecommunication use.

13. *Buildings and Support Equipment*. Buildings and support equipment associated with antennas or towers shall

comply with the requirements of subsection 14 of this Section.

14. *Co-Location and Multiple Antenna/Tower Plan*. The Town of Queen Creek encourages tower and antenna users to submit a single application for approval of multiple towers and / or antenna sites and to submit applications which utilize co-location with an existing wireless telecommunications provider. Applications for approval of multiple sites or for co-location with an existing provider shall be given priority in the review process.

15. *Security Fencing*. Towers shall be enclosed by security fencing not less than six feet (6') in height and no more than eight feet (8') in height, shall be constructed of a block or masonry and shall be equipped with an appropriate anti-climbing device; provided, however, that the Town Council may waive such requirements as it deems appropriate.

16. *Landscaping*. The following requirements shall govern the landscaping surrounding towers; provided, however, that the Town Council may waive such requirements if the goals of this chapter would be better served thereby:

    a. Tower facilities shall be landscaped with a buffer of plan materials that effectively screens the view of the tower compound from residential property. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound;

    b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived; and,

    c. Existing mature plan growth and natural land forms on the site shall be preserved to the maximum extent possible.

D. *Permitted Uses*.

1. *General*. The uses listed in this subsection are deemed to be permitted uses and shall only require administrative approval.

2. *Permitted Uses*. The following uses are specifically permitted:

    a. Antennas or towers located on property owned, leased or otherwise controlled by the Town of Queen Creek, provided a license or lease authorizing such antenna or tower has been approved by the Town of Queen Creek Town Council. No such license or lease shall be issued for a tower located within three-hundred feet (300') of any residentially zoned property until a public hearing has been held at a regular or special Town Council meeting as part of the Conditional Use Permit process outlined in subsection E. This subsection shall not apply to property presently known as Town Hall.

    b. Antennas or towers located in any Industrial Zoning District (EMP-A or EMP-B); provided, however, that freestanding towers or antennas shall not exceed sixty-five feet (65') in height without a special use permit, and that roof mounted antennas shall not extend more than ten feet (10') above the tallest point on such roof and in no case shall the total combined height of the building and the roof-mounted antenna exceed fifty feet (50') in height; and,

    c. *Amateur Radio Towers*.

        1) Non-commercial, private residential use allowed but subject to an administrative over-the-counter permit; non-residential uses require a conditional use permit.

3. Setback and height standards: minimum three feet (3') from property line for towers up to fifteen feet (15') in height. Over fifteen feet (15') in height, then an additional one foot (1') setback for each one foot (1') of tower and antenna height (over fifteen feet (15')) with a maximum height of eighty feet (80').

4. Towers are prohibited in the front yard and shall not be placed in front of the front face plane of the principal building.

5. Limitation on quantity of towers by zoning district:

   a. R1-35 SFR Zoning District and larger lot zoning districts: two (2) primary transmission and reception towers per lot of record and subject to the setback and height standards established in above.

   b. All other zoning districts: one (1) tower permitted per lot of record.

   c. Additional towers, greater in number prescribed in subsection 3.d.1 and 3.d.2 above, may be permitted in any zoning district, but shall be subject to securing a conditional use permit.

6. Towers are prohibited in any airport clear zone or landing zone designated by FAA.

E. *Conditional Use Permits*.

1. *General*. The following provisions shall govern the issuance of conditional use permits for towers or antennas by the Town Council:

   a. If the tower or antenna is not a permitted use under this subsection D of this Section, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts. The maximum height of any such tower shall be eighty feet (80');

   b. Applications for conditional use permits under this Section shall be subject to the procedures and requirements of Section 3.5 of this Ordinance, except as modified in this Section;

   c. In granting a conditional use permit, the Town Council may impose conditions to the extent such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties;

   d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by an Arizona licensed professional engineer;

   e. An applicant for a conditional use permit shall submit the information described in this section and a non-refundable fee established pursuant to a Resolution of the Town Council; and,

   f. A Conditional Use Permit issued under this Section shall be conditioned upon verification by the Engineer or his designee that such tower structure is structurally sound. Such verification shall be received by the applicant prior to submission and at five (5) intervals from the date of issuance of such permit.

2. *Towers.*

   a. *Information Required*. In addition to any information required for applications for conditional use permits, as defined in the Town's application(s) and / or process guide(s), on file with the Town's Development Services Department, applicants for a conditional use permit for a tower shall submit the following information:

      1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), General Plan classification of the site and all properties within the applicable separation distances set forth in subsection F.2, adjacent roadways, proposed means of access, setbacks from property lines elevation drawings of the proposed tower and any other structures, and other information deemed by the Planning Administrator to be necessary to assess compliance with this article;

      2) The setback distance between the proposed tower and the nearest

residential unit and residentially zoned properties;

3) The separation distance from other towers described in the inventory of existing sites submitted, shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known;

4) Method of fencing and finished color and, if applicable, the method of camouflage and illumination;

5) A description of compliance with the subsections of the Section, and all applicable federal, state or local laws;

6) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users;

7) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality;

8) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower;

9) A description of the feasible alternative location(s) of future towers or antennas within the Town of Queen Creek based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected; and,

10) A statement of compliance with Federal Communications Commission (FCC) Radio Frequency (RF) exposure standards;

b. *Noise*. No permit shall be issued for any facility which generates a noise level greater than fifty decibels (50 dB) as measured at the edge of the sited property.

c. *Factors Considered in Granting Special Use Permits for Towers.* In addition to any standards for consideration of special use permit applications, the Town Council shall consider the following factors in determining whether to issue a conditional use permit, although the Town Council may waive or reduce the burden on the applicant of one (1) or more of these criteria if the Town Council concludes that the goals of this Ordinance are better served thereby:

1) Height of the proposed tower;

2) Proximity of the tower to residential structures and residentially zoned district boundaries;

3) Nature of uses on adjacent and nearby properties;

4) Surrounding topography;

5) Surrounding tree coverage and vegetation;

6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

7) Proposed ingress and egress; and,

8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection F.2)d) below.

d. *Availability of Suitable Existing Towers, Other Structures, or Alternative Technology*. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town Council that no existing tower, structure, or alternative technology that does not require the use of towers or structures

can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Town Council related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1) No existing towers or structures are located within the geographic area which meets applicant's engineering requirements;

2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;

3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;

4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

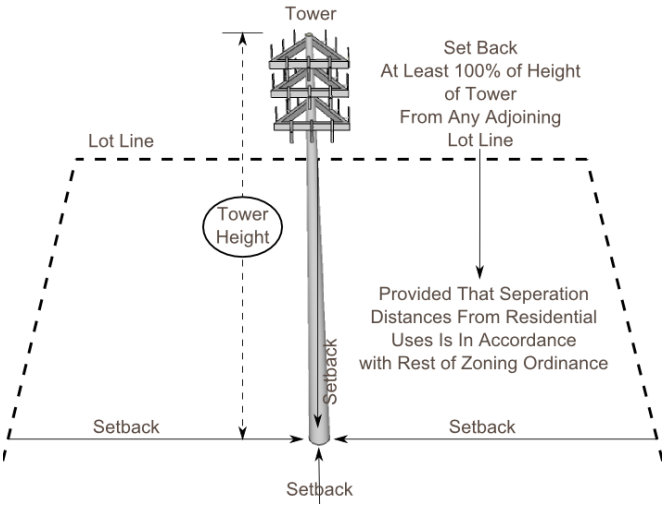
5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;

6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; or,

7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

3. *Setbacks.* The following setback requirements shall apply to all towers for which a conditional use permit is required. The Town Council may reduce the setback requirements if the goals of this subsection would be better served.

   a. Towers shall be set back a distance equal to at least one-hundred percent (100%) of the height of the tower from any adjoining lot line; provided, however, that separation distances from residential uses shall be in accordance with Table 6.9-1 set forth below.



   b. Accessory buildings must satisfy the minimum zoning district setback requirements.

F. *Co-Location.*

1. *Good Faith*. Applicants and permittees shall cooperate and exercise good faith in co-locating wireless telecommunications facilities on the same support structures or site, if the Town so requests. For the purposes of this section only, a site may accommodate more than one (1) tower and its accompanying equipment; provided, however that no site shall

exceed ten (10) acres. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing such information normally will not be considered as an excuse to the duty of good faith.

2. *Third Party Review*. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Town may require the applicant to obtain a third party technical study at the applicant's expense. The Town may review any information submitted by the applicant and permittee(s) in determining whether good faith has been exercised.

3. *Exceptions*. No co-location may be required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing wireless telecommunications facilities or failure of the existing wireless telecommunications facilities to meet federal standards for emissions.

4. *Violation; Penalty*. Failure to comply with co-location requirements when feasible may result in denial of a permit request or revocation of an existing permit.

G. *Minimum Setbacks and Separation*.

1. Separation. The following separation requirements shall apply to all towers and antennas; provided, however, that the Town Council may reduce the standard separation requirements if the goals of this chapter would be better served thereby:

a. Tower separation comply with the minimum standards and shall be measured from the base of the tower to the lot line of the off-site uses and / or designated areas as specified in Table 6.9-1.

Table 6.9-1 Separation Requirements

Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units	200' or 300% of tower height, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary plat approval which is not expired	200' or 300% of tower height, whichever is greater measured from base of tower to closest building setback line
Vacant unplatted residentially-zoned land	100' or 100% of tower height, whichever is greater
Existing multi-family residential units greater than duplex units	100' or 100% of tower height, whichever is greater
Non-residential zoned lands or uses	Only setbacks apply

2. *Exception*. The minimum separation requirements of this section shall not apply to towers which are co-located on a single site.

a. *Separation Distances between Towers.* Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 6.9-2.

Table 6.9-2 Minimum Separation Distances

	More than 65' in height	40' in height to 65' in height	Less than 40' in height
More than 65' in height	2,000'	1,500'	1,000'
40' in height to 65' in height	1,500'	1,500'	1,000'
Less than 40' in height	1,000'	1,000'	750'

H. Buildings or Other Equipment Storage.

1. *Antennas Mounted on Structures or Rooftops*. The equipment cabinet or

structure used in association with antennas shall comply with the following:

a. The cabinet or structure shall not contain more than one-hundred-twenty (120) square feet of gross floor area or be more than eight feet (8') in height and shall be located on the ground; and,

b. Equipment storage buildings or cabinets shall comply with all applicable building codes.

