

**Zoning Code Minor Update**  
**Summary of Proposed Amendments**  
**Chapter 18.135 Commissions, Committees, Boards, and Officers**

**Section 18.140.020 Application submittal and review**

1. **Sec. 18.135.080:** Deleted Heritage District Advisory Committee, refer to attached memo for further information.
2. **Table 135.110 Review Authorities:** Deleted Heritage District Advisory information, refer to attached memo for further information.

## Division 5. Administration and Permits

### Chapter 18.135

### COMMISSIONS, COMMITTEES, BOARDS, AND OFFICERS

#### Sections:

- 18.135.010 Specific purpose.
- 18.135.020 City council.
- 18.135.030 Planning and zoning commission.
- 18.135.040 Board of adjustment.
- 18.135.050 Development services director.
- 18.135.060 Repealed.
- 18.135.070 Zoning administrator.
- ~~18.135.080 Heritage District Advisory Committee.~~
- 18.135.090 Technical advisory committee.
- 18.135.100 Other agencies.
- 18.135.110 Summary of review authorities for permit types.

#### 18.135.010 Specific purpose.

This chapter identifies the purpose, duties, organization, and powers of the city bodies, officials, and administrators charged in making decisions under various divisions and chapters of the zoning code. Subsequent chapters provide detailed information regarding various procedures, applications, and permits, including use permits, general plan text and map amendments, fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this code as minimum requirements adopted to implement the policies and achieve the objectives of the general plan. [Ord. 14-12 § 1; Res. 14-36 § 501.01.]

#### 18.135.020 City council.

A. *Duties and Powers Related to Zoning.* The city council shall have the duty to carry out the provisions and intent of the general plan and this code. Specifically, the city council has the powers to do the following:

1. *Appointment Powers.* The city council shall have the power to appoint and remove members of the planning and zoning commission and board of adjustment.
  2. *Initiation Powers.* The city council shall have the power to initiate legislation and hold public meetings and public hearings on the following:
    - a. General plan amendments;
    - b. Zoning code map or text amendments. The city council shall have the power to initiate applications with or without owner authorizations for either zoning code map or text amendments as provided by state law; and
    - c. Area specific plans.
  3. *Decision-Making Powers.* The city council shall have the power to make final decisions and hold public meetings and public hearings to review and approve, continue, deny, or approve with conditions the following requests:
    - a. General plan amendments;
    - b. Zoning code text and zoning map amendments;
    - c. Preliminary and final subdivision plats pursuant to MCC Title [17](#), Subdivisions;
    - d. Planned Area Development (PAD) Districts and PAD plans in PAD zoning districts, and major amendments or major modifications to conditions of approved planned area development districts and plans, as defined in this code;
    - e. Area specific plans; and
    - f. Annexations.
  4. *Appeal Powers.* The city council shall have the power to hear and decide appeals of decisions of the planning and zoning commission regarding conditional use permits and major development review permits.
- B. The city council may prescribe, in connection with a decision noted in subsection [\(A\)\(3\)\(c\)](#) and [\(A\)\(3\)\(d\)](#) of this section, conditions of approval as the council deems necessary, in order to fully carry out the provisions and intent of the general plan and this code, pursuant to MCC [18.140.100](#), Conditions of Approval. Violations of any city council condition of approval shall be a violation of this code.
- C. *Appeals.* Any person aggrieved by a decision of the city council under this code may file an appeal to the Pinal County Superior Court within 30 calendar days after the city council has rendered its final decision, in accordance with MCC [18.140.140](#), Appeals. [Ord. 14-12 § 1; Res. 14-36 § 501.02.]

## 18.135.030 Planning and zoning commission.

A. *Creation and Purpose.* The planning and zoning commission is created to hold public meetings and hearings, to provide analysis and recommendations to the city council regarding general land use policies and applications where the commission has such advisory responsibility, and to render decisions on specified applications where the commission has been assigned decision-making power by this code. The purpose of the planning and zoning commission is to support creation of a desirable environment throughout the city for residents, business, and industry in areas for which it is responsible by promoting harmonious, safe, attractive, and compatible development that is in the best interest of public health, safety, and general welfare.

B. *Duties and Powers.* The planning and zoning commission shall have the duty to carry out the duties outlined in Chapter [2.15](#) MCC and more specifically is responsible for the following:

1. *Initiation Powers.* The planning and zoning commission shall have the power to initiate and hold public meetings and public hearings on:

- a. General plan amendments;
- b. Zoning code map or text amendments; and
- c. Area specific plans.

2. *Decision-Making Responsibilities.* The planning and zoning commission shall have the power to hold public meetings and public hearings to review and approve, continue, deny, or approve with conditions:

- a. Conditional use permits and modifications to such permits; and
- b. Major development review permits and modifications to such permits.

3. *Advisory Responsibilities.* The planning and zoning commission shall hold public meetings and hearings to advise and recommend to the city council:

- a. General plan amendments and major amendments;
- b. Zoning map amendments (e.g., rezonings) for base and overlay zoning districts;
- c. Zoning code text amendments;
- d. Preliminary subdivision plats, pursuant to MCC Title [17](#), Subdivisions;
- e. PAD Districts and PAD plans; and
- f. Area specific plans.



4. The planning and zoning commission may recommend in connection with any application such conditions as the commission deems necessary in order to fully carry out the provisions and intent of this code.

*C. Organization.*

1. The provisions of Chapter [2.15](#) MCC shall apply for the composition, number, and qualifications of the planning and zoning commission.

2. Hearings of the planning and zoning commission shall be scheduled at a time and place as declared by the planning and zoning commission. Special meetings of the commission may be called by the chairperson, or by any three members of the planning and zoning commission. Meetings shall be open to the public, with only such exceptions as may be permitted by state law with respect to executive session, and public input shall be permitted in all public meetings on matters before the commission. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings showing the vote of the body, records of the commission's deliberations, and other official actions, shall be kept by the city clerk as a public record.

3. The planning and zoning commission shall adopt rules of procedure consistent with the provisions of the city code for the conduct of its business and procedure.

4. A quorum consists of four members of the planning and zoning commission. The concurring vote of the majority of the quorum of the planning and zoning commission shall be necessary to act on any matter on its agenda. In the event that planning and zoning commission members are not sufficiently available to make a quorum, there shall be no meeting. Robert's Rules of Order shall govern any other motion.

5. The development services director, or a designated representative, shall serve ex officio as secretary of the planning and zoning commission.

*D. Appeals.* Planning and zoning commission recommendations to the city council are not final decisions. Any person aggrieved by a final decision of the planning and zoning commission may file an appeal to the city council in accordance with MCC [18.140.140](#). [Ord. 14-12 § 1; Res. 14-36 § 501.03.]

## **18.135.040 Board of adjustment.**

*A. Creation and Purpose.* The board of adjustment is created to hold public hearings to provide relief from the terms of this code by variance applications and to hear and decide appeals from decisions of the hearing officer or zoning administrator.

B. *Duties and Powers.* The board of adjustment shall have the duty to carry out the provisions outlined in Chapter [2.15](#) MCC and this code.

1. The board of adjustment shall hold a public hearing or public meeting to review and approve, continue, deny, approve with conditions, or to the extent applicable, enter the appropriate order, the following:

a. Appeals from decisions made by the hearing officer or designee, regarding the following:

- i. Waivers;
- ii. Temporary use permits; and
- iii. Modifications to waivers and temporary use permits.

b. Appeals from any decision made by the hearing officer or designee.

c. Appeals from decisions made by the zoning administrator, or designee, regarding the following:

- i. Zoning permits;
- ii. Minor development permits;
- iii. Administrative use permits; and
- iv. Modifications to approved zoning permits, minor development review permits, and administrative use permits.

d. Appeals from any decision made by the zoning administrator or designee.

2. The board of adjustment shall not:

- a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning code provided the restriction in this subsection shall not affect the authority to grant variances pursuant to this code; or
- b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

3. The board of adjustment may, in connection with any application, impose conditions as the board deems necessary in order to fully carry out the provisions and intent of this code. Violation of any board of adjustment condition shall be a violation of this code.

4. Authorize a reduction of the off-street parking and loading requirements of this code, if it should find that in the particular case the peculiar nature of the building or premises, or an exceptional situation or condition, would mitigate the need for the parking spaces specified. The board of adjustment shall consider such requests only after the remedies available in this code have been exhausted.

C. *Organization.*

1. The provisions of Chapter [2.15](#) MCC shall apply for the composition, number, and qualifications of the board of adjustment.
2. The board of adjustment shall elect a chairperson and vice-chairperson from among its own regular members annually, coinciding with appointment dates.
3. Hearings of the board of adjustment shall be open to the public. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings showing the vote of the body, records of the board's deliberations and other official actions shall be kept by the city clerk as a public record.
4. The board of adjustment shall adopt rules of procedure consistent with the provisions of the city code for the conduct of its business and procedure.
5. A quorum consists of four members of the board of adjustment. The concurring vote of the majority of the quorum of the board of adjustment shall be necessary to act on any matter on its agenda, except that consent agenda items may be approved or continuances administratively granted as provided for in this section. In the event that board members are not sufficiently available to make a quorum, there shall be no meeting. Robert's Rules of Order shall govern any other motion.
6. The development services director, or a designated representative, shall serve ex officio as the secretary of the board of adjustment.

D. *Appeals.* Any person aggrieved by a decision of the board of adjustment under this code may file an appeal to the Pinal County Superior Court in accordance with MCC [18.140.140](#). [Ord. 14-12 § 1; Res. 14-36 § 501.04.]

### **18.135.050 Development services director.**

A. *Creation and Purpose.* The director of the development services department (the "director"), or his designee, directs the work of the department and the planning and zoning division and leads the department in fulfilling its mission.

**B. Duties and Powers.**

1. The development services director shall have the duty to carry out the provisions and intent of the general plan and this code. The development services director, or designee, shall have the power to do the following:
  - a. Serve as staff of the planning and zoning commission and board of adjustment;
  - b. Issue administrative regulations for the submission and review of applications subject to the requirements of this code and A.R.S. § [9-831](#) et seq.;
  - c. Process and make recommendations to the planning and zoning commission and the city council on all applications, amendments, appeals and other matters upon which the council has the authority and the duty to act under this code;
  - d. Investigate and make reports to the planning and zoning commission on violations of permit terms and conditions when the city has initiated revocation procedures;
  - e. Appoint and oversee the hearing officer and zoning administrator; and
  - f. Delegate administrative and enforcement functions as they so deem to members of the development services department staff. [Ord. 14-12 § 1; Res. 14-36 § 501.05.]

**18.135.060 Hearing officer.*****Repealed.* 18.135.070 Zoning administrator.**

A. *Creation and Purpose.* The zoning administrator is appointed by the development services director. The zoning administrator is created to interpret the meaning and intent of the general plan and this code and enforce the provisions contained therein.

**B. Duties and Powers.**

1. The zoning administrator shall have the duty to carry out the provisions and intent of the general plan and this code. The zoning administrator shall have the power to hold a public hearing to review and approve, continue, deny, or approve with conditions, the following:
  - a. Zoning permits;
  - b. Minor development review permits;
  - c. Temporary use permits;

- d. Waivers;
- e. Minor modifications to waivers and temporary use permits;
- f. Administrative use permits; and
- g. Modification to zoning permits, administrative use permits, temporary use permits and minor development review permits.

2. The zoning administrator shall interpret the code as needed. Interpretation of this code includes, but is not limited to, clarification of intention, determination of zoning classifications of land uses not specified in this code, and the delegation of processing procedures and requirements. The zoning administrator shall keep a record of interpretations made pursuant to this section. The record of interpretations shall be available to the public.

3. The zoning administrator shall serve on the technical advisory committee and advise on matters relating to development and subdivision plat applications.

4. The zoning administrator may carry out any functions and duties specified in this code; and

5. The zoning administrator shall delegate administrative functions as deemed necessary to execute the intent of this code to members of the development services department staff.

C. *Appeals.* Any person aggrieved by a decision of the zoning administrator under this code may file an appeal to the board of adjustment in accordance with MCC [18.140.140](#), Appeals. Decisions shall be heard de novo by the board of adjustment as applicable. [Ord. 14-12 § 1; Ord. 19-05 § 2; Ord. 14-12 § 1; Res. 14-36 § 501.07.]

### **~~18.135.080 Heritage District Advisory Committee.~~**

~~A. *Creation and Purpose.* The Heritage District Advisory Committee is created to act in an advisory capacity in all matters concerning development in the city's Heritage District. The mission of the Heritage District Advisory Committee is to ensure that rehabilitation efforts and new developments within the Heritage District are consistent with the adopted Heritage District Design Guidelines, and to advise owners in the restoration and upgrading of their properties to achieve the objectives of the redevelopment area plan for the Heritage District.~~

~~B. *Duties and Powers.* For the purpose of this code, the Heritage District Advisory Committee shall have the powers to:~~

- ~~1. Make recommendations to the planning and zoning commission and city council, based on the criteria as specified for the MU-H Overlay District; and~~

~~2. Review and make recommendations on applications for proposed alterations, new construction, demolition or removal affecting buildings located within the MU-H Overlay District. Such review shall be based on the criteria as specified in the regulations for the MU-H Overlay District (Chapter [18.45](#) MCC) and applicable design guidelines.~~

~~C. *Organization.* The provisions of Chapter [2.15](#) MCC shall apply for the composition, number, and qualifications of the Heritage District Advisory Committee. The Heritage District Advisory Committee shall adopt rules of procedure consistent with the provisions of this code for the conduct of its business and procedure. [Ord. 14-12 § 1; Res. 14-36 § 501.08.]~~

### **18.135.090 Technical advisory committee.**

A. *Creation and Purpose.* The technical advisory committee is created to act in an advisory capacity to the planning and zoning commission regarding all development applications and applications for subdivision plats and improvements.

B. *Duties and Powers.* For the purpose of this code, the technical advisory committee shall have the power to review all applications for development permits and subdivision plats and improvements and make recommendations to the zoning administrator, hearing officer, planning and zoning commission and city council. Such review shall be based on the criteria as specified in this code and in MCC Title [17](#), Subdivisions.

C. *Organization.* The technical advisory committee shall consist of the zoning administrator, planning staff, city engineer, community services director, and representatives of the emergency services, irrigation district(s), water companies, sanitary districts(s), school district, and utility companies. Additional members may be consulted on an as-needed basis for their expertise. [Ord. 14-12 § 1; Res. 14-36 § 501.09.]

### **18.135.100 Other agencies.**

A. *Ak-Chin and Gila River Indian Communities.* Any proposal that abuts or is within 300 feet of the Ak-Chin Reservation or the Gila River Reservation or involves any land under the jurisdiction of the Ak-Chin or Gila River Indian Tribe or their designees must be referred to the respective Indian Tribal Council for review and comment. Nothing in this code shall be interpreted to interfere with the sovereignty and powers of the Ak-Chin Indian Community, the Gila River Indian Community, or their designee(s). Refer to MCC [18.05.050](#) for additional regulations applying to the development of land within two and one-half miles of the Ak-Chin Tribal Community.

B. *Other Governmental Agencies.* Any development proposal that abuts property owned or under the jurisdiction of a government agency, including but not limited to federal lands, Arizona State Land Department, lands covered by an intergovernmental agency agreement, or any other body that has jurisdiction must be referred to the applicable agency or body for review. [Ord. 14-12 § 1; Res. 14-36 § 501.10.]

### 18.135.110 Summary of review authorities for permit types.

Table 18.135.110 summarizes review authorities for each permit type, including the advisory body, the decision-maker, and the appeal body. Decisions of the board of adjustment are final, and the only appeal is to Superior Court.

**Table 18.135.110 Review Authorities**

Application or Action	Chapter	Advisory Body	Decision Maker	Appeal Body
Zoning Permit	<a href="#">18.145</a>	n/a	Zoning Administrator	Board of Adjustment*
Administrative Use Permit	<a href="#">18.150</a>	n/a	Zoning Administrator	Board of Adjustment
Conditional Use Permit	<a href="#">18.150</a>	Zoning Administrator	Planning and Zoning Commission	City Council
Temporary Use Permit	<a href="#">18.150</a>	Zoning Administrator	Zoning Administrator	Board of Adjustment
Development Review Permit Major (5,000 square feet and above) Minor	<a href="#">18.155</a>	Major: Zoning Administrator Minor: n/a	Major: Planning and Zoning Commission Minor: Zoning Administrator	Major: City Council Minor: Board of Adjustment
Changes to an Approved Development Review Permit	<a href="#">18.155</a>	Major(1): Zoning Administrator Minor(1): n/a	Major(1): Planning and Zoning Commission Minor(1): Zoning Administrator	Major(1): City Council Minor(1): Board of Adjustment
Waiver from Dimensional Standards	<a href="#">18.165</a>	n/a	Zoning Administrator	Board of Adjustment
Variances	<a href="#">18.160</a>	Zoning Administrator	Board of Adjustment	Superior Court
Permit Revocation	<a href="#">18.140.130</a>	Zoning Administrator	Original decision-making body	Original decision-making body

Application or Action	Chapter	Advisory Body	Decision Maker	Appeal Body
<del>Heritage Area Development Review Permit</del>	<del><a href="#">18.155</a></del>	<del>Heritage District Advisory Committee</del>	Major: <del>Planning and Zoning Commission</del> Minor: Zoning Administrator	Major: City Council Minor: Board of Adjustment
General Plan Text and Map Amendments	<a href="#">18.170</a>	Planning and Zoning Commission	City Council	Superior Court
Zoning Code and Map Amendments	<a href="#">18.175</a>	Planning and Zoning Commission	City Council	Superior Court
Planned Area Development Districts	<a href="#">18.180</a>	Planning and Zoning Commission	City Council	Superior Court

1 Refer to MCC [18.155.040](#) for definition of a minor development review permit and MCC [18.155.050](#) for definition of a major development review permit.

\* Note that any decision by the board of adjustment is appealed to the Superior Court.

[Ord. 14-12 § 1; Ord. 19-05 § 3; Ord. 14-12 § 1; Res. 14-36 § 501.11.]



**Zoning Code Minor Update  
Summary of Proposed Amendments  
Chapter 18.120 Standards for Specific Uses**

**Chapter 18.20, Outline (p. 1)**

1. Added “Food and Beverage Sales” to the chapter outline.

**Section 18.120.080 Day care facilities (p.8)**

1. Revised day care facilities for clarity.

**Section 18.120.110 Family day care facilities (p.12)**

1. Deleted and combined with Sec. 18.120.080 Day care facilities.

**Section 18.120.170 Mobile food vendors (p.20-24)**

1. Section revised to comply with recent State law changes to mobile food vendors/merchants.

**Section 18.120.250 Restricted retail uses (p. 32)**

1. Tobacco Paraphernalia Establishment revised to Tobacco Oriented Retailers and modified regulations for clarity and consistency with other jurisdictions.

**Section 18.120.280 Food and beverage sales (p. 38)**

1. New section created to regulate and maintain shopping cart usage on-site of a development.

## Chapter 18.120

### STANDARDS FOR SPECIFIC USES

#### Sections:

- 18.120.010 Accessory uses.
- 18.120.020 Adult-oriented businesses.
- 18.120.030 Alcoholic beverage sales.
- 18.120.040 Automobile/vehicle sales and leasing.
- 18.120.050 Automobile/vehicle service and repair, major.
- 18.120.060 Automobile/vehicle service stations and washing.
- 18.120.070 Community assembly.
- 18.120.080 Day care facilities.
- 18.120.090 Drive-in and drive-through facilities, including fast-food facilities.
- 18.120.100 Eating and drinking uses.
- 18.120.110 Family day care facilities.
- 18.120.120 Home occupations.
- 18.120.130 Hospitals and clinics.
- 18.120.140 Live/work units.
- 18.120.150 Manufactured home/recreational vehicle uses.
- 18.120.160 Medical marijuana uses.
- 18.120.170 Mobile food vendors.
- 18.120.180 Off-track betting establishments.
- 18.120.190 Outdoor dining and seating.
- 18.120.200 Noninstitutional banking.
- 18.120.210 Personal services and restricted personal services.
- 18.120.220 Personal storage facilities.
- 18.120.230 Recycling facilities.
- 18.120.240 Group home.
- 18.120.250 Restricted retail uses.
- 18.120.260 Temporary uses.
- 18.120.270 Transitional and supportive housing facilities.
- 18.120.280 Food and Beverage Sales

#### 18.120.010 Accessory uses.

Accessory uses shall be located, developed, and operated in compliance with the following standards:

A. *General Requirements.* No use shall be considered to be accessory to a principal or conditional use which involves or requires any of the following:

1. *In Residential and Rural Districts.* The use of more than one-quarter of the total floor area in the principal building and accessory building.
2. *In All Other Districts.* The use of more than one-third of the total floor area in the principal building and the accessory building.

B. *Prohibited Uses.* The following uses are prohibited from being accessory uses:

1. *In Residential and Rural Districts.*
  - a. Any bar, restaurant, or any other retail establishment that serves liquor for consumption on-site, except in resorts and golf courses; and
  - b. The employment of any person not a resident in the dwelling unit, other than an approved home occupation employee, domestic servant, gardener, janitor, farm employee, or other person concerned in the operation or maintenance of the dwelling unit.
2. *In All Other Districts.*
  - a. Adult-oriented businesses;
  - b. Medical marijuana uses;
  - c. Liquor stores;
  - d. Bars and lounges, except in hotels, resorts, and golf courses; and
  - e. General and heavy manufacturing.

C. *Limitations.* Accessory uses shall be restricted to interior areas of a structure except in rural districts where exterior accessory use on a lot is allowed, subject to other standards of this code. In addition, outdoor dining is permitted if specified standards are met. [Ord. 14-12 § 1; Res. 14-36 § 410.01.]

## **18.120.020 Adult-oriented businesses.**

Adult-oriented businesses shall be located, developed, and operated in compliance with the following standards:

A. *Permits and Licenses.* Adult-oriented businesses must be in conformance with Maricopa City Code and subject to the following:

1. An adult-oriented business must, prior to commencement or continuation of such business, apply for and receive from the planning and zoning commission, a conditional use permit. Reasonable conditions may be imposed, such as limitation on hours of operation, exterior lighting, display materials, security, and other similar conditions, as may be necessary to protect the health, safety, and welfare.

2. Subsequent to receipt of an approved conditional use permit, but prior to establishment of the business, the applicant shall apply and receive a valid business license, as provided in the Maricopa City Code.

B. *Location.* Adult-oriented businesses shall be located a minimum of:

1. One thousand five hundred feet from the lot line of vacant or developed land in any residential, mixed use districts, or land reserved for future school site;
2. One thousand five hundred feet from any existing or proposed elementary or secondary educational facility, junior colleges and universities, vocational schools, family day care facility, day care facility, religious facility, cultural institution, a family-oriented entertainment business, or public park and recreational areas;
3. One thousand five hundred feet from any business that is licensed to sell alcoholic beverages; and
4. One thousand feet from any other legally established adult-oriented business.

C. *Number of Businesses – Expansion.* Only one adult-oriented business is permitted in each building, structure, or lot. No existing adult-oriented business can expand or intensify their business if there is another adult-oriented business in the same building, structure, or lot.

D. *Hours of Operation.* Hours of operation shall be limited to the time period between 8:00 a.m. and 1:00 a.m. Monday through Saturday and 12:00 noon and 1:00 a.m. on Sunday, or as otherwise approved by conditional use permit.

E. *Screening.* All windows, doors, or other apertures shall be architecturally screened or otherwise obscured so as to prevent public viewing of the interior of the adult-oriented business from a public street or sidewalk.

F. *Signs.* No advertisement displays or merchandise available for sale or rent that includes or depicts specified sexual activities or specified anatomical areas shall be visible from any public right-of-way. Total wall sign area shall not exceed 20 square feet. Businesses located on a corner lot may have a maximum of 25 square feet of sign area. [Ord. 14-12 § 1; Res. 14-36 § 410.02.]

### **18.120.030 Alcoholic beverage sales.**

Businesses with alcoholic beverage sales of packaged liquor shall be located, developed, and operated in compliance with the following standards:

- A. *Permit Required.* Conditional use permit approval is required for any use involving the sale of alcoholic beverages as defined in subsection [\(B\)](#) of this section.
- B. *Liquor Stores and Convenience Markets.* Liquor stores, convenience markets, and other off-sale establishments that dedicate more than 50 percent of the sale floor to sales of alcoholic beverages for off-premises consumption, but excluding general markets, shall be located, developed, and operated in compliance with the following standards:
1. *Location.* Such establishment shall be located a minimum of:
    - a. One thousand five hundred feet from elementary and secondary educational facilities, religious facilities, cultural facilities, or public parks and recreational facilities.
    - b. Five hundred feet from restricted personal services, off-track betting establishments, and adult-oriented business.
    - c. One thousand feet from any other legally established businesses with packaged alcoholic beverage sales.
  2. *Litter.* Trash receptacles and separate recycling receptacles shall be provided by entrances and exits from the building.
  3. *Pay Telephones, Atm Machines, and Vending Machines.* Pay telephones, ATM machines, and vending machines are prohibited externally. [Ord. 14-12 § 1; Res. 14-36 § 410.03.]

### **18.120.040 Automobile/vehicle sales and leasing.**

Automobile/vehicle sales and leasing shall be located, developed, and operated in compliance with the following standards:

- A. *Location.* Automobile/vehicle sales and leasing are permitted on sites with at least one frontage on an arterial street or regional highway.
- B. *Minimum Lot Size.* Ten thousand square feet.
- C. *Landscaping and Screening.* In addition to complying with the following standards, automobile/vehicle sales and leasing uses shall meet landscaping standards in Chapter [18.90](#) MCC.

1. *Maintenance.* All landscaped areas, walls, and barriers must be maintained in conformance with approved landscape plans in perpetuity.
2. *Other Requirements.* Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent residential or mixed use districts.
3. *Accessory Sales and Leasing.* Automobile sales and leasing that are accessory to another use must meet the landscaping and screening requirements above.
4. *Relation to MCC Title 17, Subdivisions.* Where the requirements of this section conflict with landscaping and screening requirements of MCC Title [17](#), Subdivisions, the most restrictive shall govern. Where there is a conflict between a general requirement and specific requirement, the specific requirement shall apply.

D. *Vehicle Display.* A minimum 12-foot wide planter strip shall separate vehicle display areas from sidewalks and pedestrian entries.

E. *Vehicle Loading and Unloading.* All vehicle loading and unloading shall occur in the rear half of the site. If the lot abuts a property in a residential district, the loading and unloading may be located to have a lesser impact on the adjacent properties, but in all cases, loading and unloading shall occur during weekday business hours. [Ord. 14-12 § 1; Res. 14-36 § 410.04.]

### **18.120.050 Automobile/vehicle service and repair, major.**

Major automobile/vehicle repair facilities shall be located, developed, and operated in compliance with the following standards:

- A. *Location.* Automobile/vehicle service and repair are permitted on sites with at least one frontage on an arterial street or regional highway.
- B. *Minimum Lot Size.* Ten thousand square feet.
- C. *Orientation of Bay Doors.* All bay doors shall be oriented to minimize visibility from public streets by locating bay entries at least 90 degrees from the roadway and screen with a combination of landscaping, neighboring buildings, or the use of decorative screen walls, or in a manner acceptable to the zoning administrator or approving authority.
- D. *Landscaping and Screening.* In addition to complying with the following standards, major automobile/vehicle service and repair uses shall meet landscaping standards in Chapter [18.90](#) MCC. All vehicular use areas that are adjacent to the public right-of-way shall provide a screening feature around the perimeter of the lot adjacent to the public right-of-way.

1. Screening shall add to the visual diversity of the use and need not be an opaque barrier. This feature shall be at least one of the following:

a. Ornamental fencing or a solid wall that is three feet in height and an eight-foot-deep permeable surface with landscaping along the perimeter of the lot that is adjacent to a public right-of-way; or

b. A combination of permeable landscaping and ornamental fencing where the permeable surface and landscaping is the equivalent area of an eight-foot-deep average perimeter landscaping that has been otherwise configured to result in either: a public space or amenity that is accessible from the public right-of-way, or a natural drainage system, such as combined swales, retention basins, detention basins, or rain gardens, to reduce storm water runoff.

2. *Relation to MCC Title 17, Subdivisions.* Where the requirements of this section conflict with landscaping and screening requirements of MCC Title [17](#), Subdivisions, the most restrictive shall govern. Where there is a conflict between a general requirement and specific requirement, the specific requirement shall apply.

E. *Litter.* No used or discarded automotive parts or equipment or permanently disabled, junked, unregistered, or wrecked vehicles may be stored outside of the main building. Parts or equipment may be temporarily stored outdoors for no longer than one week but must be screened from view.

F. *Noise.* All body and fender work or similar noise-generating activity shall be enclosed in a masonry or similar building with sound attenuating measures incorporated into the building design and construction to absorb noise. Bay openings shall be oriented so as to minimize the effects of sound emanating from the auto repair building towards residential uses, outdoor restaurant seating, and outdoor reception areas. Compressors shall be located within separately enclosed, sound attenuated rooms. [Ord. 14-12 § 1; Res. 14-36 § 410.05.]

### **18.120.060 Automobile/vehicle service stations and washing.**

Automobile/vehicle service stations and washing shall be located, developed, and operated in compliance with the following standards:

A. *Location.* Automobile/vehicle service stations and washing are only allowed on sites with at least one frontage on an arterial street.

B. *Setbacks.* No building or structure shall be located within 25 feet, or as provided by MCC Title [17](#), Subdivisions, whichever is greater, of any interior lot line abutting a residential or mixed use district.

C. *Drive Up Aisles*. Vehicle lanes for car wash operations shall be screened from public streets to a height of three and one-half feet in front or street side areas. Screening devices shall consist of walls and/or berms with supplemental plant materials.

D. *Street-Facing Walls*. Street-facing walls, including car wash tunnels, over 75 feet long shall include breaks in the building plane, projections, recesses, and trim to provide architectural articulation and modulate building mass to enhance the streetscape.

E. *Landscaping and Screening*. In addition to complying with the following standards, automobile/vehicle service stations and washing uses shall meet landscaping standards in Chapter [18.90](#) MCC:

1. Additional screening and landscaping may be required where necessary to obscure view of automatic car washing equipment and prevent visual impacts on adjacent properties.

2. *Relation to MCC Title 17, Subdivisions*. Where the requirements of this section conflict with landscaping and screening requirements of MCC Title [17](#), Subdivisions, the most restrictive shall govern. Where there is a conflict between a general requirement and specific requirement, the specific requirement shall apply.

F. *Litter*. One trash receptacle per wash bay is required.

G. *Outside Storage*. No outdoor storage is allowed. [Ord. 14-12 § 1; Res. 14-36 § 410.06.]

### **18.120.070 Community assembly.**

Community assembly facilities shall be located, developed, and operated in compliance with the following standards:

A. *Access*. Community assembly facilities shall take primary access from a public street with a minimum of 50 feet in width and improved with curbs, gutters, sidewalks, and street lights.

B. *Buffer*. In all districts except industrial districts, a minimum of 25 feet perimeter buffer shall be included where interior lot lines abut a residential district. Industrial districts shall have a 40-foot buffer. This buffer area may be used for parking and landscaping but shall not be used for structures or outside activities.

C. *Outdoor Play Areas*. Outdoor play areas shall be at least 25 feet from any residential district and shall not be located adjacent to an arterial street or industrial use. [Ord. 14-12 § 1; Res. 14-36 § 410.07.]



## 18.120.080 Day care facilities.

Day Care facilities shall be either operated as the principal (primary) use or the in-home (accessory) use. Day care facilities ~~other than~~ are not to be confused for Residential and Group Care Homes, which are regulated separately.

A. **Day Care Facilities** shall be located, developed, and operated in compliance with the following standards:

1. **Structures.** Day care facilities shall conform to all development standards of the zoning district in which they are located unless otherwise provided in this section. They must be in a stand-alone facility and cannot be co-located in a single-family residence.
  - a. **Hours of Operation in RS Single-Family District.** When the site is located within a residential single-family district, day care facilities shall operate only Monday through Friday. No outdoor play is allowed before 7:00 a.m. or after 8:00 p.m.
  - b. **Pick-Up and Drop-Off.** A plan and schedule for the pick-up and drop-off of children or clients shall be provided prior to approval. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion, and it shall demonstrate that the plan for pick-up and drop-off of children or clients does not require passing through traffic.
  - c. **Outdoor Play Areas.** Outdoor play areas shall not be located along major arteries or adjacent to industrial uses.
  - d. **Screening of Outdoor Play Areas.** Outdoor play areas shall have a screening feature around the perimeter adjacent to the public right-of-way, outside of the minimum front and street side setbacks. Screening shall add to the visual diversity of the use and need not be an opaque barrier.
  - e. **State and Other Licensing.** All day care facilities shall be state licensed and operated according to A.R.S. Title [36](#), Chapter [7.1](#), et seq. and all other applicable regulations.
  - f. **Concentration of Uses.** No more than one day care facility shall be permitted within 500 feet of the lot line of another existing day care facility. [Ord. 14-12 § 1; Res. 14-36 § 410.08.]

**\*\*SECTION ABOVE REFORMATTED\*\***

B. In-Home Day Care facilities shall be managed in accordance with the following good neighbor policies:

1. The family day care use shall be incidental to the principal use of the dwelling unit for residential purposes.
2. All outdoor play areas shall be screened and enclosed by a six-foot-high solid masonry fence with solid, self-closing and self-latching gates.
3. The minimum separation between family day care uses on the same street shall be 700 feet, measured from the lot lines.
4. Existing garages, carport structures, or driveways shall not be expanded, modified, displaced or otherwise altered for the purposes of accommodating the family day care use.
5. No sign visible from a street, except for approved live-work units in the MU Districts shall be publicly displayed relating to the home occupation or products thereof.
6. *State and Other Licensing.* All day care facilities shall be state licensed and operated according to A.R.S. Title 36, Chapter 7.1, et seq. and all other applicable regulations. [Ord. 14-12 § 1; Res. 14-36 § 410.11.]

#### **18.120.090 Drive-in and drive-through facilities, including fast-food facilities.**

Drive-in and drive-through facilities, including fast-food facilities, shall be located, developed, and operated in compliance with the following standards:

- A. *General.* Drive-through facilities shall provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas. Drive-through aisles shall be a minimum of 12 feet in width and 20 feet in length, or as otherwise required by Table 18.120.090.D. Drive-through aisles shall have a minimum interior turning radius of 15 feet and an exterior turning radius of 30 feet.
- B. *Screening.* Drive-through aisles shall be screened from view from public and private streets, areas accessible to the general public, and areas shown for residential use in the general plan by:
  1. A decorative masonry fence a minimum of three and one-half feet in height measured from the grade of the aisle; or
  2. A continuous landscape planter a minimum of six feet in width; or
  3. A combination of a masonry fence and landscape planter.

C. *Landscaping*. When applicable, in addition to complying with the following standards, drive-in and drive-through facilities shall meet landscaping standards in Chapter [18.90](#) MCC.

D. *Stacking*. Vehicular stacking areas shall be provided in accordance with Table 18.120.090.D, Drive-Through Facility Stacking Space Requirements.

**Table 18.120.090.D Drive-through Facility Stacking Space Requirements**

Use Classification	Stacking Space Requirement
Banks and Financial Institutions	5 spaces per teller or ATM drive-through
Eating and Drinking Establishments	
Restaurants	3 spaces per window. See subsection (D) of this section. <sup>(1)</sup>
Restaurants, Limited Service	4 spaces
Retail Sales, General	
Dry cleaning	2 spaces per window
Pharmacy	2 spaces per aisle
Photo drop	1 space per window
Automobile/Vehicle Equipment Sales and Services	
Automobile/Vehicle Washing, Automated or Self-Service	4 spaces per bay
Automobile/Vehicle Washing, Full Service	8 spaces minimum
Service Station	1 space on each end of each side of each fuel pump island (one-way facilities require 2 spaces on approach end of each island).
Fueling Facility, Alternative	1 space on each end of each side of each fuel pump island (one-way facilities require 2 spaces on approach end of each island).
Automobile/Vehicle Repair, Major	1 space per service bay
Automobile/Vehicle Repair, Minor	1 space per service bay

<sup>1</sup> Drive-through restaurants' stacking shall be calculated beginning from call box.

E. Eating and drinking establishments providing a designated take-out counter or window shall identify one or more parking spaces adjacent to the take-out entrance for exclusive use by take-out customers.

F. *Site and Building Design*.

1. If the proposed building is located within 50 feet of the public street, locate the main entrance door directly off (oriented towards) the public sidewalk or provide clear and direct access from the public sidewalk to the main entrance or secondary entrance.
2. Walls along the street face and visible from the street shall be transparent with windows, doors and other forms of transparent building materials to maximize views in and out of the building and the relationship between interior and exterior to support and animate the public street and sidewalk.
3. Drive-through elements shall be placed to the side or rear of the building. Orient the drive-through window away from the street frontage and provide adequate screen measures through landscaping and design to minimize visibility of drive-through.
4. The architecture of drive-through uses shall be compatible and harmonious with that of the shopping center motif or immediate neighborhood, in terms of building color, materials, mass, scale, and form.

G. *Menu and Preview Boards.* All menu and preview boards are signage and are subject to the sign regulations in Chapter [18.115](#) MCC.