2. *Antennas Mounted On Utility Poles, Light Poles, or Towers*. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

a. In residential zoning districts, the equipment cabinet or structure may be located:

1) In a required front yard or required street side yard provided the cabinet structure is no greater than three and one-half feet (3 1/2') in height or twenty (20) square feet of gross floor area and the cabinet/structure is located a minimum of three feet (3') from all lot lines. The cabinet/structure shall be screened by sight-obscuring landscaping which obscures at least ninety-five percent (95%) of the structure at planting and throughout the duration of the cabinet or structures existence with an ultimate height not to exceed forty-two inches (42");

2) In a required rear yard, provided the cabinet or structure is no greater than five feet (5') in height or one-hundred-twenty (120) square feet in gross floor area. The cabinet/ structure shall be screened by sight-obscuring landscaping which obscures at least ninety-five percent (95%) of the structure at planting and throughout the duration of the cabinet or structures existence with an ultimate height of six feet (6'); and,

3) The entry or access side of a cabinet or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet or structure.

b. In commercial or industrial districts the equipment cabinet or structure shall be no greater than fourteen feet (14') in height or three-hundred (300) square feet in gross floor area. The structure or cabinet shall be screened by sight-obscuring landscaping with an ultimate height of sixteen feet (16') and a planted height of at least six feet (6'). The entry or access side of a cabinet or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet or structure. Such access way shall not face residentially zoned property.

3. *Modification of Building Size Requirements*. The requirements of Section 6.9.F.1 to 6.9.F.3 may be modified by the Town Council in the case of uses permitted by conditional use to encourage co-location.

I. *Removal of Abandoned Antennas and Towers.* Any antenna or tower that is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Town of Queen Creek notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day period shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower for the prescribed period.

J. *Non-Conforming Uses*.

1. *Not Expansion of Non-Conforming Use*. Towers that are constructed and antennas that are installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a non-conforming use or structure.

2. *Pre-Existing Towers*. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this chapter.

3. *Rebuilding Damaged or Destroyed Non-Conforming Towers or Antennas*. Notwithstanding other provisions of this Ordinance, bona fide non-conforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special use permit and without having to meet the separation requirements specified in, bona fide non-conforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a conditional use permit and without having to meet the separation requirements specified in Section 6.9.G(1) and (2). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval; provided, however, that any destroyed lattice or guyed tower shall be replaced with a monopole structure only. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within ninety (90) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section H.

6.10 Non-Chartered Financial Institutions

A. *Purpose*. The purpose of this section is to regulate the location and spacing of pawn shops, precious metals dealers, (We Buy Gold) and non-chartered financial institutions (also known as check cashing/title loans) in the Town of Queen creek to avoid the overconcentration of these uses in particular areas of the community and the potential for adverse effects for the adjoining neighbors and adjacent neighborhoods.

B. *Conditional Use Permits.* Approval of a Conditional Use Permit as set forth in Section 4.6-1 Principal uses Allowed in Non-Residential Districts is required for all pawn shops and non-chartered financial institutions.

C. *Distance Separation Requirements*.

1. *Distance Separation Requirements*. All distance separation requirements specified by this section shall be measured in a straight line from the outside building wall of the proposed use to the location of the nearest outside wall of the existing use from which the proposed use is to be separated, without regard to any intervening uses, buildings, streets, property lines or land parcels.

2. A minimum distance separation requirement of one-thousand, two-hundred feet (1,200') shall be maintained between all existing and proposed:

   a. Non-chartered financial institutions.

   b. Pawn shops.

   c. Pawn shops and non-chartered financial institutions and any existing public or charter school.

6.11 Medical Marijuana

A. *Legislative Findings and Purpose*.

1. In many communicates in which so-called medical marijuana "dispensaries" have been established, law enforcement agencies have documented the serious and adverse impacts associated with such dispensaries. These communities and the media have reported increased crime, including burglaries, robberies, violence, illegal sales of marijuana to and use of marijuana by minors and others without medical need in the areas immediately surrounding such medical marijuana dispensaries. Other negative

secondary effects include the smoking of marijuana in public areas and adverse impacts on neighboring businesses (including odor complaints). Such negative secondary effects related to medical marijuana use have been considered by other government agencies such as the County of San Diego. The Town of Queen Creek could reasonably anticipate experiencing similar adverse impacts and effects from any marijuana dispensaries and cultivation and other marijuana operations established in the Town.

2. Additionally, a number of sources, including the United States Department of Justice's California Medical Marijuana website [which contains various documents and reports related to issues surrounding marijuana use] and the "White Paper on Marijuana Dispensaries" published by the California Police Chiefs Association's Task Force on Marijuana Dispensaries (April 22, 2009), have concluded that the establishment of marijuana dispensaries can lead to an increase in crime. Among the crimes cited as typical examples are burglaries, robberies, sales of illegal drugs in areas immediately surrounding such dispensaries, as well as other public nuisances such as loitering, smoking marijuana in public places, sales to minors and driving while under the influence of marijuana. The Town Council of Queen Creek finds that these data and conclusions, experiences in other cities, towns, and counties justify the implementation of the regulatory zoning and safety measures included in this Ordinance.

3. The provisions of this Ordinance are intended to acknowledge and protect the rights of qualifying patients and their designated caregivers under the provisions of Title 36, A.R.S. §36-2801 et seq., while also protecting the health, safety, and welfare of the public; through implementation of this Ordinance; and curtailing to the extent reasonably possible, the possession, use, distribution, or cultivation of marijuana for unlawful purposes by:

   a. Requiring that medical marijuana businesses, operations and facilities be operated in a manner that minimizes potential health and safety risks and mitigates the negative impacts that a medical marijuana dispensary or cultivation operation might have on surrounding properties and persons;

   b. Regulating the conduct of persons owning, operating and using medical marijuana dispensaries and cultivation facilities in order to protect the public health, safety and welfare; and,

   c. Regulating the location and operation of medical marijuana dispensaries, cultivation facilities, and medical marijuana operations.

4. By adoption of this Ordinance, the Town Council does not intend to authorize or make legal any act that is not permitted under federal or state law.

B. *Definitions.* The words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in Section 1 of this Ordinance.

C. *Conditional Use Permit, Site Plan, and Zoning Clearance*.

1. *Conditional Use Permit and Site Plan*. All medical marijuana operations, including medical marijuana designated caregiver cultivation locations, medical marijuana dispensary offsite cultivation locations, medical marijuana dispensaries and medical marijuana infusion facilities shall require the approval of a Conditional Use Permit as set forth in Section 4.6-2 and pursuant to the criteria required in Sections 3.5 and Section 3.6 of this Ordinance.

2. *Zoning Clearance*. All medical marijuana operations, including medical marijuana designated caregiver cultivation locations, medical marijuana dispensary offsite cultivation locations, medical marijuana dispensaries, and medical marijuana infusion facilities shall require a zoning clearance. Compliance with all applicable Town Code and Zoning Ordinance requirements,

including but not limited to, fees, timelines, submittal requirements, security plans, and site plans shall be considered in the zoning clearance process. An annual zoning compliance certification signed by the owner of the premises and responsible person for medical marijuana operations shall be required and must be renewed prior the anniversary date of the issuance of the original conditional use permit.

3. *Compliance with State law and Department rules and regulations*. Failure to comply Arizona Revised Statutes, Title 36, A.R.S. §36-2801 et seq., or Department rules and regulations or other implementing state statutes and administrative regulations, shall be grounds for revocation of a Conditional Use Permit, Site Plan and Zoning Clearance.

D. *Distance Separation Requirements*.

1. All medical marijuana dispensaries, medical marijuana dispensary offsite cultivation locations, marijuana designated caregiver cultivation locations and medical marijuana infusion facilities shall meet the following minimum location requirements:

a. No medical marijuana dispensary, medical marijuana dispensary offsite cultivation location, marijuana designated caregiver cultivation location and medical marijuana infusion facility shall be operated or maintained within 1500 feet of another medical marijuana dispensary, medical marijuana dispensary offsite cultivation location, marijuana designated caregiver cultivation location or medical marijuana infusion facility.

b. No medical marijuana dispensary, medical marijuana dispensary offsite cultivation location, marijuana designated caregiver cultivation location or medical marijuana infusion facility shall be operated or maintained within 1500 feet of any Sensitive Uses, including, a school; public library; public or private recreation center; park; religious institution; massage establishment; group care home; sexually oriented business; teen club or registered pharmacy

c. No medical marijuana dispensary, medical marijuana dispensary offsite cultivation location, marijuana designated caregiver cultivation location or medical marijuana infusion facility shall be operated or maintained within 1,500 feet of a boundary of a residential district defined herein; or the property line of a lot devoted to a residential use in any zone.

2. For purposes of this section, the distance limitations shall be measured as the shortest horizontal line between the property lines of the relevant properties involved. This measurement shall exclude any public right-of-way that is adjacent and connected to the recorded lot lines of the relevant properties involved in the measurement.

E. *Security Plan.* A security plan for all medical marijuana operations shall be submitted to Town incorporating and detailing the following elements:

1. Exterior lighting;

2. Security alarm system;

3. Building security measures;

4. Interior floor plan;

5. Exterior site and parking plan; and,

6. A secure storage area.

F. *Dispensary Hours of Operation.* Medical marijuana dispensary hours of operation shall be no earlier than 9:00 a.m. and no later than 5:00 p.m.

G. *Additional Conditions and Standards*.

1. The following provisions shall govern the issuance of conditional use permits and zoning clearances for medical marijuana operations, including medical marijuana designated caregiver cultivation locations, medical marijuana dispensary

offsite cultivation locations, medical marijuana dispensaries, and medical marijuana infusion facilities by the Planning Administrator and Town Council:

a. All activity related to medical marijuana operations shall be conducted in compliance with Arizona Revised Statutes, Title 36, A.R.S. §36-2801 et seq., Department rules and regulations, and other implementing state statutes and administrative regulations;

b. All activity related to medical marijuana operations including but not limited to cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors and in a permanent building and may not be located in a trailer, cargo container or motor vehicle;

c. Medical marijuana operations shall not be allowed as home occupations;

d. Medical marijuana operations shall not have drive-through service;

e. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary or cultivation facility must be provided at all times. In the event that any odors, debris, dust, fluids or other substance exit a dispensary or cultivation facility, the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition;

f. Off-site delivery of medical marijuana is prohibited;

g. Consumption of marijuana on the premises is prohibited;

h. Outdoor seating is prohibited;

i. Medical marijuana operations shall obtain and display current applicable business licenses, certificates, and registrations;

j. Facilities shall not be larger than 2,500 square feet for a dispensary and 3,000 square feet for a cultivation location;

k. No retail sales of paraphernalia are permitted at a dispensary, except as permitted by law to patients, or registered designated caregivers;

l. No minor patients shall be permitted within a medical marijuana operation at any time; and,

m. Retail sales of medical marijuana are prohibited.