H. *Pedestrian Walkways.* Interior pedestrian walkways shall not intersect vehicle aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

I. *Litter.* Trash receptacles shall be provided at the exit of the drive-through facility. [Ord. 14-12 § 1; Res. 14-36 § 410.09.]

### **18.120.100 Eating and drinking uses.**

Eating and drinking uses shall be developed and operated in accordance with the following good neighbor policies:

- A. The safety and cleanliness of the establishment and its adjacent area(s) shall be maintained.
- B. Proper and adequate storage and disposal of debris and garbage shall be provided.
- C. Noise and odors shall be contained within immediate area of the establishment so as not to be a nuisance to neighbors.
- D. The establishment shall pick up and dispose of any discarded beverage containers and other trash left by patrons within a 100-foot radius from the facility periodically during regular hours of operation. [Ord. 14-12 § 1; Res. 14-36 § 410.10.]

**18.120.110 Family day care facilities.**

Family day care facilities shall be managed in accordance with the following good neighbor policies:

A. The family day care use shall be incidental to the principal use of the dwelling unit for residential purposes.

B. All outdoor play areas shall be screened and enclosed by a six-foot-high solid masonry fence with solid, self-closing and self-latching gates.

C. The minimum separation between family day care uses on the same street shall be 700 feet, measured from the lot lines.

D. Existing garages, carport structures, or driveways shall not be expanded, modified, displaced or otherwise altered for the purposes of accommodating the family day care use.

E. *State and Other Licensing.* All day care facilities shall be state licensed and operated according to A.R.S. Title [36](#), Chapter [7.1](#), et seq. and all other applicable regulations. [Ord. 14-12 § 1; Res. 14-36 § 410.11.]

**\*\*SECTION ABOVE MOVED TO SECTION 18.120.080\*\***

**18.120.120 Home occupations.**

Home occupations shall be operated in compliance with the following standards:

A. *Residential Character Maintained.* No dwelling or accessory buildings shall be built, altered, finished, or decorated externally for the purposes of conducting the home occupation in such a manner as to cause the structure to be reasonably recognized as a place where a home occupation is conducted.

B. *Permitted Uses.* Home occupations require a zoning permit and are limited to the following uses:

1. Professional offices;
2. Offices for personal services, such as janitorial, garden, or offices services;
3. Dressmaking, tailoring, millinery, and other home sewing work;
4. Handicrafts, such as weaving, leatherwork, and other arts and crafts;
5. Instructional classes, not exceeding five students at a time;

6. Mail order or direct sales provided that no direct sales to customers occur from the residence;
7. Uses that entail food handling, processing or packing of specialized minor cooking or baking; and
8. Businesses such as plumbers, electricians, contractors, pool service providers, locksmiths, minor electronics and watch repair.

C. *Prohibited Uses.* The following uses are not permitted as a home occupation:

1. Fire arms manufacturing/storage/on-site sales;
2. Medical marijuana dispensaries or commercial cultivation or medical marijuana infusion;
3. The repair, reconditioning, servicing or manufacture of any internal combustion or diesel engine or of any motor vehicle, including automobiles, trucks, motorcycles, and boats;
4. Drop-off, repair, fix-it, or plumbing shops; and
5. Kennels, storage, caring, or grooming of animals.

D. *Maximum Floor Area Allowed.* A home occupation shall not occupy more than one-quarter of the total floor area in the principal building and any accessory building on the lot.

E. *Signage.* No sign visible from a street, except for approved live/work units in the MU Districts, shall be publicly displayed relating to the home occupation or products thereof.

F. *Limitations on on-Site Employees.* No more than two persons shall be employed or work on site, excepting occupants of the dwelling who are members of the resident family. However, with approval of a conditional use permit, one additional employee may be allowed if the planning and zoning commission determines that there would be no adverse impacts on the immediately adjoining neighborhood in addition to the other required findings.

G. *Merchandise.* On-site display of merchandise or goods for the purposes of sale on the premises shall not be permitted. Walk-in customers and on-site sales of the merchandise or goods shall not be permitted.

H. *Storage.* Storage related to the home occupation must be confined to the interior of the dwelling or accessory building. No hazardous materials storage is allowed.

I. *Traffic and Parking.* The home occupation shall not generate more than five additional daily trips related to the business (e.g., deliveries and drop-off), on average over a work-week, nor require additional off-street parking spaces for delivery of materials or supplies to or from the premises. No

garage or accessory building shall be altered or used in such a manner that would reduce the number of covered parking spaces required in the district in which it is located.

J. *Nuisance*. No equipment or process shall be used which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises. The home occupation shall not involve the use of power equipment on the premises using motors exceeding one horsepower combined capacity. [Ord. 14-12 § 1; Res. 14-36 § 410.12.]

### **18.120.130 Hospitals and clinics.**

Hospitals and clinics shall be located, developed, and operated in compliance with the following standards:

- A. *Location*. Hospitals are only allowed on sites with at least one frontage on an arterial street.
- B. *Minimum Frontage*. One hundred feet minimum street frontage on the arterial street.
- C. *Landscaping and Screening*. In addition to complying with the following standards, hospitals and clinics shall meet landscaping standards in Chapter [18.90](#) MCC:
  - 1. *Ancillary Areas*. All service areas, ambulance, storage, trash storage areas, ground- or roof-mounted mechanical equipment shall be screened from ground-level view from adjacent lots and public rights-of-way.
- D. *Litter*. One permanent, nonflammable trash receptacle shall be installed in the parking area adjacent to the entrance/exit. [Ord. 14-12 § 1; Res. 14-36 § 410.13.]

### **18.120.140 Live/work units.**

Live/work units shall be located, developed, and operated in compliance with the following standards:

- A. *Locations Allowed*. Live/work units are allowed in the NC, GC, and Mixed Use Districts.
- B. *Establishment*. Live/work units may be established through new construction or through the conversion of existing residential, commercial and industrial buildings.

C. *Allowable Uses.* Work activities in live/work units are limited to uses that are permitted outright, or permitted subject to a conditional use permit in the district in which the live/work units are located. Live/work units may contain only residential uses, but they are not permitted to contain only work or commercial uses above the ground floor. On-site storage and sale of materials and merchandise are allowed.

D. *Sale or Rental of Portions of Unit above the Ground Level Prohibited.* No portion of a live/work unit located above the ground level may be separately rented or sold as a commercial space.

E. *Floor Area Distribution.* An applicant shall submit a floor plan of all proposed units to the zoning administrator to show which areas are designated for work activities and which areas for living or as common areas.

F. *Outdoor Living Area.* Common or private on-site open space shall be provided for the use of occupants at a rate of 150 square feet per live/work unit. This space may be attached to individual units or located on the roof or adjoining the building in a yard. Some temporary outdoor storage of materials and merchandise related to the work activity, such as merchandise, is allowed during hours of operation. [Ord. 14-12 § 1; Res. 14-36 § 410.14.]

### **18.120.150 Manufactured home/recreational vehicle uses.**

#### **A. *Recreational Vehicle Parks, Resorts, and Subdivisions – Permitted Uses.***

1. One recreational vehicle (RV) or park model home trailer on each approved lot or space. No manufactured homes or dwelling units of conventional construction shall be permitted on a lot or space for living purposes, except as specified below.

2. Recreational vehicle or park model home trailer accessory structures:

a. Aggregate floor area, of all enclosed RV accessory structures shall be limited to 520 square feet, including storage rooms (attached or detached) and patio enclosures.

b. Additional requirements applying to patio enclosures:

i. Parking spaces shall not be enclosed.

ii. All roof materials shall be lightweight aluminum or other noncombustible material.

iii. A smoke alarm shall be installed in each room within a patio enclosure.

iv. Partitions may be used to accommodate laundry, bath, and toilet facilities.

v. Convenience electrical outlets and air conditioning equipment may be installed.



- vi. Removal of sliding doors, windows, or other modification of the existing recreational vehicle enclosed by the patio enclosure is prohibited.
  - vii. Walls may consist of conventional wood framing or modular (prefabricated) construction.
  - viii. Glass located within 24 inches of a doorway or 18 inches of a floor must be tempered.
  - ix. Openings may be covered with screen mesh, plastic panels, or mineral glass. The combined surface area of openings facing the front, including doors and windows, shall account for 33 percent of the surface area of the front elevation.
  - x. The front wall may contain a solid knee wall not more than 32 inches above a finished floor.
  - xi. An open area located within the front wall shall be a minimum of 36 inches in height.
- c. Additional requirements applying to storage buildings or space, attached or detached, subject to:
- i. A maximum area of 120 square feet;
  - ii. A maximum height of 10 feet above grade when detached or 10 feet above finished floor when attached; and
  - iii. Location within the buildable area unless placed in the rear quarter of the space or lot and separated from the recreational vehicle by at six feet.
3. Manager's office, clubhouse and residence, which may be of conventional construction and not to exceed a maximum height of 25 feet.
4. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction and not exceed a maximum height of 25 feet.
5. Outdoor recreation facilities such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park or subdivision.
6. Common-use laundry facilities, maintenance buildings, and security guard houses, which may be of conventional construction.
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7. Designated areas for boat and recreational vehicle storage which are used solely by the residents of the park or subdivision.
8. Recreation center parking lots and guest parking areas.
9. Manufactured homes, mobile homes, or modular homes may be placed on designated recreational vehicle lots or spaces subject to approval of an administrative use permit.

**B. *Residential Manufactured Home Parks and Subdivisions – Permitted Uses.***

1. One manufactured home, mobile home, or modular home on each approved space. No dwelling units of conventional construction shall be permitted on any space for living purposes, except as specified below.
2. Manufactured home, mobile home, or modular home accessory structures.
3. Storage buildings, attached or detached, subject to:
  - a. A maximum area of 150 square feet;
  - b. A maximum height of 10 feet;
  - c. Location within the buildable area unless placed in the rear quarter of the space or lot and separated from the recreational vehicle by at least six feet.
4. Manager's office and residence, which may be of conventional construction and not to exceed a maximum height of 25 feet.
5. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction and not to exceed a maximum height of 25 feet.
6. Outdoor recreation facilities such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park.
7. Common-use laundry facilities, maintenance buildings, and security guard houses, which may be of conventional construction.
8. Designated areas for boat and recreational vehicle storage which are used solely by the residents of the park.
9. Recreation center parking lots and guest parking areas.

**C. *Development Requirements.***

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1. A minimum of five percent of the required recreational area shall be enclosed within a recreation hall or building. Public or private streets, vehicle storage areas, and exterior boundary landscaping areas shall not be included when calculating required recreational area.
2. A six-foot-high screen wall shall be required along all park and subdivision boundaries. Such wall shall be placed on the interior side of the required landscape strip.
3. Access to lots or spaces shall be from the interior of the park or subdivision.
4. Private streets shall be paved to a minimum width of 32 feet including required sidewalks when flush with the surface of the paving.
5. Concrete sidewalks at least three feet in width shall be provided on each side of interior private streets.
6. Required parking spaces shall be paved with either two inches of asphalt or four inches of concrete.

D. *Temporary Parking.*

1. Manufactured homes, mobile homes, modular homes, recreational vehicles, and park model home trailers shall not be parked, stored, or occupied on any property which is not part of an approved manufactured home or recreational vehicle park, subdivision, sales, or storage lot or approved under this section.
2. Temporary parking of a manufactured home, mobile home, modular home, park model home trailer, or recreational vehicle is subject to the following regulations:
  - a. Emergency parking of a manufactured home, mobile home, modular home, park model home trailer, or recreational vehicle for a period of no longer than eight hours is permitted on any public thoroughfare subject to the provisions of the parking and traffic regulations of the city.
  - b. The temporary parking of a recreational vehicle or park model home trailer on a public street in a residential area for the purposes of loading, unloading, or cleaning for a period of time not to exceed 48 hours shall also be permitted subject to the parking and traffic regulations of the city and provided the vehicle is not parked so as to create a traffic hazard or obstruct traffic visibility.
  - c. On-site parking or storage of a recreational vehicle or park model home trailer is permitted in accordance with the following, provided such recreational vehicle is not used for living quarters or commercial purposes:
    - i. Within an enclosed accessory building or garage in all zoning districts.

- ii. Where outdoor storage is otherwise allowed in the commercial and industrial districts. [Ord. 14-12 § 1; Res. 14-36 § 410.15.]

### **18.120.160 Medical marijuana uses.**

Medical marijuana uses shall be located, developed, and operated in compliance with the following standards:

- A. *Compliance with Law.* All medical marijuana uses shall conform with the Arizona Medical Marijuana Act A.R.S. §§ [36-2801](#) through [36-2819](#) and any applicable Maricopa City Code.
- B. *Allowable Zones.* GC (dispensaries only, no cultivation); LI and GI (infusion and cultivation facilities).
- C. *Location.* All medical marijuana uses cannot be located:
1. Within 250 feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
  2. Within 500 feet of other dispensaries, abuse treatment facilities, group and residential care homes, transitional and supportive housing facilities, alcohol rehabilitation facilities, correctional transitional facilities, public or private elementary or secondary schools, kindergarten or preschools, day care centers or similar uses, parks and recreational facilities, civic facilities, and religious facilities. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
- D. *Alcohol.* No alcohol can be sold or distributed on the premises for on- or off-site consumption.
- E. *Hours of Operation.* Hours of operation shall be limited to the time period between 8:00 a.m. and 10:00 p.m.
- F. *No Drive-Through Facilities.* No drive-through facilities are permitted.
- G. *Dispensary.*
1. *Size.* The maximum size for a medical marijuana dispensary is 2,500 square feet. Storage cannot be larger than 500 square feet.
  2. *Cultivation.* No medical marijuana cultivation may occur on the same premises as a dispensary.

3. *Signage.* Signage shall be limited to one wall sign not to exceed 10 square feet in area, and one identifying sign not to exceed two square feet in area. Signs shall not be directly illuminated. Any sign shall include the following language: "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The required text shall be a minimum of two inches in height.

4. *Disposal of Products.* The dispensary shall provide for proper disposal of marijuana remnants of by-products, and which are not to be placed within the facility's exterior refuse containers.

#### H. *Cultivation.*

1. *Size.* The maximum size for a medical marijuana cultivation facility is 3,000 square feet. Storage cannot be larger than 1,000 square feet.

2. *Amount.* Authorized patients may grow up to 12 marijuana plants.

3. *Enclosed Locked Facility.* All marijuana plants must be cultivated in a permanent, enclosed, locked facility, which is a closet, room, greenhouse or other enclosed area quipped with locks or other security devices that permit access only by a cardholder. It may not be located in a trailer, cargo container, or motor vehicle.

4. *Sales.* Customer sales are prohibited.

I. *Disposal of Products.* The dispensary shall provide for proper disposal of marijuana remnants of by-products, and which are not to be placed within the facility's exterior refuse containers.

J. *Abandonment.* If a medical marijuana use closes for a duration longer than 12 months or if its license is revoked, the use will be considered abandoned and any authorization for the use on the lot shall be null and void. [Ord. 14-12 § 1; Res. 14-36 § 410.16.]

### **18.120.170 Mobile ~~food vendors.~~ Merchants**

Mobile Merchants shall be located, developed, and operated in compliance with the following standards:

#### **A. Compliance with State Licensing Requirements.**

1. It shall be unlawful for any person to operate a mobile food unit or act as a mobile food vendor without having first obtained a valid license from Pinal County Department of Health Services pursuant to A.R.S. § 36-1761.

#### B. Permit Requirements.

1. It shall be unlawful for a person to operate a mobile sales unit at any location within the City without obtaining a zoning permit in accordance with City permit requirements. The mobile merchant shall comply with the requirements of this article.
2. A permit issued pursuant to this article, including a renewal of a permit, is valid from the date of issuance if the mobile merchant is in compliance with this article. The permit is nontransferable.

#### C. Operation Requirements.

1. Fire Safety and Inspection. A mobile merchant must ensure that all mobile sales units comply with the version of the International Fire Code in effect at the time when the permit is issued, state law, and the City code relating to fire and explosion safety standards.
2. It is unlawful for any person to operate a mobile sales unit that does not meet the requirements in this section.
3. A mobile sales unit(s) shall be inspected by the City's Fire Division, or the mobile merchant shall provide evidence that the mobile sales unit passed a fire inspection by another city or town fire department in this state within the preceding twelve (12) months.
4. Provide a minimum of one fifteen (15) gallon trash receptacle within fifteen (15) feet of each individual mobile sales unit for customers and employees;
5. Transport the trash from the area of operation to an authorized waste disposal location.
6. A mobile sales unit shall have adequate lighting to ensure customer safety in the vending area. Lighting shall be directed downwards and away from rights-of-way and adjacent properties.

#### D. Insurance.

1. If the mobile food unit operates an event sponsored by the City or operates on public property, including rights-of-way or property owned by the City, the mobile merchant shall obtain insurance naming the City as an additional insured in amounts as

required by the City and in accordance with the requirements of A.R.S. Title 9, Chapter 4, Article 7.2.

2. The insurance company issuing the policy shall be authorized to issue commercial liability policies in Arizona by the Arizona Department of Insurance.
  3. The policy shall designate by manufacturer's serial or identification number all mobile sales units for which coverage is granted.
  4. The policy shall insure the person named in the policy and any other person using the mobile merchant with the express or implied permission of the named insured against any liability arising out of the ownership, maintenance or use of the mobile sales unit in Arizona.
  5. Obstruct the movement of pedestrians or other vehicles using the sidewalk, street, alley, or other public right-of-way.
  6. No sales of food items in glass containers shall be permitted.
  7. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits.
  8. One A-frame sign shall be allowed within 10 feet of the mobile food vendor. Refer to city sign regulations for size limitations in Chapter 18.115 MCC.
- E. Location. A mobile merchant shall operate a mobile sales unit only in Commercial zoning districts in accordance with the City Zoning Code and subject to the following limitations and conditions:
1. Residential Area. A mobile food vendor shall not operate in an area zoned for residential use or within two hundred fifty (250) feet of an area zoned for residential use, except:
    - a. A mobile food vendor selling only ice cream may operate on public rights-of-way in areas zoned for residential use; or
    - b. Subject to applicable laws and the City Code, a mobile merchant may operate on private property in a residential area if the mobile merchant obtains a separate agreement with the property owner to operate a mobile sales unit for a maximum of six (6) hours within a twenty-four (24) hour period on the private property.
  2. City-Owned Property. A mobile merchant shall only operate in a legal parking space. If the mobile food vendor desires to operate on City property other than a legal parking space in a right-of-way, the mobile food vendor shall obtain from the City:

- a. A separate licensing for use, services contract, or similar agreement, which will be entered into at the City's sole discretion and applicable law; or
- b. A special event permit or similar permission in accordance with the City Code.

3. Private Property: A mobile merchant shall obtain written permission to use any private property where a mobile sales unit is operating and shall provide proof of such written permission on demand by the City.

Notwithstanding the permission of a person owning or having lawful control of private real property, a mobile sales unit shall not remain in one location on private property for longer than ninety-six (96) consecutive hours, unless the City grants permission for a permitted event greater than four (4) days. "One location" within this subsection means a location within a parcel of land and includes movements from different parked positions within the same parcel.

4. Airports/Public Transit. Mobile merchants shall not operate at any City airport or public transit facility unless the mobile merchant has entered into a separate licensing for use agreement or similar services agreement with the City, which the City will enter in its sole discretion and applicable law.

- F. Parking. A mobile sales unit shall comply with this subsection and applicable law as it pertains to parking, unless parking is governed by a separate subsection in this article.

1. A mobile sales unit shall only operate in a legal parking space.
2. A mobile sales unit, including any semi-permanent structure used or associated with the mobile sales unit, may use no more than one (1) legal parking space, unless the mobile merchant has a separate agreement with the City to use additional legal parking spaces or parking spaces on City property other than right-of-way.
3. No mobile sales unit exceeding twenty-four (24) feet may park diagonally in a diagonal parking space or park in any manner that occupies more than one (1) diagonal parking space.
4. No mobile sales unit shall operate with the serving window facing street traffic.
5. A mobile sales unit shall abide by all parking regulations, including posted time limits. If there are no other time restrictions on the use of a legal parking space, a mobile sales unit shall not occupy a legal parking space for more than six (6) hours in a twenty-four (24) hour period. "Occupy" within this subsection means within one hundred (100) feet of the place in which the mobile sales unit was initially parked.
6. A mobile food unit shall not occupy a legal parking space with insufficient parking capacity as prescribed by City Zoning Code and applicable law, and includes occupying a legal parking space that reduces the number of available parking spaces surrounding the area which is required for the principal use or uses of the property associated with the parking spaces as set forth in A.R.S. Title 9, Chapter 4, Article 7.2.



7. A mobile merchant shall not claim or attempt to establish any exclusive right to park at a particular street location, unless the parking space is part of a permitted event.

~~The following restrictions shall apply to all mobile food vendors operating within the city located within mixed use, commercial, industrial, and open space, public, and institutional districts:~~

A. ~~No vendors shall conduct any vending operations other than the sales of food items for immediate consumption.~~

A. ~~No vendor shall conduct any vending operations from any device or vehicle other than a pushcart or mobile truck. All pushcarts and mobile trucks must comply with a zoning permit, and the city may, in its discretion, prohibit the use of any pushcart or mobile food truck on any reasonable grounds, including aesthetic or safety reasons.~~

B. ~~Pushcarts or mobile food trucks used by Mobile vendors shall not:~~

- ~~1. Be left unattended at any time;~~
- ~~2. Be parked or placed within 15 feet of any ROW;~~
- ~~3. Operate within 300 feet of a like business or another such mobile food vendor;~~
- ~~4. Be permitted a permanent or proprietary location on any property within the city;~~
- ~~5. Inactive vendors shall not leave their pushcart or mobile food truck on site;~~
- ~~6. Leave mobile food vendor equipment on site for overnight storage;~~
- ~~7. Be parked or placed within 25 feet of the entrance or exit to any building; and~~
- ~~8. Operate within 600 feet of a school.~~

C. ~~No sales of food items in glass containers shall be permitted.~~

D. ~~Mobile food vendors shall be responsible for keeping the area clean of any litter or debris.~~

E. ~~No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits.~~

F. ~~If a business is subject to a certificate of health or sanitary examination, the person applying for zoning approval must produce such certificate or permit from the county health department, as required by state law, within 90 days before a permit can be issued.~~

G. ~~One A-frame sign shall be allowed within 10 feet of the mobile food vendor. Refer to city sign regulations for size limitations in Chapter 18.115 MCC.~~

~~H. Mobile food vendors shall secure written permission from a sponsoring business owner of the site. The mobile food vendor must be able to use the sanitary facilities of the sponsoring business owner.~~

~~I. Provide written permission from property owner to locate mobile food operation on property in accordance with an approved site plan.~~

~~J. Traffic circulation, public safety, siting of mobile food vendor, and parking will be reviewed and may be subject to conditions of approval.~~

~~K. *Permitted Hours and Days of Operation.*~~

~~1. The hours of operation for all mobile food vendors shall be limited to the hours that the on-site, permanent business is open.~~

~~2. Mobile food vendors shall be limited to 14 consecutive days maximum at each temporary location and shall remove their pushcart or mobile food truck when the on-site business is not open.~~

~~L. Neither the zoning administrator, hearing officer, nor the board of adjustment shall have the jurisdiction to grant a variance from the provisions of subsections [\(A\)](#), [\(B\)](#), [\(C\)](#), [\(D\)](#), [\(E\)](#), [\(F\)](#), [\(G\)](#), [\(H\)](#), [\(I\)](#), [\(J\)](#), [\(K\)](#), or [\(L\)](#) of this section. [Ord. 14-12 § 1; Res. 14-36 § 410.17.]~~

### **18.120.180 Off-track betting establishments.**

Off-track betting establishments shall be an accessory use located, developed, and operated in compliance with the following standards:

A. *License.* An off-track betting establishment shall be required to have a valid business license from the city and state which must be renewed annually.

B. *Location.* An off-track betting license will not be granted unless located a minimum of 1,000 feet from any other such establishment, any public park, and any elementary or secondary educational facility. [Ord. 14-12 § 1; Res. 14-36 § 410.18.]

### **18.120.190 Outdoor dining and seating.**

Outdoor dining and seating shall be designed, located, and operated consistent with the following standards:

- A. *Purpose.* The purpose of this section is to permit outdoor dining and seating that enhance the pedestrian ambiance of the city and ensure that they do not adversely impact adjacent properties and surrounding neighborhoods consistent with the goals, objectives, and policies of the general plan.
- B. *Applicability.* The provisions of this section shall apply to all new sidewalk cafes and to all existing sidewalk cafes at such a time as the outdoor dining and seating is expanded or enlarged.
- C. *Accessory Use.* Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same parcel, a contiguous adjacent parcel, or on public right-of-way immediately adjacent to the tenant space.
- D. *License Agreement.* A license agreement for outdoor dining and seating on the public right-of-way shall be approved in a form required by the city.
- E. *Barriers.* If barriers are provided, they shall be in the manner required by the city.
- F. *Enclosure.* Awnings or umbrellas may be used in conjunction with a sidewalk café, but there shall be no permanent roof or shelter over the outdoor dining and seating area. Awnings shall be adequately secured, retractable, and shall comply with the building code adopted by the city and any applicable design guidelines.
- G. *Fixtures.* The furnishings of the interior of the outdoor dining and seating shall consist only of movable tables, chairs and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the principal building.
- H. *Refuse Storage Area.* No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from the sidewalk café on the public sidewalk or right-of-way. Outdoor dining and seating shall remain clear of litter at all times.
- I. *Hours of Operation.* The hours of operation of the outdoor dining and seating shall be limited to the hours of operation of the associated restaurant or other eating and drinking establishment.
- J. *Parking.* Where outdoor dining and seating occupy less than 200 square feet of area, additional parking spaces for the associated eating and drinking establishment shall not be required. Parking shall be provided according to the required ratio in Chapter [18.105](#) MCC, On-Site Parking and Loading, for any area exceeding 200 square feet dedicated to outdoor dining. [Ord. 14-12 § 1; Res. 14-36 § 410.19.]

### **18.120.200 Noninstitutional banking.**

A noninstitutional banking establishment (aka nonchartered financial institutions), other than a state or federally chartered bank, credit union, mortgage lender, or savings and loan association, must meet the following standards:

- A. *License.* A noninstitutional banking establishment shall be required to have a valid business license from the state which must be renewed annually.
- B. *Conditional Use Required.* A noninstitutional banking establishment must obtain a conditional use permit from the planning and zoning commission.
- C. *Location.* Minimum 1,000 lineal feet from another noninstitutional bank location, pawn shop, tobacco paraphernalia sales, off-track betting establishment, and tattoo or body modification parlor. [Ord. 14-12 § 1; Res. 14-36 § 410.20.]

### **18.120.210 Personal services and restricted personal services.**

Personal services and restricted personal services shall be located, developed, and operated in compliance with the following standards:

- A. *Hours of Operation.* Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. unless otherwise specified.
- B. *Massage and Massage Services.*
  - 1. *Location.* Massage and massage service uses shall be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, check-cashing facility, off-track betting establishment, any public park, and any elementary or secondary educational facility.
- C. *Tattoo or Body Modification Parlor.*
  - 1. *Location.* Tattoo and body modification parlors shall be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, check-cashing facility, off-track betting establishment, any public park, and any elementary or secondary educational facility.
  - 2. *Registration Required.* Any person who is engaged in the business of tattooing or body modification shall provide evidence of registration with the Pinal County public health department and city codes.

3. *No Persons Under 18.* A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by a parent or legal guardian. [Ord. 14-12 § 1; Res. 14-36 § 410.21.]

### **18.120.220 Personal storage facilities.**

Personal storage facilities shall be located, developed, and operated in compliance with the following standards:

A. *Business Activity.* All personal storage facilities shall be limited to inactive items. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.

B. *No Hazardous Materials Storage.* No storage of hazardous materials is permitted.

C. *Notice to Tenants.* As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.

D. *Open Storage.* Open storage, outside an enclosed building, shall be limited to vehicles and trailers with a valid registration and screened from public view by building facades or solid fences of eight feet with view-obscuring gates.

E. *Circulation.* Driveway aisles shall be a minimum of 24 feet wide.

F. *Exterior Wall Treatment and Design.* Exterior walls visible from a public street or residential district shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural “caps,” attractive posts, or similar measures. A gate(s) shall be decorative iron or similar materials. [Ord. 14-12 § 1; Res. 14-36 § 410.22.]

### **18.120.230 Recycling facilities.**

Recycling facilities shall be located, developed, and operated in compliance with the following standards:

A. *Reverse Vending Machines.*

1. *Accessory Use.* Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.

2. *Location.* Machines shall be located adjacent to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation.

3. *Identification.* Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

4. *Signs.* The maximum sign area on a machine is four square feet, exclusive of operating instructions.

5. *Lighting.* Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.

6. *Trash Receptacle.* Machines shall provide a 40-gallon garbage can for nonrecyclable materials located adjacent to the reverse vending machine.

B. *Recycling Collection Facilities.*

1. *Size.* Recycling collection facilities that are not part of a recycling processing facility shall not exceed a building site footprint of 1,000 square feet or include more than three parking spaces (not including space periodically needed for the removal or exchange of materials or containers).

2. *Equipment.* No power-driven processing equipment, except for reverse vending machines, may be used.

3. *Location.* Facilities shall not be located within 50 feet of a residential district.

4. *Setback.* Facilities shall be set back at least 10 feet from any street lot line and not obstruct pedestrian or vehicular circulation.

5. *Containers.* Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Capacity shall be sufficient to accommodate materials collected in the collection schedule.

6. *Identification.* Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.

7. *Signs.* The maximum sign area shall be 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. The zoning administrator may authorize increases in the number, size, and nature of additional signs for necessary directional or identification purposes but not for outdoor advertising.

8. *Parking.* Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows available capacity during recycling facility operation.

9. *Site Maintenance.* Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials. Noise and odors shall be contained within the immediate area of the establishment so as not to be a nuisance to neighbors.

C. *Recycling Processing Facility.*

1. *Location.* Facilities shall not abut a residential district.

2. *Screening.* The facility must be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.

3. *Outdoor Storage.* Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.

4. *Identification.* Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

5. *Site Maintenance.* Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials. Noise and odors shall be contained within immediate area of the establishment so as not to be a nuisance to neighbors. [Ord. 14-12 § 1; Res. 14-36 § 410.23.]

## **18.120.240 Group home.**

Group homes are permitted in all single-family districts subject to the requirements provided herein. The purpose of these regulations is to permit minors, disabled, handicapped or elderly persons to reside together in single family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.

A. *Registration.* Group homes with seven to 10 residents shall submit a completed zoning permit application and required supplemental materials to the planning division on a form established by the zoning administrator. For group homes with seven to 10 residents that are licensed by the state, county or other governmental authority, a tentative zoning permit may be issued upon verifying the application complies with the standards below. Said group homes shall be considered to be registered with the city at the time they receive a tentative zoning permit. In all cases, permits for group homes shall terminate when the group home use ceases.



B. *Standards.* Group homes shall be located, developed, and operated in compliance with the following standards:

1. *Occupancy.* The number of residents, excluding staff, shall not exceed:
  - a. One to six residents – No zoning permit required.
  - b. Seven to 10 residents – A zoning permit is required.
2. *Separation.* The minimum separation between group homes shall be 1,200 feet, as measured from the closest property lines.
3. *Exterior Appearance.* There shall be no sign or other exterior indication of a group home visible from a street. A minimum six-foot-high wall or fence shall be provided for purposes of screening and securing outdoor recreational areas.
4. *Compliance with all Applicable Building and Fire Safety Regulations.* Group homes shall comply with any and all other applicable state or local requirements including, but not limited to, the city's building and fire codes. These requirements may require safety measures such as fire sprinklers, alarms and monitoring systems depending on such factors as the number of residents and whether the residents are capable of self-preservation.
5. *Licensing.* Group homes shall comply with any and all applicable state licensing requirements.
6. *Parking.* Any parking for the group or residential care homes shall be on site and comply with the requirements of Chapter [18.105](#) MCC, On-Site Parking and Loading.
7. *Exclusive Use.* All administrative activities, including staffing, counseling, and other visitations, shall serve only the residents of the group home.
8. *Pre-Emptions.* Notwithstanding the foregoing, if the state has adopted laws or rules for the regulation of a specific type of group home, then any such state law or rule shall apply in addition to the conditions listed herein and/or shall preempt any conflicting condition listed herein.

C. *Request for Accommodation.* If a group home owner believes any requirement of the zoning code prevents the establishment of a group home in an economically viable manner, the owner shall submit to the zoning administrator a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the zoning administrator to make an individualized determination of the group home's needs, to address the city's safety and welfare concerns, and to assure compliance with this section. The zoning administrator shall review the written request and determine:



1. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act;
2. If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood; and
3. The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act. Profitability or financial hardship of the owner/service provider of a facility shall not be considered by the zoning administrator in determining to grant a reasonable accommodation waiver. An appeal of the decision of the zoning administrator may be made regarding reasonable accommodation to the board of adjustment pursuant to Chapter [18.135](#) MCC. [Ord. 18-05 § 2; Res. 18-20; Ord. 14-12 § 1; Res. 14-36 § 410.24.]

### **18.120.250 Restricted retail uses.**

Restricted retail uses shall be located, developed, and operated in compliance with the following standards:

A. *Hours of Operation.* Hours of operation shall be limited to the time period between 7:00 a.m. and 10:00 p.m.

B. *Tobacco Oriented Retailers.* Application for tobacco oriented retailers shall comply with and show the method of complying with the following standards:

1. The use shall be at least 1000-feet from another tobacco retailer, public, private, or charter school, parks/playgrounds or licensed day care facilities, noninstitutional banking establishment, or off-track betting establishment,
2. The separation distance shall be measured in a straight line from the store footprint of the tobacco oriented retailer use to the nearest building footprint of the other listed uses.

~~B. *Tobacco Paraphernalia Establishment.*~~

~~1. Tobacco paraphernalia establishments do not include retail establishments that are dedicated to the sale of any device used to store or preserve tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law, or licensed medical marijuana uses.~~

~~2. *Location.* Tobacco paraphernalia establishments shall be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, noninstitutional banking~~

~~establishment, off-track betting establishment, any public park, child day care facility, and any elementary or secondary educational facility.~~

~~3. *No Persons Under 18.* A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by his or her parent or legal guardian.~~

C. *Pawn Shop.*

1. *Location.* Pawn shops shall be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, noninstitutional banking establishment, off-track betting establishment, any public park, and any elementary or secondary educational facility.

D. *Hookah Lounge.*

1. *Location.* Hookah lounges shall be located a minimum of 1,000 feet from any other such establishment or smoke shop, hookah lounge, noninstitutional banking establishment, off-track betting establishment, any public park, and any elementary or secondary educational facility.

2. *No Persons Under 18.* A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by his or her parent or legal guardian. [Ord. 14-12 § 1; Res. 14-36 § 410.25.]

## **18.120.260 Temporary uses.**

Temporary uses require an approved temporary use permit to operate pursuant to MCC [18.150.080](#) unless otherwise specified in this code. Temporary uses shall be located, developed, and operated in compliance with the following standards:

A. *General.* A temporary use is intended to operate only for a limited period of time.

B. *Carnivals, Fairs, and Festival Events.* Carnivals, fairs, and festival events, including arts, neighborhood and community fairs, in connection with an existing commercial use or in conjunction with an activity of a civic organization, church, lodge, public or private educational facility, or other such group or organization are permitted in accordance with the following standards:

1. *Location.* Carnivals, fairs, and festival events are limited to areas within commercial, mixed use, and employment districts, or on property owned by a public or private educational facility, institution, or religious facility. Corn mazes and similar activities are permitted in rural districts. Neighborhood and community fairs are permitted in rural and residential districts.

2. *Time Limit.* When located within or adjacent to a residential district, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m., unless a longer time period is approved with a temporary use permit.

3. *Duration.* Carnivals, fairs, revivals and festival events are limited to no more than 10 consecutive days, separated by at least 30 calendar days four times a year. A more limited duration may be established in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the city as a whole.

4. *Existing Parking.* Where such a use is proposed within a developed parking lot, the available parking shall not be reduced to less than 75 percent of the minimum number of spaces required by this code (or an alternative method for parking is approved by staff), and traffic access shall be maintained.

C. *Farmers Markets.* Farmers markets shall be located, developed, and operated consistent with the following standards:

1. *Operator.* Farmers markets must be operated by one or more certified producers, a nonprofit organization, or a local government agency.

2. *Vendors.* At least 70 percent of vendors must be farmers, ranchers, and other businesses who sell food, plants, flowers, and added-value products such as jams and jellies.

3. *Management Plan.* A management plan shall be prepared and provided to the zoning administrator. The management plan shall include the following:

a. Identification of a market manager or managers, who shall be present during all hours of operation.

b. A set of operating rules addressing the governance structure of the market, the method of assigning booths and registering vendors, hours of operation, maintenance, security, refuse collection, and parking.

4. *Hours of Operation.* Market activities shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. Set up of market operations shall begin no earlier than 6:00 a.m., and take down shall end no later than 8:00 p.m.

5. *Waste Disposal.* Adequate composting, recycling, and trash containers shall be provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

D. *Garage Sales.* A garage or yard sale may be conducted on any developed lot in a residential or rural district, subject to the following requirements. No permit is necessary to conduct a garage sale.