2. The total number of medical marijuana dispensaries in the Town of Queen Creek shall be limited to one (1) per every ten (10) registered pharmacies located within the corporate boundaries of the Town.

H. *Supplemental Materials*.

1. The minimum requirements of this subpart requiring supplemental materials shall apply to all medical marijuana dispensaries and medical marijuana dispensary offsite cultivation uses located in any zoning district.

2. In addition to the other application requirements, an applicant for any medical marijuana dispensary or medical marijuana dispensary offsite cultivation location conditional use permit shall provide the following:

a. A notarized authorization executed by the property owner, acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary or medical marijuana dispensary offsite cultivation location, as applicable.

b. The legal name of the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location.

c. If the application is for a medical marijuana dispensary offsite cultivation location, the name and

location of the medical marijuana dispensary with which it is associated.

d. The name, address, and birth dates of each officer and board member of the nonprofit medical marijuana dispensary.

e. The name, address, birth date, and valid registry identification card for each nonprofit medical marijuana dispensary agent.

f. A copy of the operating procedures adopted in compliance with Arizona Revised Statutes, Title 36, A.R.S. §36-2801 et seq., and Department rules and regulations.

g. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has been convicted of any of the following offenses:

1) A violent crime as defined in A.R.S. §13-901.03 (B) that were classified as a felony in the jurisdiction where the person was convicted.

2) A violation of state of federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration of supervised release, was completed ten or more years or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

3. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked.

I. *Prohibited Activities; No Non-conforming Uses.*

1. Any medical marijuana dispensary offsite cultivation location not associated with a medical marijuana dispensary is prohibited, and only one (1) medical marijuana dispensary offsite cultivation location shall be permitted for the single medical marijuana dispensary with which it is associated.

2. No medical marijuana operation or use which purports to have cultivated or dispensed medical marijuana prior to the enactment of this Ordinance shall be deemed to have been a legally established use under the provisions of this Ordinance and such medical marijuana operation and use shall not be entitled to claim legal nonconforming status.

3. Medical marijuana dispensaries and cultivation operations may not be co-located with facilities used to prepare, produce, or assemble food, whether for medical or nonmedical purposes.

4. No medical marijuana or paraphernalia shall be displayed or kept in a dispensary or cultivation facility so as to be visible from outside the premises.

5. If the State prohibits medical marijuana dispensaries or cultivation, any conditional use permit, site plan and zoning clearance shall be deemed immediately revoked by operation of law.

Zoning Ordinance

Article 7.0
Sign Regulations

7.0 Sign Regulations

Section	*Content*	*Page*
7.1	Purpose and Enforcement	1
7.2	General Regulations	1
7.3	Sign Measurement, Area, and Height	13
7.4	Permits, Approval, and Registration	14
7.5	Temporary Signs	15
7.6	A-frame Signs	21
7.7	Sign Walkers	22
7.8	Sensitive Use Signs	23
7.9	Interpretation of this Article	24

7.1 Purpose and Enforcement

A. The purpose of the sign regulations is to establish reasonable regulations to promote economic vitality, a visually attractive environment, and vehicular and to protect the public health and safety. The purpose is addressed through the following guiding principles:

1. To preserve and protect the public health, safety and general welfare by ensuring properly designed and located signs within the Town of Queen Creek;

2. To promote and aid the public and private sectors in the identification, location, and advertisement of goods and services throughout the Town;

3. To enhance the beauty, unique character, and quality of the Town of Queen Creek that will attract commerce, businesses, residents, and visitors;

4. To promote economic development and the value of commercial properties, be sensitive to surrounding land uses and maintain an attractive community appearance;

5. To encourage development of private property in harmony with the desired character of the town while providing due regard for the public and private interests involved;

6. To promote the effectiveness of signs by encouraging signs that are clear and legible and by preventing over-concentration, improper placement, and excessive size.

B. *Enforcement*. The Planning Administrator is hereby authorized and delegated the authority to commence an action to enforce the provisions of this Ordinance, pursuant to A.R.S. §9-462.05.A, §9-462.05.B, and Section 2.5 of this Ordinance.

7.2 General Regulations

A. *Permitted Signs in Each District.* Table 8.2.A-1 shows which types of signs are allowed in each zoning district.

1. Signs Permitted In Residential Zoning Districts. The following signs are permitted in Residential Zoning Districts, excluding R-2, R-3, and R-4:

a. Address Signs. Address signs shall not exceed two (2) square feet in area. Address signs which are readily visible from the street are required on all new construction prior to issuance of a certificate of occupancy.

b. Temporary Signs. Temporary real estate and miscellaneous signs as described in subsection 7.5.C.2.

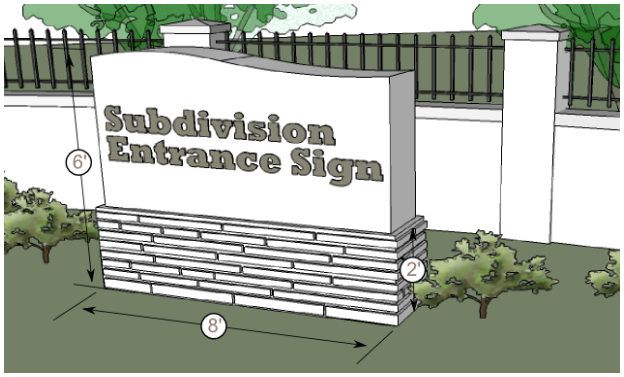
c. Other Signs Allowed.

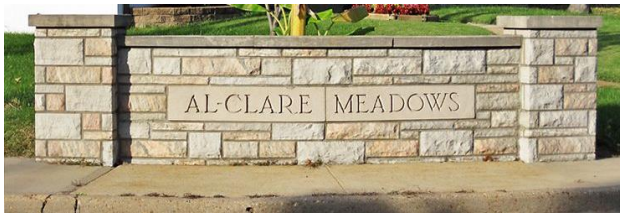
1) Institutional and civic uses in a residential zone are allowed a total sign area based on the following street frontages:

Street Frontage (in feet)	Total Sign Area (in square feet)
0-50	16
51-100	24
101-250	32
251-500	40
500+	48

2) Subdivision entry monument signs. Such signs may be wall-mounted or freestanding, but shall not exceed six feet (6') in height and thirty-two (32) square feet in area. If freestanding, the height is measured from the top of the adjacent curb or crown of roadway, whichever is higher. Freestanding

signs shall be decorative using a minimum two foot (2') architectural planter or base. If an inorganic base is used, it shall be designed to match the predominant architectural character of the main building. A sign may be displayed on one (1) or both sides of a street providing direct access to the subdivision and serving as a major entry.





d. On-Site Directional Signs. On-site directional signs are allowed pursuant to subsection 7.2.I

2. Signs Permitted In The R-2, R-3, and R-4 Residential Zoning Districts:

a. Any sign permitted by subsection A.1 of this section, subject to all sign regulations for the aforementioned districts;

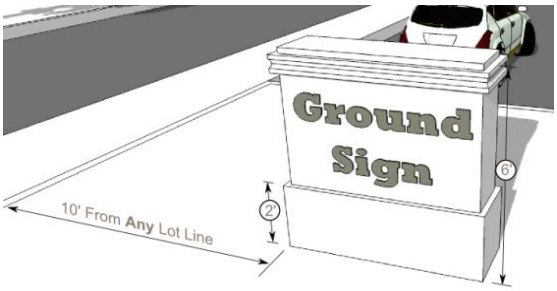
b. Signs for a permitted use or building shall be limited to one (1) on the premises, subject to the following conditions:

1) Maximum Size: Twenty-four (24) square feet in area;

2) Located in the front yard;

3) If attached to a building, no part of such sign shall project more than one foot (1') from the building, nor shall it extend above the top of a parapet wall, or the eave line of gable, gambrel, mansard or similar type roof;

4) If such sign is ground-mounted, it shall include a minimum two foot (2') architectural planter or base. If an inorganic base is used, it shall be designed to match the predominant architectural character of the main building. Ground-mounted signs shall be located at least ten feet (10') from any lot line and it shall not exceed six feet (6') in height; and,



5) If such sign is illuminated, the source of illumination shall not be visible and no flashing, rolling, scrolling or intermittent illumination shall be employed.

3. Signs Permitted In Commercial Centers or Complexes (NC, AT, TC, C-1, C-2, C-3, EMP-A and EMP-B) with three (3) or more businesses:

a. Prior to issuance of Sign Permits for any business or occupancy in a center or complex, a Comprehensive Sign Plan detailing the size, type, location, and color of all signage within the center/complex shall be submitted to the Planning Administrator along with the Major or Minor site plan for review and approval;

b. A Comprehensive Sign Plan that proposes a deviation from any of the requirements provided in this subsection shall be reviewed and approved by the Planning and Zoning Commission in accordance with

subsection 7.2.A.8 of this Section;

c. The following signs are allowed in centers and complexes in the B-1, AT, TC, C-1, C-2, C-3, EMP-A and EMP-B districts as part of the Comprehensive Sign Plan submittal:

1) Building mounted identification signage for each permitted use or principal building, subject to the following conditions:

a) Building front wall signage shall not exceed one and a half (1 1/2) square feet of sign area per lineal foot of building occupancy frontage;

Side wall signage shall not exceed one-half (1/2) square feet of sign area per lineal foot of side wall;

b) Rear wall signage shall not exceed one-half (1/2) square feet of sign area per lineal foot of rear wall.

c) No part of such sign shall project more than one foot (1') nor extend above the height of the building;

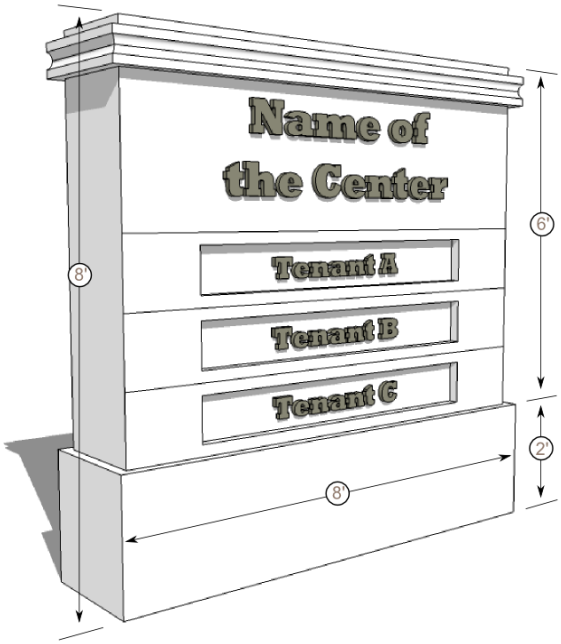
d) Such sign may be illuminated the source of illumination shall not be visible and no flashing, rolling, scrolling or intermittent illumination shall be employed; and,

e) Total wall signage shall not exceed two-hundred fifty (250) square feet.