1. No more than four such sales may be conducted on any one lot in any one calendar year.

2. Each sale period shall be for no more than three days within a three-month duration.
3. All merchandise to be sold shall be displayed on a private lot and not within the public right-of-way. Merchandise shall be personal property of the family or families hosting the sale and shall not have been purchased for resale.

E. *Model Homes*. Model homes with sales offices and temporary information/sales trailers in new residential subdivisions are subject to the following requirements:

1. *Time Limits*. A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of 12 months.
2. *Location of Sales*. Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision it is located and to other subdivision projects under the same ownership.
3. *Return to Residential Use*. Prior to the close of a sale of any of the model homes as a single-family residence, any portion used for commercial purposes will be converted to its intended residential purpose, including flagpoles.
4. *Term of Use*. The model home may be established and operated until completion of the sale of the lots or residences within the subdivision, or for a duration specified as a condition of the temporary use permit.

F. *Swap Meets*. Outdoor swap meets, antique markets, and similar multi-vendor open-air ventures are allowed in accordance with the following standards:

1. *Location*. Outdoor markets are limited to areas within public/semi-public, commercial, mixed use, and employment districts, or on property owned by a public or private educational facility, institution, or religious facility.
2. *Time Limit*. When located within or adjacent to a residential district, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m., unless a longer time period is approved with a temporary use permit.
3. *Duration*. Swap meets may only operate once per month for no more than two consecutive days.
4. *Existing Parking*. Where such a use is proposed within a developed parking lot, the available parking shall not be reduced to less than 75 percent of the minimum number of spaces required by this code (unless an alternative method for parking is approved by city staff), and traffic access shall be maintained.

G. *Temporary and Seasonal Outdoor Sales*. Temporary and seasonal outdoor sales are allowed in accordance with the following standards. An approved administrative use permit is required.

1. *General Requirements.* Temporary outdoor sales, including but not limited to grand opening events, and other special sales events, on private property in nonresidential districts are subject to the following standards:
  - a. Except for seasonal sales, temporary outdoor sales are part of an existing business on the same site and are limited to a seven-day period four times a year.
  - b. Sales events must be conducted solely on private property and not encroach within the public right-of-way or occupy required parking, unless an alternative parking scenario is approved by staff to meet the intent. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
2. *Seasonal Sales.* The annual sales of Christmas trees, fireworks, pumpkins and similar items are permitted in accordance with the following standards:
  - a. *Time Period.* Pumpkin sales are permitted from October 1st through November 7th. Christmas tree sales are permitted from November 15th through December 31st. Seasonal sales associated with other holidays are permitted up to a month preceding and one week following the holiday.
  - b. *Goods, Signs and Temporary Structures.* All trees, pumpkins, or other items for sale, as well as signs and temporary structures, shall be removed within five days after the end of sales, and the appearance of the site shall be returned to its original state.
3. *Nonprofit Fund Raising.* Fund raising sales by a nonprofit organization for up to three days per event.
4. *Long-Term Special Events and Sales.* Other special events, outdoor sales, and displays that exceed seven consecutive days may be permitted in accordance with the following standards:
  - a. *Location.* Events are limited to nonresidential districts.
  - b. *Number and Duration of Events.* No more than four events at one address shall be allowed within any 12-month period unless a temporary use permit is obtained. The duration of any single event shall not exceed 30 days.
  - c. *Existing Business.* Temporary outdoor sales shall be part of an existing business on the same site.
  - d. *Signs.* Signs shall conform with the provisions of Chapter [18.115](#) MCC.
5. *Vehicle Sales Prohibited.* The parking of privately owned used automobiles in parking lots for the express purpose of offering the vehicle for sale is prohibited, unless permission is

granted by the property owner and multiple cars are not offered for sale at one time. This restriction does not apply to automobile/vehicle sales and leasing uses. [Ord. 14-12 § 1; Res. 14-36 § 410.26.]

### **18.120.270 Transitional and supportive housing facilities.**

Transitional and supportive housing facilities shall be located, developed and operated only with an approved conditional use permit and in conformance to following standards:

A. *Location – Separation from Dissimilar Uses.* A minimum distance of at least 500 feet from all of the following:

1. A public or private school building with kindergarten programs or grades one through 12, and any recreational area adjacent to such school building; and
2. A church; and
3. A public park.

B. *Location – Separation from Similar Uses.* Transitional housing facilities shall provide a separation of at least 5,280 feet from any other transitional housing facility, and a minimum of 500 feet to another residential use.

C. *Location Exception Criteria.* The city council, at its discretion, may grant an exemption to the separation provisions of subsection (A) of this section if it makes all of the following findings:

1. That the location of the proposed activity will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare; and
2. That the granting of the exception will not violate the spirit and intent of this section; and
3. That compliance with this separation requirement will place an undue hardship on the owner of the facility; and
4. That all other applicable provisions of the city code will be observed.

D. *Maximum Occupancy – Transitional Housing.* The maximum number of residents in transitional housing facilities is limited to 30.

E. *Restrictions on Related Uses.* Transitional housing facilities may include any boarding house, dormitory, or multiple unit dwelling, or other dwelling when developed, promoted, and advertised as a correctional transitional housing facility, but shall not include group homes for the handicapped, or any facility providing counseling or other services to individuals who do not reside on the premises.

F. *Criteria for Review of Conditional Use Permit.* The review of the conditional use permit shall include a review and determination regarding the following items:

1. The use is found to be in compliance with the general plan and other recognized development plans or policies, and will be compatible with surrounding uses; and
2. A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations; and
3. A finding that a “good neighbor policy” in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses. Such policies shall include, but are not limited to, the name and telephone number of the manager or person responsible for the operation of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures; and
4. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in conformance with all current city development standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines. [Ord. 14-12 § 1; Res. 14-36 § 410.27.]

### **18.120.280 Food and beverage sales.**

**Site Operations and Management.** Facilities that utilizes shopping carts shall be operated in compliance with the following standards:

#### **A. Shopping Carts.**

1. Prior to final occupancy of a retail site, retail establishments furnishing shopping carts for use by its customers shall install and maintain a system that physically prevents shopping carts from leaving the site.
2. Signs shall be installed on the carts and near the doorways that notify customers that the carts are equipped to prevent them from leaving the parking lot.
3. A plan showing how this is to be accomplished shall be submitted to the Planning and Zoning Division prior to final occupancy.



**Zoning Code Minor Update  
Summary of Proposed Amendments  
Chapter 18.140 Common Procedures**

**Section 18.140.020 Application submittal and review (p. 1-3)**

1. **Sec. 18.140.020 C (1):** Added “by the city manager or his/her designee” for fee waiver or deferral of fees.
2. **Sec. 18.140.020 C (3):** Revised department name to Economic and Community Development.

**Section 18.140.050 Public hearing notification (p. 5-8)**

1. **Sec. 18.140.050 F (1):** Revised notification area from 300 feet to 600 feet.
3. **Sec. 18.140.050 F (1):** Revised department name to Economic and Community Development.
4. **Sec. 18.140.050 E (1)(D):** Added language for the requirement of mailing notices to be written in both English and Spanish.

**Section 18.140.060 Public hearing notification (p. 8-13)**

1. **Sec. 18-140.060 C (1):** Added the responsibility of the applicant to mail out notices and the requirement of English and Spanish mailing notices.
2. **Sec. 18.140.060 C (1)(b)(ii):** Revised notification area from 300 feet to 600 feet.
5. **Table 18.140.060:** Revised notification area from 300 feet to 600 feet for Conditional Use Permit, Development Review Permit, changes to approved Development Review Permit, Variances, Permit Revocation, General Plan amendments, Zoning Code amendments, map amendment, and Planned Area Development District.



## Chapter 18.140

### COMMON PROCEDURES

#### Sections:

18.140.010	Purpose.
18.140.020	Application submittal and review.
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18.140.150	Claim for diminution in value pursuant to A.R.S. § 12-1134.
18.140.160	Interpretations and determinations.

#### 18.140.010 Purpose.

This chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in the code unless superseded by specific requirement of this code or Arizona law. [Ord. 14-12 § 1; Res. 14-36 § 502.01.]

#### 18.140.020 Application submittal and review.

A. *Initiation of Application.* The following persons may file applications:

1. The owner of the subject property; and
2. An agent representing the owner, duly authorized to do so in writing by the owner, including a person with a duly executed written contract or exclusive option to purchase the subject property or a lessee in possession of the subject property.

3. The planning and zoning commission and city council also may initiate applications for amendments to the general plan and to this code and the zoning map.

**B. *Application Forms and Supporting Materials.***

1. *Application Forms.* The development services director (director) or their designee shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this code. As required by A.R.S. § [9-836](#), application forms shall include the following:

- a. A list of all required steps in the application/approval process;
- b. Applicable time frames;
- c. Contact person (name and telephone number);
- d. Website address; and
- e. Notice for opportunity to clarify codes/regulations.

2. *Supporting Materials.* The director may require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project. Unless otherwise specified, all renderings shall depict the proposed structure, landscaping, other improvements, and surrounding land uses as they would appear after project completion.

3. *Claim for Diminution in Value Pursuant to A.R.S. § 12-1134.* No application for a discretionary permit, including amendments to the zoning map, general plan, zoning text, use permits, variance and development review permits, will be deemed complete without submission of a waiver of claims for diminution in value pursuant to A.R.S. §§ [12-1131](#) through [12-1138](#) executed by all the owners of the property. The owner(s) shall verify property ownership by submitting a title report.

4. *Availability of Materials.* All material submitted in support of a specific application becomes the property of the city, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the development services department offices. Unless barred by law, copies of such materials shall be made available at a reasonable cost to be established through city council resolution.

**C. *Payment, Waiver, and Refund of Application Fees.***

1. *Schedule of Fees.* The city council shall establish fees for permits, informational materials, penalties, copying, and other such items. No application shall be processed without payment of a fee unless a fee waiver or deferral has been approved **by the city manager or his/her designee.**
2. *Multiple Applications.* The city's processing fees are cumulative. When more than one type of action is being requested, the total fee shall be the sum of the individual fees specified on the fee schedule.
3. *Refund of Fees.* Once an application is filed with the ~~development~~ **Economic and Community Development** ~~services~~ department, no portion of any application fee shall be refundable, unless the director determines such a refund is justified. Refunds will be made within 30 business days. No refund shall be provided for any application that has been denied.  
[Ord. 14-12 § 1; Res. 14-36 § 502.02.]

### **18.140.030 Preliminary review process.**

A. *Purpose.* The purpose of the preliminary review is intended to acquaint the prospective applicant or applicant's representative(s) with the requirements of this code, the general plan and other relevant city policies and regulations. Preliminary review is intended to be informative and identify potential issues.

B. *Applicability.*

1. Preliminary review may be requested by a prospective applicant or applicant's representative for any proposal.
2. Preliminary review is required for:
  - a. Conditional use permits;
  - b. Major and minor development review permits;
  - c. Home-based businesses in the MU-H District;
  - d. Planned area developments;
  - e. General plan amendments;
  - f. Zoning map and text amendments;
  - g. Proposed subdivisions;
  - h. Any project on a site that is not currently providing sanitary sewer service;

- i. Projects proposing 10 or more residential units; and
- j. Projects proposing over 5,000 square feet of new nonresidential space.

3. Preliminary review is not required for individual single-unit dwelling applications or applications regarding individual structures that are accessory to a single-unit dwelling, unless the project is on a site which does not receive sanitary sewer service (see subsection [\(B\)\(2\)](#) of this section).

C. *Requirements.* Applications for preliminary review under this code shall be submitted to the development services department, in accordance with the format and upon such forms as established by the director.

D. *Preliminary Review Conference.* Upon a preliminary review request being filed, staff will notify the applicant or applicant's representative of a preliminary review conference which shall take place within 30 business days of the preliminary review application being filed and be held at the development services department by appointment. After reviewing the information provided from the applicant, staff from the reviewing city departments and divisions will prepare comments. Staff will review the comments with the applicant or applicant's representative at the preliminary review conference and provide information on code requirements, procedures, and other relevant city policies and regulations. If the city is unable to comply with these time frames, notification will be made to the applicant and proceed as soon as practicable.

E. *Recommendations are Advisory.* Neither the preliminary review conference nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by city representatives. Any recommendations that result from preliminary review are considered advisory only and shall not be binding on either the applicant or the city. [Ord. 14-12 § 1; Res. 14-36 § 502.03.]

## **18.140.040 Review of applications.**

A. *Review for Completeness.* The zoning administrator or his designee shall review all applications for completeness, in conformance with this section. The city will not schedule a meeting or hearing date or begin a substantive review until the application is complete.

B. *Complete Application.* A complete application is one which fulfills the general requirements as described on official application forms available from the development services department. A determination of whether an application is administratively complete shall be made according to the time frame established and available at the development services department.

C. *Incomplete Application.* If an application is incomplete and the applicant fails to submit the missing information within 60 days of the first submittal, the zoning administrator may notify the

applicant that the application cannot be accepted, and a new or correctly revised application and a new fee will be required for the proposed project, as determined by the zoning administrator. A decision by the zoning administrator requiring a reapplication shall be subject to administrative appeal and shall not be construed as denial of the application. A letter shall cite a list of all deficiencies in the application and provide references to the applicable regulation(s) or policy and inform the applicant that the city's mandatory time frame is suspended pending receipt of requested corrections or any missing information. If the city fails to provide this notice to the applicant the application is then deemed complete in accordance with the state's compliance policy. (A.R.S. §§ [9-835\(D\)](#), [9-835\(E\)](#), [9-835\(F\)](#)).

D. *Record Date for a Complete Application.* When an application is determined to be complete, a notation on the application shall make a record of that date. If required, a public hearing shall be scheduled after the first complete review and the applicant shall be notified of the date and time. [Ord. 14-12 § 1; Res. 14-36 § 502.04.]

### **18.140.050 Neighborhood meetings and notifications.**

A. *Purpose.* The purpose of a neighborhood meeting is to provide a means for the applicant, surrounding residential neighbors, and registered neighborhood and homeowners association representatives to review a preliminary project and solicit input and exchange information about the proposed project prior to public hearings. This preliminary meeting is intended to result in an application that is responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. The applicant is responsible for all costs associated with the neighborhood meeting.

B. *Applicability.* A neighborhood meeting is required for the following types of applications:

1. Conditional use permits;
2. Variances;
3. Planned Area Development;
4. Major modification to an approved plan or condition of approval (when original approval requires neighborhood meeting);
5. Annexation requests;
6. Zoning map amendments; and
7. General plan map amendments.

C. *Meeting Schedule.* The applicant is required to hold one meeting prior to the first public hearing on an application for a specific site, but may hold more if desired. The required meeting shall be held at least 15 days and not more than 90 days before the first public hearing on the application. Meetings held more than 90 days before the first public hearing shall be required to hold an additional neighborhood meeting. Neighborhood meetings shall not occur until after any required preliminary review meeting and consultation with the planning division staff.

D. *Meeting Location.* Neighborhood meetings shall be held at a location near the proposed development site. The meeting shall be held on a weekday evening or weekends at any reasonable time and in a publicly accessible location.

E. *Application Submittal.*

1. The neighborhood notice and meeting materials must be submitted with the project application(s) to the development services department, unless otherwise deferred by the zoning administrator to a later date. At a minimum, the following materials must be submitted:

- a. A narrative discussing the proposed time, place and location within the city of the neighborhood meeting;
- b. A list of names and addresses, labeled, stamped envelopes of all the property owners within the target area, and a notarized affidavit by the applicant that the list of names and addresses is accurate, current and complete;
- c. A list of names and addresses of all other interested parties who have requested that they be placed on a notification list maintained by the city clerk;
- d. A notification letter **written in both English and Spanish**, including a general explanation of the substance of the proposed application; the date, time and place within the city scheduled for a neighborhood meeting and for all other city meetings; and the city and applicant contacts;
- e. An eight-and-one-half-inch by 11-inch reduction of the proposed neighborhood sign; and
- f. The applicant's schedule for completion of the neighborhood meeting.

2. The zoning administrator or their designee shall be responsible (a) to review and approve all notification materials, neighborhood meeting location, a brief description of the property change and a land map; (b) to notify the applicant to proceed with the neighborhood meeting; and (c) for mailing the property owner notifications provided by the applicant.

F. *Notification Requirements.* Notice of the neighborhood meeting shall be provided at least 15 calendar days prior to the neighborhood meeting by the applicant in the following manner:

1. *Mailed Notice.* Written notice shall be mailed to all owners and occupants within ~~600~~ 300 feet of the subject property, or a larger area as determined by the zoning administrator, and to such other persons as the ~~development services~~ economic and community development department, or authorized designee, determines to be other potentially affected citizens.
2. *Posted Notice.* Notice shall be provided on the proposed site. The sign shall be waterproof and have a minimum size of 24 inches by 36 inches (36 inches by 48 inches for planned area developments, zoning code amendments and general plan amendments) with all information evenly spaced and organized in a readable manner. The sign shall be placed on the property in a location determined by the zoning administrator or authorized designee.
3. *Electronic Notice.* Where applicable and not in violation of state law, notice may be provided by electronic means such as emailed notice, posted notice on the city's website, or other means determined by the zoning administrator. This type of notice may be substituted for advertised notice. Any persons or organizations may request that electronic notice be substituted for mailed notice through a request to the zoning administrator. Electronic notice cannot be substituted for certain legislative actions, such as rezoning.
4. *Contents of Notices.* All notices shall contain information about the proposal, project description, time, date, location of neighborhood meeting and subsequent city meetings for review and approval (if available), the names and telephone numbers citizens may call with questions and issues, and applicant and city of Maricopa contacts, including name and telephone number.

G. *Meeting Summary.* The applicant shall submit to the development services department 10 calendar days before the first public hearing on the matter a written summary of the issues and discussions from the meeting and the meeting notes. This report will be attached to the development services department's public hearing report and, at a minimum, include the following information:

1. Details of techniques the applicant used to involve the public, including:
  - a. Date(s) and location of meeting;
  - b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters, maps and other publications;
  - c. A copy of the sign-in sheet from the neighborhood meeting which shall include attendee signatures, physical property address, date and the following language: "This sign-in sheet is intended to serve as proof that public input was pursued. Your personal information will not be used for solicitation purposes.";
  - d. A photograph of the posted neighborhood meeting sign showing the date and time at which the photo was taken; and



- e. A newspaper clipping of the legal advertisement as published in the newspaper of general circulation in the city or the electronic notice if allowed as set forth in subsection (F)(4) of this section.
2. A summary of concerns, issues and problems expressed during the process, including:
  - a. The substance of the concerns, issues, and problems;
  - b. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
  - c. Concerns, issues and problems the applicant is unwilling or unable to address and why. [Ord. 14-12 § 1; Res. 14-36 § 502.05.]

### **18.140.060 Public hearing notification.**

A. *Purpose.* This section is intended to provide the public information about upcoming public hearings on land use issues and to provide property owners and interested organizations that may be impacted by a project of a pending action on a land use application. Public hearings shall be preceded by public notice in accordance with this section and state law.

B. *Applicability.* Notice is required for all applications that require a public hearing before the city council, planning and zoning commission, board of adjustment, hearing officer, or zoning administrator.

1. When multiple applications are under review for the same project, the city may simultaneously issue notice for multiple applications. The requirement that provides for greater notice shall apply.
2. The zoning administrator may require additional notification if necessary to meet the requirements of this code and the A.R.S.

C. *Notification Requirements.* Notification shall be provided in the following manner:

1. *Mailed Notice.* The ~~development services department~~ applicant shall mail notices provided by the applicant by first class mail, **in both English and Spanish.**
  - a. Time period:
    - i. Public hearings: Not less than 15 or more than 30 days before the date of the public hearing.
  - b. Recipients:



- i. The applicant, the owner, and any occupant of the subject property; and
  - ii. All property owners of record and tenants of property within a minimum ~~300~~ 600-foot radius of the subject property.
- c. *Notification List.* The applicant shall provide a list of property owners and occupants within the prescribed area of notification and shall sign an affidavit verifying that the list has been prepared in accordance with the procedure outlined in this section.
  - i. *Property Owner Notice.* The last known name and address of each property owner as contained in the records of the Pinal County Assessor shall be used.
  - ii. *Tenant Notice.* The address of the residential and commercial tenants shall be determined by visual site inspection or other reasonably accurate means.
  - iii. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
  - iv. Any person or group who has filed a written request for notice regarding the specific application.
- 2. *Newspaper Notice.* The development services department shall review the notice prior to the applicant publishing in at least one newspaper of general circulation in the city.
  - a. Time period: At least 15 days before the date of the public hearing.
- 3. *Posted Notice.* Notice shall be provided on the proposed site. The sign shall be colored, waterproof with all information evenly spaced and organized in a readable manner. The size of the poster may be increased by the zoning administrator. The sign shall include the proposal, project description, time, date, location of neighborhood meeting, the names and telephone numbers citizens may call with complaints and applicant and city contacts, including name and telephone number. The sign shall be placed on the property in a location determined by the development services department.
  - a. Time period: At least 15 days before the date of the public hearing.
  - b. Size requirements: 24 inches by 36 inches.
- 4. *General Plan and Zoning Code Amendments.* All notification procedures outlined in A.R.S. §§ [9-462.03](#) and [9-462.04](#) must be met. Any general plan or zoning code amendments must meet the following requirements:
  - a. *Newspaper Notice.* Notice shall be provided by a “display ad” covering not less than one-eighth of a full page in a newspaper of general circulation in the city (A.R.S. § [9-462.04](#)(A)(5)).

b. *Posted Notice.* If there is no newspaper of general circulation published or circulated in the city, then notice shall be posted on the affected property and in at least 10 public places in the municipality. The posted notice shall be printed in such a manner so that the following are visible from a distance of 100 feet: the word “zoning,” the present zoning district classification, the proposed zoning district classification, and the date and time of the hearing (A.R.S. § [9-462.04\(A\)\(1\)](#)).

5. *Electronic Notice.* Notice will be provided by electronic means such as emailed notice, posted notice on the city’s website and social media, or other means determined by the zoning administrator. This type of notice may be substituted for advertised notice. Any persons or organizations may request that electronic notice be substituted for mailed notice through a request to the zoning administrator. Electronic notice shall not substitute for any notification required by state law.

D. *Contents of Notice.* All notices shall include the following information:

1. The location of the real property, if any, that is the subject of the application;
2. A general description of the proposed project or action;
3. The names of the applicant and the owner of the property that is the subject of the application;
4. The location and times at which the complete application and project file, including any environmental review, if required, may be viewed by the public;
5. A statement that any interested person or authorized agent may appear and be heard;
6. A statement describing how to submit written comments;
7. The date, time, location, and purpose of the public hearing;
8. The identity of the hearing body or officer; and
9. For city council hearings, the planning and zoning commission recommendation, if any.

E. *Failure to Receive Notice.* Notwithstanding the notice requirements of this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the city for which the notice was given.

F. *Summary of Notification Requirements.* Table 18.140.060 summarizes the notification requirements under this code for each application or action, including the type of notice, the notice requirement and the applicable projects for which such notice is required.

#### **Table 18.140.060 Notification Requirements**

Application or Action	Chapter	Decision-Making Body	Type of Notice	Notice Requirements	Applicable Projects
Zoning Permit	<a href="#">18.145</a>	Zoning administrator	n/a	n/a	All requests requiring a zoning permit
Administrative Use Permit	<a href="#">18.150</a>	Zoning administrator	n/a	n/a	All requests requiring an administrative use permit under this code
Conditional Use Permit	<a href="#">18.150</a>	Planning and zoning commission	Hearing Notice	Mailed: 15 days, <del>300</del> 600 ft. owners and occupants Poster: 15 days Ad: 15 days	All projects requiring a conditional use permit under this code
Temporary Use Permit	<a href="#">18.150</a>	Zoning administrator	Notice	Mailed: 15 days, 300 ft. owners and occupants Poster: 15 days	
Development Review Permit	<a href="#">18.155</a>	Major(1): planning and zoning commission	Major(1): Meeting Notice	Major(1): Mailed: 15 days, <del>300</del> 600 ft. owners and occupants Poster: 15 days	Major(1): • Otherwise required by code
		Minor(1): Zoning administrator	Minor(1): n/a	Minor(1): n/a	Minor(1): • Otherwise required by code
Changes to an Approved Development Review Permit	<a href="#">18.155</a>	Major(1): planning and zoning commission	Major(1): Meeting Notice	Major(1): Mailed: 15 days, <del>300</del> 600 ft. owners and occupants Poster: 15 days	
		Minor(1): Zoning administrator	Minor(1): n/a	Minor(1): n/a	
Waiver from Dimensional Standards	<a href="#">18.165</a>	Zoning Administrator	n/a	n/a	

Application or Action	Chapter	Decision-Making Body	Type of Notice	Notice Requirements	Applicable Projects
Variances	<a href="#">18.160</a>	Board of Adjustment	Hearing Notice	Mailed: 15 days, <del>300</del> 600 ft. owners and occupants Poster: 15 days Ad: 15 days	All Variance Applications
Permit Revocation	18.140.130	Original decision-making body	Meeting Notice	Mailed: 15 days, <del>300</del> 600 ft. owners and occupants Poster: 15 days Ad: 15 days	All Revocations
Heritage Area Development Review Permit	<a href="#">18.155</a>	Major(1): planning and zoning commission	Major(1): Meeting Notice	Major(1): Mailed: 15 days, <del>300</del> 600 owners and occupants Poster: 15 days	Major(1): • Otherwise required by code
		Minor(1): Zoning administrator	Minor(1): n/a	Minor(1): n/a	Minor(1): • Otherwise required by code
General Plan Text and Map Amendments	<a href="#">18.170</a>	Recommendation: planning and zoning commission Final Action: City council	Hearing Notice	Mailed: 15 days, <del>300</del> 600 owners and occupants Poster: 15 days Ad: 15 days	All general plan applications, including those initiated by the city council or planning and zoning commission
Zoning Code and Map Amendments	<a href="#">18.175</a>	Recommendation: planning and zoning commission Final Action: City council	Hearing Notice	Mailed: 15 days, <del>300</del> 600 owners and occupants Poster: 15 days Ad: 15 days	All zoning code applications, including those initiated by the city council or planning and zoning commission
Planned Area Development Districts	<a href="#">18.180</a>	Recommendation: planning and zoning commission	Hearing Notice	Mailed: 15 days, <del>300</del> 600 owners and occupants Poster: 15 days Ad: 15 days	All PAD applications, including those initiated by the city council or

Application or Action	Chapter	Decision-Making Body	Type of Notice	Notice Requirements	Applicable Projects
		Final Action: city council			planning and zoning commission

1 Refer to MCC [18.155.040](#) for definition of a minor development review permit and MCC [18.155.050](#) for definition of a major development review permit.

[Ord. 14-12 § 1; Ord. 19-05 § 3; Ord. 14-12 § 1; Res. 14-36 § 502.06.]

### 18.140.070 Multiple applications.

When multiple applications that require public hearings are filed for the same project, all issues and items shall be heard together by the review body with the most authority. Those actions are subject to appeals according to MCC [18.140.140](#). [Ord. 14-12 § 1; Res. 14-36 § 502.07.]

### 18.140.080 Conduct of public hearings.

All public hearings held pursuant to this code shall comply with the following procedures:

A. *Public Hearing Testimony.* Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state their city of residence, or geographic area of residence if they live in an unincorporated area, and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented. The presiding officer may establish time limits for individual testimony and may require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.

B. *Continuance of Public Hearing.* The body conducting the public hearing may, by motion, continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date and provide notice of the continued hearing.

C. *Investigations.* The body conducting the hearing may request that the director undertake investigations to be made as it deems necessary and in the public interest. The facts established by such investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the hearing body in making its decision.

D. *Record of Hearing.* The body conducting the hearing shall cause a written summary of all pertinent testimony heard at such public hearing, together with a record of the names and addresses of all persons testifying, to be prepared and filed with the papers relating to such matter. These minutes shall be kept on record with the city clerk. [Ord. 14-12 § 1; Res. 14-36 § 502.08.]

### **18.140.090 Findings required.**

When making a decision to approve, approve with conditions, modify, revoke, or deny any permit or approval under this code, the decision-making body shall make findings of fact as required by this code.

A. *Date of Action.* The decision-making body shall decide to approve, modify, revoke, or deny any permit or approval following the close of the public hearing, or if no public hearing is required, within the time period required by this code. The date of action shall be the date of the hearing when a hearing is required by this code.

B. *Notice of Action.* After the decision-making body takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this code, notice of action shall be sent to the applicant. The notice of action shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision. The notice shall be mailed within seven calendar days from the date of taking the action, to the applicant at the address (including electronic addresses) stated in the application and to any other person or entity who has filed a written request of such notification.

C. *Findings.* Findings, when required by state law or this code, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing by the decision-making authority. The findings shall be set forth in the notice of action that the city issues following an appealable decision by the decision-making body and in any resolution the city council adopts following action. [Ord. 14-12 § 1; Res. 14-36 § 502.09.]

### **18.140.100 Conditions of approval.**

A. *Authority.* The decision-making body may impose conditions on any approval. Such conditions shall be designed to implement the requirements of this code, the general plan, the city's strategic plan, and other city policies, codes, or requirements; protect the public from potential adverse impacts from the proposed use or development; or to fulfill an identified need for public services. In addition to those conditions imposed by the decision-making body, the city may consider as a

requirement or condition any plan, exhibit, statement, or other material provided by the applicant and on record with the decision.

B. *Contract for Conditions.* When a land use approval requires a contract, such as but not limited to a development agreement or lease of city property, conditions shall be set forth in a contract executed by the city and the applicant and approved as to form by legal counsel for the city. The contract shall be recorded on the property within 30 days or the time required by state law; the approval will become void unless (1) the project is overturned or modified on appeal; or (2) it is extended by the zoning administrator. The contract shall appear in the chain of the title of the subject property and shall constitute a burden running with the land in favor of the city and, unless otherwise provided, shall be removed only with the written authorization of the city council. The contract shall be enforceable by and against the parties, their heirs, successors and assigns. The contract, however, shall not restrict the authority of the city from taking actions affecting the property.

C. *Time Limits on Conditions.* Conditions shall be fulfilled within the time limitations set forth or a reasonable time if no time limitations are specified. Failure to fulfill a condition within said time may result in initiation of revocation of the approval, citation or such other enforcement action as the city deems appropriate.

D. *Failure to Fulfill Previous Conditions.* The decision-making body may withhold a requested approval if it determines that the current applicant has not fulfilled a previous condition or requirement from a previous approval, granted to the applicant, on the subject property, and withholding the permit would encourage compliance or is necessary to protect the public from future noncompliance.

E. *Modification or Removal of Conditions.* Modification or removal of conditions of approval may be requested on appeal or by application for a minor or major amendment to the existing approval as determined by the zoning administrator. Such proposals shall be processed through the same procedure that was used to impose the conditions, or as otherwise provided in this code. [Ord. 14-12 § 1; Res. 14-36 § 502.10.]

### **18.140.110 Effective dates.**

Decisions made under this code are effective on the date of approval or disapproval unless otherwise indicated by the decision-making body or if the decision is subject to a vesting period. An appeal shall stay all proceedings in the matter appealed from, unless the zoning administrator certifies in writing to the decision-making body that, by reason of the fact stated in the certificate, the stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by a court of competent jurisdiction on application and notice to the zoning administrator. In the event that a decision made under this code is appealed, the appeal does not invalidate the approval. The holder of the approval may proceed



with a use or development at their own risk. Any appeal granted may be subject to such conditions as the decision-making body on the appeal deems applicable.

A. *Expiration.* The decision-making body may specify the time within which the proposed use must be undertaken and actively and continuously pursued. The decision-making body may impose upon the permit a term of such period of time as is found to be consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare. If no time period is otherwise specified, any permit granted under this code may be declared lapsed and of no further force and effect if it is not exercised or extended within two years of its issuance.

1. A permit for the use of a building or a property is exercised when, if required, a valid city business license has been issued, and the permitted use has commenced on the property.
2. A permit for the construction of a building or structure is exercised when a valid city building permit, if required, is issued, and construction has lawfully commenced.

B. *Extensions.* The zoning administrator may approve a one-year extension of any permit granted under this code upon receipt of a written application with the required fee within two years of the date of the original approval. All additional extensions shall require approval by the original decision-making body. [Ord. 14-12 § 1; Res. 14-36 § 502.11.]

### **18.140.120 Modification.**

Modifications are not variances that would otherwise require formal approval.

A. *Minor Modifications of Approvals.* The zoning administrator may approve modifications that are minor in scope and do not result in a 10 percent increase in square footage or in number of dwelling units to approved plans that are consistent with the original findings and conditions approved by the decision-making body that would not intensify any potentially detrimental effects of the project.

B. *Changed Plan.* A request for changes in conditions of approval of a discretionary permit or a change in an approved site plan or building plan that would affect a condition of approval shall be treated as a new application, except that such changes determined to be minor may be approved by the zoning administrator.

C. *Major Modifications of Approvals.* Any modification that cannot be modified by the zoning administrator under subsection (A) of this section must be reviewed and approved by the original decision-making body and is subject to appeal. [Ord. 14-12 § 1; Res. 14-36 § 502.12.]



### **18.140.130 Revocation of permits and approvals.**

Any permit or approval granted under this code may be revoked if any of the conditions or terms of such permit or approval are violated or if any law or code is violated in connection therewith. For any development activity in progress when a permit is revoked, a notice to suspend the activity may be issued, with due cause. Zoning revocation shall only be processed in the same manner prescribed by A.R.S. § [9-462.01](#)(E). Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

A. *Initiation of Proceeding.* The original decision-making body on a permit or approval may, by its own action or following a recommendation from the zoning administrator, initiate revocation proceedings to the extent provided by state law.

B. *Public Notice.* Notice of revocation of the permit or approval must be provided in the same manner if the original permit(s) required notice.

C. *Public Hearing.* If the original permit(s) approval required a public hearing, that decision making body shall conduct a hearing to determine whether to revoke the permit. The hearing shall be conducted in the same manner.

D. *Decision of Revocation.* A permit(s) or approval may be revoked under any one of the following findings:

1. The approval was obtained by means of fraud or misrepresentation of a material fact;
2. The use in question has ceased to exist or has been suspended for two years or more;
3. There is or has been a violation of or failure to observe the terms or conditions of the approval, permit or variance, or the use has been conducted in violation of the provisions of this code, law or regulation; or
4. The use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance. [Ord. 14-12 § 1; Res. 14-36 § 502.13.]

### **18.140.140 Appeals.**

A. *Purpose.* This section provides procedures to be used whenever an applicant or person is aggrieved by a decision by a decision-making body.

B. *Applicability.* A final decision on any discretionary permit is subject to appeal in accordance with this section. Table 18.140.140, Appeal Bodies and Time Limitations, summarizes the appeal timeline for each body issuing a discretionary permit.

**Table 18.140.140 Appeal Bodies and Time Limitations**

Application or Action	Appeal Submittal Deadline	Decision-Making Body	Appeal Body
Zoning Permit	10 days	Zoning Administrator	Board of Adjustment
Administrative Use Permit	10 days	Zoning Administrator	Board of Adjustment
Conditional Use Permit	20 days	Planning and Zoning Commission	City Council
Temporary Use Permit	10 days	Hearing Officer	Board of Adjustment
Development Review Permit	Major(1): 20 days Minor(1): 10 days	Major(1): Planning and Zoning Commission Minor(1): Zoning Administrator	Major(1): City Council Minor(1): Board of Adjustment
Waiver from Dimensional Standards	10 days	Hearing Officer	Board of Adjustment
Variances	10 days	Board of Adjustment	Superior Court
Permit Revocation	n/a	Original decision-making body	Original decision-making body
Interpretations	10 days	Zoning Administrator	Board of Adjustment
Heritage Area Development Review Permit	Major(1): 20 days Minor(1): 10 days	Major(1): Planning and Zoning Commission Minor(1): Zoning Administrator	Major(1): City Council Minor(1): Planning and Zoning Commission
General Plan Text and Map Amendments	30 days	City Council	Superior Court
Zoning Code and Map Amendments	30 days	City Council	Superior Court
Planned Area Development Districts	30 days	City Council	Superior Court

<sup>1</sup> Refer to MCC [18.155.040](#) for definition of a minor development review permit and MCC [18.155.050](#) for definition of a major development review permit.