2) One (1) Identification ground-mounted sign containing the name of the center and the tenants subject to the following conditions:

a) Freestanding signs shall be decorative using a minimum two foot (2’) architectural planter or base. If an inorganic base is used, it shall be designed to match the predominant architectural character of the main building.

b) Such ground sign shall not exceed forty-eight (48) square feet in sign area, nor shall it exceed eight feet (8’) in height above grade nor shall it extend or project over any street or alley line;



c) Parcels with six-hundred feet (600’) are permitted two (2) ground-mounted signs per street frontage as determined by the Planning Administrator; and,

d) One (1) additional sign is permitted for each additional three-hundred feet (300’) of street frontage as determined by the Planning Administrator.

3) Any directional signs as needed not exceeding two (2) square feet in area per sign;

4) One (1) parking lot wall or ground sign per parking lot entry or exit not exceeding six (6) square feet in area and limited to off-street parking instructions and direction. Such sign may have interior illumination;

5) Any lighting shall be placed to reflect the light away from Residential Districts or Residences; and,

6) Temporary real estate, construction, and subdivision signs, pursuant to subsection 7.5.C.2.

4. Signs Permitted In The NC, TC, and C-1 Commercial Districts for Individual Buildings Not Part of a Center or Complex:

a. Any sign allowed by this Ordinance in the Residential Zoning District is subject to the sign regulations of the respective district. When any use allowed in the foregoing residential districts is established in any commercial zoning district, the sign limitations of the district in which the use is first allowed shall apply, regardless of the zone in which the use is located;

b. Address signs which are readily visible from the street are required on all new commercial construction regardless of the zoning district prior to issuance of a Certificate of Occupancy;

c. On-site directional signs pursuant to Section 7.2.I;

d. One freestanding sign per street frontage, not exceeding twenty-four (24) square feet in area and six feet (6’) in height, subject to the following conditions:

1) Parcels with six-hundred feet (600’) are permitted two (2) freestanding signs per street frontage as determined by the Planning Administrator; and,

2) One (1) additional sign is permitted for each additional three-hundred feet (300’) of street frontage as determined by the Planning Administrator.

3) Freestanding signs shall be decorative using a minimum two foot (2’) architectural planter or base. If an inorganic base is used, it shall be designed to match the predominant architectural character of the main building.

e. Building front wall signage shall not exceed one and a half (1 1/2) square foot of sign area per lineal foot of building occupancy frontage;

f. Side wall signage shall not exceed one-half (1/2) square feet of sign area per lineal foot of side wall;

g. Rear wall signage shall not exceed one-half (1/2) square feet of sign area per lineal foot of rear wall;

h. No part of such sign shall project more than one foot (1') nor extend above the height of the building;

i. Such sign may be illuminated provided the source of illumination shall not be visible and no flashing, rolling, scrolling or intermittent illumination shall be employed;

j. Total wall signage shall not exceed one-hundred fifty (150) square feet; and,

k. Temporary real estate, construction, and subdivision signs pursuant to Section subsection 7.5.C.2.

5. Signs Permitted In The AT Agri-tainment and C-2, General Commercial District for Individual Buildings Not Part of a Center or Complex:

a. One freestanding sign per street frontage, pursuant to Section 8.2.A.4.d above;

b. Ground-mounted signs shall use a minimum two foot (2') architectural planter or base. If an inorganic base is used, it shall be designed to match the predominant architectural character of the main building. Ground-mounted signs shall not exceed eight feet (8') in height. Maximum sign area shall not exceed forty-eight (48) square feet;

c. Building front wall signage shall not exceed one and a half (1 1/2) square foot of sign area per lineal foot of building occupancy frontage;

d. Side wall signage shall not exceed one-half (1/2) square feet of sign area per lineal foot of side wall;

e. Rear wall signage shall not exceed one-half (1/2) square feet of sign area per lineal foot of rear wall;

f. No part of such sign shall project more than one foot (1') nor extend above the height of the building;

g. Such sign may be illuminated provided the source of illumination shall not be visible and no flashing, rolling, scrolling or intermittent illumination shall be employed; and,

h. Total wall signage shall not exceed one-hundred fifty (150) square feet.

6. Signs Permitted In The EMP-A and EMP-B Light Industrial District for Individual Buildings Not Part of a Center or Complex:

a. Ground- mounted identification signs for single tenant sites, subject to the following conditions:

1) One sign per street frontage; and,

2) Maximum height of a ground sign shall not exceed eight feet (8') and forty-eight (48) square feet in area.

b. Building wall signage pursuant to subsection 7.2.A.5.b.-h. above.

c. Identification wall-mounted and freestanding signs for multi-tenant industrial projects shall comply with the regulations in subsection 7.3.B.

7. *Signs Permitted in the Mixed Use (MU) and C-3, Regional Commercial Districts:* Sign standards for developments in these districts shall be established as part of a Comprehensive Sign Plan as provided in subsection 7.2.A.8.

8. *Comprehensive Sign Plan (CSP):* A Comprehensive Sign Plan is intended to provide flexibility for standards that may not meet the specific requirements set forth in this Article. The purpose of the Comprehensive Sign Plan is to form signage criteria for a development that promotes superior design.

a. *Applicability*. Comprehensive Sign Plan applications shall be limited to the allowances set forth in Table 7.2.A-1.

b. *Design Criteria.* All proposed signage shall:

1) Integrate with the proposed architectural elements of the site and buildings;

2) Locate and orientate with respect to the surrounding developed and undeveloped land;

3) Not be larger than necessary for sufficient visibility and legibility; and,

4) Not include any sign type otherwise prohibited by this Article.

c. *Approval*. A Comprehensive Sign Plan that proposes a deviation from any of the requirements provided in this Article or proposes electronic signage shall be reviewed and approved by the Planning and Zoning Commission.

d. *Permit.* A building permit shall be required for a Comprehensive Sign Plan application as set forth in Section 7.4 of this Ordinance.

e. *Amendments*. Amendments to an approved Comprehensive Sign Plan shall be processed in accordance with the following procedures:

1) *Minor Amendments*. Minor Amendments shall include any change up to ten percent (10%) which does not increase the overall number of signage within the originally approved Comprehensive Sign Plan. All changes processed under the Minor Amendment procedures shall comply with all provisions of this Section. Minor amendments may be requested in writing and may be approved administratively by the Development Services Director; and,

2) *Major Amendments*. Major Amendments shall be defined as those amendments not meeting the criteria set forth above to qualify as a Minor Comprehensive Sign Plan Amendment. Major Amendments shall be requested, processed, and approved or denied in the same manner as the initial Comprehensive Sign Plan submittal.

9. Operational Signs

a. In non-residential zoning districts, businesses may display one (1) electronic or neon Open/Closed sign. Such sign shall not count towards the maximum allowed signage, provided the following conditions are met:

1) Maximum area shall not exceed two (2) square feet;

2) Sign shall not be placed higher than six (6) feet from finished grade;

3) This provision does not pertain to nor include electronic or static message or reader boards;

4) A sign permit is not required; and,

5) Architectural accent lighting may be considered during the Site Plan/Design Review application process if the proposed concept is complimentary to the building architecture. If related to signage, such elements may count towards the maximum allowed signage.

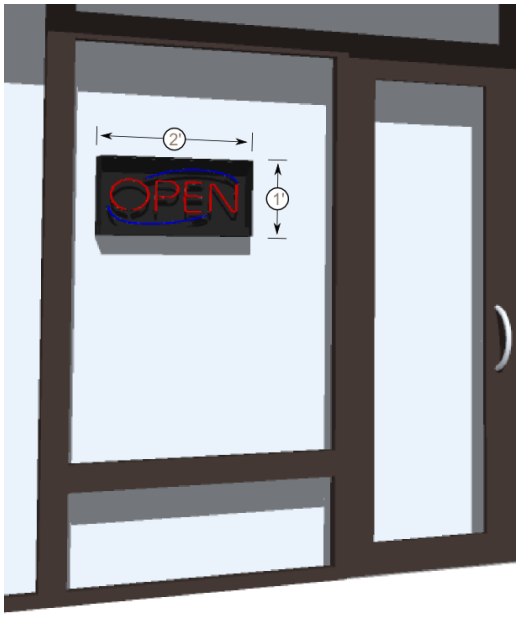


Table 8.2.A-1: Permitted Signs Per Zoning District.

Signs	Zoning District						
	Residential Zoning except R-2, R-3 and R-4	R-2, R-3 and R-4	Commercial Centers or Complexes: NC, AT, TC, C-1, C-2, C-3, EMP-A and EMP-B	NC, TC, and C-1 *	C-2 and AT *	EMP-A and EMP-B *	PCD, MU and C-3 ○
Zoning Section	7.2.A.1	7.2.A.2	7.2.A.3	7.2.A.4	7.2.A.5	7.2.A.6	7.2.A.7
Address	●	●	●	●	●	●	●
Name Plate	●	- -	- -	- -	- -	- -	- -
Menu Board	●	●	●	●	●	●	○
Height	6FT /8 FT @		6FT /8 FT @	6FT /8 FT @	6FT /8 FT @	6FT /8 FT @	○
Total SF	12 SF		48 SF	48 SF	48 SF	48 SF	○
Freestanding	- -	●	●	●	●	●	●
Number	- -	1	1/frontage	1/frontage	1/frontage	1/frontage	○
Height	- -	6 FT	8 FT	6 FT	8 FT	8 FT	○
Total SF	- -	24 SF	48 SF	24 SF	48 SF	24 SF	○
Wall	- -	- -	●	●	●	●	●
Building Front	- -	- -	1 1/2 SF / 1 LF	1 1/2 SF / 1 LF	1 1/2 SF / 1 LF	1 1/2 SF / 1 LF	○
Side/Rear	- -	- -	1/2 SF / 1 LF	1/2 SF / 1 LF	1/2 SF / 1 LF	1/2 SF / 1 LF	○
Max. Wall Signage	- -	- -	250 SF	150 SF	150 SF	150 SF	○
On-Site Directory	- -	●	●	●	●	●	●
Tenant Directory	- -	●	●	●	●	●	●
Comp. Sign Plan %	- -	- -	●	●	●	●	○
Temporary Signs ^	- -	●	●	●	●	●	●

● Allowed
- - Prohibited
* For Individual Buildings Not Part of a Center or Complex
○ Comprehensive Sign Plan Required (Section 7.2.A.8)
@ 6' high for freestanding or 8' high for wall mounted
% Comprehensive Sign Plan permitted subject to Section 7.2.A.8
^ Temporary signs permitted subject to Section 7.5

10. Specialty Signage: Awning, Canopy, Neon, and other similar specialty signage may be permitted subject to permit and design review. Such signage shall count towards the applicable wall or ground mounted signage allowance.