C. *Rights of Appeal.* Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this code.

#### D. *Procedures.*

1. *Proceedings Stayed by Appeal.* The timely filing of an appeal may stay all proceedings in the matter appealed including but not limited to the issuance of demolition permits, building permits, and business licenses.
2. *Filing of Appeals.* All decisions of the director, hearing officer, zoning administrator, board of adjustment, and planning and zoning commission may be appealed to the appropriate body as specified in Table 18.140.140 by filing a written appeal not later than 5:00 p.m. on the appeal due date. If the date occurs on a weekend, then the appeal shall be filed on the Monday after the deadline. If the date occurs on a holiday when the city offices are closed, the deadline is the next business day. All appeals must be accompanied by payment of the required fee unless specifically waived.
3. *Submittal Requirements and Criteria.* The appeal shall set forth, in concise language, the following:
  - a. Date of appeal;
  - b. Name of appellant and the individual representing appellant;
  - c. Address to which notices shall be sent;
  - d. Telephone number of representative;
  - e. Name of applicant, if different from appellant;
  - f. Action or decision being appealed and the date of such action or decision;
  - g. Address and description of real property involved; and
  - h. The specific grounds for appeal. The appeal shall be limited to the issue(s) raised in the petition.
4. *Public Notice.* In addition to providing notice in the same manner required for the action that was the subject of the appeal, notice shall be provided to all persons who spoke on the matter at any prior hearings on the same matter, if such persons provided their names and addresses at the time they spoke at the prior hearing. The names and addresses shall be maintained by the city clerk.
5. *Action.* The appeal body shall review the appeal, the record, including the application, plans, related project materials that were the subject of the original decision, any additional materials as may be presented at the appeal hearing, and any written correspondence submitted after the appeal has been filed. The appeal body shall conduct a public hearing, after which it may affirm, reverse, or modify the previous decision.

E. *Standards of Review.* When reviewing any decision on appeal, the same standards and criteria shall apply as were required for the original decision.

F. *Failure to File an Appeal.* Failure to file an appeal with the appropriate appeal body by 5:00 p.m. on the due date shall preclude the filing of an appeal after the due date and renders any such appeal invalid. [Ord. 14-12 § 1; Res. 14-36 § 502.14.]

### **18.140.150 Claim for diminution in value pursuant to A.R.S. § 12-1134.**

A. *Filing of Claim.* All claims for diminution in value pursuant to A.R.S. § [12-1134](#) shall be filed with the city clerk on a form prescribed by the city.

B. *City Review.* After a claim is filed, city staff shall review the claim to determine whether the enactment or application of a land use law has diminished the value of the claimant's property. A certified land appraiser, economist, or other qualified expert may be consulted to determine the amount of the diminishment of value, if any.

C. *Staff Recommendation.* The director shall prepare a recommendation to the city council to deny the claim, pay compensation for diminishment in value or rescind or modify the land use regulation.

D. *City Council Determination.* Within 90 days of the filing of the claim, city council shall make a determination whether to deny the claim, pay compensation, modify or rescind the land use law or its application to the claimant's property. The city council's determination shall be made in writing and a copy shall be provided to the claimant. Any rescission or modification of the application of a land use law to an individual property shall be recorded against the property in the office of the Pinal County Recorder.

E. *Satisfaction of Notice of Claims Requirements.* Filing a claim pursuant to this section shall be deemed to satisfy the requirements set forth in A.R.S. § [12-821.01](#) for filing an administrative claim against the city. [Ord. 14-12 § 1; Res. 14-36 § 502.15.]

### **18.140.160 Interpretations and determinations.**

A. Requests for interpretations of this code and verifications relating to prior approvals or permits may be made to the zoning administrator. Requests shall be in writing. The decision of the zoning administrator on such requests may be appealed to the board of adjustment.

B. An applicant may request from the zoning administrator clarification of a regulation pertaining to an application. A request must be in writing and include all information required by A.R.S. § [9-839](#).

The zoning administrator may provide the requestor with an opportunity to meet and discuss the request. In compliance with A.R.S. § [9-839](#), the zoning administrator shall provide a written response within 30 calendar days of receipt of the request. [Ord. 14-12 § 1; Res. 14-36 § 502.16.]

DRAFT

**Zoning Code Minor Update  
Summary of Proposed Amendments  
Sec. 18.200.040 List of Terms and Definitions**

**Section 18.205.010 (p. 1-9)**

1. Added use definition for “Mobile Merchant”.
2. Deleted use definition for “Tobacco Paraphernalia Establishments”.
3. Added use definition for “Tobacco Oriented Retailer”.

## 18.200.040 Commercial use classifications.

*Adult-Oriented Businesses.* An establishment that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are distinguished or characterized by an emphasis on the depiction, simulation, or acting out of specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification includes, but is not limited to, adult arcades, adult bookstore, adult cabarets, adult hotel/motel, adult motion picture theater, adult retail use establishment, and adult theater. It does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologists, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable state law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

*Animal Care, Sales and Services.* Retail sales and services related to the boarding, grooming, and care of household pets, including:

*Animal Sales and Grooming.* Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

*Kennels.* A commercial, nonprofit, or governmental facility for keeping, boarding, training, breeding or maintaining four or more dogs, cats, or other household pets not owned by the kennel owner or operator on a 24-hour basis. This classification includes animal shelters and pet shops and animal hospitals that provide boarding-only services for animals not receiving services on the site but excludes the provision by shops and hospitals of 24-hour accommodation of animals receiving medical or grooming services on site. This classification also includes kennels that, in addition to 24-hour accommodation, provide pet care for periods of less than 24 hours but it does not include facilities that provide pet day care exclusively or predominantly.

*Riding Schools and Stables.* A stable is a place where horses are kept in individual box stalls or in groups in large rooms. The interior of a stable usually consists of two rows of box stalls, tie stalls, and large rooms along the outer walls and a central passage running lengthwise. A horse stable may also contain other facilities, such as a riding school, a feed room, a dressing room, a harness room, a staff area, watering place, and a room for animal care services. A riding school generally operates on the basis of hiring out horses or ponies on a pay per hour basis. Typically

students go out together on a ride accompanied by a member of staff, and range from small establishments in converted farm buildings, to much larger premises with purpose-built stables, indoor or outdoor schools and, sometimes, cross-country courses.

*Small Animal Day Care Services.* A commercial, nonprofit, or governmental facility for keeping four or more dogs, cats, or other household pets not owned by the kennel owner or operator primarily for periods of less than 24 hours.

*Veterinary Services.* Veterinary services for small and large animals including domestic and agricultural/farm animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

*Automobile/Vehicle Sales and Services.* Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles, including the following:

*Automobile Rental.* Rental of automobiles. Typical uses include car rental agencies.

*Automobile/Vehicle Service and Repair, Minor.* The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, as well as smog check quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. It also excludes repair of heavy trucks, limousines or construction vehicles.

*Automobile/Vehicle Repair, Major.* Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, vehicle painting, tire sales and installation, and installation of car alarms, sound, telecommunications, and navigation systems, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

*Automobile/Vehicle Sales and Leasing.* Sale or lease, retail or wholesale, of new or used automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated minor repair services and parts sales for vehicles sold or leased by the dealership. (For auto repair as a primary use or repair of vehicles not sold on the premises, see Automobile/Vehicle Service and Repair, Minor.) This classification includes on-site facilities for maintaining an inventory of vehicles for sale or lease but excludes buildings and property on a separate site that are used for storing vehicles. Typical uses include automobile dealers and recreational



vehicle sales agencies. This classification does not include automobile brokerage and other establishments that solely provide services of arranging, negotiating, assisting, or effectuating the purchase of automobiles for others.

*Automobile/Vehicle Washing and Services.* Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities that are the principal use of a building, structure, or site.

*Service Station.* Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services.

*Towing and Impound.* Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking). This classification includes lots used for storage of impounded vehicles.

*Banks and Credit Unions.* Financial institutions providing retail banking or check cashing services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, but excluding check-cashing businesses. For administration, headquarters, or other offices of banks and credit unions without retail banking services/on-site circulation of money, see Offices, Business and Professional.

*Noninstitutional Banking.* Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement. Noninstitutional banking does not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies.

*Building Materials Sales and Services.* Establishments whose primary activity is the sale of equipment to individuals and business, and whose activities may include storage and delivery of items to customers. This classification includes lumberyards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use but may include wholesale of building materials and goods. This definition does not include plant nurseries (See "Nurseries and Garden Centers").

*Business Services.* Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, mailbox services, equipment rental and leasing, office security, custodial services, film processing, model building, and taxi or delivery services with two or fewer fleet vehicles on site (for three or more fleet vehicles, see Light Fleet-Based Services).

*Commercial Entertainment and Recreation.* Provision of participant or spectator entertainment to the general public. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

*Banquet and Conference Centers.* Facilities designed and used for conventions, conferences, seminars, trade shows, product displays, and other events in which groups gather to promote and share common interests. Convention centers typically have at least one auditorium and may also contain concert halls, lecture halls, meeting rooms, and conference rooms, as well as accessory uses such as facilities for food preparation and serving and administrative offices.

*Large-Scale Facility.* This classification includes large outdoor facilities such as amusement and theme parks, resorts, sports stadiums and arenas, racetracks, amphitheaters, multiplex movie theaters, drive-in theaters, and driving ranges. It also includes indoor and outdoor facilities with more than 5,000 square feet in building area such as fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; and archery or indoor shooting ranges.

*Small-Scale Facility.* This classification includes small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as health clubs and amusement arcades.

*Theaters.* Facilities designed and used for live entertainment which contain a permanent stage upon which movable scenery and theatrical appliances are used and where regular theatrical performances are given. Includes stand-alone movie theaters (cinemas) not located in a shopping center.

*Golf Courses.* An open-air golfing facility having not less than 30 acres and nine holes. It may include an accessory pro shop, clubhouse, restaurants and lounges.

*Club or Lodge.* Facilities serving food, meals and alcoholic beverages to members and their guests.

*Commercial Kitchen.* Kitchens used for the preparation of food to be delivered and consumed off site. Typical uses include catering facilities. This classification does not include businesses involved in the processing or manufacturing of food products (see Industry, Limited).

*Eating and Drinking Establishments.* Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

*Bars and Lounges.* Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol, including beer, wine, and mixed drinks.

*Restaurant, Full-Service.* Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may also be provided.

This classification includes microbreweries and brew pubs which are primarily intended as eating and drinking facilities.

*Restaurant, Limited-Service.* Establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products. It excludes catering services that do not sell food or beverages for on-site consumption (see Commercial Kitchen).

*Restaurant, Take-Out Only.* Restaurants where food and beverages are prepared on a customer-demand basis and may be taken out or delivered, but are not consumed on the premises. No seating or other facilities for on-premises dining are provided.

*Food and Beverage Sales.* Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

*Convenience Market.* Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption. These establishments typically have long or late hours of operation and occupy a relatively small building. This classification includes small retail stores located on the same lot as or operated in conjunction with a service station.

*General Market.* Retail food markets of food and grocery items for off-site preparation and may have on-site consumption of food and beverages with required licenses.

*Liquor Store.* Establishments primarily engaged in selling packaged alcoholic beverages such as ale, beer, wine and liquor.

*Specialty Food Sales and Facilities.* Retail establishments that process and prepare food on site and are small to medium scale in size. Typical uses include bakeries; butchers, candy, nuts and confectionary stores; cheese stores, and pasta shops.

*Funeral Parlors and Mortuaries.* An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

*Instructional Services.* Establishments that offer specialized programs in personal growth and development. Typical uses include classes or instruction in music, fitness, art, or academics. Instructional services may include rehearsal studios as an accessory use.

*Light Fleet-Based Services.* Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities

less than 10,000 pounds. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, nonemergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on site (see Business Services).

*Live/Work.* A unit that combines a work space and incidental residential occupancy occupied and used by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity.

*Lodging.* An establishment providing overnight accommodations to transient patrons who maintain a permanent place of residence elsewhere for payment for periods of less than 30 consecutive calendar days.

*Bed and Breakfast.* A residential structure that is in residential use by the property owner or manager and within which up to four bedrooms are rented for overnight lodging and where meals may be provided.

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

*Hotels and Motels.* An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, extended-stay hotels, hostels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs, or bed and breakfast establishments within a single-unit residence.

*Large-Scale Resorts.* Large parcels of land not less than five acres open to the general public and providing a particular, unique, recreational or other tourism resource, be it a natural, cultural or historic site, seasonal occurrence or man-made attraction, or special quality of place. It includes resorts for day visitors as well as those providing overnight accommodation. It may include dwelling units for short-term rental in one or more permanent buildings utilized principally for the accommodation of the public for recreation.

*Maintenance and Repair Services.* Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes

maintenance and repair of motor vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).

*Medical Marijuana Uses.*

*Dispensary.* A nonprofit entity defined in A.R.S. § [36-2801\(11\)](#), that acquires, possesses, sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.

*Cultivation.* The process by which a person grows a marijuana plant. A facility shall mean a building, structure, or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from a medical marijuana dispensary.

*Mobile merchant.* Person who sells any type of tangible personal property, including, but not limited to, food and drink, at or adjacent to the person's mobile sales unit in which such tangible personal property is carried. This definition shall not include any person working or acting for a person holding a mobile merchant permit issued in accordance with this section.

*Nurseries and Garden Centers.* Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in packaged form only.

*Offices.* Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities (see Research and Development) and hospitals.

*Business and Professional.* Offices of firms, organizations, or agencies providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding those that primarily provide direct services to patrons that visit the office (see Offices, Walk-In Clientele).

*Medical and Dental.* Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, and optometrists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the state of Arizona. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

*Walk-in Clientele.* Offices providing direct services to patrons or clients that may or may not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (see Banks and Financial Institutions).

*Off-Track Betting Establishment.* A wagering facility which simulcasts horse, harness or dog racing events for the purpose of pari-mutuel wagering. It may be operated as an accessory use to an eating and drinking establishment. An off-track betting establishment is authorized by issuance of a teletrack wagering permit in accordance with A.R.S. § [5-112](#) and Arizona Administrative Code Title [19](#), Chapter [2](#), Article 4.

*Outdoor, Temporary, and Seasonal Sales.* An outdoor place, in an approved location, or for an approved activity, where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces. The term is interchangeable with and applicable to: swap meet, flea markets, auctions, open air markets, outdoor sales activities, or other similarly named or labeled activities.

*Parking Facility.* Surface lots and structures for long- or short-term automobile parking that can be for the use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is not incidental to another on-site activity. They can be publicly or privately owned.

#### *Personal Services.*

*General Personal Services.* Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, day spas, palm readers, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, and travel agencies mainly intended for the consumer.

*Restricted Personal Service.* An establishment whose principal business activity is one or more of the following: (1) providing massage or massage services; (2) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or (3) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

#### *Retail Sales.*

*General Retail Sales, Small-Scale.* The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 25,000 square feet or less of sales area, including department stores, clothing stores, furniture stores,



pet supply stores, small hardware stores, and businesses retailing goods including but not limited to the following: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

*General Retail Sales, Large-Scale.* Retail establishments with over 25,000 square feet of sales area that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs, where sales of grocery items do not occupy more than 25 percent of the floor area.

~~*Tobacco Paraphernalia Establishments.* Retail uses where tobacco paraphernalia is sold, distributed, delivered, furnished, or marketed from one person to another. "Tobacco paraphernalia" means paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in A.R.S. Title 36, Article 14, et seq. This classification includes hookah lounges. "Tobacco paraphernalia" does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical cannabis dispensaries are not tobacco paraphernalia establishments. [Ord. 18-05 § 1; Res. 18-20; Ord. 14-12 § 1; Res. 14-36 Art. 601.]~~

**Tobacco Oriented Retailer:** An establishment where the primary component is in the sale and/or display of tobacco related products, including, but not limited to: cigarettes, electronic cigarettes & vapor products (vaping), chewing and dipping tobacco, cigarette papers, or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco. This includes uses such as, but not limited to, a cigar store, head shop, vapor store or hookah lounge. This shall not include any establishment where such products listed here occupy less than 5% of the business floor area.

**Zoning Code Minor Update  
Summary of Proposed Amendments  
Chapter 18.205 List of Terms and Definitions**

**Section 18.205.010 (p. 1-18)**

1. Added “Applicant” as a listed term.
2. Added “Controlling Person” as a listed term.
3. Added “Designated Agent” as a listed term.
4. Added “Legal Parking Space” as a listed term.
5. Added “Mobile food unit” as a listed term.
6. Added “Permittee” as a listed term.
7. Added “Semi-permanent structure” as a listed term.

**Section 18.205.020 (p. 18-56)**

1. Added definition for “Applicant”.
2. Added definition for “Controlling Person”.
3. Added definition for “Designated Agent”.
4. Added definition for “Legal Parking Space”.
5. Added definition for “Mobile food unit”.
6. Added definition for “Permittee”.
7. Added definition for “Semi-permanent structure”.



## Chapter 18.205

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#### **18.205.010 List of terms.**

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**Subdivision**

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## **18.205.020 List of definitions.**

“Abutting” means the condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only at a corner(s).

“Accessory building or structure” means a detached subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located in the same or a less restrictive zone, and on the same lot or parcel of land with the main building or use.

“Accessory use” means a use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or parcel of land, which accessory use does not alter said principal use nor serve property other than the lot or parcel of land on which the principal use is located.

“Appurtenant use” means the same as accessory use.

*Adequate Public Facility-Related Terms.* See Chapter [18.85](#) MCC, Adequate Public Facilities (not recommended by the task force).

“Adequate” means meeting the established minimum standards in this code and all other applicable policies of the city.

“Capacity” means the maximum demand that can be accommodated by a public facility.

“Public facilities” includes roads, water, wastewater, drainage, parks and open space, and school facilities.

“Adjacent” means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.

“Adjoining” means two or more lots or parcels of land sharing a common boundary line, or two or more objects in contact with each other. Lots or parcels of land which touch at corners only shall not be deemed adjoining.

“Administrative review” means the process by which the community development department reviews submitted regulating, streetscape, site and/or building plans to determine compliance with this regulating document and design guidelines.

“Adult” means a person who is 18 years of age or older.

“Aggrieved person” means any person who, in person or through a representative, appeared at a city public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either.

#### *Airport-Related Terms.*

“Aircraft” means any contrivance, now known or hereafter invented, for use or designed for navigation of or flight in the air, including helicopters, fixed-wing aircraft and gliders.

“Airport” means any area of land designed and set aside for the landing and taking off of aircraft.

“Noise sensitive uses” means single unit or multiple unit housing, office buildings, hotels, motels, hospitals, nursing homes, places of worship, libraries, public and private schools and day care centers.

“Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length. The runway includes any proposed runway or runway extension as shown on any approved airport planning document.

“Alley” means a public or private right-of-way less than 30 feet wide which affords a means of vehicular access to the side or rear of properties abutting a street or highway.

“Alteration” means any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

“Apex” means the highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

“Applicant” means the person who applies for a permit pursuant to this article.

“Approval authority” means the official or decision-making body granted authority to approve a permit or other entitlement for development or use under the terms and regulations of this code. Also referred to as the “decision-making authority”.

“Arcade” means a private frontage conventional for retail use wherein the facade is a colonnade supporting habitable space that overlaps the sidewalk, while the facade of the first story remains at the frontage line.

“Arterial street” means a general term designating streets of major significance to the community, including section line and major streets and state and county highways, that are designed to carry substantial volumes of traffic, providing a system for citywide through-traffic movement.

“Article” means a chapter set out in this code, unless another code or statute is mentioned.

“Artist” means an individual engaged in the creation of art or crafts that require artistic skill. Examples of individuals typically engaged in this work include, but are not limited to, woodworkers, potters/ceramicists, costume makers, set designers, stained-glass makers, glassblowers, textile artists and weavers, jewelry makers, painters, fine art printmakers, photographers/filmmakers, leather workers, metal workers, musical instrument makers, model makers, papermakers, installation artists, sculptors, video artists, and other makers of art and crafts.

“Assisted living facility” means a residential care institution intended for occupancy by persons of advanced age or limited ability for self-care, which may provide food, transportation, recreation, or other services to the residents thereof, and which is licensed by the Arizona Department of Health Services to perform supervisory care, personal care, or custodial care services. The term shall include boarding houses, dormitories, apartments, and similar multiple-residence living arrangements when operated as an assisted living facility as defined herein, but shall not include group homes for the handicapped, adult care homes, nursing homes, hospitals, or hotels.

“Automobile parking space, compact” means any permanently maintained space, having a width of not less than eight feet and a length of not less than 15 feet, so located and arranged as to permit the storage of a passenger automobile of compact size.

“Automobile parking space, standard” means any permanently maintained space, having a width of not less than eight and one-half feet and a length of not less than 18 feet, so located and arranged as to permit the storage of a passenger automobile of standard size.

“Automobile storage space” means “automobile parking space.”

“Avenue” means a thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

“Awning” means an ancillary lightweight structure of wood, metal, or canvas, cantilevered from a building facade and providing shade to the fenestration and spatial containment to the pedestrian.

“Base district” means a rural, residential, commercial, mixed use, industrial, open space, public or institutional zoning district established under Division 2 of this title.

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

“Basin, detention” means storm water storage facility that temporarily stores surface runoff and releases it at a controlled rate through a positive outlet. A detention basin and park may be joined to serve both recreational needs and as a water storage facility.

“Basin, drainage” means a geographical area that contributes surface runoff to a particular concentration point. The terms “drainage basin,” “tributary area” and “watershed” are used interchangeably.

“Basin, retention” means a storm water storage facility that stores surface runoff. Stored water is infiltrated into the subsurface or released to the downstream drainage system or watercourse (via gravity outlet or pump), or evaporated after the storm event. A retention basin and park may be joined to serve both recreational needs and as a water storage facility.

“Berm” means an earthen mound, either natural or manmade.

“Bicycle lane” means a paved area located within a street right-of-way and within the pavement section that is designated for bicycle or other nonmotorized traffic.

“Block” means an aggregate land area circumscribed by thoroughfares.

“Block face” means the aggregate of all the principal frontage lines, or alternatively the building facades, on one side of a block.

“Board of adjustment” means the board of adjustment of the city of Maricopa.

“Body piercing” means the creation of an opening in the human body for the purpose of inserting jewelry or other decoration, including the piercing of an ear, lip, tongue, nose, or eyebrow. “Body piercing” does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

“Buffer area” means an area of land, including landscaping, berms, walls and fences but not building setbacks, that is located between land uses of different character or density and is intended to mitigate negative impacts of the more intense use on residential or vacant parcels.

“Buildable” means a lot or parcel that has the area, shape, slope, street frontage, or other attribute in order for a permitted use, based on the lot or parcel's zoning district, to be developed, without the need for any variance from this code.

“Building” means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

“Building, enclosed” means a building enclosed on all sides.

“Building setback line” means the required minimum distance, as prescribed by this code, between the property line and the closest point of any building or structure.

“Building site” means a lot or parcel of land occupied or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

“Canopy” means the extent of the outer layer of leaves of an individual tree or group of trees.

“Canopy density” means the general permeability of a tree canopy to light as a characteristic of branch number and structure; canopy density can either be full (>50 percent) or open (<50 percent).

“Canopy shape” means the general shape of the outer layer of leaves of an individual tree as structured by the tree's branches.

“Carport” means an accessory structure that is roofed but permanently open on at least two sides and maintained for the storage of motor vehicles.

“Centerline” means the centerline established by the city engineer for any proposed or dedicated public way.

“Changed plans” means any changes in physical design, site layout, lot sizes and patterns, building footprints, elevations or siting, drainage, utilities, or roadway locations on a development plan. Changes in architectural materials and finishes, lighting fixtures, or a planting palette are not considered plan changes.

“Child” means a person under 18 years of age.

“Chord” means a straight line joining two points on a curve.

“City” means the city of Maricopa, Arizona.

“City council” is the city council of the city of Maricopa.

“Civic” means the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, religious, and municipal parking.

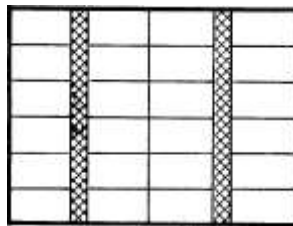
“Civic building” means a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by development services. A civic building is owned by a municipal or governmental body.

“Civic space” means an outdoor area permanently dedicated for public use. Civic space types are defined by the combination of certain physical constants including the relationships among their intended use, size, landscaping and surrounding buildings.

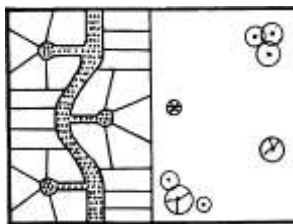
“Civic subdistrict” means a designation for public sites dedicated for civic buildings and/or civic space.

“Clearance” means the height above the walkway, or other surface if specified, of the bottom edge of an element.

“Cluster development” means development pattern that concentrates development in specific areas on a site rather than distributed evenly throughout a parcel as in conventional lot-by-lot development with the remaining portion of the site retained as natural open space or parks.



**Conventional Lots**



**Clustered Lots**

“Code, zoning” means MCC Title 18.

“Co-location” means the location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure or otherwise sharing a common location. Co-location shall also include the location of wireless communications facilities with other facilities such as buildings, water tanks, light standards, and other utility facilities and structures.

“Commercial vehicle” means any vehicle currently registered as such with the State Department of Motor Vehicles or equivalent out-of-state or federal agency and is used primarily in the conduct of a business as opposed to private family or individual use.

“Commission” means the planning and zoning commission of the city of Maricopa.

“Committee” means the technical advisory committee, the Heritage District committee, or any other committee as established by the city council of the city of Maricopa.

“Communication equipment building” means a building that houses operating electrical and mechanical equipment necessary for the conducting of a public utility communications business, with or without personnel.

“Community facilities” include, but are not limited to government buildings, libraries, hospitals, local businesses, parks, and historic sites.

“Common yard” means a planted private frontage wherein the facade is set back from the frontage line. The yard is visually continuous with adjacent yards.

“Complete application” means an application accompanied by the required fees and deposits and all of the information, including plans, written materials, specifications, reports and other documents that are required to be submitted for review and approval of an entitlement for development or use under the terms and regulations of this code.

“Conditional approval” means an affirmative action by the commission or council indicating that approval will be forthcoming with satisfaction of certain specified conditions or stipulations.

“Controlling person” means a natural person who either (A) has a ten percent (10%) or greater interest in the ownership or earnings of the business, or (B) is any of the following:

- a. An officer, director, or any stockholder who owns ten per cent (10%) or more, of a corporation permittee/applicant;
- b. A general partner of a limited partnership permittee/applicant or partner of a non-limited partnership permittee/applicant;



- c. An officer, president, or secretary of a limited liability company/corporation permittee/applicant; or
- d. The sole proprietor of a sole proprietorship permittee/applicant.

“Construction” means construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land.

“Coordinated frontage” means a condition where the landscape and paving of public frontage and private frontage are coordinated as a single, coherent design.

“Corral fence” means a structure consisting of vertical posts with horizontal connectors, so constructed that 75 percent or more of the vertical surface is open. Corral fences do not include chain link fences.

“Council” means the city council of the city of Maricopa.

“County” means Pinal County, Arizona.

“Court” means an open space enclosed wholly or partly by buildings or circumscribed by a single building.

“Courtyard” means a building placed within the boundaries of its lot to create a private courtyard, while internally defining one or more private patios.

“Cultivar” means a cultivated variety of street tree; deliberately selected for its desirable physical characteristics.

“Cultural facility” means a facility engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. This does not include schools or institutions of higher education providing curricula of a general nature.

“Day” means any day, Monday through Friday, that is not a federal, state, or local holiday.

“De novo” means “anew” or “from the beginning.” When used in hearings, new testimony can be taken and new information considered, rather than relying only on the information in the record.

“Density” means the number of dwelling units per unit of land area.

“Density bonus” means a density increase over the otherwise maximum allowable residential density provided in this code.

“Density, gross” means the number of dwelling units per gross unit of land area.

**“Designated agent” means the person designated by the permittee/applicant to receive notices from the City pursuant to this article.**

“Department” means the development services department of the city of Maricopa.

“Developer” (see also “Subdivider”) means a person, firm, partnership, joint venture, trust, syndicate, association, corporation, limited liability company, or other legal entity who desires to improve or otherwise engage in any development of property within the city of Maricopa, including the owner of the property; except that an individual serving as agent for such legal entity is not a developer.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance (excluding disturbance from agriculture related grading).

“Development agreement” means an agreement between the city and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of Arizona Revised Statutes for such development agreements.

“Development review permit” means a permit required for uses or developments identified in Division 2, Base Zoning Districts; Division 3, Overlay Districts; and/or any other section of this code that requires development review.

“Director” means the director of the development services department and the planning and zoning division of the city of Maricopa, acting either directly or through authorized agents.

“Disabled person” means a person who: (1) has a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment. However, “disabled” shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [\[21 United States Code 802\]](#)).

“District” means a portion of the city within which certain uniform regulations and requirements apply to development and land uses, or various combinations thereof apply under the provisions of this code. Also referred to as “zoning districts.”

“Domestic animal” is an animal which is commonly maintained in residence with humans.

“Dooryard” means a private frontage type with a shallow setback and front garden or patio usually with a low wall at the frontage line to effectively buffer residential quarters from the sidewalk while removing the private yard from public encroachment.

“Driveway” means an accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

“Duplex” means a building with two side by side units on a lot with a share wall of the building.

“Dwelling unit” means a room or suite of rooms including one and only one kitchen, and designed or occupied as separate living quarters for one family, as defined below.

“Easement” means a portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

“Edgeyard” means a building placed within the boundaries of its lot to create an edgeyard around the building, with setbacks on all sides.

“Effective date” means the date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

“Effective turning radius” means the measurement of the turning radius at a corner taking parked cars into account.

“Elevation” means an exterior wall of a building not along a frontage line.

“Emergency” means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

“Encroach” means to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage, or above a height limit.

“Engineer” means the city engineer of Maricopa or their designated representative.

“Engineering department” means the engineering division of the development services department of the city of Maricopa.

“Equipment cabinet or enclosure” means a cabinet or structure used to house equipment associated with a wireless communications facility.

“Facade” means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

“Factory-built building” means a residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on site, except that it does not include a manufactured home, recreational vehicle or mobile home as defined in the manufactured home/recreational vehicle regulations of this code, MCC [18.120.150](#)).

“Family” means one or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a “family” need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

“Fence” means an artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

“Figure” means any graphic representation noted as a “Figure” within this code, that is used to illustrate and exemplify certain standards and regulations contained within the language of this code.

“Fill” means soil, rock, or other material deposited at a location by man that raises the grade at that location.

“Finished grade” means the final grade and elevation of the ground surface after grading is completed and in conformance with the approved grading plans.

“Floodplain” means low lands adjoining the channel of a river, stream or watercourse, lake or other body of water, which have been or may be inundated by floodwater, and those other areas subject to flooding. A floodplain may be that area further defined by the drainage policy of the city of Maricopa and as shown on Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRM) or an approved flood control study.

“Floor area” means the total floor area in a building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building) unless otherwise stipulated; e.g., “ground” floor area.

“Floor area ratio” means the numerical value obtained through dividing the aboveground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

“Forecourt” means a private frontage wherein a portion of the facade is close to the frontage line and the central portion is set back.

“Foster home” means a dwelling maintained by an individual or individuals having care or control of one but not more than six minor children, other than those related by blood, marriage, or adoption or those who are legal wards of such individuals, which is licensed by the Arizona State Department of Economic Security.

“Foster home, group” means a foster home suitable for the placement of more than six but not more than ten minor children which is licensed by the Arizona Department of Economic Security.

“Frontage, building” means the exterior building wall of a ground floor business establishment on the side or sides of the building frontage and/or oriented toward a public street, highway or parkway.

“Frontage line” means a lot line bordering the public frontage and where minimum lot width is measured. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines.

“Frontage, space” means the area between a building facade and the vehicular lanes of a thoroughfare, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage.

“Frontage, street or highway” means that portion of a lot or parcel of land which borders a public street, highway or parkway.

“Gallery” means a private frontage conventional for retail use wherein the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

“Garage” means a building or portion of a building that is enclosed and roofed and designed for the storage of motor vehicles.

“General plan” means the general plan of the city of Maricopa, and all elements thereof.

“Glare” means the effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

“Goose neck lighting” means a down-lit illumination of signage set on an outpost usually attached to a wall or post.

“Grade” means the approved grade of a lot or parcel of land at the time such lot or parcel is created, except when excavation is proposed. When excavation occurs after the lot or parcel is created, the grade of the excavated area shall be the grade after the excavation.

“Green” means a civic space type available for unstructured recreation, spatially defined by landscaping.

“Green building” means a whole systems approach to the design, construction and operation of buildings that substantially mitigates the environmental, economic, and social impacts of conventional building practices. Green building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water and other natural resources and provide a healthy, productive indoor environment.

“Greenway” means an open space corridor in largely natural conditions which may include trails for bicycles and pedestrians.

“Gross floor area” means the sum of the gross areas of the floor or floors of a building or buildings.

“Handicapped person” means a person who: (1) has a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment. However, “handicapped” shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [\[21 United States Code 802\]](#)).

“Hardscape” means part of a building’s grounds consisting of structures, such as plazas, retaining walls and sidewalks, made with materials such as concrete and sidewalk pavers.

“Hazardous materials” includes any substance characterized as flammable solids, corrosive liquids, radioactive materials, oxidizing material, highly toxic materials, poisonous gases, reactive materials, unstable materials, hypergolic materials and pyrophoric materials and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means, or as otherwise defined by law.

“Health department” means the Pinal County Health Department.

“Hearing officer” means the hearing officer of the city of Maricopa, or his or her designee.

“Height,” when referring to a building, tower, or any other structure, means the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot’s grading plan (whichever is lower) to the highest point of the structure directly above the finished grade.

“Heritage District” means the area also known as Old Town, the original town site of the community, including older neighborhoods and agricultural, commercial and industrial land generally located in the northwest area of the city of Maricopa. This area also is referred to as the “Redevelopment District Area” and “Redevelopment Area”.

“Heritage District advisory committee” means the committee created under this code to act in an advisory capacity in all matters concerning development in the city’s Heritage District.

“Heritage District Design Guidelines” means the architectural design guidance for residential, commercial and industrial development and commercial/industrial signage in the Heritage District, which has been adopted by the city council. These guidelines show how new development and new signs should be designed to fit into and improve the built environment; they apply to all development in the Heritage District Redevelopment Project Area.

“Highway” means any expressway, freeway, major, secondary, or limited secondary highway.

“Illegal nonconforming building or use” means any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits required for the use at the time it was brought into existence.

*Illegal Nonconforming Use and Development-Related Definitions.*

“Abandoned” means a use that has ceased or a structure that has been vacated for a time period as specified in this code. Abandonment does not include temporary or short-term interruptions to a use or occupancy of a structure during periods of remodeling, maintaining, or otherwise improving or rearranging a facility.

“Nonconforming building or structure” means any building or structure that was lawfully established and in compliance with all applicable codes and laws at the time the ordinance codified in this code or any amendment thereto became effective, but which, due to the application of this code or any amendment thereto, no longer complies with all the applicable regulation and standards of development in the zone in which it is located.

“Nonconforming lot” means a lot, the area, dimensions, or location of which was lawful prior to the effective date of this code, or any amendment thereto, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

“Nonconforming sign” means a sign that lawfully existed prior to the ordinance adopted in this code but which fails by reason of such adoption or amendment to conform to all of the standards and regulation of this code.

“Nonconforming use” means a use of a structure or land that was lawfully established and maintained, but which does not conform with currently applicable use regulations for the district in which it is located by reason of adoption or amendment of this code or amendment thereto or by reason of annexation of territory to the city.

“Improvement plan” is a term defined in MCC [17.05.060](#) that means a set of plans setting forth the profiles, cross-sections, details, specifications, and instructions and procedures to be followed in the construction of public or private improvements in the city of Maricopa that are prepared and bear the seal of an Arizona-registered land surveyor, engineer, architect or landscape architect in accordance with the approved preliminary plat, and zoning stipulations, and in compliance with standards of design and construction that are to be approved by the city engineer, other city departments, the applicable county departments, and all applicable utilities.

“Improvement standards” means a set of regulations and exhibits setting forth the details, specifications and instructions to be followed in the design and construction of required improvements.



“Irrigation facilities” means laterals, ditches, conduits, pipes, gates, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water and the construction, operation, and maintenance of such.

“Kitchen” means any room or space used, or intended or designed to be used for cooking or the preparation of food.

“Lamp” means any source created to produce optical radiation (i.e., light), often called a bulb or tube.

“Landscape” means vegetation and irrigation, hardscape, public art or a combination thereof that may be calculated as open space (refer to the definition of open space).

“Landscaping” means the planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

“LEED®” means the “Leadership in Energy and Environmental Design” green building rating system developed by the U.S. Green Building Council.

“Legal parking space” means an area designated for vehicle parking in the City right-of-way that may be paved or unpaved and may be delineated by road surface markings. Does not include a parking space in a parking lot on property owned by the City.

“Licensee” means the adult, firm, partnership, association, corporation, county, city or other public agency having the authority and responsibility for the operation of a licensed community care facility.

“Light court” means a private frontage type that is a below-grade entrance or recess designed to allow light into basements.

“Lighting, exterior” means any equipment or fixture located or used to provide illumination of outdoor areas, objects or activities.

“Lighting fixture” means light fixtures including but not limited to the lamp, pole, post, ballast, reflector, lens diffuser, shielding, electrical wiring, and other necessary or auxiliary components.

“Lighting system” means all exterior manmade lighting sources, associated infrastructure and controls on a site.

“Liner building” means a building specifically designed to mask a parking structure from a frontage.

“Live-work building” means a mixed use unit consisting of a commercial and residential use. The commercial use may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity. (Synonym: shophouse.)



“Longitudinal” means a type of pavement marking with lines set parallel to the public frontage, repeating in a sequence across the entire width of the vehicular lanes of a thoroughfare to demarcate a pedestrian crosswalk.

*Lot-Related Definitions.*

“Lot” means a single piece of property having frontage on a publicly dedicated and accepted street or a private road approved and accepted by the city and which has been established by a plat, recorded subdivision or otherwise established by some legal instrument of record which is described and denoted as such.

“Lot area” means the area of a horizontal plane within the lot lines of a lot but not including any area in a public right-of-way.

“Lot, corner” means a lot located at the intersection of two or more streets.

“Lot coverage” means the percentage of the area of a lot that is occupied by all buildings or other covered structures using the roof outline for all outer dimensions excluding overhangs less than two and one-half feet.

“Lot depth” means the horizontal length of a straight line connecting the midpoints of the front and rear lot lines; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than 10 feet.

“Lot, flag” means a lot or parcel of land taking access by a strip, owner of which lot or parcel of land has fee-simple title to said strip extending from the main portion of the lot or parcel of land to the adjoining parkway, highway or street.

“Lot, interior” means a lot or parcel of land other than a corner lot.

“Lot, key” means 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 that forms the side boundary of the corner lot.

“Lot layer” means a range, one to three, of depth of a lot within which certain elements are permitted.

“Lot line” means a line dividing one lot from another or from a street or any public place.

“Lot line, front” means, in the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way.

“Lot line, rear” means 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

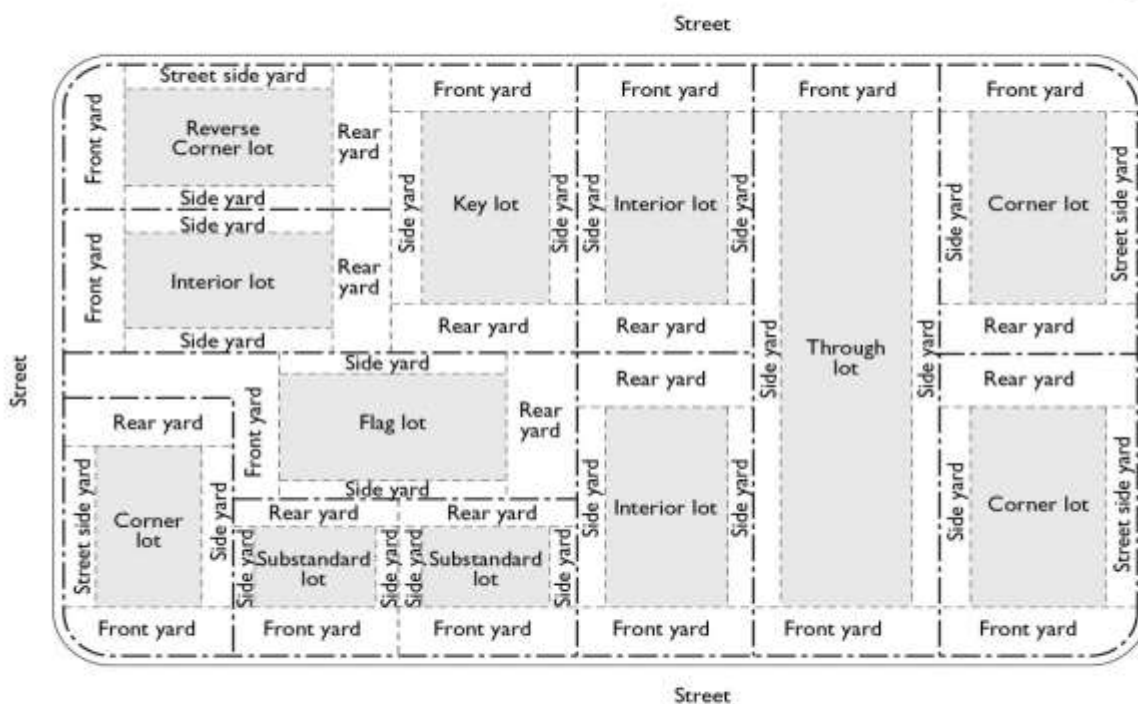
may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than 10 feet.

“Lot line, side” means any lot boundary line that is not a front lot line or a rear lot line.

“Lot line, street side” means a side lot line of a corner lot that is adjacent to a street.

“Lot, reversed corner” means a corner lot, the parkway, highway or street side lot line of which is substantially a continuation of the front lot line of a lot or parcel of land which adjoins the rear lot line of said lot.

“Lot, through” means a lot having a part of opposite lot lines abutting two streets, and which is not a corner lot, also known as a “double frontage lot.” On such lot, both lot lines are front, except that where a nonaccess easement has been established on such a lot, the front lot line shall be considered as that lot line most distant from the lot line containing the nonaccess easement.



### Lot and Yard Types

“Lot width” means 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 setback line on a line parallel to the street or street chord. 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 setback line on a line parallel to the street or street chord.

“Main civic space” means the primary outdoor gathering place for a community. The main civic space is often, but not always, associated with an important civic building.

“Maintenance and repair” means the repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.

“Major development review permit” means a permit required for all new and modified buildings or structures, or for alterations to a building or structure that result in over 5,000 additional gross square feet, facade alterations that encompass more than 10 percent of the surface area, or as otherwise required in this code.

“Manufactured home” means a structure transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, is built on a permanent chassis, and is designed to be used as a dwelling, with or without a permanent foundation, when connected to utilities. This term does not include recreational vehicles.

“Manufacturing” means the process of creating a finished product by fabrication or from raw materials, especially by” means of a larger scale industrial operation.

“Massage and massage services” means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations.

“Master outdoor lighting plan” means a plan that is required for a PAD application that shows the locations and specifications for all proposed lighting for all areas of the proposed development, including but not limited to pedestrian travel areas.

“Master plan development (MPD)” is a term used in MCC Title [17](#), Subdivisions, that refers to a mandatory plan for any development that is 320 or more contiguous acres and/or will be a multi-phased development of a large or complicated development application which provides information and graphics meeting the requirements of the zoning code and an overall master plan meeting the requirements of MCC Title [17](#), Subdivisions, for the purpose of implementing an integrated development scheme for all phases of the proposed development.

“Master signage plan” means a plan that is required for a PAD application that shows the size and location of all proposed signs.

*Medical Marijuana Terms.*

“Allowable amount of marijuana” means a qualifying patient may have 2 ½ ounces of usable marijuana, and if the patient is authorized to cultivate marijuana, the patient may grow up to 12 marijuana plants contained in an enclosed locked facility.

“Cardholder” means a qualifying patient, a designated caregiver or a nonprofit medical marijuana dispensary agent who has been issued and possesses a valid registry identification card as defined in A.R.S. Section [36-2801.2](#).

“Enclosed locked facility” means a closet, room, greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

“Medical marijuana” means all of the parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.

“Medical marijuana infusion (or manufacturing) facility” means a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporating into consumable/edible goods.

“Medical marijuana qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § [36-2801.13](#).

“Microcell facility” means a wireless communication facility serving a single carrier and consisting of an antenna no larger than four feet in height or, if tubular, no more than six feet long and four inches in diameter comprised of a networked set of antennas that are connected with each other and to a wireless service source, such that one or more high-power antennas that serve a given area are replaced by a group of lower-power antennas to serve the same geographic area.

“Minor development review permit” means a permit required for all new and modified buildings or structures, or for expansions to a building or structure that result in an increase less than 5,000 gross square feet or 20 percent of the existing building area, alter more than 10 percent of the surface area of the exterior portion of any facade, or as otherwise required in this code.

“Mixed use development” means a building or group of buildings developed for residential uses that are integrated with nonresidential uses such as, but not limited to, office, retail, service, commercial, public, or entertainment, in a compact urban form.

"Mobile food unit" means a food establishment that is licensed by this state, that is readily movable and that dispenses food or beverages for immediate service and consumption and other incidental retail items from any vehicle as defined in Arizona Revised Statutes Section 28-101.

"Mobile food vendor" means any person who owns, controls, manages or leases a mobile food unit or contracts with a person to prepare foods and vend from, drive or operate a mobile food unit.

"Mobile sales unit" means any vehicle used for carrying tangible personal property for sale at or adjacent to the vehicle in which such tangible personal property is carried.

"Natural grade" means the undisturbed natural surface of the land, including washes.

"Net acres" means the total acreage of a tract or parcel of land exclusive of the area existing or required for arterial or collector street right-of-way dedications and school/public site reservations. When calculating residential net acres within a master plan development (MPD) any multi-unit, commercial or industrial land use must be excluded in addition to those uses listed above.

"Newspaper, general circulation" means a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers, and has been established, printed, and published at regular intervals in the state, county or city.

"Nonchartered financial institution" means 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 the display or sale of merchandise.

"Notice of action" means an administrative notice sent to an applicant, which describes the action taken, including any applicable conditions, and lists the findings that were the basis for the decision.

"Notice of decision" means an administrative notice sent to an owner or occupant of a property subject to the abatement of nuisance provisions of this code describing a decision made by a responsible official.

"Notice of order" means an administrative notice sent to the property owner and occupant of a property on which a use, structure, or building exists that is deemed to be in violation of this code, or any nuisance as defined in this code. The notice specifies the exact violation or nuisance that has been identified, a date by which the nuisance must be corrected, provisions regarding re-inspection and any fees that may apply, and the name and contact information of the code enforcement officer or designee.

“Nursery” means an establishment primarily engaged in retailing nursery and garden products – such as trees, shrubs, plants, seeds, bulbs, and sod – that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in packaged form only.

“Occupancy, change in” means the discontinuance of an existing use and the substitution therefor of a use of a different kind or class.

“Occupant” means the person occupying or having custody of a structure or premises as a lessee or other.

“Off-site” means not located within the area of the property to be developed.

“On-site” means located on the lot, parcel or property that is the subject of discussion.

“Open space” means any parcel or area of land or water, natural or improved and set aside, dedicated, designated, or reserved for the use and enjoyment of all the residents of the development or the public in general. Open space does not include vacant or undeveloped lots, bike lanes or sidewalks attached to the back of the curb.

“Open space and trails master plan” means the city of Maricopa Parks, Trails and Open Space Master Plan as adopted by the city council.

“Open space, common” means a shared open space intended for the exclusive use of the occupants of a residential building.

“Open space, private” means an open space intended for the exclusive use of the occupants of a dwelling unit.

“Open space, public” means an open space area conveyed or otherwise dedicated to a municipality, municipal agency, state or county agency, or other public body for recreational or conservational uses.

“Open space, usable” is a term defined in MCC Title [17](#), Subdivisions, that means land which can be enjoyed by people. This could include landscaped or hardscaped plazas, paseos and promenades, fountains and sitting areas meant to provide an open park-like atmosphere. Also natural areas, landscaped buffers, landscaped retention basins if designed in accordance with specific open space standards, playgrounds, golf courses, bicycle trails (but not bike lanes), pedestrian trails (not residential sidewalks), trailheads and parks.

“Outbuilding” means a secondary building usually located toward the rear of the same lot as a principal building such as a garage, carport, or workshop and may include an accessory unit.

“Outdoor display case” means a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

“Outdoor entertainment or outdoor activities include any type of live entertainment or recreational activity taking place in a location visible to public view and not within an enclosed building.

“Outside display” means the placement of goods, equipment, merchandise or exhibits at a location visible to the public view, other than within a building.

“Outside storage” means the storage of goods, equipment or materials outside of a building for any purpose other than outside display.

“Overlay district” means a zoning district that modifies the regulations of base districts for a specific purpose.

“Owner” means the person indicated on the records of the Pinal County Assessor, or other official body, as the owner of record of the property in question.

“Parcel of land” means a contiguous quantity of land, owned by or recorded as the property of a person.

“Parking lots or parking buildings” means readily accessible areas within structures or surface parking areas, exclusive of aisles, driveways, ramps and columns, maintained exclusively for the parking of vehicles, not including areas for the parking or storage of commercial vehicles.

“Park strip” means the section of the public frontage accommodating street trees and other landscape, public infrastructure, and public furniture.

“Parks” means a public/private tract of land that contains a mix of active and passive recreation facilities including for example but not limited to tot lots, defined and improved play fields and/or sport court areas, and/or other recreational components, and picnic/seating/shade areas that are landscaped/hardscaped in a pleasing manner.

“Passage” means a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

“Path” means a pedestrian way traversing a greenway or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban sidewalk network.

“Paver” means a masonry block of various material and/or size.

“Pedestrian oriented use” means a land use intended to encourage walking customers and which, generally, does not limit the number of customers by required appointments or otherwise excluding the general public.



“Pedestrian way” means a public walk dedicated entirely through a block from street to street and/or providing access to a school, park, recreation area, trail system, or shopping area.

“Permit” means any administrative use permit, conditional use permit, development review permit, final development review permit, temporary use permit, zoning permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

“Permitted use” means any use allowed in a zoning district and subject to any restrictions applicable to that zoning district.

“Permittee” means the person who applied for a permit pursuant to this article and in whose name such permit was issued by the City pursuant to this article.

“Person” means any individual, firm, copartnership, joint adventure, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other city, county, municipality, district, or other political subdivision, or any other group or combination acting as a unit.

“Phasing plan” means a schedule of development required by MCC Title [17](#), Subdivisions, if a project is to be developed in phases.

“Planned Area Development (PAD)” is a term used in MCC Title [17](#), Subdivisions, that means a development with a minimum of 30 but less than 320 acres total, all of which must be contiguous, in which flexibility can be sought in the zoning standards, in order to encourage cluster development or more creativity and sustainable design, thereby providing usable open spaces within and about the development and enhancing the residential character of the city. Planned Area Developments shall be subject to planning commission review and recommendation and city council approval.

“Planning and zoning commission” means the planning and zoning commission of the city of Maricopa.

“Planter” means a three-foot-deep recessed soil bed provided for the planting of street trees and kept open to air and water flow through landscaping or permeable pavers.

“Planting technique” means the prescribed method for planting street trees; either in a continuous planter or tree pit.

“Plasma center” means any facility used in the collection, storage, or distribution of liquid blood plasma.

“Plat” means a map that provides for changes in land use or ownership. See MCC Title [17](#), Subdivisions, for additional definitions related to specific types of plats (e.g., preliminary plat, final plat, recorded plat and reversionary plat).



“Plaza” means a civic space type designed for civic purposes and commercial activities in the more urban subdistricts, generally paved, spatially defined by buildings, and internal to or part of a block.

“Pocket park” means a civic space type of limited size available for unstructured recreation and may be designed as a playground; normally located internal to a block.

“Porch and fence” means a facade is set back from the frontage line with an encroaching porch appended. The porch should be within a conversational distance of the sidewalk while a fence at the frontage line maintains the demarcation of the yard.

“Pre-existing” means in existence prior to the effective date of this revised code.

“Preliminary meeting” means an initial meeting between developer and municipal representatives that affords developer the opportunity to present their proposals informally and discuss the project and address any items of controversy or requirements before the preliminary plat is submitted.

“Preliminary review” means an administrative mechanism that is intended to acquaint a prospective applicant or applicant’s representative(s) with the requirements of this code, the general plan and other relevant city policies and regulations.

“Primary frontage” means the private frontage designed to bear the address and principal entrance(s) of a building.

“Principal building” means the main building on a lot.

“Principal entrance” means the main point(s) of access for pedestrians into a building or unit within a building.

“Principal use” means a use that fulfills a primary or predominant function of an establishment, institution, household, or other entity and occupies at least 70 percent of the gross floor area.

“Private access way” means a private way of access dedicated as a tract to one or more lots or air spaces, which is owned and maintained by an individual or group of individuals and has been improved in accordance with city standards and plans approved by the city engineer.

“Private frontage” means the first lot layer and the facade of a building.

“Private street” means real property recorded as improved roadway for pedestrian and motor vehicle traffic, constructed and maintained by private parties.

“Project” means any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this code.

“Public frontage” means the area between the edge of the vehicular lanes of a thoroughfare and the frontage line of private lots and civic spaces.

“Public furniture” means items provided by city of Maricopa for public use.

“Public lighting” means a type of public infrastructure necessary for the illumination of public frontages and thoroughfare intersections.

“Public street” means real property dedicated for, and recorded as, public right-of-way for pedestrian and motor vehicle traffic, having a minimum width of 30 feet, and more typically having a minimum width of 50 feet. The term shall not include public right-of-way designated for limited access freeways or public alleys.

“Qualified applicant” means the property owner, the owner’s agent, or any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

“Rear lane” means a vehicular way located to the rear of lots providing access to service areas, parking and outbuildings and containing utility easements. Rear lanes may be lightly paved to driveway standards. The streetscape consists of gravel or landscaped edges, has no raised curb, and is drained by percolation.

“Reasonable accommodation” means any deviation requested and/or granted from the strict application of the city’s zoning and land use laws, rules, policies, practices and/or procedures.

“Recorder” means the recorder of Pinal County.

“Recreational vehicle (RV)” means a vehicle-type unit which is one of the following:

1. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping.
2. 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.
3. 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 having a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up, except that it does not include fifth wheel trailers.
4. 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 having a trailer area of less than 320 square feet. This type includes fifth wheel trailers.

“Redevelopment area plan” means the city of Maricopa redevelopment district area plan adopted by the city council. This plan applies to the Old Town area, also known as the Heritage District.

“Regulating plan” means a map or set of maps showing the subdistricts, thoroughfares, and block lengths subject to regulation under the Maricopa Station Overlay District.

“Renovation, exterior facade” means a resurfacing of an existing building frontage so that the facade and signs are integrated into one unit.

“Responsible party” means a person charged with a civil violation of this code.

“Review authority” means the body responsible for making decisions on zoning and related applications.

“Right-of-way” means any public or private access way required for ingress or egress, including any area required for public use pursuant to any official plan; rights-of-way may consist of fee title dedications or easements.

“Road” means an open way used for the passage of vehicles, and includes alleys, streets and highways.

“Roadway easement” means a recorded conveyance to the public over a described area for roadway related uses.

“Roof area” means that portion of a lot or parcel covered by the roof structure of all buildings, excluding the eaves and overhangs, but including covered porches, patios and carports.

“Room, habitable” means a room in a building commonly used for sleeping, living, cooking or dining purposes, excluding closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage space, cellars, utility rooms, and similar spaces.

“Rowhouse” means a single or multi-unit building that shares a party wall with another of the same type and a facade along 100 percent of the frontage line.

“Screening” means a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

“Section” means a section of this zoning code, unless some other code or statute is mentioned.

“Semi-permanent structure” means equipment, or any dining area, including, but not limited to, tables, chairs, booths, bar stools, benches, and standup counters.

“Service provider” means any authorized provider of wireless communications services.

“Setback” means the area between a property line and a building or structure which must be kept clear or open and clear of certain structures.

“Shared parking” means accounting for parking spaces that are available to more than one function.

“Shopfront” means a commercial store entrance aligned close to the frontage line with the entrance on sidewalk. It is commonly equipped with cantilevered shed roof or an awning.

“Sidewalk” means a paved, surfaced, or leveled area, paralleling a street and used as a pedestrian walkway.

“Sign” means any letters, figure, symbol, emblem, logo, object, or display or any combination thereof, designed or used to identify, attract attention to, advertise, or communicate information.

#### *Sign-Related Terms.*

Billboard. See “Sign, off-site.”

“Bulletin board” means a sign which identifies a noncommercial institution or organization, on site, which contains the name of the institution or organization and associated individuals and general announcements of events or activities at the institution, or similar messages of general public interest.

“Comprehensive sign plan” means a sign plan submitted under the guidelines of MCC 18.115.150, intended to provide for the establishment of signage criteria that are tailored to a specific development location, and which may vary from specific ordinance provisions.

“Fixed balloon” means any air or gas filled inflatable object ground mounted or attached by a tether to a fixed place.

“Sign, A-frame” means a form of temporary sign constructed of two panels to form a point and resembling the shape of the letter “A.” Also known as a “sandwich board” sign.

“Sign, address” means a sign, generally applied to a building wall, that displays a building’s address.

“Sign, animated” means any sign or part of a sign which changes physical position by any movement, rotation or undulation or by the movement of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously.

“Sign, awning or canopy” means a sign on a traditional canvas awning and/or a sign on the edge of a structural canopy that is otherwise permitted by this code.

“Sign, band” means a sign that is attached flat on the exterior front, rear or side wall of any building or other structure. (Synonym: wall-mounted sign, fascia sign.)

“Sign, bandit” means a sign that is temporary and made of cardboard or foam board which is mounted on angle iron or wooden stake.

“Sign, banner” means a temporary sign of fabric, plastic, or other light pliable material not enclosed in a rigid frame.

“Sign, blade” means a sign mounted on the building facade, projecting at a 90-degree angle.

“Sign, business” means a sign that attracts attention to a business or profession conducted on site, or to a commodity or service sold, offered or manufactured on site, or to an entertainment offered on site.

“Sign, community” means the “City of Maricopa Welcome” signs and the integrated public service club(s) sign.

“Sign, construction” means a temporary sign, limited to the period of construction, erected on a premises of an existing construction project, and designating the architect, contractor, designer, engineer, financier, or name and nature of the project.

“Sign, directional” means signs limited to directional messages, which do not contain identification or advertising copy, which aid the flow of pedestrian and vehicular traffic as well as providing directional information relating to points of interest, institutions, facilities and districts.

“Sign, directory” means a sign listing the names, uses, and/or locations of the various businesses or tenants within a building or a multi-tenant development, but not for the purpose of advertising products, goods, or services.

“Sign, fascia” means a sign permanently affixed to a horizontal piece covering the joint between the top of a building wall and the projecting eaves of a roof.

“Sign, freestanding monument” means an identification sign on its own self-supporting permanent structure, detached from supportive elements of a building on a base which has an aggregate width of at least 50 percent of the width of the sign and shall include the street address.

“Sign, garage sale” means a temporary sign advertising a temporary garage sale.

“Sign, gasoline fuel price” means a changeable copy sign advertising gasoline fuel prices only.

“Sign, identification” means a sign that includes, as copy, only the name of the business, place, facility, organization, building, or person it identifies and shall include the street address which shall be positioned on the side of the building that it is addressed from.

“Sign, illuminated” means a sign with the surface artificially lighted; either internally or externally. If externally illuminated the fixture shall be fully shielded and directed downward.

“Sign, interior display” means any poster, cut-out letters, painted text or graphic or other text or visual presentation placed within one foot behind a window pane, and is placed to be read from the exterior of a building. This does not include any item of merchandise normally displayed within a show window of a merchant.

“Sign, kiosk” means a city-provided, informational sign providing directional information to single unit and multi-unit residential developments, commercial developments, local businesses, not-for-profit agencies, and community facilities.

“Sign, marquee” means a sign that is usually defined as any movie-type marquee with changeable copy. Marquee signs are considered permanent signs. A marquee is defined as a permanent canopy structure constructed of rigid materials that are attached to and supported by the building and that projects over the entrance to a building.

“Sign, menu board” means a sign displaying the bill of fare of a restaurant.

“Sign, nameplate” means a sign that identifies a resident’s or home’s name and address or the name of a farm, ranch, or commercial ranch. Such signs may be shingle, building, wall, or archway-mounted signs. Includes “billboards.”

“Sign, nonconforming” means a sign lawfully erected and maintained prior to the adoption of this code that does not conform with the requirements of this code.

“Sign, off-site” means a sign located outside the legal description of the property that directs attention for a commercial purpose to a business, commodity, service, entertainment, product or attraction that is not sold, offered, or existing on the property where the sign is located.

“Sign, on-site” means a sign which is either constructed or approved by the property owner that is located within the legal description of the property.

“Sign, open house directional” means a sign used to advertise the sale of a house and direct traffic to the house for sale.

“Sign, pole” means a sign that is supported by a pole and otherwise separated from the ground by air. Such as monument signs, pole signs are separate from a building.

“Sign, political” means a temporary sign which supports any candidate for public office or urges action for or against any other matter on the ballot of primary, general, or special elections.

“Sign, portable” means a temporary sign not affixed to a structure or ground mounted on a site. It rests on the ground and consists of two sign faces, i.e., but not limited to A-frame signs.

“Sign, projecting” means a sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building or other structure.

“Sign, reader panel” means a sign designed to permit immediate change of copy using individual letters, such as electronic or digital in nature.

“Sign, real estate” means a sign advertising for sale, lease, auction or rent of the property or building upon which it is located.

“Sign, roof” means a sign erected on, above, or over the roof of a building so that it projects above the highest point of the roofline, parapet, or fascia.

“Sign, sidewalk” means a movable freestanding sign typically double-sided, placed at the entrance to a business (i.e., sandwich board, A-frame sign.).

“Sign, under canopy” means a sign suspended from, and located entirely under a covered porch, covered walkway, or an awning and is anchored or rigidly hung to prevent the sign from swinging due to wind movement.

“Sight visibility triangle” means the area of visibility on a street corner to allow for safe operations of vehicles, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

“Single-family residential design guidelines” means the city of Maricopa single-family residential design guidelines adopted by the city council.

“Single household” means any number of related, or up to five unrelated, persons living as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common area, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.). and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises of the dwelling unit rather than the landlord or property manager.

“Site plan review” means a process exercised under the prior zoning code, which provided a review and approval procedure for all nonsingle-family residential construction or development proposals.

“Square” means a civic space designed for unstructured recreation and civic purposes, circumscribed by thoroughfares, spatially defined by building frontages, and consisting of paths and/or sidewalks, lawn and trees, formally disposed.

“Stand” means a structure for the display and sale of products with no space for customers within the structure itself.

“Stealth facility” means any commercial wireless communications facility that is designed to blend into the surrounding environment by means of screening, concealment, or camouflage. The antenna and supporting antenna equipment are either not readily visible beyond the property on which they



are located, or, if visible, appear to be part of the existing landscape or environment rather than identifiable as a wireless communications facility.

“Story” means the portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. “Story” includes a basement, but not a cellar.

“Stoop” means a private frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

“Street” means a public or private right-of-way, other than a highway or alley, whose function is to carry vehicular traffic and/or provide vehicular access to abutting property.

#### *Street-Related Terms.*

“Street, arterial” provides a high level of mobility for city-wide through traffic movement. They are typically spaced at one-mile or greater intervals, have limited access, and no on-street parking. The locations of arterial streets are designated in the Maricopa general plan.

*Street, Collector.* The collector streets provide mobility and access and link the arterial and local roadways as well as allowing access to adjacent properties.

“Street, cul-de-sac” means a local street having one end permanently terminated in a vehicular turnaround, or an equally convenient form of turning, and backing areas as may be recommended by the city engineer.

“Street, frontage or highway” means that portion of a lot or parcel of land which borders a public street, highway or parkway.

“Street, local” means a street that provides for direct access to residential or other abutting land and serve local traffic movement with connections to roadways of higher classification.

“Street, private” means any road or street that is not publicly owned and maintained providing access to lots or units over a common parcel, primarily by the owners or occupants of the common parcel, and necessary service and emergency vehicles, but from which the public may be excluded.

“Street, screen” means freestanding barrier built along the frontage line, or coplanar with the facade to mask a parking lot from a thoroughfare, provide privacy to a sideyard, and/or strengthen the spatial definition of the public realm. These are opaque and may be a combination of materials, landscaping, and/or architectural structures.

“Structural alteration” means any change of the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists, ceiling joists, or roof rafters.



“Structure” means anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

“Subdistrict” means one of several areas on the zoning map regulated as part of the Heritage Overlay District. Subdistricts are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and public frontage.

“Subdivider” (see also “Developer”) means a person, firm, corporation, partnership, limited liability company, association, syndicate, trust, or other legal entity that files the application and initiates proceedings for a subdivision in accordance with the provisions of MCC Title [17](#), Subdivisions, and statutes of the state of Arizona, except that an individual serving as agent for such legal entity is not a developer; and said developer need not be the owner of the property as defined by this code. The city council may itself prepare or have prepared a plat for the subdivision of land under municipal ownership.

“Subdivision” means improved or unimproved land or lands divided for the purpose of financing, sale, lease, or conveyance whether immediate or future, into four or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into two or more parts. “Subdivision” also includes any condominium, cooperative, community apartment, townhouse, patio home, or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

“Subdivision” does not include the following:

1. The sale or exchange of parcels of land between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil, or gas leases.

“Swimming pool” means a contained body of water used for bathing or swimming purposes either above or below ground level with the container being 18 or more inches in depth at any point, and/or wider than eight feet at any point measured on the long axis.

“Technical advisory committee” means the committee created under this code to act in an advisory capacity to the planning and zoning commission regarding all development applications and applications for subdivision plats and improvements.

“Technical review” means the detailed review of proposed preliminary plats, by the technical advisory committee, for compliance with city codes, ordinances, standards, or conditions of approval by the commission or city council. Other utilities and public agencies are invited to review the plat as it relates to their conditions of service or need.

*Telecommunications-Related Terms.*

“Alternative tower structure” means, any existing or proposed vertical structure that is designed to contain a wireless communication antenna including but not limited to clock towers, bell steeples, light poles, ball field lights, windmills, and similar alternative mounting structures that may be used to attach antennas and towers to minimize impact (see also “Stealth”).

“Antenna” means 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.

“Antenna, alternative tower mounted” means an antenna mounted on a water tower, street, utility pole, sign, or structure of similar character.

“Antenna, amateur radio” means a ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the amateur radio service and as designated by the Federal Communications Commission (FCC).

“Antenna, building or structure-mounted” means antenna mounted to a building, rooftop equipment screen, or structure that transmits or receives electromagnetic signals.

“Antenna, direct broadcast satellite service (DBS)” means an antenna, usually a small home receiving dish, designed to receive direct broadcast from a satellite.

“Antenna, ground-mounted” means any antenna that is not mounted on a pole, a structure, or the roof or wall of a building.

“Antenna, multipoint distribution services (MDS)” means an antenna designed to receive video programming services via multipoint distribution services, including multipoint, multichannel distribution services, instructional television fixed services, and local multipoint distribution services.

“Antenna, roof-mounted” means an antenna directly attached or affixed to the roof of an existing structure.

“Antenna, satellite” means any antenna used to receive and/or transmit radio or television signals from orbiting communications satellites.

“Antenna, satellite earth station” means an antenna designed to receive and/or transmit radio frequency signals directly to and/or from a satellite.

“Antenna structure” means an antenna array and its associated support structure, such as a mast or tower (not including a suspended simple wire antenna), that is used for the purpose of transmitting and/or receiving electromagnetic signals, including but not limited to radio waves and microwaves.

“Antenna structure, freestanding” means an antenna structure or mast that is not attached to any part of a building, fence, or other such structure. Freestanding antenna structures include communications towers, wooden utility poles, and concrete and steel monopoles. If the total height of the structure, including the antenna, is at least 17 feet high, it shall be treated as a monopole.

“Antenna structure, monopole” means an antenna structure, often tubular in shape, usually made of metal, reinforced concrete, or wood and which is at least 17 feet in height. A monopole may also be an alternative tower structure that is designed to replicate a tree or other natural feature.

“Antenna, television broadcast service (TVBS)” means an antenna designed to receive only television broadcast signals.

“Array” means one or more rods, panels, discs or similar devices used for transmission or reception of radio frequency (RF) signals through electronic energy, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

“Close mount” means the antenna and appurtenances are designed in a manner to reduce the visual impact of the facility by tightly clustering the devices or equipment(s).

“Existing structure” means light poles, power poles, flagpoles, buildings and any other similar vertical structures which are placed within the city.

“FAA” means the Federal Aviation Administration.

“FCC” means the Federal Communications Commission.

“Mobile antenna(s),” also known as cell on wheels (COW) or temporary antenna, means a mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment maybe located on a truck or trailer, designed to be a temporary part of a cellular network.

“Preexisting towers and preexisting antennas” means any tower or antenna for which a building permit has been properly issued prior to the effective date of this code, including permitted

towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

“Readily visible” means an object that can be identified as a wireless telecommunications facility when viewed with the naked eye.

“Related equipment” means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

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

“Stealth” means manmade trees, clock towers, palm trees, faux windmills and water towers, chimneys and similar structures to design mounting structures that camouflage or conceal the presence of antennas and towers.

“Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, stealth towers and alternative tower structures. The term also includes the structure and any support thereto.

“Utility” means a private business organization, subject to governmental regulation, that provides an essential commodity or service, such as water, electricity, transportation, or communication, to the public.

“Terminal” means any facility designed or intended to be used for the receiving or discharging of passengers or cargo and providing for the temporary or permanent storage of the conveyance vehicle. Terminals include train terminals, airports, bus terminals, freight terminals, harbor terminals, or any combination of the above commonly referred to as multipurpose terminals.

“Terminated vista” means a location at the axial conclusion of a thoroughfare. A building located at a terminated vista designated should be designed in response to its unique position at a visual termination point.

“Theater” means an enclosed building used for public assembly and/or entertainment, including sports events, theatrical performances, concerts and recitals, circuses, stock shows and conventions. “Theater” includes auditoriums.

“Townhouse” means a building on its own separate lot containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhouse dwelling units by at least one common wall. Townhouse shall also mean patio home.

“Transect” means a cross-section of the environment showing a range of different habitats. The transect of human habitat types used in this code is divided into four transect zones. These zones describe the physical form and character of a place, according to the density and intensity of its land use and urbanism.

“Transparent or nonopaque” means any surface, screen, window, wall, or other structural element through which objects can be clearly seen by the human eye.

“Transverse” means a type of pavement marking consisting of two parallel lines set perpendicular to the public frontage extending across the entire width of the vehicular lanes of a thoroughfare to demarcate a pedestrian crosswalk.

“Triplex” means a building with three side by side units on a lot with a shared wall of the building.

“USC&GS” means the United States Coast and Geodetic Survey.

“USACOE” means the United States Army Corps of Engineers.

“Use” means and includes construction, establishment, maintenance, alteration, moving onto, enlargement and occupation. Wherever this title prohibits the “use” of any premises for any purposes, such premises and any building, structure or improvement on such premises shall not be used, occupied, altered or improved for such purpose, and no building, structure or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto or enlarged which is designed, arranged or intended to be occupied or used for such purpose.

“Use, abandoned” means a use that has ceased or a structure that has been vacated for a time period as specified in this code. Abandonment does not include temporary or short-term interruptions to a use or occupancy of a structure during periods of remodeling, maintaining, or otherwise improving or rearranging a facility.

“Use permit” means discretionary permit, such as an “administrative use permit” or “conditional use permit,” which may be granted by the appropriate city of Maricopa approval authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

“Utility services” means service to the public of water, sewer, gas, electricity, telephone and cable television. The foregoing shall be deemed to include facilities and appurtenances to the above uses but shall not include public utility treatment and generating plants or offices.

“Valance” means the portion of an awning that hangs perpendicular to the sidewalk.

“Variance” means a discretionary mechanism for relief from certain dimensional and performance standards in this code where the strict application will deprive the property owner of privileges enjoyed by similar properties because of the subject property’s unique and special conditions. The board of adjustment has the power to grant variances to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this code.

“Vehicle, inoperative” means any motor vehicle that cannot be operated lawfully on a public street or highway for any reason other than the lack of current vehicle registration, or that cannot be moved under its own power.

“View fencing (view fence)” means fencing that is constructed in such a manner as to achieve 80 percent overall openness.

“Visible” means capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

“Waiver of claim for diminution in value” means an administrative mechanism requiring applicants to submit a waiver of claims for diminution in value pursuant to the A.R.S. §§ [12-1131](#) through [12-1138](#).

“Walkway” means the section of the public frontage dedicated exclusively to pedestrian activity.

“Wall” means any exterior surface of a building or any part thereof, including windows.

“Warehousing” means a business in which goods or merchandise are stored as a principle activity, including shipping or distribution activities.

“Waste transfer facility” means a facility that operates as a materials recovery, recycling and solid waste transfer operation providing solid waste recycling and transfer services for other local jurisdictions and public agencies that are not located within the city of Maricopa. The facility sorts and removes recyclable materials (including paper, metal, wood, inert materials such as soils and concrete, green waste, glass, aluminum and cardboard) through separation and sorting technologies to divert these materials from the waste stream otherwise destined for landfill.

“Watercourse” means 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.

“Wheel stop” means a physical barrier sufficient in size to prevent the movement of automobiles or other vehicles over or past such barrier.

“Wireless communications facility” means personal wireless service facilities including but not limited to facilities that transmit and/or receive electromagnetic signals for cellular radio telephone service, personal communications services, enhanced specialized mobile services, paging systems, and related technologies. Such facilities include antennas, microwave dishes, parabolic antennas, and all other types of equipment used in the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; associated equipment cabinets and/or buildings; and all other accessory development used for the provision of personal wireless services. These facilities do not include radio and television broadcast towers and government-operated public safety networks.

“Workforce housing” means the base price of the housing is affordable, according to the Federal Department of Housing and Urban Development, for either homeownership or rental, and that it is occupied, reserved, or marketed for occupancy by households with a gross income that is greater than 50 percent but does not exceed 80 percent of the median gross household income for households of the same size within the city of Maricopa, as determined by the latest U.S. Census information.

“Yard, front” means a yard extending across the full width of the lot or parcel of land. On corner lots, the front yard shall be located across the narrower frontage of the lot.

“Yard, rear” means a yard extending across the full width of the lot or parcel of land.

“Yard, side corner” means a yard bounded by an alley, highway or street, extending from the required front yard, or the highway line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required.

“Yard, side interior” means a yard extending from the required front yard, or the highway line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required on other than a corner side yard.