B. *Prohibited Signs.* Signs not specifically authorized are prohibited, including but not limited to the following:

1. *Animated Signs.* Animated signs are not allowed, except for approved pennants, banner, flags, revolving barber poles and clocks including those which alternately display time and temperature having a maximum face area not exceeding three (3) square feet;

2. *Flashing Signs.* Flashing signs other than those which alternately display time and temperature, and are a maximum of three (3) square feet in area;

3. *Sound Signs.* Signs emitting sound or any substance are not allowed;

4. *Obscene Signs.* No person, as principal, agent or otherwise, shall exhibit, post or display or cause or permit to be exhibited, posted or displayed, upon any advertising structure, any obscene statements, symbol or sign. A statement, symbol or sign is obscene within the meaning of this Section when:

   a. The average person, applying contemporary state standards would find that the item, taken as a whole, appeals to the prudent interest;

   b. The item depicts or describes, in a patently offensive way, sexual activity; and,

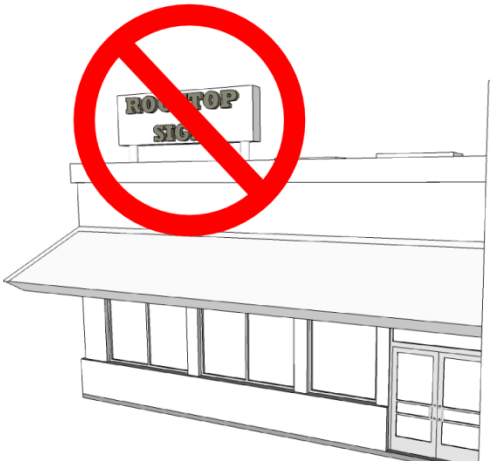
   c. The item taken as a whole lacks serious literary, artistic, political, or scientific value.

5. *Signs Affixed To Objects.* The tacking, painting, pasting or otherwise affixing of signs visible from a public way, to any trees, fences, utility poles or other structures, or upon vehicles where such vehicles are used primarily as support for such signs, is prohibited;

6. *Off-site Sign*. Any form of remote signage, such as off-premises advertising signs or billboards, are prohibited;

7. *Signs with Exposed Raceways*. Except where it is determined by the Planning Administrator that it is not structurally feasible to install a sign without using an exposed raceway;

8. *Pole Signs and / or Roof Signs*. Pole signs and / or roof signs except as specifically approved when it is determined that a ground or wall sign is not feasible due to site limitations and / or line of sight interruptions for vehicular traffic;



9. Wall-mounted cabinet are prohibited, unless such sign:

   a. Utilizes a cabinet that is stylized in shape, rather than rectangular, to reflect the shape of the image printed on the sign face;

   b. Utilizes a molded sign face, with embossed copy or sign copy or sign copy in relief; or,

   c. Utilizes a nationally registered trademark

10. *Projecting Signs*. Projecting Signs may be permitted in the TC and AT Districts or as part of an approved Comprehensive Sign Plan. Projecting Sign standards:

   a. Maximum sign area of twelve (12) square feet;

   b. Minimum/maximum spacing from building of six inches/twelve inches (6”/12”);

   c. The bottom of the sign shall not be less than eight feet (8’) from the base of the building;

   d. No sign shall project into the public right-of-way, except as follows:

   e. Upon administrative approval, wall signs attached to the front face of building may extend a maximum of twelve inches (12”) into the public right-of-way.

11. *Signs Facing Residential Districts*. Signs identifying a business in a non-residential zoning district are not permitted on building façade adjacent to a shared zoning district boundary with a residential zoning district. Not applicable when the zoning district boundary is a public right-of-way; and,

12. *Vehicle Signs*. Signs attached to a vehicle primarily for the purposes of advertising, with such vehicle placed adjacent to a roadway and not used for the typical conduct of the business so advertised.

C. *Nonconforming Signs*.

1. *Definition of Legal Nonconforming Signs*. Legal nonconforming signs shall mean a sign (or signs) which lawfully exist at the time of the enactment of this Ordinance, and which does not conform to the regulations as specified herein for the zone in which said sign is located.

   A legal nonconforming sign may not be altered in any manner not in conformance with this Ordinance; however, such sign(s) shall be maintained as required by this Section and may be reasonably repaired as determined by the Planning Administrator.

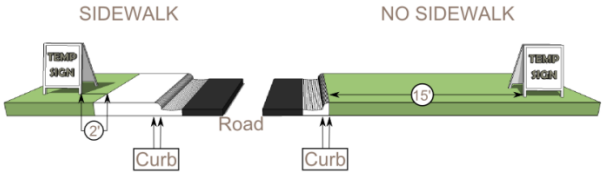
2. Not with standing any provisions to the contrary contained herein, a legal nonconforming sign may be utilized in perpetuity as noted herein.

3. Whenever the use of given building or premises changes to another use allowed in the respective zoning district, all nonconforming signs on the building and / or premises shall be modified to bring them into conformance with these regulations.

4. Removal of Nonconforming Signs. Upon adoption of this Ordinance, any signs not enjoying legal nonconforming status shall be removed from display within six (6) months.

D. *Location and Placement of Signs*.

1. Temporary signs, as defined in this Ordinance, may be permitted in the public right-of-way provided they are fifteen feet (15') from the pavement edge of any roadway, or two feet (2') behind the sidewalk, where a sidewalk is present.



2. No sign shall be erected, relocated, or maintained so as to prevent free ingress to, or egress from, any door, window or fire escape nor shall any sign be attached to a standpipe or fire escape.

3. No signs (temporary or permanent) shall be erected or maintained within the sight visibility triangle as defined in the Town of Queen Creek Design Standards and Procedures Manual, or at any location where, by reason of its position, shape, color or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or with any device mounted on a police or fire protection vehicle; or which makes use of such words as, "Stop", or "Look", in such a manner as to interfere with, mislead, or confuse drivers.

4. No sign shall be erected or painted upon or attached to any tree, rock or other natural feature, or to any fence post, or utility pole or structure.

5. Every illuminated sign shall be so placed as to prevent any light or reflection from being cast directly on any adjoining Residential district.

6. The lowest portion of any sign, which extends over an area intended for

pedestrian use, shall not be less than eight feet (8') above the finished grade below the sign. The lowest point of any sign, which extends over an area intended for vehicular use, shall not be less than fourteen feet (14') above the finished grade below the sign.

E. *Permanent Sign Design Criteria*.

1. Signs are regarded as an integral and complementary element of the overall architectural character of the Town and shall be integrated with the building and landscape design.

2. All freestanding signs shall have a substantial base or planter with a minimum height of two feet (2').

3. All signs, except those consisting of individual letters mounted against a non-differentiated surface, shall have edge treatment or borders.

4. Signs which are designed to be compatible with Queen Creek's Western/Southwestern character and agricultural heritage are encouraged.

F. *Non-Commercial Speech*. Signs authorized in this section may contain non-commercial copy in lieu of any other copy.

G. *Historic Signs*. Signs which have been accepted and certified as historic by the Town Council may be utilized in all zoning districts, subject to the following:

1. All such signs shall be restored or recreated in the same precise location for which certification was granted by the Town Council.

2. The restoration or recreation of certified historic signs shall be consistent with the details of color, copy, and artwork approved by the Town Council.

3. Any such sign may not be utilized to increase the allowed sign area for a business product or service which is located on or sold on the premises for which the historic sign was approved; however, the historic sign may be utilized in place of non-historic signs regardless of the square footage of the certified historic sign.

4. The Town Council may grant historic certification to a sign which is more than fifty (50) years old, whether or not the sign has been in continuous use, upon making the following findings as based on the evidence presented:

   a. That the sign in question is typical of signs which were utilized during the time period when the sign was erected painted or installed.

H. *Window Signs*. Up to one-hundred-percent (100%), of aggregate window area, providing that the following criteria are complied with:

1. Window signage shall be placed on the street level of the building;

2. No window signage is permitted above the first story of the building; and,

3. No sign permit required.

I. *On-Site Directional Signs*. Directional signs, as defined herein, are permitted in any district, subject to the following requirements:

1. Such signs are limited in area to three (3) square feet;

2. When freestanding, no such sign shall exceed four feet (4') in height; and,

3. Unless indicated otherwise, directional signs do not count against the total allowed sign area for a given site, building or occupancy.

J. *Signs for Religious Institutions*.

1. Signs are allowed as follows:

a. Freestanding signs are allowed as follows:

1) Maximum of twenty-four (24) square feet in area and six feet (6') in height;

2) Maximum of twelve (12) square feet in area for display of the date, time of services, etc.; and,

3) One (1) Freestanding sign per street frontage.

4) Freestanding signs shall be decorative using a minimum two foot (2') architectural planter or base. If an inorganic base is used, it shall be designed to match the predominant architectural character of the main building.

b. Wall-mounted signs are allowed as listed in subsection 8.2.A.5

K. *Menu Boards*. Menu boards are permitted, as described below:

1. For drive-thru and / or drive-up restaurants;

2. May be freestanding and / or building-mounted;

3. Each qualified restaurant may have a maximum of two (2) total menu boards permitted, one (1) of which may be a preview menu board;

4. Each shall not exceed twenty-four (24) square feet in area;

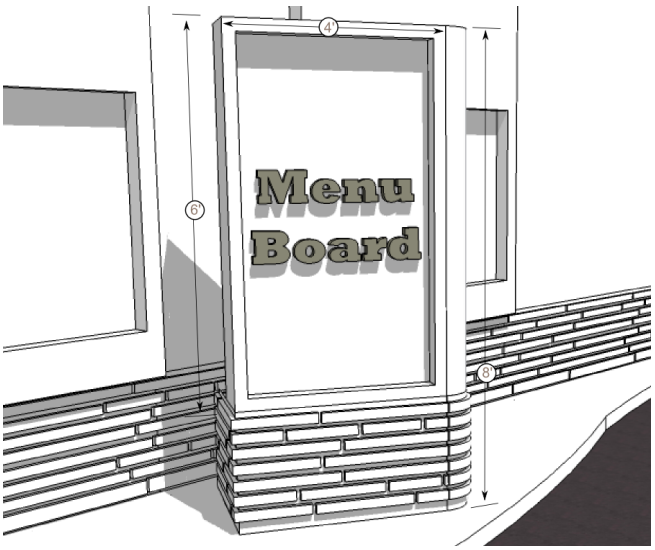
5. Shall not exceed six feet (6') in height when building-mounted or eight feet (8') in height when freestanding; and,

6. Freestanding drive-through menu boards shall have:

a. A monument base with an aggregate width of at least fifty percent (50%) the width of the sign of masonry construction

b. A landscape area at the base of the sign(s) equal to at least two (2) square feet for each square foot of sign area.

c. Match the architectural style, material, and color of the principal structure.



d. Shall not be placed adjacent to a public right-of-way; and,

e. Shall require a permit prior to installation.