“Yield street” means a characterizing a thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation.

“Zone” means a district classification established by the zoning code of the city of Maricopa that limits or permits various and specific uses.

“Zoning administrator” means the zoning administrator for the city of Maricopa or their representative.

“Zoning clearance” means the approval by the zoning administrator of a plan that is in conformance with the zoning code of the city of Maricopa.

“Zoning code” means this title (MCC Title [18](#)).

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“Zoning map” means an official map adopted by the city council depicting zoned land within the city and depicting how the zoning regulations for base districts and overlay districts apply throughout the city. [Ord. 20-15 § 1; Res. 20-37; Ord. 18-05 § 2; Res. 18-20; Ord. 14-12 § 1; Res. 14-36 § 602.02.]



**Zoning Code Minor Update  
Summary of Proposed Amendments  
Chapter 18.75 Mixed Use Heritage Overlay District**

**Section 18.75.020 Land Use Regulations (p. 2-6)**

1. **Sec. 18.75.020 Land Use Regulations:** Deleted the notion of “Administrative Use Permit” and revised to “Permitted”. Business developments will no longer be required to submit an additional zoning application permit for a by-right type use.
2. **Table 18.75.020 Land Use Regulations:** Add “Hospital” as a permitted use.
3. **Table 18.75.020 Land Use Regulations:** Revised “Mobile Food Vendor” to “Mobile Merchant”.

**Section 18.75.030 Development standards (p. 6-12)**

1. **Table 18.75.030 Development Standards:** Deleted minimum building height.

**Section 18.80.050 Alternative Design (p. 12)**

1. **Sec. 18.80.050 Alternative design.** Added section “Alternative Design” to allow staff discretion for meeting alternative design that meets the general intent of the chapter.

## Chapter 18.75

### MIXED USE – HERITAGE OVERLAY DISTRICT

#### Sections:

- 18.75.010 Purpose.
- 18.75.020 Land use regulations.
- 18.75.030 Development standards.
- 18.75.040 Review of plans.

#### 18.75.010 Purpose.

##### A. The purpose of the Mixed Use – Heritage Overlay District is to:

1. Promote pedestrian-oriented infill development, intensification, and reuse of land consistent with the general plan and the Heritage District Redevelopment Area Plan;
2. Implement the Heritage District Design Guidelines to develop a strong identity as a mixed use urban core for the city which reflects the rich culture and historical character of Maricopa;
3. Encourage diverse and attractive redevelopment to support a mix of residential, pedestrian, and neighborhood-serving uses in order to achieve an active social environment within a revitalized streetscape while also respecting the existing character;
4. Encourage investment in adequate public facilities through quality redevelopment and improvements;
5. Offer additional housing opportunities for residents seeking to live and work in an urban environment; and
6. Ensure that new development and redevelopment are designed to minimize traffic, parking and impacts on surrounding residential neighborhoods, and create walkable environments.

B. More specifically, this overlay district is intended to allow for the transformation of the Heritage District into a vibrant, pedestrian-oriented, mixed use neighborhood, consistent with the Redevelopment Area Plan, the Heritage District Design Guidelines, and mixed use development standards. The adaptive reuse of existing buildings for residential and commercial uses is supported with a focus on active home based businesses, storefronts and, where viable, upper-floor residences and pedestrian- and transit-oriented development that encourages pedestrian activity and connectivity to adjacent areas. New construction will be designed to be compatible with the Heritage District Design Guidelines in terms of size, scale, materials, and details, and a broad range of residential and commercial uses is allowed. Standards will create high-quality building design,

ensure compatibility in land use and building form, and support mixed commercial and residential uses. [Ord. 14-12 § 1; Res. 14-36 § 303.01.]

## 18.75.020 Land use regulations.

Table 18.75.020 below prescribes the land use regulations for the MU-H Overlay District. The regulations are established by letter designations as follows:

“P” designates permitted uses.

~~“A” designates use classifications that are permitted after review and approval of an administrative use permit.~~

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the planning and zoning commission.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“X” designates uses that are not permitted.

Table 18.75.020 Mixed Use – Heritage Overlay District Land Use Regulations

Use	MU-H	Additional Standards
Agricultural		
Animal and Crop Production		
Urban Agriculture	P	
Residential		
Single Unit Dwelling	P(1)	
Multiple Unit Dwelling	P(2)	
Senior and Long-term Care	C	
Family Day Care		
Small	C	MCC <a href="#">18.120.110</a> , Family Day Care Facilities
Large	C	
Residential and Group Care Home	A P	MCC <a href="#">18.120.240</a> , Residential and Group Care Homes
Supportive Housing	C	MCC <a href="#">18.120.270</a> , Supportive and Transitional Housing Facilities
Transitional Housing	C	
Public and Semi-Public		
Community Assembly	A P	MCC <a href="#">18.120.070</a> , Community Assembly

Use	MU-H	Additional Standards
Cultural Facilities	<del>A</del> P	
Child Care Centers	P	
Government Buildings	P	
Hospitals and Clinics		
Clinic	<del>A</del> P	MCC <a href="#">18.120.130</a> , Hospitals and Clinics
Hospital	P	MCC <a href="#">18.120.130</a> , Hospitals and Clinics
Parks and Recreation Facilities, Public	P	
Public Safety Facility	P	
Social Service Facility	P	
Commercial		
Animal Sales, Care and Services		
Animal Sales and Grooming	P	MCC <a href="#">18.80.030</a> , Animal Keeping
Small Animal Day Care	P	
Banks and Financial Institutions		
Banks and Credit Unions	P	
Noninstitutional Banking	C	MCC <a href="#">18.120.200</a> , Noninstitutional Banking
Business Services	P	
Commercial Entertainment and Recreation		
Small-Scale Facility	<del>A</del> P	
Theaters	C	
Club or Lodge	<del>A</del> P	
Eating and Drinking Establishments		
Bars and Lounges	<del>A</del> P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating
Restaurants, Full Service	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating
Restaurants, Limited Service (including Fast Food)	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating
Restaurant, Take-Out Only	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating

Use	MU-H	Additional Standards
Food and Beverage Sales		
Convenience Market	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales
General Market	P(4)	
Liquor Store	C(3)	
Specialty Food Sales and Facilities	P	
Instructional Services	P(2)	
Live/Work Quarters	P(2)	MCC <a href="#">18.120.140</a> , Live/Work Units
Lodging		
Hotels and Motels	P	
Maintenance and Repair Services	P(3)	
Mobile Food Vendor Merchant	A P	MCC <a href="#">18.120.170</a> , Mobile Food Vendor Merchant
Office		
Business and Professional	P	
Medical and Dental	P	
Walk-In Clientele	P	
Personal Services		
General Personal Services	P	MCC <a href="#">18.120.210</a> , Personal Services and Restricted Personal Services (A); MCC <a href="#">18.120.250</a> , Restricted Retail Uses
Restricted Personal Services	X	
Retail Services		
General Retail, Small-Scale	P	(A); MCC <a href="#">18.120.250</a> , Restricted Retail Uses
General Retail, Large-Scale	X	
Industrial		
Artist Studio and Production	P	
Bus/Rail Passenger Facility	P	
Transportation, Communication, Utility		
Communication Facilities		
Antennas and Transmission Towers	P	Chapter <a href="#">18.130</a> MCC, Telecommunications Facilities
Facilities within Buildings	P	
Recycling Facility		
Recycling Collection Facility	P	MCC <a href="#">18.120.230</a> , Recycling Facilities
Utilities		
Minor	P	

Use	MU-H	Additional Standards
Accessory Uses		Subject to the same permitting requirements of the principal use unless additional review is established in MCC <a href="#">18.120.010</a> , Accessory Uses. Home-based businesses also are subject to the additional requirements of subsection(C) of this section.
Temporary Uses		Requires a temporary use permit, unless exempt; see MCC <a href="#">18.120.260</a> , Temporary Uses
Nonconforming Uses		Chapter <a href="#">18.100</a> MCC, Nonconforming Uses and Structures

1 Preexisting lots only.

2 Nonresidential uses on ground floors only unless approved by the decision-making body.

3 Small scale, less than 1,000 square feet.

4 Less than 40,000 square feet.

*A. Outdoor Retail Sales and Merchandise Display.*

1. *Location.* Outdoor retail sales and merchandise displays shall not obstruct ingress and egress to a building, obstruct fire lanes, interfere with vehicular circulation or sight distance, or be located in landscaped areas. Outdoor retail sales and merchandise display areas shall be adjacent to the structure containing the business selling the merchandise.

2. *Maximum Area.* Outdoor retail sales and merchandise displays shall not exceed five percent of the total gross floor area of the business, or 200 square feet, whichever is less.

3. *Height.* Display merchandise shall not exceed a height of six feet above finished grade.

*B. Temporary Use of Parking Area.* The temporary use of a parking area for sales and display is permitted, subject to MCC [18.120.260](#).

*C. Home-Based Business.* Home-based businesses may be permitted administratively within the MU-H Overlay District. Home-based businesses are not home occupations and may consist of on-site employees and a limited number of visits from clients, patrons, and deliveries related to the business. The business operation is not limited to a certain amount of floor or lot area unless conditionally approved with such limitations. The zoning administrator may approve or conditionally approve a home-based business, subject to providing minimum necessary site improvements. These improvements may consist of screen walls for approved outdoor storage areas, frontage and screen buffer landscaping and irrigation, dust-proof surfacing for driveways, walkways and other exterior areas, and on-site parking and maneuvering improvements necessary to accommodate and serve the proposed home-based business.

1. All home-based business uses are subject to the land use regulations in Table 18.45.020.

2. The owner or operator of the home-based business is not required to be a full-time resident of the home.

3. The zoning administrator shall consider the nature of the proposed use, the number of proposed on-site employees, and the proposed hours of operation to determine necessary conditions of approval. The zoning administrator may require neighbor notification when outdoor business activities are proposed or if it is determined the proposed use has the potential to disrupt the existing character of the surrounding properties.

4. Home-based businesses are permitted to have one professionally made ground-mounted sign not to exceed three and one-half feet in height and 12 square feet in area. [Ord. 14-12 § 1; Res. 14-36 § 303.02.]

### 18.75.030 Development standards.

Table 18.75.030, below, prescribes development regulations for the MU-H Overlay District. The first three columns establish minimum requirements for permitted and conditional uses. Letters in parentheses in the “Additional Standards” column refer to regulations following the schedule. The letter “Y” in the district column means that the Additional Standard applies. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations applicable to multiple districts are in Division 4 of this code.

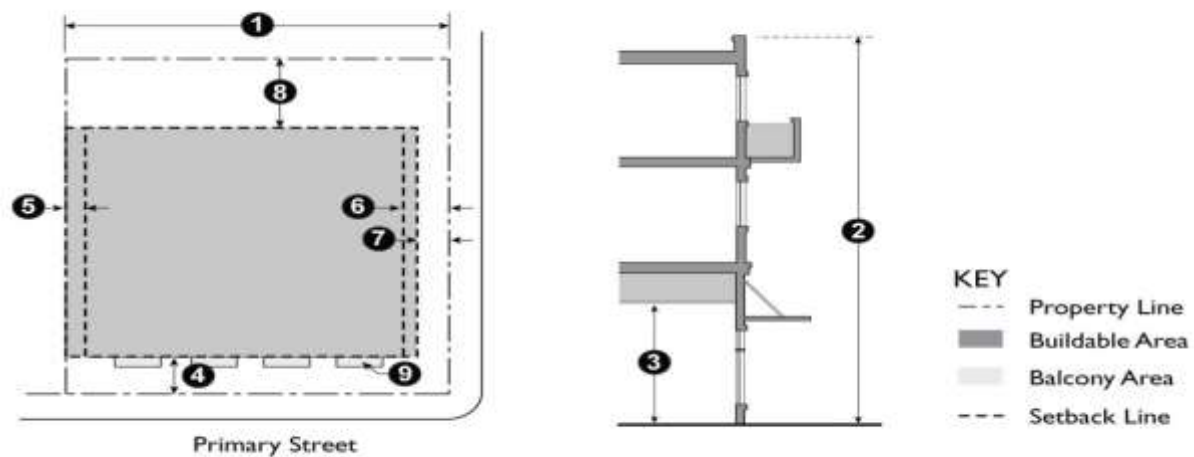


Table 18.75.030 Development Standards – Mixed Use – Heritage Overlay Districts

Use	District	Additional Standards	#
	MU-H		
Lot and Density Standards			
Minimum Lot Area (s/f)	7,000		

Use	District	Additional Standards	#
	MU-H		
Minimum Lot Width (ft.)	50		1
Maximum Density (units/net acre)	24		
Maximum Floor Area Ratio (FAR)	1.2	(A)	
<b>Building Form and Location</b>			
Maximum Building Height (ft.)	40		2
<del>Minimum Building Height (stories)</del>	<del>2</del>		
1st Floor Ceiling Height, Nonresidential Uses (ft. clear)	12		3
Minimum Setbacks (ft.)			
Front	10		4
Interior Side, Residential Uses Only	5	(B)	5
Interior Side	0	(B)	6
Street Side	10	(C)	7
Rear	20	(B)	8
Maximum Front Setback (ft.)	20	(D)	
Location of Parking	Y	(E)	
<b>Other Standards</b>			
Building Design	Y	(F)	
Outdoor Living Area (s/f per unit)	100	(G)	9
Outdoor Storage	N	(H)	
Sewer Service and Adequate Public Facility Participation Agreements	Y	(I)	
Transitions	Y	(J)	
Transparency for Ground-floor Frontages, Nonresidential Uses	Y	(K)	
<b>Additional Standards</b>			
Accessory Structures	MCC <a href="#">18.80.020</a> , Accessory Building or Structures		
Exceptions to Height Limits	MCC <a href="#">18.80.080</a> , Exceptions to Height Limits		
Fences and Walls	MCC <a href="#">18.80.090</a> , Fences and Freestanding Walls		



Use	District	Additional Standards	#
	MU-H		
Landscaping		Chapter <a href="#">18.90</a> MCC, Landscaping	
Lighting		Chapter <a href="#">18.95</a> MCC, Lighting	
Off-Street Parking and Loading		Chapter <a href="#">18.105</a> MCC, On-Site Parking and Loading	
Outdoor Storage		MCC <a href="#">18.80.100</a> , Outdoor Storage	
Projections into Required Setbacks		MCC <a href="#">18.80.040</a> , Building Projections into Yards	
Screening		MCC <a href="#">18.80.110</a> , Screening	
Signs		Chapter <a href="#">18.115</a> MCC, Signs	
Swimming Pools		MCC <a href="#">18.80.120</a> , Swimming Pools and Spas	
Visibility at Driveways		MCC <a href="#">18.80.150</a> , Visibility at Intersections and Driveways	

A. *Increased FAR for Mixed Use Buildings.* The maximum allowable FAR may be increased by up to 25 percent for buildings that contain a mix of residential and nonresidential uses through the provision of one or more of the following elements beyond what is otherwise required, subject to conditional use permit approval:

1. Car-share or electric car facilities;
2. Additional public gathering space or contribution to a city parks fund supporting new or improved public parks within walking distance;
3. Provision of off-site improvements. This may include off-site amenities and/or infrastructure (other than standard requirements and improvements) such as pedestrian or right-of-way improvements, public safety facilities, libraries, senior centers, community meeting rooms, or child care; and
4. Provision of green roofs, solar panels, and other green building measures.

B. *Required Side and Rear Yards for Residential Uses.* In order to provide light and air for residential units and additional separation for rooms that contain areas that require additional privacy considerations, the following minimum setbacks apply to any new building wall containing windows and facing an interior side or rear yard. When the site is adjacent to a residential use, the project must comply with whichever standard results in the greater setback. The required setbacks apply to that portion of the building wall containing and extending three feet on either side of any window.

1. For any wall containing living room or other primary room windows, a setback of at least 15 feet shall be provided.
2. For any wall containing sleeping room windows, a setback of at least 10 feet shall be provided.

3. For all other walls containing windows, a setback of at least five feet shall be provided.

C. *Reduced Street Side Setback.* Along local streets only, the street side setback may be reduced to five feet from the lot line if the setback area is completely landscaped.

D. *Maximum Building Setbacks.* The street-facing facades of buildings must be located no farther from street-facing property lines than the maximum setback distance specified in Table 18.75.030. The following additional provisions apply:

1. *Corner Properties.* Where a property fronts on two or more streets, the maximum setback shall be met according to the following provisions:

a. *Frontage on Two Primary Streets.* New buildings on sites with frontage on two streets may be constructed to the maximum setback line on both frontages.

b. *Frontage on Three or More Streets.* Properties with frontage on three or more streets must build to the maximum setback lines of at least two of the streets.

2. *Sites with More than One Building.* Where there is more than one building on a site, the maximum setback standard must be met for at least 50 percent of the combined ground-level, street-facing facades of all buildings.

3. *Building Additions.* For any addition to a building that increases the width of a street-facing facade, 100 percent of the addition must be located on or within the maximum setback until the maximum setback standard for the entire building is met, or as otherwise recommended by the zoning administrator to meet the intent of this code.

4. *Exceptions to Building Placement Requirements.* The following exceptions to the build-to requirement are permitted:

a. *Articulated Building Street Face.* Where a portion of the building is set back from the maximum setback to provide an entry or other feature creating variation in the facade, the total area of the space created by the setback must be less than the area of one square foot per linear foot of building frontage.

b. *Outdoor Eating Areas.* Where an outdoor eating area will be installed on the street frontage, a portion of the building may be set back up to 12 feet farther than the maximum setback line, if at least 40 percent of the building facade is at the setback line.

c. *Residential Uses.* For buildings or portions of buildings that are in residential use, open porches located at or within the maximum setback shall count toward meeting the requirement if such porches are at least 10 feet wide and six feet deep.

E. *Location of Parking.* On-site parking areas shall be set back a minimum of 25 feet from streets. Exceptions may be granted for short-term customer parking and drop-off spaces and for preexisting uses.

F. *Building Design and Signage.* In the MU-H Overlay District, the Heritage District Design Guidelines apply and all additions, new development, and rehabilitation of existing structures and commercial business are subject to review and recommendation of compliance by the Heritage District Advisory Committee to determine whether the guidelines have been met. In addition, the exterior design of all buildings, including all facades and all signage, shall be coordinated with regard to color, materials, architectural form, and detailing to achieve design harmony, continuity, and horizontal and vertical relief and interest.

G. *Outdoor Living Areas.* As part of the open space required by MCC Title [17](#), Subdivisions, private or common areas for outdoor living shall be provided for upper-level residential units. Outdoor living areas include balconies, decks, common open space, and rooftop open space.

1. *Minimum Dimensions.*

a. *Private Open Space.* Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.

b. *Common Open Space and Rooftop Open Space.* Common open spaces and rooftop open spaces with a minimum horizontal dimension of 20 feet shall count towards the open space calculation.

2. *Minimum Area Required – Private Open Space.*

a. One hundred square feet per unit.

b. The amount of outdoor living area provided for individual units may vary based on unit size and location within a project, as long as the average area per unit meets the applicable standard, or as acceptable by the zoning administrator to meet the intent of this title.

H. *Outdoor Storage.* Outdoor storage areas for nonresidential uses shall be only for retail and live/work uses and shall comply with the following requirements:

1. *Area.* Five percent of the gross floor area of the use or 200 square feet, whichever is less.

2. *Hours.* Outdoor storage during business hours only.

I. *Sewer Service and Adequate Public Facility Participation Agreements.* Sites within the MU-H Overlay District shall be permitted to develop or redevelop only after the owner agrees in writing to participate in paying its proportionate share of public facility improvement costs, including sanitary sewer services, in a manner acceptable to the city engineer.

1. The city engineer may require financial guarantees in the form of bonds or letters of credit or allow payment of fees in lieu to participate in paying the proportional cost of adequate public facilities to serve the site proposed for development.

2. The city engineer may approve interim solutions, such as on-site wastewater treatment facilities, in lieu of providing sanitary sewer service, should Pinal County public health department permit such interim solution.
3. All requests for improvements to existing residential properties within the MU-H Overlay District that do not include a commitment or assurance to participate in a proportionate share of the public facility improvements shall conform to the base zoning district development standards for setbacks, lot coverage and other requirements.
  - a. The hearing officer may approve a waiver to encroach into the required setback area or exceed the lot coverage established for the base zoning district for additions and improvements which: (i) conform to the Heritage District Design Guidelines; (ii) comply with current Pinal County health requirements for improving existing septic systems to accommodate the proposed improvements; (iii) meet outdoor screening and storage requirements of this code; and (iv) comply with the minimum development standards of the most comparable residential zone of this code based on existing lot size and dimensions. The GR District development standards shall be applied for all existing lots or parcels greater than 35,000 square feet.

J. *Transitional Standards.* Where this overlay district adjoins an interior lot line in a RS District, the following standards apply:

1. The maximum height within 30 feet of an RS District is 30 feet. From this point, the building height may be increased one foot for each additional foot of upper story building setback to the maximum building height.
2. The building setback from an RS District boundary shall be 25 feet for interior side and rear yards.

K. *Transparency on Ground Floor Frontages for Nonresidential Uses.* Windows, doors, or other openings shall be provided for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. No wall may run in a continuous plane for more than 20 feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

1. *Exception for Structured Parking Facilities.* Multi-level parking garages, where permitted, are not required to meet the ground-floor transparency requirement.
2. *Sites with Multiple Buildings.* On sites that contain multiple buildings, the building ground-floor transparency requirement does not need to be met along street-facing facades of buildings that are located behind other buildings and not visible from the adjacent public street.
3. *Reduction through Development Plan Review.* The transparency requirement may be reduced or waived by the zoning administrator upon finding that:

- a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater or communications facility; and
- b. Street-facing building walls will exhibit architectural relief and detail, or will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

L. *Truck Docks, Loading, and Service Areas.* Truck docks, loading, and service areas are not permitted within 25 feet of the boundary of any residential district. In addition, such loading and service areas must be located on the side or rear of buildings, and may not face a public street or a private street functioning as a public road.

M. *Pedestrian Access.* A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to sidewalks, and to any on-site open space areas or pedestrian amenities. Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

1. Walkways shall be a minimum of six feet wide, hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
2. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
3. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb, bollards, or other physical barrier. [Ord. 14-12 § 1; Res. 14-36 § 303.03.]

#### 18.75.040 Review of plans.

Permit and review procedures shall follow the standards and approval criteria in Division 5, Administration and Permits. [Ord. 14-12 § 1; Res. 14-36 § 303.04.]

#### 18.80.050 Alternative design.

A. The Zoning Administrator shall evaluate, and possibly accept or recommend to the decision-making body, alternative design requirements to meet the intent and the spirit of the code.

**Zoning Code Minor Update  
Summary of Proposed Amendments  
Chapter 18.77 South Bridge Overlay District**

**Chapter 18.77 (p. 1-4)**

1. A new chapter is proposed for the South Bridge area. This overlay will add additional development standards for any new development proposed in the area. Such development standards include building location closer to the street, building step-back standards, building entry locations, ground floor windows requirements, parking locations, and other site enhancements. All in all, the intent of the additional design standards is achieving a pedestrian oriented type district. See next pages, for example site layout and building design.





## South Bridge Vision



**Chapter 18.77****SOUTH BRIDGE OVERLAY DISTRICT**

## Sections:

- 18.77.010 Purpose.
- 18.77.020 Land use regulations.
- 18.77.030 Development standards.
- 18.77.040 Review of plans.

## 18.77.010 Purpose.

## A. The purpose of the South Bridge Overlay District is to:

1. Promote pedestrian-oriented development, intensification, and reuse of land.
  2. Offer additional housing opportunities for residents seeking to live and work in an urban environment; and
  2. Develop a strong identity as a mixed use urban core for the city which reflects the rich culture and historical character of Maricopa;
  3. Encourage diverse and attractive redevelopment to support a mix of residential, pedestrian, and neighborhood-serving uses in order to achieve an active social environment within a revitalized streetscape.
  4. Support the vision, goals and policies of the Maricopa General Plan by directing development into identified growth areas and promoting compact development for more efficient use of land.
  5. Encourage a vertical mixture of uses, include complimentary retail, office, employment and residential loft units to create a vibrant urban area.
  6. Provide development standards and requirements for urban scale type developments by right in the South Bridge Overlay Zoning District.
  7. Ensure that new development and redevelopment are designed to minimize traffic, parking and impacts on surrounding residential neighborhoods, and create walkable environments.
-



#### 18.77.020 Boundaries.

The location and boundaries of the TC Overlay District are established as shown on the zoning map.

#### 18.77.020 Applicability.

This chapter applies to all land use and development activity within the boundaries of the SB Overlay District. Regulations contained in this chapter supplement and modify the provisions in the underlying zoning districts.

#### 18.77.030 Development standards.

In the SB Overlay District, the following additional development standards apply:

##### A. Setbacks and Build to Lines.

1. At least 50 percent of the length of the ground-floor street-facing facade of the building must be at or within 10 feet of the required setback of the base zoning district. When a building fronts onto more than one public street, these standards shall be met for each street.
2. Where the minimum front yard setback is zero feet for the base zoning district and the street front right-of-way line is eight feet or less from the back of curb, buildings must be set back on the ground floor to allow a dedicated 14-foot back-of-curb right-of-way or pedestrian easement to accommodate pedestrian activity on the street front of the building.
3. Features, such as overhangs, porticos, balconies, arcades, and similar architectural features placed on the front (street-facing) side of the building are allowed within the setback, provided they do not exceed the limits on projections into setbacks established in Chapter 18.80 MCC.

##### B. Building Step-Back

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1. A building step-back of 10 feet at the second floor for 50% of the linear façade is required whenever development contains a side or rear yard that abuts property designated as Single Family Residential Zoning District. The 10' step back may be reduced to 6' only when a minimum of a 4' projection from the building façade is used in combination to provide architectural interest and a change in building massing
2. Architectural Features such as roof overhangs, balconies, canopies or shade structures may encroach into the building step-back at the third floor.

#### C. Building Entrances.

1. New commercial, government, and mixed use buildings shall provide a primary building entrance that either faces an adjacent street or is placed at an angle of up to 45 degrees from an adjacent street, measured from the street property line.
2. When located at the intersection of two public streets, the building shall provide one of the following:
  - a. Provide two primary entrances, one facing each street;
  - b. Orient one primary entrance to both streets by placing the entrance on the street corner; or
  - c. Place one entrance so that it is no more than 20 feet from either street side property line.
3. When a building or development consists of more than 600 linear feet of street frontage, pedestrian access into the site shall be provided by means of an opening in the building frontage, such as a courtyard, breezeway, or other means of access.

#### D. Ground Floor Windows.

1. Ground floor windows shall be provided in at least 50 percent of the building's length and 25 percent of the ground level wall area of all building facades that face a street or plaza. Ground floor requirements shall apply to the area of the facade between three and eight feet above the adjacent finish grade or public sidewalk, whichever is greater.

#### E. Automobile Use Garage Openings.

---

1. Openings for automobile uses, such as garage door bays used to access vehicles into and out of a building for repair, must be located on facades that do not face the street.

*F. Parking Location.*

1. Parking shall be provided on the side or behind buildings, except for drop-off and pick-up areas, which may be located at a building entry.

*G. Loading and Service Area Location.*

1. Loading, service, and refuse areas shall be located in the rear half of the lot and screened from view from the front of the lot with walls, trellises, plantings, berms, or by integration into the design of the building.

*H. Dedication of Necessary Easements.* The zoning administrator may require dedication of necessary easements to accommodate enhanced landscaping and utilities.

18.80.040 Alternative design.

- A. The Zoning Administrator shall evaluate, and possibly accept or recommend to the decision-making body, alternative design requirements to meet the intent of spirit of the code.

**Zoning Code Minor Update  
Summary of Proposed Amendments  
Chapter 18.80 Regulations Applying in Multiple Districts**

**Section 18.80.020 (p. 2-7)**

1. Section 18.80.020 E: Revised development standards with simplified table format.
2. Section 18.80.020 G: Added image example for rear yard area regulations.
3. Section 18.80.020 L: Revised modular storage containers with additional aesthetic standards.

**Section 18.80.110 (p.16-20)**

1. Section 18.80.110 D: Added language to trash and refuse collection areas to keep gates closed at all times to no impede traffic drive aisles.

## Division 4. Regulations Applying in Multiple Districts

### Chapter 18.80 GENERAL SITE REGULATIONS

#### Sections:

- 18.80.010 Purpose and applicability.**
- 18.80.020 Accessory buildings or structures.**
- 18.80.030 Animal keeping.**
- 18.80.040 Building projections into yards.**
- 18.80.050 Reserved.**
- 18.80.060 Development on lots divided by district boundaries.**
- 18.80.070 Development on substandard lots.**
- 18.80.080 Exceptions to height limits.**
- 18.80.090 Fences and freestanding walls.**
- 18.80.100 Outdoor storage.**
- 18.80.110 Screening.**
- 18.80.120 Swimming pools and spas.**
- 18.80.130 Truck docks, loading, and service areas.**
- 18.80.140 Underground utilities.**
- 18.80.150 Visibility at intersections and driveways.**

#### **18.80.010 Purpose and applicability.**

The purpose of this chapter is to prescribe development and site regulations that apply, except where otherwise specifically stated, to development in all zoning districts. These standards shall be used in conjunction with the standards for each zoning district located in Division 2, Base Zoning Districts and Division 3, Overlay Districts. In any case of conflict, the standards specific to a zoning district shall override these regulations. [Ord. 14-12 § 1; Res. 14-36 § 401.01.]

## **18.80.020 Accessory buildings or structures.**

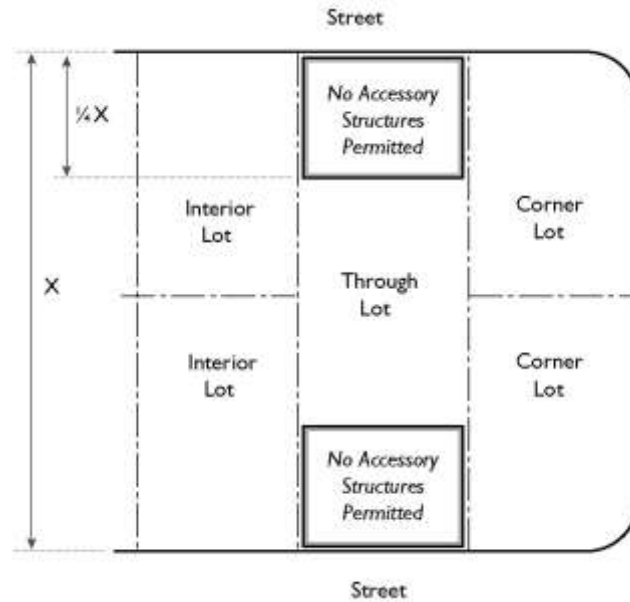
### **A. *Applicability.***

1. The provisions of this section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, arbors, gazebos, pergolas, and covered patios, that are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures, such as decks and trellises, that are over six feet in height and that are detached from and accessory to the main building on the site.
2. When an accessory building or structure is attached to the main building, it shall be made structurally a part of and have a common wall or roof with the main building and shall comply in all respects with the requirements of this code applicable to the main building and all other applicable codes. Allowed building projections into setbacks are stated in MCC [18.80.040](#), Building Projections into Yards.
3. Where a guest quarter is located over a detached garage, the entire structure shall be considered a main building, subject to the zoning district standards for main buildings. No portion of this building shall be closer to any lot line than is permitted for any other main building, except on an alley where the detached garage may be within the setback.

**B. *Relation to Existing Structures.*** A detached accessory building may only be constructed on a lot on which there is a permitted main building to which the accessory building is related. An accessory building on an adjacent lot under the same ownership is not allowed; the two lots must be merged. However, an accessory building may be constructed prior to a permitted main building and used for not more than one year in connection with the construction of the main building; provided, that a permit is obtained for the entire project, including the accessory building, prior to the start of any construction.

**C. *Location.*** Accessory structures shall be located behind the front line of the primary structure, unless otherwise specified in this code.

1. *Corner Lot.* On a corner lot, no detached accessory building shall be located so as to project beyond the required front yard or the existing front line of the primary structure on any street frontage for lots less than one acre.
2. *Through Lot.* On a through lot having frontage on two more or less parallel streets, no detached accessory building shall be located within one-fourth of the lot area of either street-facing property line.



**Figure 18.80.020.C.2. Through Lot**

D. *Detached Garage Exception.* In rural districts, and on large lots in residential districts (12,000 square feet or more), garages may be allowed on the front half of a lot if permitted by the development standards for the applicable zoning district.

E. **Development Standards.** Detached accessory buildings or structures shall comply with the development standards provided in Table 18.80.020B. and observe the regulations set forth in Section 401.04, Building Projections into Yards. The following building standards work in conjunction with base standards. If conflicting with development standards outlined in the 200 or 300 series, those standards override these regulations.

<b>TABLE 18.80.020B: DEVELOPMENT STANDARDS – DETACHED ACCESSORY BUILDINGS</b>			
Building Standards	Specific Criteria		
	120 SF or less	Exceeds 120 SF	Guest Quarters
Height (ft)	15	15	15 (1)
Setbacks, min. (ft)	3 (2)(3)	5	Same as main building per Zoning District's Development Standards (4)
Rear Yard Area	30% maximum of rear setback area – See Figure 401.02.E.2		

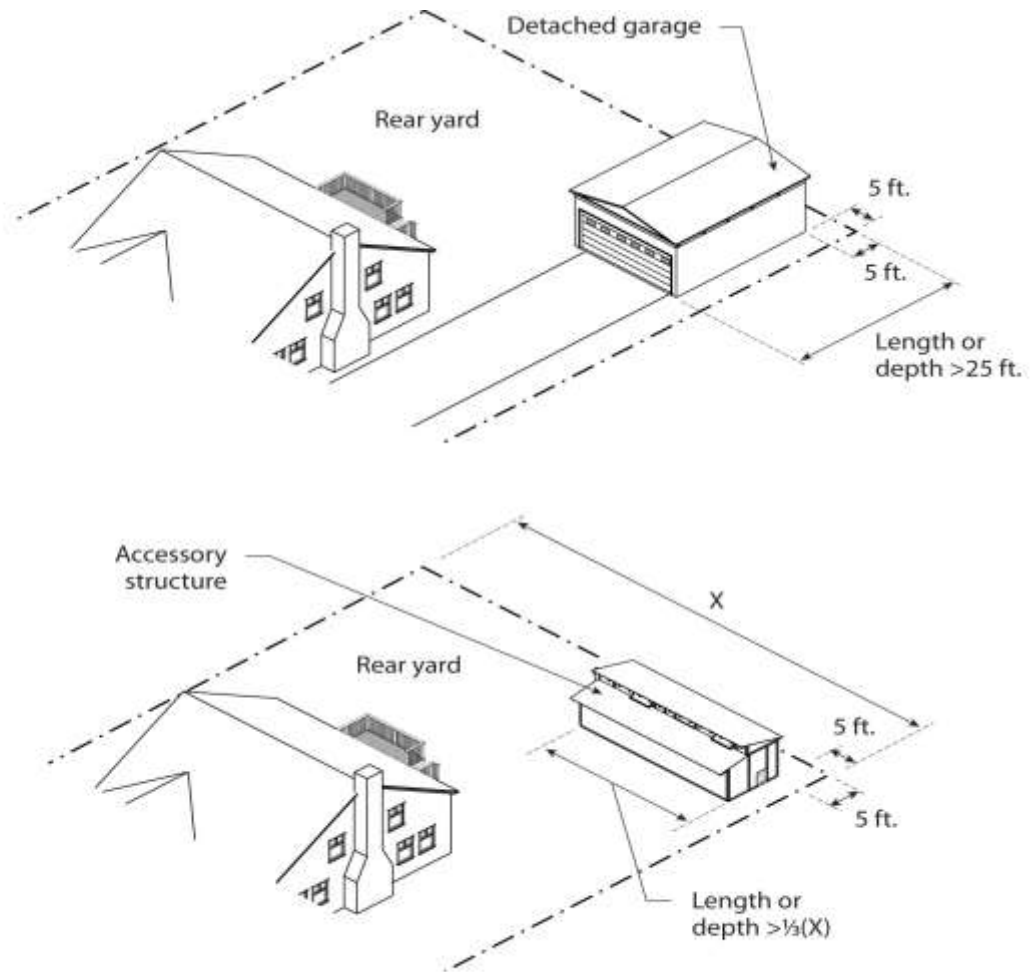
	This regulation is not to be supersede the overall lot coverage for all roofed buildings/structures no the lot (see base Zone District, Lot Coverage)
Separation from Main Building	6 feet measured from roof eave to roof eave
<p>(1) Guest Quarters above garages: 25-feet maximum height allowed with pitched roof.</p> <p>(2) Structures shall observe five feet of setback that: (a) exceed 25 feet in length or width, or (b) measure in excess of one-third of the width of the rear property line. See Figure 401.02.E.1</p> <p>(3) Location relative to adjacent lot: if laterally forward of the adjacent lot's front half point, observe five feet of setback</p> <p>(4) Except when above a garage facing an alley, this condition shall observe the criteria of structure square footage.</p>	

E. ~~Height.~~ Accessory structures with slab-type foundation shall be no greater than 15 feet high measured from adjacent grade. Additional height is allowed for guest quarters above garages, up to 25 feet with a pitched roof.