L. *Obsolete Signs*. Any obsolete sign and its supporting structures and frames shall be

removed by the owner of the property, his agent or person having beneficial use of the building or structure upon which such sign structure is erected within six (6) months of the date of receipt of notification from the Town that the sign is obsolete.

M. *Maintenance of Signs*. All signs shall be maintained in order to prevent and eliminate any peeling, cracking, discoloration, covering with dirt, or other material and other similar problems caused by common weather conditions. All cracked or broken sign faces and non-functioning interior lamps shall be repaired or replaced within forty-five (45) working days following receipt of notification from the Town that the sign requires repair or maintenance.

7.3 Signs Measurement, Height, and Area

A. All sign areas shall be measured in accordance with the following:

1. The area of signs with all copy mounted on a single geometric plane shall consist of the entire area within a continuous exterior perimeter which bounds all portions of the sign including background panels except those which are entirely opaque and have the same color and texture as the building to which the sign is attached. Necessary structural supports are also excluded from the sign area calculation;

2. Double-faced signs shall be counted as one (1) sign and the area shall be calculated as that which is visible from any single viewing position on or above the ground;

3. Spherical, free form sculptured and other non-planar signs are counted as one (1) sign and the area shall be calculated as the sum of the two (2) largest of the four (4) vertical sides of the smallest polyhedron that will encompass the sign structure;

4. For a sign having multiple components (e.g., a service station identification/price sign combination) and mounted on the same surface; the sign area will constitute the area defined by the smallest continuous exterior perimeter that will encompass that several components of the sign;

5. Total sign area for a given site, building or occupancy shall include the aggregate area of all permitted signs, except on-site directional signs and window signs as allowed by this Section;

6. When calculating the allowed sign area for a given occupancy the following shall apply:

   a. Allowed sign area ratios are indicated in those sections of this Ordinance which set forth the regulations for each respective zoning district;

   b. *Interior Occupancies*. Allowed sign area calculations shall be based on the linear distance of the width of single occupancy from which the building or occupancies' address is derived;

   c. *Corner Occupancies*. Each building face shall be allowed sign area based on the ratio of respective zoning district for each individual building face fronting on a public street, (see Table 7.2.A-1). However, in no case shall the aggregate sign area exceed the maximum allowed sign area for a single frontage or interior occupancy business as allowed in the respective zoning district; and,

   d. *Diagonal Cutoffs*. A corner occupancy which has a diagonal cutoff at the corner may calculate the allowed sign area as follows:

1) Project a line along the front and side exposures to the point of intersections;

2) Select the resultant distance for either the front or side exposures projections;

3) Add the distance of the selected projection into the linear measurement of the actual building exposure for the exposure selected;

4) The result may be utilized in conjunction with the appropriate ratio for the respective zoning district to establish the allowed sign area for the exposure so measured. The allowed sign area thereby calculated may be placed only: a) on the diagonal cutoff; b) the exposure for which the calculation was made; or, c) upon approval by the Planning Administrator a non-calculated exposure;

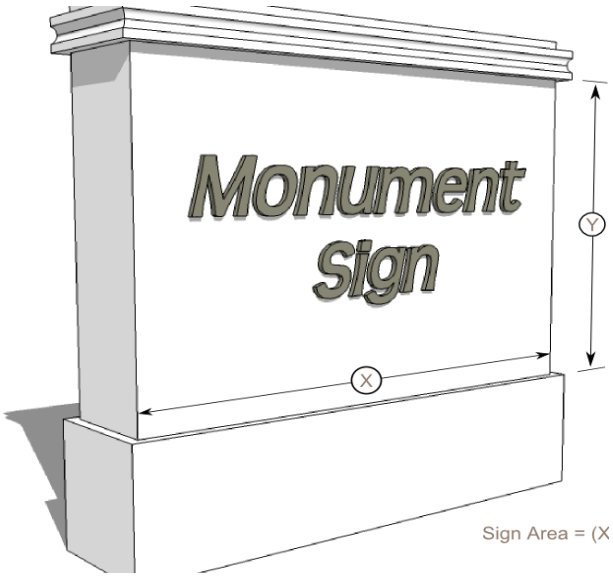
5) The remaining exposure not calculated with the diagonal cutoff exposure (street of street side) shall be allowed sign area in accordance with the linear distance of the actual building exposure (non-projected) and the ratio allowed by the respective zoning district;

6) In no case shall the total sign area exceed that allowed by the respective zoning district; and,

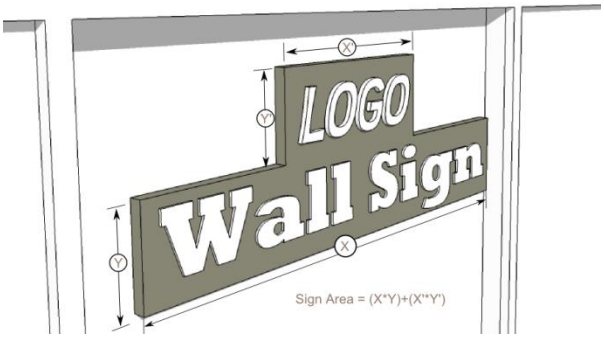
7) All linear occupancy frontage distances shall be measured at sidewalk or grade level immediately adjacent to that portion of the structure being utilized for the occupancy in question.

B. *Sign Height.* Sign height shall be measured as follows:

1. *Freestanding Sign*. The height of freestanding signs shall be measured as the vertical distance between the top of the curb, or crown of the roadway where no curb exists, to the top of the sign. The total sign height includes any monument base or other structure erected to support or ornaments the sign; and,



2. *Wall-Mounted Sign*. The height of wall-mounted signs shall be measured as the vertical distance between the top of the curb, or crown of the roadway where no curb exists, to the top of the sign, including ornamentation.



7.4 Permits, Approval and Registration

A. *Building Permit Required.* A building permit is required for all signs, unless specifically exempted, which are intended to be erected, painted, or otherwise

installed in the Town of Queen Creek. Building permits shall not be required for home occupation signs, temporary real estate, construction, or subdivision signs, or for minor repair or for repainting of any permitted sign.

B. *Application for Building Permit.* In addition to information required in accordance with the building code, application for building permit for signs shall include:

1. Site plan indicating the location of the sign in relation to nearby buildings, structures, right-of-way, easements and driveways;

2. A scaled drawing indicating the dimensions of the sign, sign copy, all materials and the method of construction and attachment to the building;

3. Name of person, firm or corporation erecting signs and any attendant structures;

4. Written consent of the owner of the building, structure or premises on which sign is to be erected; and,

5. Other information as may be required.

C. *Issuance and Effect of Permit.*

1. *Compliance with Ordinances.* If, upon examination of plans, specifications and the premises on which erection of the sign is proposed, the Planning Administrator finds that the proposed sign complies with all provisions of this Ordinance and with all other Ordinances of the Town, a building permit shall be issued.

2. *Permit Revocable.* All rights and privileges acquired under a building permit are mere licenses revocable at any time by the Town of Queen Creek.

3. *Liability.* The granting of a building permit shall not be deemed to be a permit for approval of any violation of this Ordinance, The provisions of this Ordinance shall not be constructed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, erecting or owning any sign, or resulting from the negligence or willful act of such person, firm or corporation, its agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall issuance of such permit be constructed as imposing on the Town or its officers or employees, any responsibility of liability by reasons of the approval of any signs, material, or devices under the provision of this Ordinance.

D. *Registration of Signs.* Every sign subject to the issuance of a building permit shall have affixed so as to be visible from the adjacent grade thereto, in letters not less than one inch (1") in height: the date of installation, the permit number, and the voltage of any electrical apparatus.

7.5 Temporary Signs

A. All temporary signs require a Temporary Sign Permit, unless specifically exempted herein.

B. Businesses, *Public, Community, and Non-Profit Organizations*.

1. *Grand Opening Sign*.

a. A grand opening sign is a temporary sign which calls attention to a new business or institutional use. These signs are allowed in any zone in which the commercial, industrial, or institutional uses are permitted.

b. The sign or signs shall not be displayed for more than ninety (90) consecutive days in a calendar year.

c. The maximum banner size for grand openings shall be forty-eight (48) square feet.

d. Sign placement and duration shall be approved through the Temporary Sign Permit application.

e. Only one (1) grand opening sign shall be allowed per use.
f. A Temporary Sign permit is required.

g. For large single-users and/or other mitigating circumstances, the Planning Administrator may modify the size, number and/or placement provisions of this subsection.

2. *Special Event Signs*.

a. A business special event sign(s) is a temporary sign(s) displayed on property used or zoned for any use other than a single-family residence and which displays any type of event that is unique or significant to the business located upon the property. Such events include, but are not limited to, an anniversary, special sale, change in ownership or management, or similar event.

b. A Temporary Sign permit is required.

c. Special event signs are subject to all of the following requirements:

1) Use of such sign(s) shall be limited to no more than fifty-two (52) cumulative days within each calendar year;

2) An annual sign permit through the Temporary Sign Permit process is required and must be displayed to be visible to the public during the allowed time of the permit;

3) The maximum banner size for special event signage shall be forty-eight (48) square feet;

4) Sign placement and duration shall be approved through the Temporary Sign Permit application; and,

5) An application fee established by Council resolution shall be charged for each sign permit issued under this subsection.

3. *Open During Construction Signs.* An "open during construction sign" is a temporary sign displayed on property used or zoned for any use other than a single-family residence and which calls attention to an existing business or institutional use located on property adjacent to or otherwise affected by a Town funded or designated construction project.

a. No sign permit is required.

b. The Planning Administrator shall verify a property's eligibility.

c. Open during construction signs are subject to all of the following requirements:

1) Only one (1) single or double-faced open during construction sign shall be allowed per use;

2) Such sign may include a banner, pennant, or tear-drop banner;

3) The face area of said sign shall not exceed sixteen (16) square feet; and,

4) The sign shall be removed promptly following the completion of the Town funded or designated construction project.

C. *Construction; Real Estate; Development; Subdivisions*.

1. *Contractor Signs.* Contractor signs designating the contractor or subcontractor engaged in the construction or repair of a building or buildings on each parcel of land shall be allowed one (1) non-illuminated sign without a permit if in compliance with the following requirements:

a. The area of any single sign shall not exceed thirty-two (32) square feet in area nor exceed eight feet (8') in height;

b. The sign shall be removed within ten (10) days of completion of the work by the contractor or subcontractor on the property; and,

c. All contractors or subcontractors signs may be consolidated on one (1) sign. The area of a consolidated sign is calculated at six (6) square feet per contractor or subcontractor listed with a maximum sign area of one-hundred (100) square feet for six (6) or more contractors. Said sign shall not exceed eight feet (8') in height or be located closer than ten feet (10') to a public right-of-way.

2. *Temporary Real Estate Signs.* Real estate signs for properties for sale, rent or lease within the incorporated boundaries of the Town of Queen Creek are allowed in any district, subject to the following requirements:

a. Real estate signs of six (6) square feet in area and less than six feet (6') in height do not require a permit. Written permission must be obtained from the property owner prior to installing such signs on private property. Except as provided herein, posting such signs on public property is prohibited and subject to immediate removal. These signs shall be made of solid, non-flexible material. Off-premises portable signs or "A-frame" signs are not allowed.

b. Residential real estate open house signs are allowed and do not require a permit, subject to the provisions of Section 7.5.C.5;

c. Unsubdivided and non-residential properties are allowed one (1) on-site sign per street frontage. Said sign shall be no larger than thirty-two (32) square feet in area. The highest portion of the sign shall be no greater than eight feet (8') above the finished grade. A setback of ten feet (10') behind the right-of-way line is required; and,

d. A Model Home Complex application is required in conjunction with the issuance of a Temporary Use Permit for model home complex within a residential subdivision, A model home complex may include only:

1) The lots occupied by the model homes;

2) Any immediately adjacent lots to be used for parking for the model home complex (limited to not more than one (1) lot for parking per model home);

3) One (1) lot for temporary construction office;

4) Immediately adjacent common areas within the subdivision which is landscaped and improved in conjunction with the model home complex; and

5) The immediately adjacent roadways which provide entry to the model home complex.

6) Inclusion of property categories in subsection 3 through 5 of this section, may only be included in, or

excluded from, a specific model home complex as approved by the Town depending on the circumstances and specific location.

7) A subdivision may have more than one (1) model home complex if different housing product lines are being offered by a home builder at different locations within the subdivision, or if more than one (1) home builder is offering housing products within the subdivision.

e. Model Home Complex may include some or all of the following signage options. All signs approved as part of a home builder sign plan shall be removed upon termination of the Temporary Use Permit.

1) Residential subdivision off-site directional signs of six (6) square feet in area and less than six (6) feet in height do not require a permit. A total of two (2) residential subdivision off-site directional signs are permitted. A setback of ten (10) feet behind the right of way line is required. Written permission must be obtained from the property owner prior to installing such signs on private property. Except as provided herein, posting such signs on public property is prohibited and are subject to immediate removal.

2) Residential subdivisions are allowed one (1) on-site sign per arterial street frontage. Said sign shall be no larger than forty-eight (48) square feet in area. Sign rider panels are not permitted. The highest position of the sign shall be no greater than twelve feet (12’) above the finished grade. A setback of ten feet (10’) behind the right-of-way line is required.

3) Model complex location signs, are limited to one (1) and shall not exceed forty-eight (48) total square feet of sign area or twelve feet (12') in height above the finished grade. Sign rider panels are not permitted. In the event more than one (1) model home complex is provided within the subdivision, each model home complex location shall be allowed one (1) model complex location sign.

4) Model home complex directional signs used to identify the location of parking the location of another model home complex within the project, etc. shall not exceed six (6) square feet in area or four feet (4’) in height above finished grade. A maximum of two (2) directional signs are permitted per model home complex. Two (2) directional signs may be co-located on the same structure, provided the structure does not exceed eight feet (8’) in height.

5) One (1) flag pole for the flags of the United States of America and / or the State of Arizona with a maximum height of sixty feet (60’) at each model home complex. A building permit shall be required for the flag pole construction. Corporate flags shall be placed below both flags of the United States of America and the state of Arizona.

6) Builder attention flags, at the model home complex not to exceed fifteen (15) square feet in area or fifteen feet (15’) in height. A maximum of six (6) attention flags shall be permitted per model home within the model home complex and shall maintain a minimum spacing of twenty feet (20’) between attention flags. Flagpoles must have a minimum setback of five feet (5’) behind the right of way line.

7) One (1) on-site future development sign per arterial street frontage providing the name and contract information for the future home builder. Said sign shall be no larger than thirty-two (32) square feet in area. The highest portion of the sign shall be no greater than eight feet (8’) above the finished grade. A setback of ten feet (10’) behind the

right-of-way line is required. Future development signs may be approved in advance of submission of a home builders sign plan provided sufficient documentation is presented to indicate the applicant is the property owner of record. Future development signs are permitted for one (1) year, or until approval of a home builder sign plan, whichever occurs first.

3. *Off-Site Temporary Real Estate Signs.* Temporary off-site directional real estate signs may be placed in an approved sign plaza located in the right-of-way.

4. *Development Signs.*

   a. A sign permit shall be required for the erection of a development sign and is valid for a period of one (1) year.

   b. One (1) single or double-faced freestanding sign is allowed upon the parcel of property to be developed unless it is a corner lot, in which case one (1) such sign per street front.

   c. The face area of said sign shall not exceed thirty-two (32) square feet for the first acre or portion thereof. When the proposed parcel for development exceeds one (1) acre in size, the sign area may be increased four (4) square feet for each additional acre or portion thereof, not to exceed ninety-six (96) square feet.

   d. These signs shall not exceed fifteen feet (15') in height or be located closer than ten feet (10') to a public right-of-way.

   e. Such sign or signs shall be removed within ten (10) days after completion of the announced development of one (1) year, whichever is first.

5. *Open House Signs.* An open house sign is a portable, temporary sign to direct traffic to a home for sale.

   a. The sign must contain the words "open house" or similar wording.
   b. The sign shall not exceed a maximum height of three feet (3') and a maximum area of six (6) square feet and may be freestanding.

   c. The sign may be double-faced but shall not be illuminated.

   d. These signs shall be made of solid, non-flexible material. Off-premises portable signs or "A-frame" signs are allowed.

   e. Signs may be posted in the public right-of-way provided they are a minimum of fifteen feet (15') from the pavement edge of any roadway or twenty feet (20') behind the sidewalk, where sidewalk exists;

   f. Signs may only be displayed during the hours a real estate agent is at the residence offered for sale;

   g. A maximum of five (5) such signs for each home or group of homes in the subdivision shall be allowed.

   h. Written authorization for such installation shall be provided by the property owner prior to posting such signs on private property.

   i. No sign permit is required.

D. *Temporary Signs – Other*.

1. *Political Signs.*

   a. Political and campaign signs on behalf of candidates for public office or urging action on primary, general or special election ballots are permitted in all zoning districts and do not require a sign permit.

   b. The display is limited to sixty (60) days immediately preceding any primary, general, or special elections to which they refer, and shall be removed ten (10) days following said election.

   c. The person, party, or parties responsible for the erection or distribution of any such signs shall be jointly and individually liable for their removal.

d. The total sign area in residential districts shall not exceed ten (10) square feet, or five feet (5') in height. Total sign area in commercial and industrial district shall not exceed fifty (50) square feet in area, or eight feet (8') in height.

e. Political signs in the right-of-way are allowed for a period not to exceed sixty (60) days prior to a special, primary, or general election at the local or state level.

f. Political signs shall be removed no later than fifteen (15) days following a special or general election. Political signs for a candidate in the Primary Election who does not advance to the General Election shall be removed no later than fifteen (15) days following the primary election.

g. Political signs shall not exceed sixteen (16) square feet in an area zoned for residential use and thirty-two (32) square feet in any other location. The highest portion of the sign shall not exceed six feet (6') from the finished grade.

h. All political signs placed in the right-of-way shall include the name and telephone number of the candidate or campaign committee contact person.

i. Political signs may be placed on private property with the property owner's permission.

j. A political sign shall not be placed in a location that is hazardous to public safety, obstructs clear vision in the area, or interferes with the requirements of the Americans with Disabilities Act.

k. If the Town deems the improper placement of a political sign an emergency, the Town may immediately relocate or remove the sign. The Town shall notify the candidate or campaign committee who placed the sign within twenty-four hours after the relocation that the sign has been relocated or removed.

l. If a political sign is placed in a location in violation of this Ordinance, but is not deemed to constitute an emergency, the Town may notify the candidate or campaign committee who placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the notification to the candidate or campaign committee, the Town may remove the sign. Town staff shall contact the candidate or campaign committee contact and shall retain the sign for at least ten (10) business days to allow the candidate or campaign committee to retrieve the sign without penalty.

m. Political signs shall not be placed on or affixed to any utility pole, fence, tree or other vegetation, traffic control device, or safety barrier.

n. The installation of political signs on any structure owned by the Town is prohibited.

o. No sign permit is required.

2. *Temporary Signs for Religious Institutions.* Religious institutions within the incorporated boundaries of the Town of Queen Creek are allowed temporary directional signs, which may be placed in the right-of-way, subject to the following:

a. A religious institution may use a total of five (5) off-site directional signs. Each sign shall not exceed six (6) square feet. These signs are subject to the following:

1) Off-site directional signs shall be located within a two (2) mile radius of the subdivision or religious institution being advertised;

2) Signs shall be installed no earlier than 6 p.m. on Friday of each week, and shall be removed no later than 5 a.m. on the following Monday; and,

3) Signs shall also be installed no earlier than 6:00 p.m. preceding any commonly recognized holiday and shall be removed by 5:00 a.m. the day following the holiday or on Monday when the holiday falls on the previous Friday.

b. The content of these signs shall be directional instructions and may show the religious institution name, general description, and directional arrows;

c. Signs shall be constructed of any heavy-duty, weather-resistant material including laminated paper, plastic, metal, or wood;

d. The back of each individual sign must contain, in clear, legible form, the owner's name and telephone number in characters at least one-half inch (1/2") in size;

e. No sign shall be installed within the center median of any public roadway or within the safety triangle of an intersection;

f. No signs shall be attached to any roadway or natural features including light and signal poles, street or regulatory signs, bridges, trees or other existing objects;

g. The person responsible for any sign shall be the owner of the congregational leader/pastor of the religious institution being advertised; and,

h. Written permission must be obtained from the property owner prior to installing these signs on private property.