F. ~~Setbacks.~~ Accessory structures may be located within an interior side or rear setback, except as provided below:

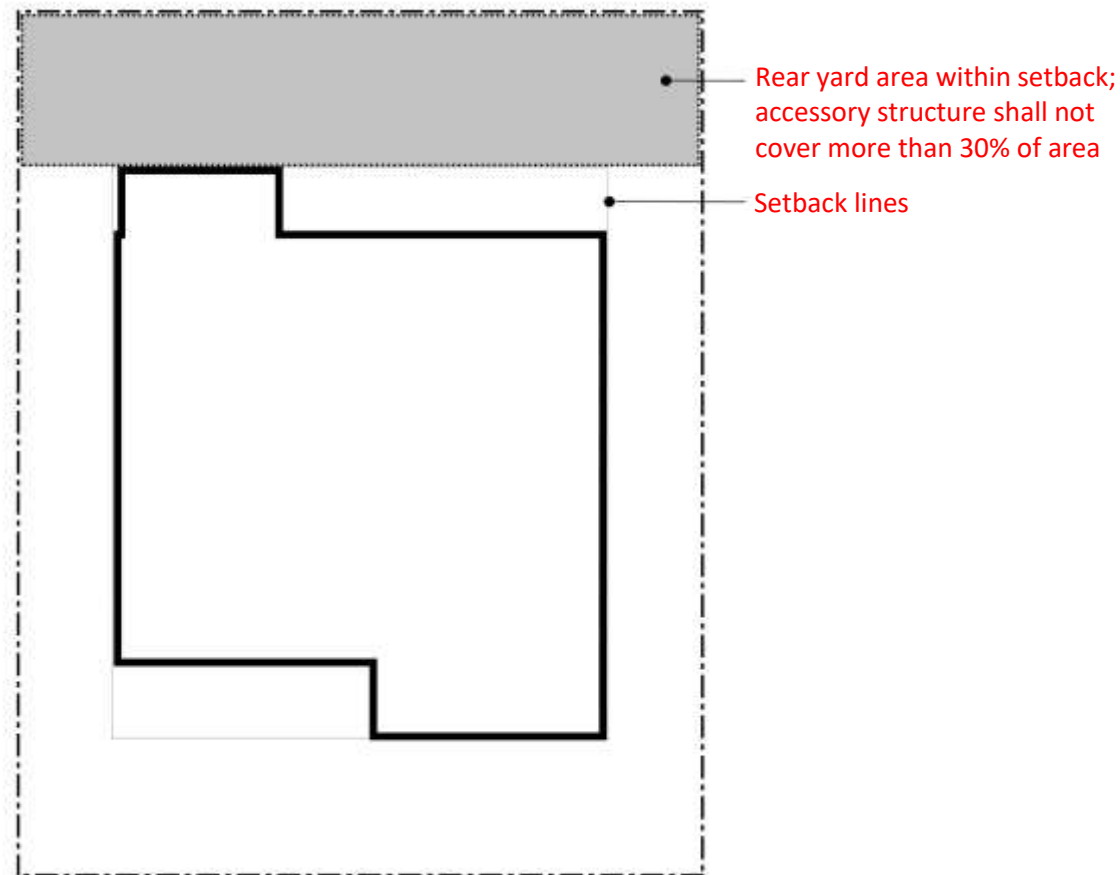
1. ~~Accessory structures shall be set back a minimum of three feet from any alley or lot line.~~
2. ~~Accessory structures adjacent to the front one-half of any adjacent lot shall be set back a minimum of five feet from the lot line.~~
3. ~~Detached garages with a linear length or depth which exceeds 25 feet on a side shall be set back a minimum of five feet from the lot line.~~
4. ~~Accessory structures other than detached garages with a linear length or depth which exceeds one-third of the unobstructed distance along a property line, and/or exceeds 120-square feet shall be set back a minimum of five feet from the lot line. Structures less than 120-square feet shall respect a three-foot setback.~~





**Figure 18.80.020.F. Accessory Structure Setbacks**

G. *Rear Yard Area.* Detached accessory structures shall not occupy more than 30 percent of the required rear yard setback.



**FIGURE 18.80.020.E.2: REAR YARD AREA**

~~H. *Separation from Main Buildings.* No detached accessory structure shall be located closer than six feet from the main building, inclusive of roof overhangs.~~

I. *Facilities.*

1. A detached accessory structure that has not been approved as a guest quarter may contain bathroom facilities upon review and approval by the zoning administrator and the building official. The applicant shall obtain all necessary building permits for work to be performed. The applicant shall sign a statement, at the time of submittal for a building permit, which will prohibit the use of the accessory structure as a second dwelling unit. The signed statement shall be in the form of a restrictive covenant and shall be recorded.

2. A detached accessory structure shall not have plumbing for separate housekeeping facilities, such as a kitchen or laundry facilities, unless it has been approved as a guest quarter, meeting the standards in MCC [18.120.010](#).

J. *Permits*. Accessory structures greater than 120 square feet for residential structures and 200 square feet for commercial structures shall require zoning administrator approval.

K. *Factory-Built Modular Buildings*. Factory-built modular buildings designed, manufactured, and attached to permanent foundations are permitted in all districts; provided, that such buildings are installed in conformance with all applicable provisions of this code.

L. Modular storage containers, such as corrugated metal shipping containers **are permitted in all districts as accessory structures under the following conditions:** ~~shall not be used as accessory structures.~~ [Ord. 14-12 § 1; Res. 14-36 § 401.02.]

1. The containers are not visible from the right-of-way (meaning from the public road)
2. The containers do not disrupt the flow of traffic within the parking lot and;
3. The containers are modified so they do not look like containers (i.e., painted to match the building, siding installed, etc.)

### **18.80.030 Animal keeping.**

Animal keeping is subject to the following standards:

A. *Aviaries and Apiaries*.

1. Buildings or hives for apiaries may not be closer than 75 feet to any neighboring residence.
2. Pens and structures for aviaries may not be closer than 40 feet to any neighboring residence.

B. *Poultry, Bird, and Egg Farms*. Poultry, bird, and egg farms are subject to the following standards:

1. Pens, buildings, and enclosures other than open pasture may not be located closer than 200 feet to any residential, commercial, or industrial district.

C. *Livestock*. Commercial breeding, raising, training, and grazing of horses, cattle, sheep, goats, ostriches, swine and other livestock is subject to the following standards:

1. Sites must be at least 10 acres in area.

2. Pens, buildings, corrals, and similar structures may not be closer than 200 feet to any residential, commercial, or industrial district.

D. *Urban Chickens*. The raising of chickens shall be subject to the following requirements, except in rural districts in which they do not apply:

1. No more than five hens may be kept on an individual lot.
2. Roosters shall be prohibited.
3. Chicken coops shall not be closer than 10 feet from any property line abutting, adjoining or otherwise meeting the property line of another residential lot or parcel. No separation shall be required from a property line or portion of a property line abutting, adjoining or otherwise meeting the property line of an alley, right-of-way, or common open space. Said coops shall be subject to all applicable requirements for accessory buildings, including rear and side yard setbacks, or a minimum setback of 10 feet, whichever is greater.

E. *Horses*. The keeping of horses is allowed on lots that are at least one acre in size. Up to three horses are allowed on one acre; an additional horse is permitted for each 3,000 square feet of lot area above one acre.

F. *Household Pets*. In all zoning districts except rural districts, a maximum of four dogs are allowed. These limitations do not apply to small animals kept within a residence, including cats, fish, small birds, rodents, and reptiles. Dogs confined in kennels shall not be kept closer than 20 feet from the nearest residential structure on an adjacent lot. [Ord. 18-06 § 2; Ord. 14-12 § 1; Res. 14-36 § 401.03.]

## **18.80.040 Building projections into yards.**

Building projections may extend into required yards, subject to the following standards:

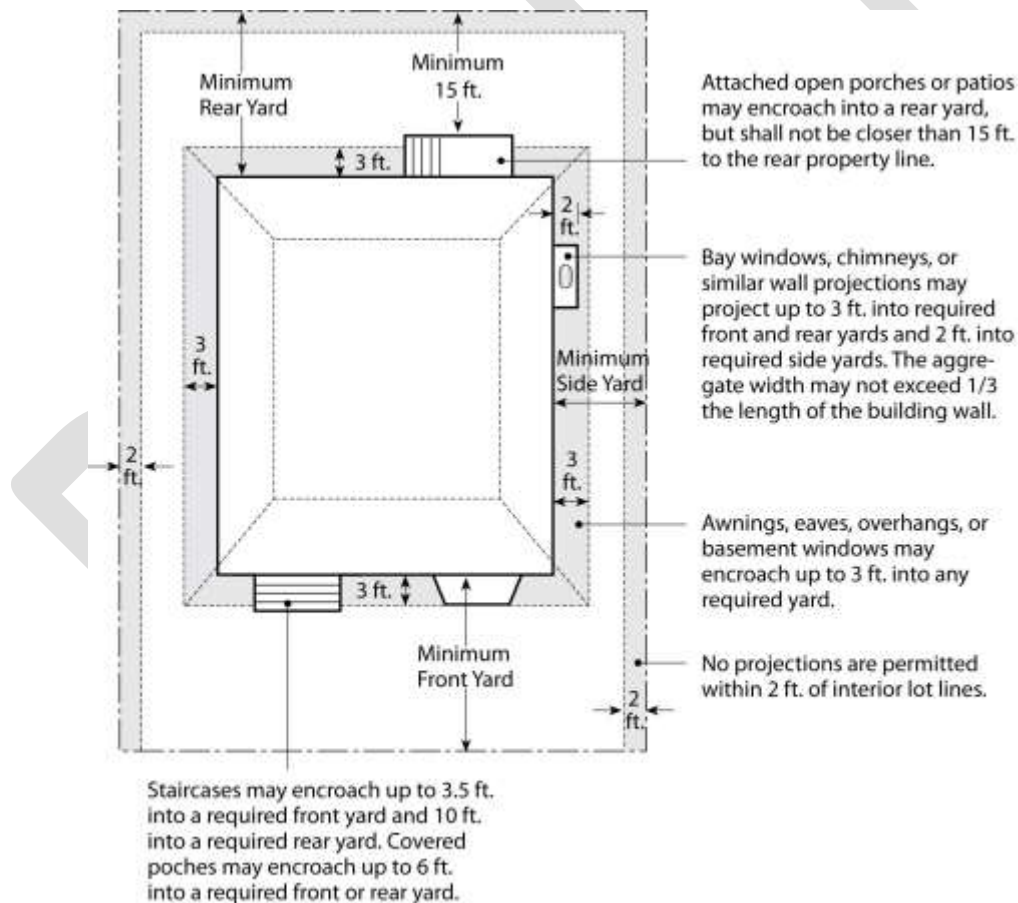
- A. No projection may extend closer than two feet to an interior lot line or into a public utility easement and may not encroach over a public utility easement, drainage easement, or other restrictive easement.
- B. No air-conditioning unit, pool pump or similar mechanical equipment, or any building encroachment, other than roof overhangs or eaves, shall be permitted in any side yard required for vehicular access.
- C. Awnings, eaves, overhangs, or basement window wells may encroach up to three feet into any required yard.

D. For single-family houses in residential districts, covered porches may project up to six feet into a required front or rear yard.

E. Vestibules, bay windows, nooks, chimneys, or similar wall projections with or without footings may encroach not more than three feet into any required front or rear yard and not more than two feet into any required side yard. The aggregate width may not exceed one-third the length of the building wall.

F. Staircases may be allowed up to three and one-half feet in height within any required front yard, and encroach up to 10 feet horizontally into any required rear yard.

G. Attached open porches, open patios, open carports, or open balconies may encroach into a required rear yard, but shall not be closer than 15 feet to a rear property line. Such open structures may include window screens, knee walls, and other partial enclosures as specified in the building code for patio covers.



**Figure 18.80.040. Building Projections**

[Ord. 14-12 § 1; Res. 14-36 § 401.04.]

### **18.80.050      Reserved.**

[Ord. 14-12 § 1; Res. 14-36 § 401.05.]

### **18.80.060      Development on lots divided by district boundaries.**

A. *Generally.* The regulations applicable to each zoning district shall be applied to the area within that district, and no use shall be located in a zoning district in which it is not a permitted or conditionally permitted use, except in situations listed in subsection (B) of this section. When deemed appropriate, the applicant or city shall initiate a zone change to make the zoning district lines consistent with lot lines.

B. *Exception.* If more than 60 percent of the lot is in one zoning district, the hearing officer may grant exceptions to subsection (A) of this section, based on consideration of the proposed use of the lot and the existing uses on surrounding lots. Such an exception shall be considered through the administrative use permit process. [Ord. 14-12 § 1; Res. 14-36 § 401.06.]

### **18.80.070      Development on substandard lots.**

Any lot or parcel of land under one ownership and of record on the day of incorporation of the city may be used as a building site, even when of less area or width than that required by the regulations for the zoning district in which it is located. Such lot or parcel shall be subject to the setbacks and all other regulations applying to standard-size lots in the zoning district where the lot or parcel is located, unless a variance or waiver has been approved. [Ord. 14-12 § 1; Res. 14-36 § 401.07.]

### **18.80.080      Exceptions to height limits.**

A. *Allowed Projections above Height Limits.* The structures listed in Table 18.80.080 may exceed the maximum permitted building height for the zoning district in which they are located, subject to the limitations stated in the table; and further provided, that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising.

**Table 18.80.080 Allowed Projections above Height Limits**

Structures Allowed above the Height Limit	Maximum Coverage, Locational Restrictions	Maximum Vertical Projection above the Height Limit
Skylights	No limitation	1 foot
Solar panels	No limitation	3 feet
Other energy production facilities located on rooftop such as wind turbines	No limitation	5 feet
Chimneys Decorative features such as domes, cupolas, pediments, obelisks, and monuments Rooftop open space features such as sun decks, sunshade and windscreen devices, open trellises, and landscaping, excluding detached residential structures	20% of roof area for all structures	20% of base height limit or 10 feet
Elevator and stair towers (for multi-unit and nonresidential buildings only)	N/A	12 feet
Mechanical penthouses	60% of roof area	10 feet
Flagpoles	Shall be set back at least to the height of the pole from all lot lines; only one per residential lot	10 feet
Fire escapes, catwalks, and open railings required by law	No restriction	No restriction
Religious facility architectural elements such as spires, bell towers, and domes	20% of roof area	No restriction
Parapets excluding detached residential structures	N/A	4 feet
Distribution and transmission towers, lines, and poles Water tanks Windmills Airway beacons	20% of the area of the lot, or 20% of the roof area of all on-site structures, whichever is less; no limit if a primary use permitted in the district	10 feet as an accessory structure; none as a primary use
Building-mounted telecommunications facilities, antennas, and microwave equipment Radio towers	Subject to provisions of Chapter <a href="#">18.130</a> MCC, Telecommunications Facilities. A conditional use permit is required for commercial communication towers that exceed the maximum permitted height of the district in which they are located.	
Athletic field lighting	80 feet	

Structures Allowed above the Height Limit	Maximum Coverage, Locational Restrictions	Maximum Vertical Projection above the Height Limit
Bucket elevators, vertical conveyors and conveyor equipment, smokestack scrubbers, support towers, grain bins and grain silos, and any other height relevant industrial mechanical appurtenances	Shall require a conditional use permit	No restriction

[Ord. 18-06 § 2; Ord. 14-12 § 1; Res. 14-36 § 401.08.]

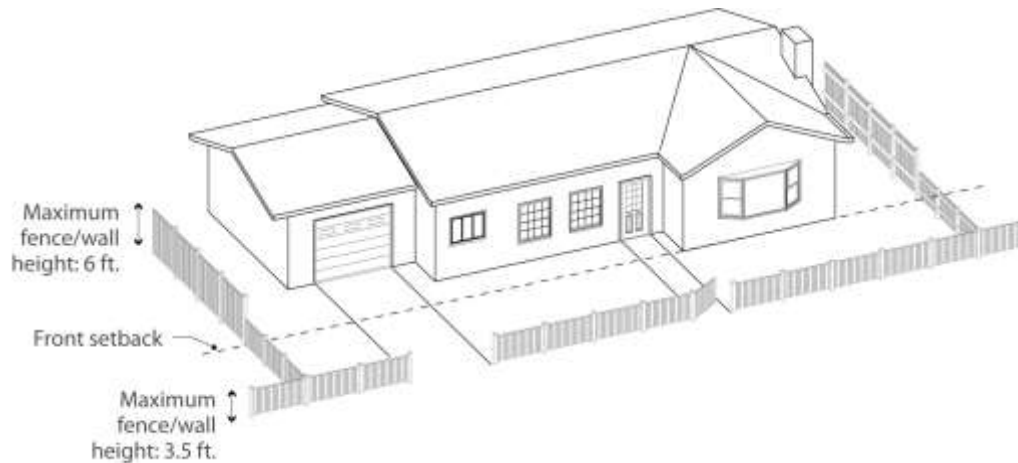
## 18.80.090 Fences and freestanding walls.

Fences, freestanding walls, dense hedges, and similar structures shall comply with the standards of this section.

### A. *Maximum Height.*

1. *Front Yards and Street Side Yards.* No fence or freestanding wall within or along the exterior boundary of the required front or street side yard shall exceed a height of three and one-half feet. Visually transparent and nonopaque fences over three and one-half feet high may be allowed in front and street side yards, through modification by the hearing officer.
2. *Interior Side and Rear Yards.*
  - a. *Residential Districts.* No fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of six feet.
  - b. *Commercial, Mixed Use, and Industrial Districts.* No fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of eight feet.
  - c. *Rural Districts.* A fence or freestanding wall up to eight feet in height may be allowed on interior lot lines for screening purposes and livestock fencing.
3. *Decorative Features.* One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot; provided, that the maximum height or width of the structure does not exceed 10 feet. Such decorative feature shall not have any solid obstruction that exceeds two feet in diameter between the height of three and 10 feet.





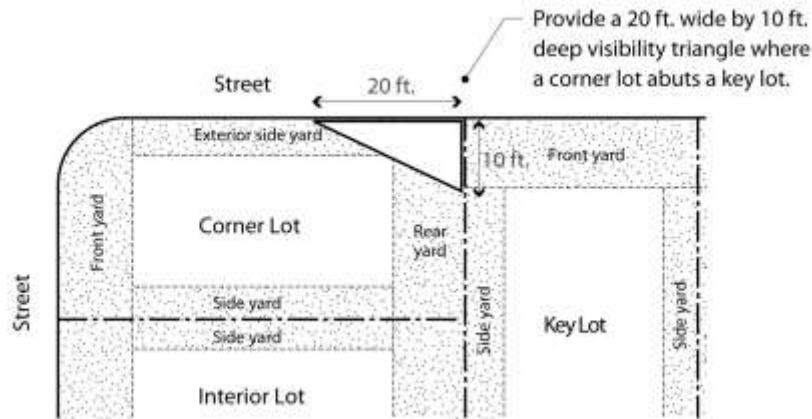
**Figure 18.80.090.A. Fences**

B. *Materials.* The following fencing materials are prohibited and/or restricted:

1. Residential and open space districts: barbed wire, razor wire, embedded glass shards, ultra barrier, electrified and other hazardous fencing are prohibited;
2. Chain link fencing: chain link fencing may only be used:
  - a. Residential districts: when not visible from off site;
  - b. All other districts: when not visible from off site, as temporary fencing for a construction project, or as approved by the zoning administrator.

C. *Visibility at Intersections.* Notwithstanding any other provisions of this section, fences and walls shall comply with the standards of MCC [18.80.150](#), Visibility at Intersections and Driveways.

D. *Corner Lots.* Fences shall be a maximum of three feet in height within the sight distance triangle, unless a waiver is obtained from the hearing officer. Trees or any portion thereof that are located within the street triangle shall have clearance from two to seven feet as measured from the top of the curb or sidewalk. In the event that the rear property line of a corner lot abuts a side property line of an adjoining key lot, a 10-foot-deep by 20-foot-wide visibility triangle shall be maintained over the corner lot, starting at the intersection of the rear and street side property lines of the corner lot.



**Figure 18.80.090.D. Corner Lot Abutting a Key Lot**

E. *Access for Public Utilities.* Where fencing blocks public utility easements, it shall be constructed so those portions required for access to the utilities can be removed or access otherwise ensured.

F. *Rural Districts.* Corral fences for the keeping of livestock may be placed within the required front yard in rural districts. Corral fences shall be constructed of masonry, wrought iron, pipe-rail, splitrail, or similar material, and shall maintain a minimum openness of 67 percent of the exterior surface of the fence. Corral fences shall not be constructed of metal wire, such as chain link or barbed wire. Corral fences shall not exceed six feet in height.

G. *Commercial, Mixed Use, and Industrial Districts.*

1. *Exceptions to Height Limits.* A waiver of fence height may be granted by the hearing officer. The maximum height that is allowed with a fence height waiver is six feet in front or street side yards, and 10 feet in interior side or rear yards.

2. *Prohibited Materials.* Chain link fencing is not permitted in any street-facing yard in any commercial or mixed use district or in a location visible from off site. In all commercial and mixed use districts and on the perimeter of industrial districts or street-facing frontages, the use of barbed wire, razor wire, embedded glass shards, ultra barrier, electrified, and other hazardous fencing is prohibited.

H. *Retaining Walls.* The height of a retaining wall shall not exceed that of freestanding wall height limits in subsection (A) of this section. Refer to MCC [18.15.030\(E\)](#) for measuring wall heights for retaining and freestanding wall combinations. [Ord. 14-12 § 1; Res. 14-36 § 401.09.]

## 18.80.100 Outdoor storage.

Open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than 72 hours must conform to the standards of this section. The regulations of this section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit and to agricultural/farming equipment used for agriculture or farming on the property.

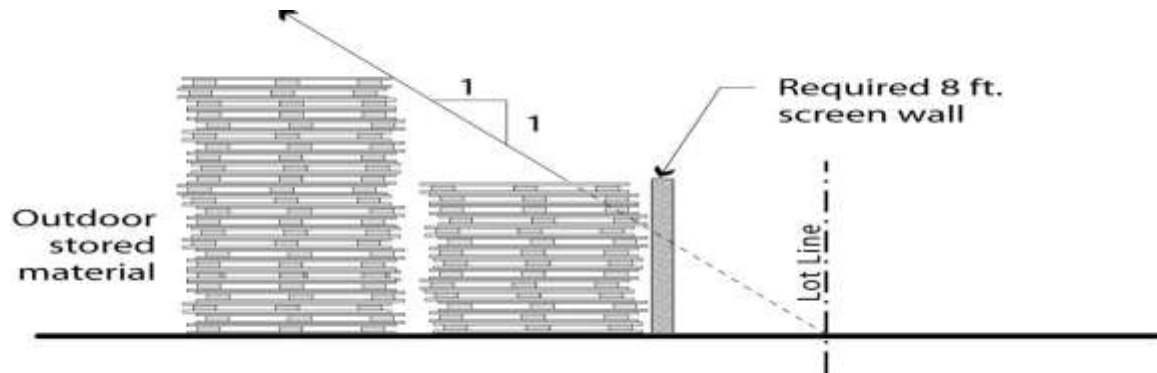
A. *Permitted Locations.* Table 18.80.100 states where outdoor storage is permitted.

**Table 18.80.100 Open Storage Regulations by District and Location**

Base Districts	Permissibility of Open Storage
Rural	Permitted if associated with a permitted agricultural use, located outside of all required setbacks, and screened subject to the standards of this section from adjacent residential properties and public rights-of-way.
Residential, Neighborhood Commercial, and Mixed Use	All storage must be within an enclosed building except as specified for accessory outdoor display (garden centers, plant nurseries, lumber supply areas for home centers), subject to screening standards and to review and approval of a use permit.
Industrial	Not permitted in front or street-facing side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this section.
Public Facilities and Fleet Maintenance Yards	Not permitted in front or street-facing side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this section.

B. *Screening and Setbacks.* Storage areas visible from public streets that are not separated from the street by intervening building(s) shall be screened.

1. *Screening Walls.* Screening walls and fences shall be at least eight feet in height. If located on a lot line or in a required yard, they shall not exceed the maximum allowable fence heights in required yards.
2. *Setback.* A setback shall be provided for outdoor stored material at the ratio of 1:1 from all lot lines equal to total height of stored material above required screen wall. Minimum required yards visible from off-site and not enclosed by an eight-foot screen wall are required to be landscaped. Outdoor storage areas shall provide the minimum required landscape buffer zones for sites abutting residential zoning districts, as established in Chapter [18.90](#) MCC.



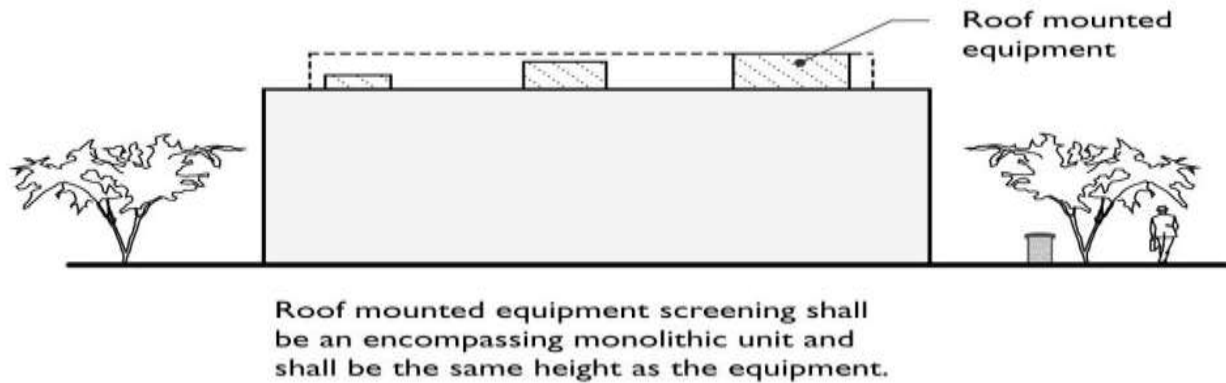
**Figure 18.80.100.B. Outdoor Stored Material**

[Ord. 14-12 § 1; Res. 14-36 § 401.10.]

## **18.80.110 Screening.**

A. *Screening of Mechanical Equipment.* All exterior mechanical equipment, whether on a roof, on the side of a structure, or located on the ground, shall be screened from public view. Exterior mechanical equipment to be screened includes, but is not limited to, heating, ventilation, air conditioning, refrigeration equipment, plumbing lines, ductwork, transformers, smoke exhaust fans, water meters, backflow preventers, service entry section and similar utility devices. Screening shall be architecturally integrated into the main structure with regard to materials, color, shape, and size to appear as an integral part of the building or structure. Equipment shall be screened on all sides, and screening materials shall be opaque. When screening with plants, evergreen types of vegetation shall be planted and maintained. Plant material sizes and types shall be selected and installed so that at the time of building occupancy such plants effectively screen their respective equipment. The use of wood, expanded metal lath, and chain link for the purpose of screening is prohibited. The following additional screening standards apply:

1. *Roof-Mounted Equipment.* Whenever feasible, roof-mounted equipment screening shall be constructed as an encompassing monolithic unit or a series of architecturally similar screening units on large roofs, rather than as several individual screens (i.e., multiple equipment screens, or "hats," surrounding individual elements shall not be permitted). The height of the screening element shall equal or exceed the height of the structure's tallest piece of installed equipment.



**Figure 18.80.110.A.1. Screening of Roof-Mounted Equipment**

2. *Ground-Mounted Equipment.* Ground-mounted equipment including but not limited to water meters, backflow preventers, and transformers that faces a street or is not separated from the street by intervening building(s) shall be screened to a height of 12 inches above the equipment unless such screening conflicts with utility access, in which case reasonable accommodation shall be allowed. Screening devices shall consist of decorative walls and/or berms (3:1 maximum slope) with supplemental plant materials including trees, shrubs and groundcovers. For screen walls that are three feet high or lower, vegetative materials may be substituted for 50 percent of the screening device. This requirement does not apply to equipment in the interior of a lot that is not visible from the street. Electrical sub-stations, water tanks, sewer pump stations and similar utilities are required to be screened and secured with an eight-foot-high wall.



**Figure 18.80.110.A.2. Screening of Ground-Mounted Equipment**

3. *Exterior Wall Equipment.* Wall-mounted equipment, including but not limited to electrical meters, electrical distribution cabinets, service entry sections, and valves and cabinets that face a street, public parking and is not recessed and/or separated from the street by intervening building(s) or walls or gates shall be screened. Screening devices shall incorporate elements of the building design, e.g., shape, color, texture and material. For screen walls that are three feet in height or lower, vegetative materials may be substituted for 50 percent of the screening device. This requirement does not apply to fire related elements.

4. *Upgrades to Existing Mechanical Equipment.* The hearing officer may waive or modify screening requirements for upgrades to existing mechanical equipment if reasonable accommodations are made to meet the intent of this code.

B. *Truck Docks, Loading, and Service Areas.* Truck docks, loading, delivery, and service bays shall be screened according to the standards of MCC [18.80.130](#) and Chapter [18.90](#) MCC.

C. *Roof Access Ladders and Fire Sprinkler Risers.* In all new construction, roof access ladders and fire sprinkler risers shall be located internally.

D. *Trash and Refuse Collection Areas.* Latching view obscuring gates shall be provided to screen trash enclosure openings where visible from street and/or public parking areas. *Gates swings shall be clear of drive aisles and gates shall have a sign posted that reads, "KEEP GATES CLOSED AT ALL TIMES" (or equivalent).* The trash enclosure shall match and complement the color scheme and architecture of the building.

E. *Parking Areas.* Parking areas and drive aisles shall be screened from street(s) with a combination of perimeter walls made of masonry (or similar material, such as gabion walls) and/or perimeter berms or landscape screening materials with supplemental shrubs and ground covers.

1. The screening device shall vary in height from a minimum of three feet and not to exceed three and one-half feet and shall be offset or staggered in plan by at least 24 inches at intervals of no more than 30 feet or include a mixture of live and solid walls.
2. The screening device shall vary in height from 12 to 18 inches when lawful display of automobiles, trucks, recreational vehicles, manufactured homes, boats, motorcycles, and utility trailers is adjacent to public streets.
3. Screen wall and/or berm height shall be measured from the finish grade of the parking lot.
4. A setback of at least five feet shall be provided between the screen wall and the edge of the parking area.
5. A setback of at least 10 feet shall be provided between the screen wall and the right-of-way, which may be reduced to five feet if the parking area frontage is 50 feet or less and there are no other conflicts, such as, but not limited to, public utility easements.
6. The hearing officer may approve alternatives to these screening standards if reasonable accommodations are made to meet the intent of this code.

F. *Common Lot Lines.* A screening wall shall be provided on the interior lot lines of any lot that contains any commercial use, industrial use, public or semi-public use (except cemetery or public park and recreation facility), or transportation, communication, and utilities use, and abuts a residential district or residential use. Such screening wall shall be provided at the time of new

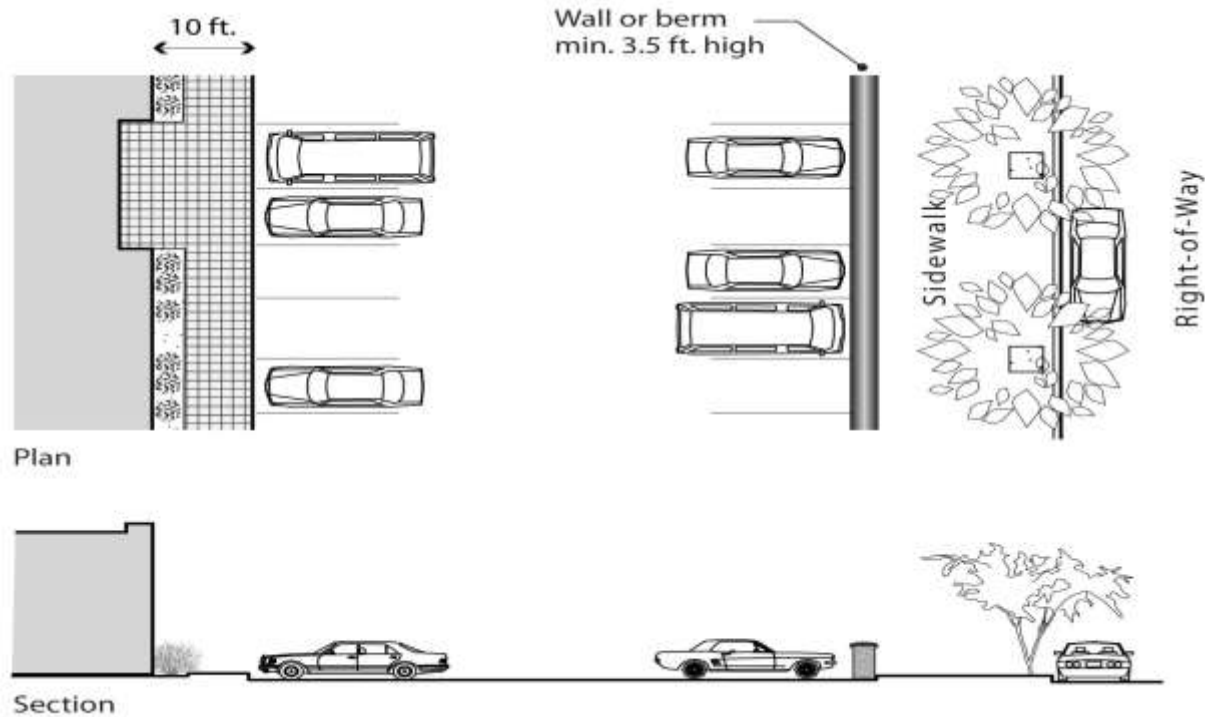


construction or expansion of buildings, or changes from one use classification to another nonresidential use classification.

1. *Location.* Screening walls shall follow the lot line of the lot to be screened, or shall be so arranged within the boundaries of the lot so as to substantially hide from adjoining lots the building, facility, or activity required to be screened.
2. *Materials.* Industrial uses must provide a solid screening wall of stucco, decorative block, or concrete panel. Screening walls for other uses may be constructed of stucco, decorative block, concrete panel, wood or other substantially equivalent material. Chain link fencing does not fulfill the screening wall requirement.
3. *Berms.* An earth berm may be used in combination with the above types of screening walls, but not more than two-thirds of the required height of such screening may be provided by the berm.
4. *Relationship to Fence and Wall Height Limits.* If the minimum required screening wall height exceeds the maximum permitted height of fences and freestanding walls for the zoning district, then a screening wall shall be provided that conforms with the maximum permitted fence height in the applicable portion of the property.

G. *Screening along Residential District Boundaries.* A screening wall six feet in height is required wherever a site located in a commercial or mixed use district abuts a residential district. Openings in the wall are allowed for pedestrian access. The zoning administrator may require additional screening elements, up to eight feet in height, if necessary to screen commercial uses.

H. *Screening and Separation of Parking Areas.* Parking areas located between a building and street shall be screened with a screening wall or berm at least three feet and not to exceed three and one-half feet high. In addition, parking areas shall be separated from on-site buildings by a distance of at least 10 feet, which shall be landscaped and may also include a pedestrian walkway.



**Figure 18.80.110.H. Screening and Separation of Parking Areas**

I. *Screening and Location of Accessory Uses.* Outdoor accessory uses, such as, but not limited to, propane storage tanks, fuel storage and dispensing facilities not a part of a gas or service station, donation drop boxes and collection areas are only permitted as an accessory use within commercial and industrial zoning districts and as an accessory to institutional and assembly uses. Such accessory uses shall not be located within the minimum front and street side building setback and shall meet all other applicable codes and ordinances. Accessory uses shall be shown on a site plan and provide screening and landscape in a manner to obscure views from adjacent roadways. [Ord. 14-12 § 1; Res. 14-36 § 401.11.]

## **18.80.120 Swimming pools and spas.**

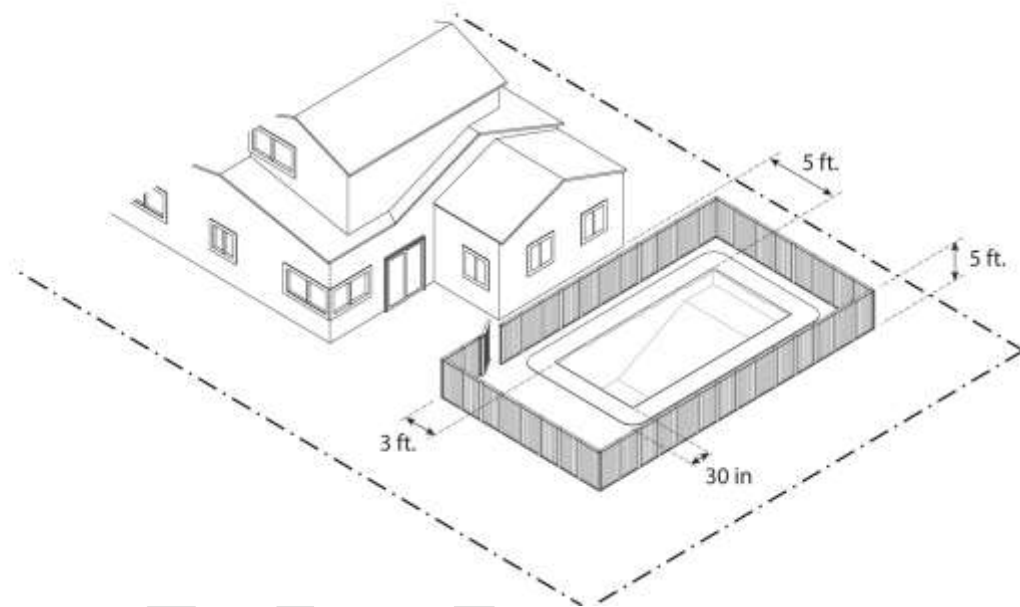
A. Swimming pools and spas located in any zoning district must be developed in compliance with the following standards:

1. *Exclusive Use.* If located in a rural or residential district, the swimming pool or spa is to be solely for the use and enjoyment of residents and their guests, unless it is associated with a golf course or resort.