3. *Garage Sale Signs.* Garage sale signs may be allowed without permit provided they are used only during the hours the sale is being conducted. Such signs shall not exceed six (6) square feet in area, or six feet (6') in height above the finished grade. No more than three (3) off-site, temporary signs may be used, and shall be placed a minimum of fifteen feet (15') from the pavement edge or two feet (2') behind the sidewalk, if a sidewalk exists. Signs shall only be placed on private property and shall not be placed on any sign, tree, light pole, traffic signal or controller, utility box or other structure within the right-of-way. The person who installed the signs shall remove all signs at the end of the sale. If the person installing the signs is unknown, the property owner shall be responsible for removal.

E. *Prohibited Temporary Signs.* The following temporary signs are prohibited unless expressly authorized within any of the subsections set out below and for the limited purposes stated within any such subsection:

1. Non-public signs in public rights-of-way or on public property;

2. Signs mounted on a building roof;

3. Signs having intermittent or flashing illumination, animated or moving parts, or that emit sound; wind-driven spinners, streamers, balloons, flags, search lights, strobe lights, holographic projections, laser light displays, beacons, bandit, and inflatable signs;

4. Signs imitating official traffic control signs, or any sign or device obscuring actual municipal or other public traffic control signs or devices;

5. Signs mounted on, or applied to trees, utility poles, rocks, or City owned property;

6. Signs placed upon private property without the property owner's approval; and,

7. Business identification/advertising signs in single-family zoning districts.

7.6 A-frame Signs

A. A-frame signs shall be allowed without permit for businesses in the Commercial, Industrial, Town Center, Office, Employment, and Public Facility/Institutional zoning districts. For

the purposes of this section, a business is defined as one (1) entity per building or suite of ten-thousand (10,000) square feet or less if located in the Commercial, Town Center, and Office Zoning Districts and up to thirty-thousand (30,000) square feet if located in the Employment and Public Facility/ Institutional Zoning Districts, subject to the following regulations:

B. *Size.* Signs shall be no greater than thirty-six inches (36”) in width and forty-eight inches (48”) in height.

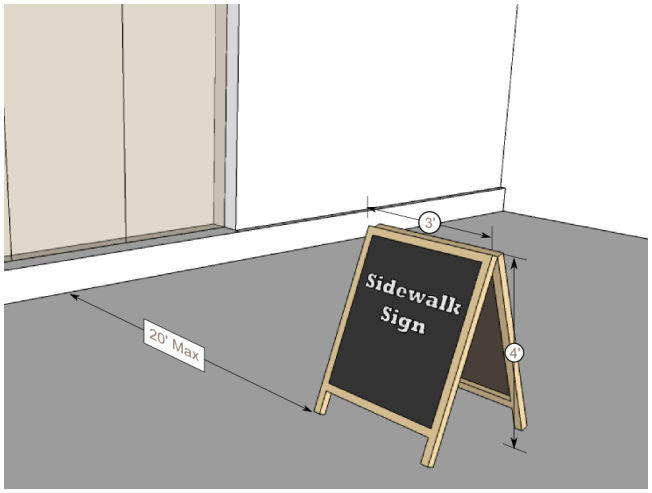
C. *Number.* Up to two (2) A-Frame Signs shall be permitted per business. Only one (1) sign per business shall be permitted to be placed on any one (1) adjacent street frontage. In no event shall the combined number of A-Frame signs exceed two (2).

D. Location. A-Frame Signs shall be located only:

1. At grade level;

2. Adjacent to the business being advertised, as follows:

   a. Signs shall be placed on the business property being advertised within twenty feet (20’) of the primary business entrance.



E. *Display*. Signs shall be displayed only:

1. During the hours the business is open to conduct business.

F. *Prohibited Locations.* A-Frame Signs shall not be located:

1. In raised or painted medians;

2. Across any street from the business being advertised;

3. In drive lanes, parking aisles or parking stalls;

4. On equestrian or multi-use trails;

5. So that less than a minimum of four feet (4’) is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic; and,

6. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.

G. *Right-of-Way Placement.* Signs may not be placed in the right-of-way, except that such signs may be placed on the sidewalk within the TC zoning district provided placement is in compliance with American with Disabilities Act.

H. *Construction and Maintenance*. Signs shall be:

1. Constructed with a protective, water resistant coating impervious to weather conditions;

2. Constructed with cut vinyl or other weather resistant graphics and may contain zip tracks or Velcro for changing of cut vinyl graphics;

3. Of sufficient weight and durability to withstand wind gusts, storms; and,

4. Maintained in a professional manner free from chipping paint, cracks, gouges, loss of letters, and other maintenance issues.

I. Elements Prohibited on A-Frame Signs. The following shall be prohibited on A-Frame Signs along street frontages:

1. Any form of illumination, including flashing, blinking, or rotating lights;

2. Animation;

3. Reflective materials; and,

4. Attachments, including, but not limited to, balloons, ribbons, speakers, or other similar devices.

7.7 Sign Walkers

A. Sign walkers shall be permitted in conjunction with adjacent apartment, commercial and industrial areas in the R-3, R-4, NC, TC, C-1, C-2, C-3, EMP-A and EMP-B zoning districts, subject to the following requirements:

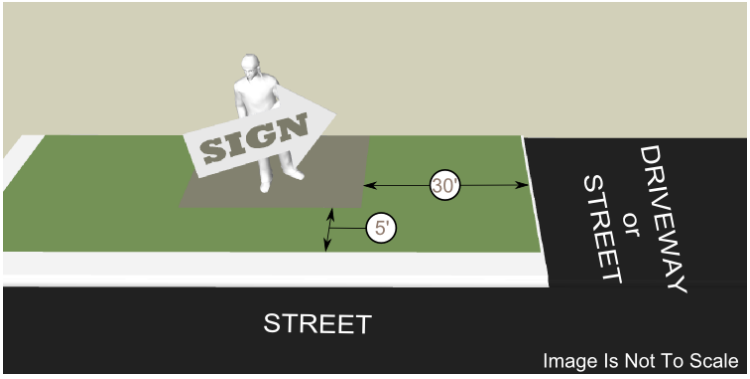
B. *Location*.

1. At least thirty feet (30') from a street or driveway intersection measured from the back of the curb, or edge of pavement if no curb exists.

2. At least five feet (5') from the street, measured from the back of curb or edge of pavement if no curb exists.

3. At grade level.

4. In front of property on which the advertised business or use is located.



C. *Prohibited Locations*.

1. Within a minimum of twenty feet (20') of any other sign walker.

2. In any location which interferes with the right-of-way for pedestrians, bicyclists and others located on a sidewalk.

3. In a raised or painted median.
4. In driveways, drive lanes, parking aisle or parking space.

5. On equestrian or multi-use trails.

6. On a fence, vehicle, utility facility, other sign or any other structure.

7. In a manner that results in sign walkers physically interacting with motorists, pedestrians or bicyclists.

D. *Number*.

1. Be no more than one (1) sign per business.

2. Be displayed only during the hours the business is open to the public.

3. Be held, worn, or balanced at all times.

4. Be no greater than twelve (12) square feet per sign face, with a maximum of two (2) sign faces.

5. Not be worn by a sign walker in costume.

E. *Prohibited elements*.

1. Any form of illumination or animation on or within the sign.

2. The use of mirrors or other reflective materials.

3. Attachments to the sign including, but not limited to, balloons, ribbons, or speakers.

F. *Consistency with State Law.*

1. Notwithstanding the foregoing, sign walkers may use a public sidewalk, walkway, or pedestrian thoroughfare to the minimum extent provided by A.R.S. §4-499.13.

7.8 Sensitive Use Signs

A. *Sexually Oriented Businesses.* Signs shall be permitted in accordance with the following:

1. One (1) free-standing or monument sign shall be permitted per site in accordance with the following standards Maximum height shall be six feet (6') as measured from the adjacent curb or crown of the roadway. Sign area shall not exceed twenty-four (24) square feet. Free-standing signs shall have a substantial base and planter not to exceed two feet (2') in height. If an inorganic base is used, it shall be designed to match the predominant architectural character of the main building.

2. Window signs, permanent and / or temporary, are permitted up to twenty-five percent (25%), per window, of the establishment's window area provided the following criteria are complied with:

   a. All such signs must be mounted, affixed or painted on the inside face of the window;

   b. No such sign shall be illuminated, animated or emit sound; and,

   c. Signs conforming to the above criteria shall be allowed in all zoning districts and shall not be considered a part of the aggregate allowed sign area.

3. Total sign area for each building or occupancy frontage shall not exceed one (1) square foot of sign area for each two (2) linear feet of street or occupancy frontage.

4. In no case shall the total sign area exceed sixty-four (64) square feet of sign area for each building or occupancy including all ground and wall mounted signs.

B. *Prohibited Signs.* Signs not specifically authorized are prohibited including but not limited to the following:

1. *Animated Signs*. No animated sign shall be allowed;

2. *Flashing Signs*. Flashing signs, except those, which alternately display time and temperature having a maximum sign area of three (3) square feet;

3. *Signs Emitting Sound Substance*. Any signs emitting sound or emitting any substance;

4. *Obscene Signs*. No person, as principal agent or otherwise, shall exhibit post or display or cause or permit to be exhibited, posted or displayed, upon any advertising structure, any obscene statements, symbol or sign. A statement, symbol or sign is obscene within the meaning of this Ordinance when:

   a. The average person, applying contemporary state standards would find that the item, taken as a whole appeals to the prurient interest;

   b. The item depicts or describes, in a patently offensive way, sexual activity; and,

   c. The item taken as a whole lacks serious literary, artistic, political, or scientific value.

5. *Miscellaneous Signs and Posters.* The tacking, painting pasting, or otherwise

affixing of signs of posters of a miscellaneous character, visible from a public way, on the walls of the building, a shed, tree, shrub, ground cover, fences, utility poles or other structures, or upon vehicles where such vehicles are used primarily as a support for such signs or parked on the property;

6. *Pole Signs and / or Roof Signs*;

7. *Projecting Signs.* No sign shall project into the public right-of-way or beyond a street plan line;

8. *Portable Signs*.; and,

9. *Oversize Signs.* Signs which exceed 3 square feet in area and which are mounted, attached or painted on motor vehicles, trailers or boats and are parked on the premises.

7.9 Interpretation of this Article

A. Where there is a conflict between the provisions of this Ordinance and provisions of other regulations of the Town of Queen, the provisions of this Ordinance shall apply.

B. The provisions of this Ordinance shall apply to the erection, construction, alteration, use, location, and maintenance of all signs within the Town of Queen Creek except as specified in Section 7.2

C. Any sign permitted by this Article may contain a non-commercial message in lieu of any other message.

D. Any provision of this Sign Code that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of this Sign Code that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from this Sign Code in a manner that preserves the Sign Code and protects freedom of speech.