2. *Filtration Equipment.* Swimming pool or spa filtration equipment and pumps shall not be located in the front or street side yard and shall not be closer than 15 feet to the main building on an adjoining lot. All equipment shall be mounted and enclosed so that its sound is in compliance with Chapter [18.110](#) MCC, Performance Standards.

3. *Pool Setbacks.* Pool setbacks from water edge to lot perimeter barrier/fence shall be a minimum of three feet from the water.



**Figure 18.80.120.A.3. Pool Setbacks**

4. *Enclosure.* Refer to current adopted building codes for minimum barrier requirements. [Ord. 14-12 § 1; Res. 14-36 § 401.12.]

## **18.80.130 Truck docks, loading, and service areas.**

A. In addition to the requirements outlined in Chapter [18.105](#) MCC, all truck docks, loading, and service areas shall be located and screened as follows:

1. *Minimum Distance from Residential District.* Truck docks, loading, and service areas are not permitted within the minimum required transitional setback of the district in which they are located, from any residential district or residential use.

2. *Location on Lot.* In all districts except the rural and industrial districts, truck docks, loading areas, and service areas must be located at the rear or interior side of buildings, rather than facing a street.

3. *Screening.* Truck docks, loading areas, and service areas located in any zoning district shall be screened from any adjacent residential districts or uses. Docks, loading, and service areas in any district except the industrial districts shall be screened from view of adjacent streets. Screening shall consist of a solid masonry wall at least eight feet in height or opaque automated gates. Sustainable development bonus incentives may be available for alternative screening methods; refer to Chapter [18.125](#) MCC. [Ord. 14-12 § 1; Res. 14-36 § 401.13.]

#### **18.80.140 Underground utilities.**

All electrical, telephone, cable television, fiber optic cable, gas, water, sewer, irrigation/recycled water, and similar distribution lines providing direct service to a project shall be installed underground within the site. This requirement may be waived by the zoning administrator upon determining that underground installation is infeasible or the electrical line is otherwise exempt from an undergrounding requirement. [Ord. 14-12 § 1; Res. 14-36 § 401.14.]

#### **18.80.150 Visibility at intersections and driveways.**

Notwithstanding any other provisions of this section, no fence, wall, shrubbery, sign, or other obstruction to vision between a height of two feet and seven feet above the centerline grades of the intersecting streets shall be erected, placed, planted, allowed to grow, or maintained within the site visibility triangle as specified in MCC Title [17](#), Subdivisions. [Ord. 14-12 § 1; Res. 14-36 § 401.15.]

**Zoning Code Minor Update  
Summary of Proposed Amendments  
Chapter 18.90 Landscaping**

**Section 18.90.030 (p.2-4)**

1. **Sec. 18.90.030 A:** Deleted last sentence as the landscape plant list was removed from the code and instead is now an internal policy than actual code.
2. **Sec. 18.90.030 G:** Added new section that previously within the subdivision code.

## Chapter 18.90 LANDSCAPING

### Sections:

- 18.90.010 Specific purposes.
- 18.90.020 Applicability and exemptions.
- 18.90.030 General requirements.
- 18.90.040 Site landscaping on non-single-family lots.
- 18.90.050 Parking lot landscaping.
- 18.90.060 Alternative compliance.

### 18.90.010 Specific purposes.

The specific purpose of this chapter is to establish standards for landscaping. The landscaping standards are intended to:

- A. Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites;
- B. Soften the appearance of urban development;
- C. Ensure appropriately designed and maintained landscaping elements that allow natural surveillance;
- D. Generate and preserve community identity to reinforce a sense of place that is unique to various neighborhoods and districts throughout the city;
- E. Encourage the use of drought-tolerant, native or adapted plant species and demonstrate appropriate design and maintenance techniques and discourage the use of nonnative invasive plants which require more water and have a negative impact to the city's natural environment; and
- F. Provide environmental improvements, such as mitigating air and storm water pollution, providing shade, and reducing the effects of the urban heat island. [Ord. 14-12 § 1; Res. 14-36 § 404.01.]

### 18.90.020 Applicability and exemptions.

- A. *Applicability.* The regulations of this chapter shall apply to:

1. *Proposed Developments.* All buildings and uses of land, except active agricultural buildings located further than 100 feet from public rights-of-way.
2. *Existing Properties.* After the effective date of this code, any proposed change to the primary exterior features of a building, such as alterations to entranceways, porches, driveways, and front yards, or exterior additions that project into the front yard, an increase in parking, or a change in use or building occupancy designation, the standards of this chapter apply.

B. *Exempt Projects.* The requirements of this chapter do not apply to:

1. Interior or upper-story additions to existing nonresidential or residential construction that add less than 20 percent to the existing floor area;
2. The establishment of an accessory use on the same lot as an existing primary use, such as the installation of an accessory office space, with no expansion of floor area or outdoor area occupied; and
3. A change in occupancy of a building that does not involve a change in the use type (e.g., the use classification). [Ord. 14-12 § 1; Res. 14-36 § 404.02.]

### 18.90.030 General requirements.

A. *Landscaped Areas.* Required landscaped areas shall be maintained free from encroachment by any use, structure, vehicle, or feature not a part of the landscaping design, except for the fire hydrants and related fire protection devices, mailbox clusters, pedestals, poles, cabinets, utility-housing boxes, or other permanent fixtures as approved for emergency or service access. ~~Required plant materials shall comply with MCC Title 17, Subdivisions, Appendix A – Landscape Plant List.~~

1. Where turf abuts decomposed granite or similar inorganic landscape material, a hardscape edging material such as brick or concrete curb/mowstrip shall be provided.
2. Where vehicular cross-access is provided between adjoining properties that are not part of group commercial, office, or industrial development, a 15-foot-wide perimeter landscape yard except where drive aisle occurs shall be provided.

B. *Tree Size.* Required trees shall meet the growth dimensions specified in the Arizona Nursery Association “Recommended Tree Specification,” latest edition, a copy of which will be maintained on file by the planning division and available upon request. The zoning administrator may approve deviations from these minimum specifications based on availability, if a deviation is requested prior to installation.

C. *Shrubs.* Required shrubs shall have a minimum mature growth height of 18 inches. At least 50 percent of required shrubs shall be a minimum of five gallons in size upon installation, but in no case shall any shrub be less than one-gallon size.

D. *Ground Cover*. Required ground cover may be of two types:

1. Vegetative ground cover consisting of living plant materials characterized by horizontal as well as vertical growth, generally not exceeding 18 inches in height.
2. Inert ground cover consisting of gravel, decomposed granite, crushed rock, desert tree mulch, or other approved materials. The use of “desert cobble” that looks like the desert floor, consisting of natural desert covers and seed mix, is encouraged. Minimum depth of inert material shall be two and one-half inches.



Figure 18.90.030.D Ground Cover Types

E. *Irrigation Systems*. Required irrigation systems shall be underground automatic watering systems, unless the lot is served by functioning flood irrigation. Irrigation and plantings within three feet of public utilities, such as but not limited to electrical transformers, light poles and fixtures, and communication services, shall be limited to drip systems so as to not overspray to cause undue corrosion to utility structures.

F. *Paving and Hardscape Materials*. Paving and ground treatment shall be an integral part of site and landscape design. [Ord. 14-12 § 1; Res. 14-36 § 404.03.]

(THIS SECTION BELOW WAS PREVIOUSLY LOCATED WITHIN THE SUBDIVISION CODE.)

G. *Minimum Open Space Required*. The following indicates the minimum required open space by Zoning District.

1. Open space, in general, may also include any parking area landscaping **that are** exceeds that which is required by the MCC.
2. Open space does not include parking areas except parking lots for trail heads and/or for the neighborhood parks (not parking lots required for other uses).
2. Bicycle trails (not bike lanes within the pavement section), pedestrian trails, equestrian tracts, and trail heads may also be calculated as open space.

3. Landscape buffers and landscaped medians shall be a minimum of **ten to** fifteen feet in width in order to be calculated as part of the required open space.
4. Open space does not include retention and/or detention basins that are concrete lined or non-landscaped, vacant lots, or undeveloped lots.
5. Residential zoning districts shall have a minimum of sixty percent (60%) of the required open space for any development should be developed as “useable” open space with the recreational amenities needed to support the new neighborhood demand incorporated into that open space.
6. Not more than fifty percent (50%) of the required open space shall be attributed to golf course use or ancillary golf uses.

**Table 1 – Open Space Requirements by Zoning Districts**

Zoning District	REQUIRED PERCENTAGE OF OPEN SPACE
Rural Districts	0% (1 - 49 lots; min. lot size 54,000 sq. ft.) 2% (50 + lots; min. lot size 54,000 sq. ft.) 10% (1 - 49 lots; min. lot size 20,000 sq. ft.) 12% (50 + lots; min. lot size 20,000 sq. ft.)
Residential Districts	15% (1 - 99 lots; min lot size 12,000 sq. ft.) 17% (100 + lots; min lot size 12,000 sq. ft.) 20% (1 - 99 lots; min lot size 7,000 sq. ft.) 22% (100 + lots; min lot size 7,000 sq. ft.)
Mixed Use Districts	15%
Commercial Districts	10% (20 acres or less in size) 15% (greater than 20 acres in size)
Industrial Districts	10% (100 acres or less in size) 15% (greater than 100 acres in size)
Public Institutional Districts	10% (20 acres or less in size) 15% (greater than 20 acres in size)

## 18.90.040 Site landscaping on non-single-family lots.

### A. *Landscaping in Visible Yards.*

1. *Standards.* Off-site street landscaping and on-site landscape buffer setback standards must comply with MCC [17.30.050](#). Street-facing yards, parking areas, and on-site landscaping shall comply with this code.
2. *Allowable Uses.* Yards that are visible from public streets and not used for parking lanes, or pedestrian walkways or allowable outdoor facilities shall be exclusively maintained as landscaped areas with plant materials and may include monument signs, parking screen walls, and retention basins as well as utility boxes and related equipment.
3. *Exceptions.* Outdoor seating for restaurants and cafes may encroach:
  - a. In NC Districts, up to 50 percent of the width of the required landscape area; and
  - b. In mixed use districts, the entire width of the required landscape area. The city encourages the use of tree wells and planters to help define outdoor seating areas and to enhance urban spaces.
4. *Numbers of Plants.* Except as otherwise required by the subdivision regulations, the required on-site plantings for multiple-family, mixed use, commercial, and institutional developments shall include a minimum of one tree and six shrubs per 650 square feet of landscaped area, with 40 percent ground cover. Industrial developments shall provide one tree and six shrubs per 1,000 square feet of landscaped area, with 25 percent ground cover. Where conflict occurs between the provisions of this code and MCC Title [17](#), Subdivisions, the more restrictive provision shall apply.
5. *Minimum Size.* In addition to minimum landscaping required in MCC [17.30.050](#), minimum size of plant materials shall be as follows:
  - a. *Trees.*
    - i. A minimum of 50 percent of the total required trees shall be 24-inch box trees.
    - ii. No trees shall be smaller than 15-gallon size.
  - b. *Shrubs.*
    - i. A minimum of 50 percent of the total required shrubs shall be five-gallon size or larger.
    - ii. No shrubs shall be less than one-gallon size.
  - c. *Substitutions.* Substitutions for the above requirements may be made according to the following table:



Table 18.90.040.A.5.C Tree Substitutions

Tree to be placed on site	15-gallon tree equivalent	24-inch box tree equivalent
24-inch box tree	2 trees	—
36-inch box tree	3 trees	2 trees
48-inch box tree	4 trees	3 trees
60-inch or larger box tree	—	4 trees

6. *Ground Cover.* All landscape areas shall be covered with materials such as decomposed granite, desert varnish or cobble, desert tree mulch, turf, in combination with supplemental shrubs and ground covers, accents, flowers, and vines.

7. *Retention Basins.* Retention basins may not occupy more than 50 percent of the minimum required front yard and street side yard setback landscape areas. Basins shall be incorporated into the landscape plan and designed to appear natural or integrated with the site plan and architecture of the site.

B. *Adjacent Lot Lines.*

1. *Buffer Zones Adjacent to Residential Zoning Districts and Open Space.*

a. *Requirement.* Properties located adjacent to residential districts, community trail systems, and open space areas shall have a landscaped buffered area with a minimum width of 25 feet for commercial and mixed use districts, and 40 feet for industrial districts. In no case shall it exceed a 3:1 slope. At a minimum, buffer areas shall contain a minimum of one tree and two shrubs every 25 feet, or portion thereof, to provide visual screening between uses in addition to the minimum required landscaping on site.

b. *Ground Treatment.* The buffer zone except for pedestrian walkways shall be covered with materials such as decomposed granite, desert varnish or cobble, desert tree mulch, turf, in combination with supplemental shrubs and ground covers, accents, flowers, and vines.

c. *Areas Visible from Rows, Public Parking or Drive Aisles.* Landscape material placement shall be designed to concentrate plantings in areas of high visibility to screen parking, loading, and trash enclosures from adjacent rights-of-way, properties, and pedestrian areas.

C. *Landscaping of Interior Setbacks.* Where a lot located in a commercial or mixed use district is adjacent to a residential district, at least 25 ~~(per MCC 17.30.050)~~ feet of the depth of such setbacks must be landscaped, and remain free from parking, driveways, and encroachment by any structures that are not part of the landscaping design. Properties that are adjacent to nonresidential districts, at least 40 feet of the depth of interior setbacks must be landscaped, unless specified elsewhere in this code.

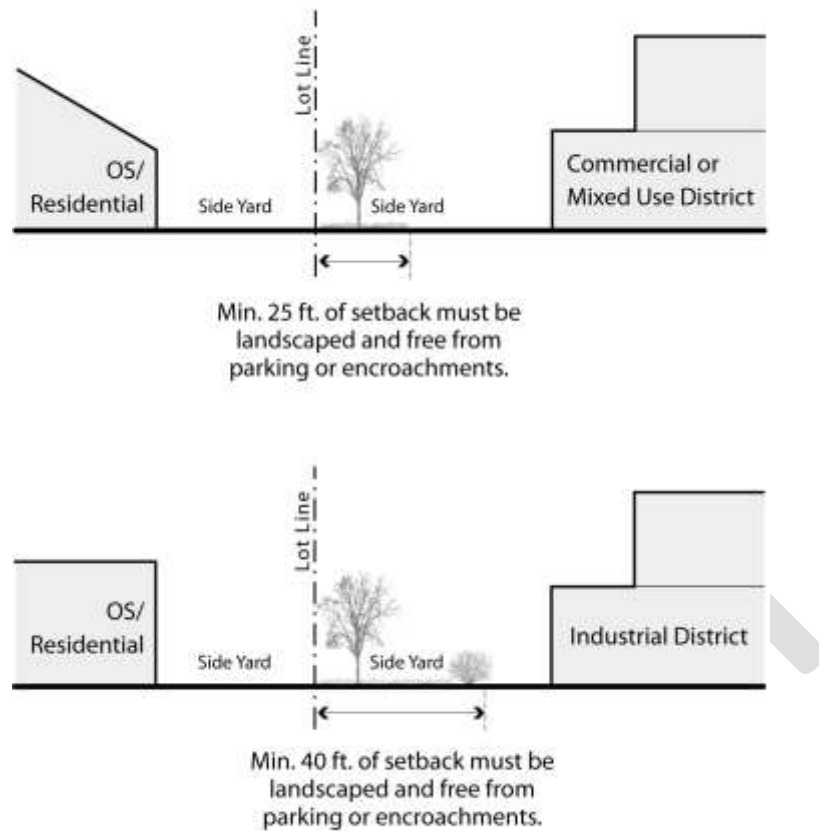


Figure 18.90.040.C Landscaping of Interior Setbacks

[Ord. 14-12 § 1; Res. 14-36 § 404.04.]

## 18.90.050 Parking lot landscaping.

A. *Applicability.* The interior parking lot landscaping standards of this section apply to all off-street parking lots containing 10 or more parking spaces with exceptions where shade structures are provided for parking spaces. They do not apply to readapted residential properties in the MU-H Overlay District or vehicle/equipment storage lots or vehicle and equipment sales lots.

### B. *Landscape Islands.*

1. Parking lot landscape islands shall be installed at each end of a row of stalls and in between for maximum eight contiguous parking spaces.

2. Landscape islands shall be a minimum of eight feet wide and 15 feet in length for single-row and 30 feet in length for double-row parking. All measurements are to face of curb. Projects may be eligible for sustainable development bonus incentives if increased landscaping is provided.
3. Radius curbing shall be provided along drive aisles with a minimum four-foot radius.
4. For rows of more than 16 parking spaces, landscape islands shall be staggered.

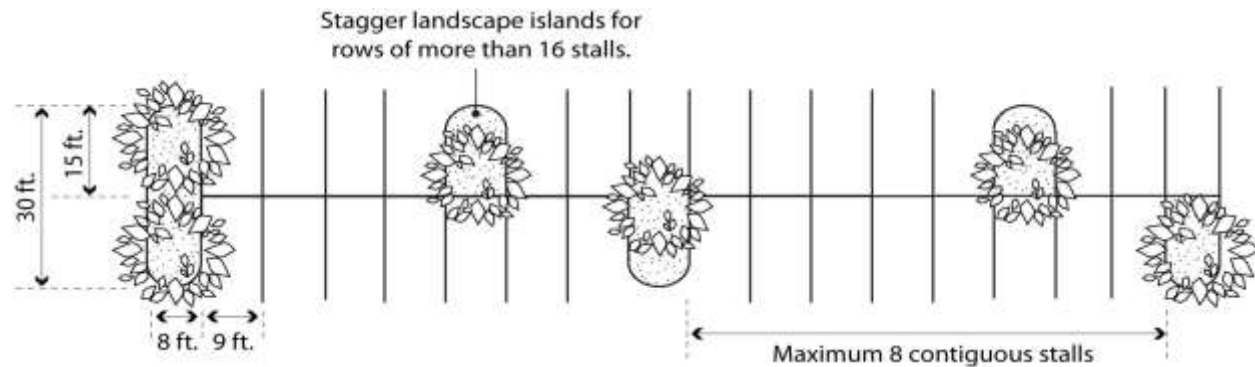


Figure 18.90.050.B.4 Landscape Islands

5. The maximum length of a covered parking canopy shall be 15 contiguous parking spaces. Landscape islands within a row of parking may be eliminated when a conflict with the covered parking canopy occurs. However, landscape islands must be installed at the end of all parking rows.
6. When parking canopies are adjacent to each other in a single row, the total length of each canopy shall not exceed 15 parking stalls and the adjoining canopies shall be separated by at least a 24-foot-wide landscape island as depicted in the following illustration:

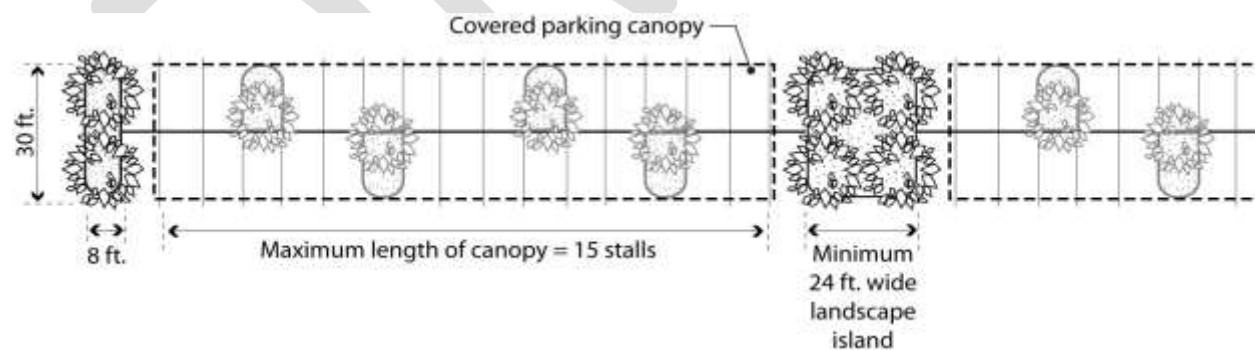


Figure 18.90.050.B.6 Adjacent Canopies

7. For parking lots containing more than 200 spaces, one eight-foot-by-15-foot staggered landscape island may be replaced with two landscape islands of at least 25 square feet clear landscape area each. Each landscape island/planter shall contain at least one tree and three shrubs. These landscape

islands/planters may be designed in any combination of shape and size provided the minimum clear landscape area dimension is five feet.

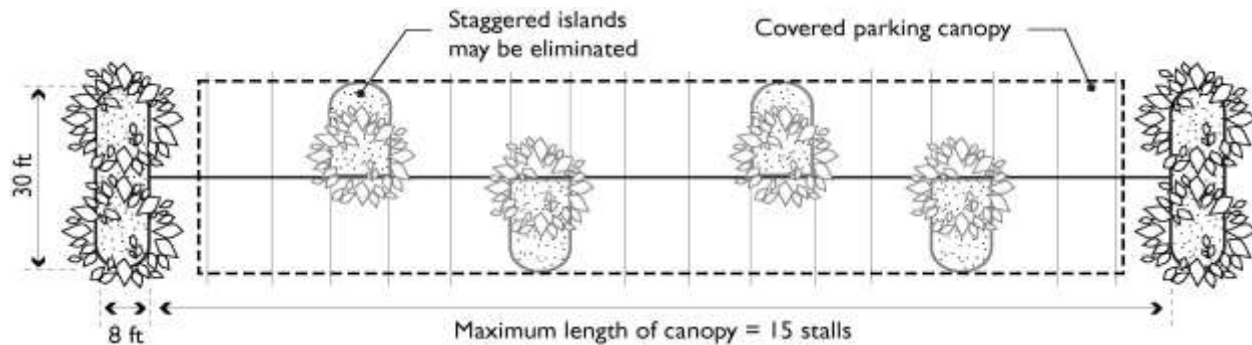


Figure 18.90.050.B.7 Covered Canopies

C. *Medians*. Where divider medians occur adjacent to head-in parking, vehicle overhang shall be as follows:

1. *Single-Row Parking*. A minimum seven-foot (or nine feet if a two-foot overhang is provided) landscape area is required. The required median width does not include a sidewalk.

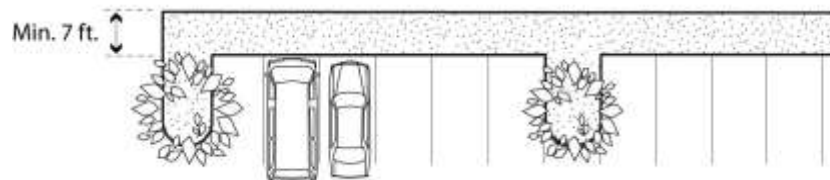


Figure 18.90.050.C.1 Single-Row Parking

2. *Double-Row Parking*. A minimum eight-foot landscape area (or 11 feet if a two-foot overhang is provided on both sides of median) measured from face of curb to face of curb is required where the median width does not include a sidewalk.

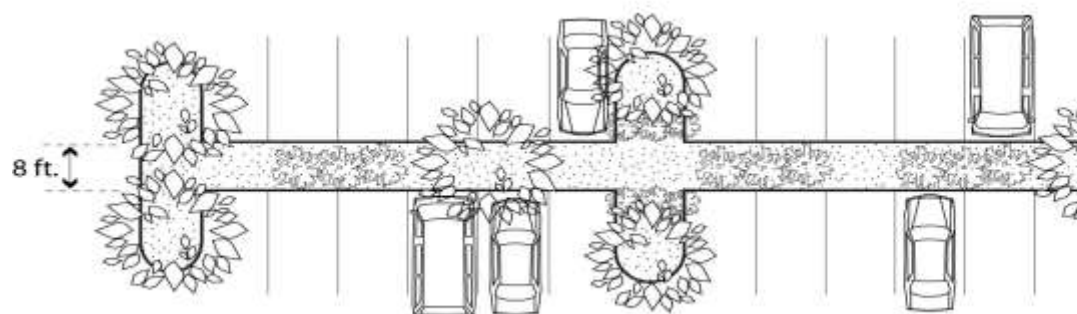


Figure 18.90.050.C.2 Double-Row Parking

3. *Medians with Sidewalks.* When a sidewalk is located within a median, shade trees should be placed so that at least 25 percent of the sidewalk is shaded at noon. The sidewalk shall be no less than four feet in width.

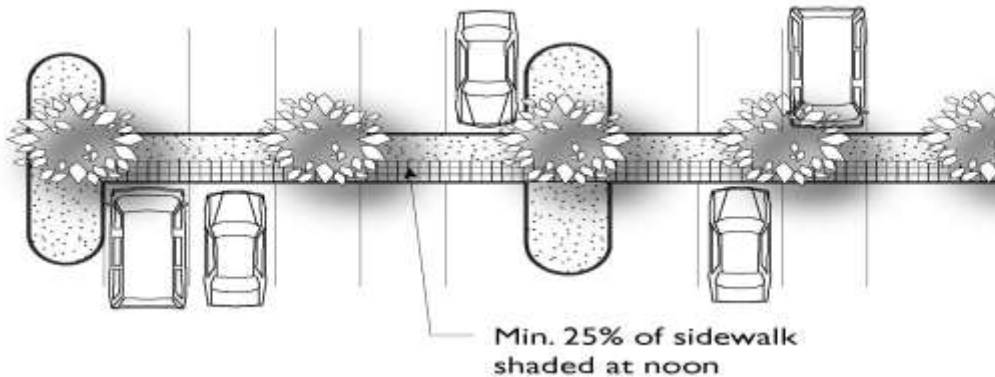


Figure 18.90.050.C.3 Medians with Sidewalks

D. *Plant Materials.*

1. *Number of Plants.*

- a. *Parking Lot Landscape Islands.* One shade tree and three shrubs shall be provided for every 15-foot parking island.
- b. *Parking Lot Divider Medians.* In addition to the above requirements, minimum one shade tree and six shrubs shall be provided for every eight parking spaces.

2. *Size of Plants.* A minimum 60 percent of the required trees shall be at least 24-inch box, and the remaining can be a minimum of 15-gallon box. Substitution based on plant size is not permissible for trees planted within the interior of a parking lot.

3. *Ground Cover.* All landscape planting areas that are not dedicated to trees or shrubs shall be permeable. No hardscape materials are permitted in designated planting areas. [Ord. 14-12 § 1; Res. 14-36 § 404.05.]

## 18.90.060 Alternative compliance.

An applicant who can demonstrate that the intent of this chapter can be exceeded, in whole or in part, may submit an alternative landscape plan (ALP) prepared in accordance with this section. The ALP shall include a

narrative that clearly details the modifications being requested and explains how they enhance the landscape design principles listed below.

A. *Required Elements.* In order to qualify for consideration, an ALP shall demonstrate compliance with the following:

1. *Use of Drought-Tolerant or Native Vegetation.* Preservation or incorporation of drought-tolerant or native vegetation.
2. *Compatibility with Surrounding Uses and Desert Environment.* A greater degree of compatibility with surrounding uses and the desert environment than a standard landscape plan would offer. The number of shrubs and trees proposed depends on the type of shrub or tree planted and size at full maturity.
3. *Water Efficiency.* Use of water-efficient irrigation systems and xeriscaping at appropriate locations is essential.

B. *Approval and Required Findings.* ALPs may be submitted in conjunction with any development application, including PAD plans. An ALP may be approved by the reviewing body upon finding that:

1. There are unique characteristics of the property, site design, storm water management, or use that warrant special consideration to modify or deviate from the requirements of this chapter and that these characteristics are not self-created.
2. The ALP meets or exceeds the minimum standards for plant materials of this chapter, while recognizing the unusual site design or use restraints on the property and specific characteristics of the landscape design justify declaration from specific members or pre-approved plans established for standard landscape plans.
3. Approval of an ALP will provide for both increased consistency and compatibility with adjacent properties and the natural desert environment.
4. The ALP demonstrates innovative use of plants and efficient use of water. [Ord. 14-12 § 1; Res. 14-36 § 404.06.]

**Zoning Code Minor Update  
Summary of Proposed Amendments  
Chapter 18.95 Lighting**

**Section 18.95.020 General Requirements (p. 1-3)**

1. **Sec. 18.95.020 General Requirements (B)(4)(a):** Deleted redundant section already existing in the subdivision code.
2. **Sec. 18.95.020 General Requirements (B)(5):** Added alternative compliance language for design exceptions that can be granted Administratively.

**Section 18.95.030 Lighting Standards (p. 5)**

1. **Sec. 18.95.030 E:** Added minimum lighting levels for pathways.
2. **Sec. 18.140.030 F:** Added minimum lighting levels for pedestrian gates.

**Section 18.95.040 Lighting Design (p. 6)**

1. **Sec. 18.95.040:** Added design standards for all on-site outdoor parking and building light fixtures.



## Chapter 18.95

### LIGHTING

#### Sections:

- 18.95.010 Purpose and applicability.**
- 18.95.020 General requirements.**
- 18.95.030 Lighting standards.**
- 18.95.040 Prohibitions and exemptions.**

#### **18.95.010 Purpose and applicability.**

A. *Specific Purpose.* The specific purpose of this chapter is to restrict the use of outdoor artificial illuminating devices to conserve energy and reduce light pollution, while maintaining adequate visibility for safety on public and private property.

B. *Conformance with Applicable Codes.* All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this code, MCC Title [17](#), Subdivisions, and the International Green Building Code, when adopted by the city, and the International Energy Conservation Code, as adopted by the city, and all other applicable city ordinances and code requirements. Where any provisions of the Arizona Revised Statutes (A.R.S.), or any of the federal law, or any companion city code conflicts with the requirements of this chapter, the most restrictive shall govern.

C. *Approved Material and Methods of Installation.* The provisions of this code are not intended to prevent the use of any material or method of installation not specifically prescribed by this code, provided any such alternate has been approved. The zoning administrator may approve any such alternate; provided, that the proposed design, material or method:

1. Provides approximate equivalence to those specific requirements of this code; and
2. Is otherwise satisfactory and complies with the intent of the code. [Ord. 14-12 § 1; Res. 14-36 § 405.01.]

#### **18.95.020 General requirements.**

A. *Timing Controls.* All lighting in nonresidential development shall be on a time clock or photo-sensor system so as to be turned off during daylight hours and during any hours when the building is not in use and the lighting is not required for security. Exceptions may be approved for low-level architectural or landscape lighting.



B. *Shielding and Filtering.* All lighting shall be designed to confine direct rays to the premises or onto adjacent public rights-of-way.

1. *Shielding.* All exterior illuminating devices, except those exempted from this chapter, shall be fully or partially shielded.

a. "Fully shielded" shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

b. "Partially shielded" shall mean that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane center line of the light source (lamp), minimizing the light above the horizontal.

2. *Filtration.*

a. Those outdoor light fixtures requiring a filter shall be equipped with a filter whose transmission is less than five percent total emergent flux at wavelengths less than 3,900 angstroms. Total emergent flux is defined as that between 3,000 and 7,000 angstrom units.

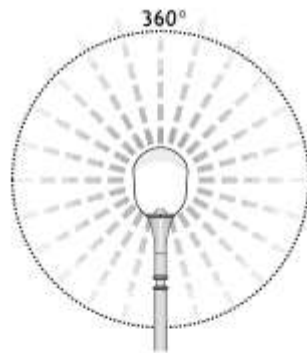
b. Low pressure sodium lamps are the preferred lamp for minimizing adverse effects on astronomical observations.

3. *Requirements for Shielding and Filtering.* The requirements for shielding and filtering light emissions from outdoor light fixtures shall be set forth in the following table:

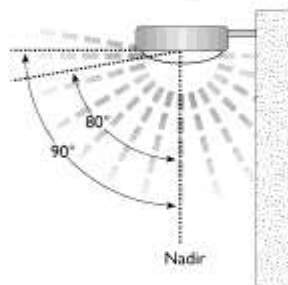
**Table 18.95.020.B.3 Requirements for Shielding and Filtering**

Fixture Type	Shielded	Filtered (4)
Low Pressure Sodium (1)	Partially	None
High Pressure Sodium	Fully	None
Metal Halide (6)	Fully	Yes
Fluorescent	Fully (5)	Yes (2)
Quartz (3)	Fully	None
Incandescent Greater than 150W	Fully	None
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None
Other sources	As approved by Zoning Administrator	As approved by the Zoning Administrator

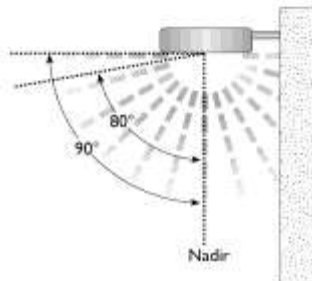
- 1 This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.
  - 2 Warm white and natural lamps are preferred to minimize detrimental effects.
  - 3 For the purpose of this code, quartz lamps shall not be considered an incandescent light source.
  - 4 Most glass, acrylic, or translucent enclosures satisfy these filter requirements.
  - 5 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.
  - 6 Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.) unless fully shielded. Metal halide lamps shall be in enclosed luminaires.
4. *Lighting Levels for Parking and Loading Areas.* The lighting system for parking and loading areas and driveways serving them shall provide not less than 1.0 foot-candle and not more than 5.0 foot-candle overall average illumination, with a minimum of 0.25 foot-candle on the paved surface of the parking and loading areas.
- a. ~~Parking lot lighting shall be limited to a maximum lighting intensity (eye illumination levels) of 0.20 foot-candles, as measured at the property line. However, if the parking areas abuts or is adjacent to (across the street from) a residential zoning district the maximum lighting intensity (eye illumination levels) in the parking area shall be 0.10 foot-candles measured at the property line. Within an industrial zoning district the maximum lighting intensity (eye illumination levels) in the parking area shall be 0.10 foot-candles measured at the property line.~~ (THIS SECTION WAS MOVED FROM THE SUBDIVISION CODE).
5. *Alternative Compliance.* The Zoning Administrator shall evaluate, and possibly accept or recommend to the decision-making body, alternative lighting requirements and materials.

*Not Permitted: Non-Cutoff Luminaires*

Noncutoff: Unrestricted high-angle illumination. There is no candela limitation in the zone above maximum candela.

*Permitted: Cutoff Luminaires*

Cutoff: The luminous intensity (in candelas) at or above an angle of  $90^\circ$  above nadir does not numerically exceed 2.5% of the luminous flux (in lumens) of the lamp or lamps in the luminaire, and the luminous intensity at or above a vertical angle of  $80^\circ$  above nadir does not numerically exceed 10% of the luminous flux of the lamp or lamps in the luminaire.

*Permitted: Full Cutoff Luminaires*

Full cutoff: The luminous intensity (in candelas) at or above an angle of  $90^\circ$  above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of  $80^\circ$  above nadir does not numerically exceed 10% of the (in lumens) of the lamp or lamps in the luminaire.

**Figure 18.95.020.B. Light Fixture Shielding**

[Ord. 14-12 § 1; Res. 14-36 § 405.02.]

### 18.95.030 Lighting standards.

- A. All on-site outdoor fixtures, other than bollard lighting or garage coach lights, shall be set back from all lot lines a minimum of 10 feet or a distance equal to the height of the fixture, whichever is greater.
- B. Parking lot and pole-mounted security lighting shall not exceed maximum mounting height of 14 feet within 100 feet of a residential zoning district, or from land designated for residential uses in the general plan. In all other areas, parking and security lighting shall not exceed a maximum height of 25 feet.
- C. Wall-mounted fixtures shall be a maximum height of 12 feet above grade unless greater height is approved by the zoning administrator specifically for residential history accentuating architectural features of a building, accentuating signage, accentuating landscape features, or for security.
- D. Bollard lighting or similar low mount landscape fixtures shall be used for illuminating pedestrian areas.
- E. Exterior pedestrian pathways and adjacent landscape areas within twenty (20) feet of the pathway shall be illuminated from dusk to dawn, with one-half (0.5) foot-candle of light at finish grade.
- F. Pedestrian gates shall be illuminated from dusk to dawn, with five (5) foot-candles and two (2) foot-candles within a fifteen (15) foot radius. Zoning Administrator may approve alternative design methods to meet intent.
- G. Recreational facilities, such as ball fields, may exceed the height limits of a district in compliance with MCC [18.80.080](#). [Ord. 14-12 § 1; Res. 14-36 § 405.03.]

## 18.95.040 Lighting Design

A. All on-site outdoor parking and building lighting fixtures shall be designed with a decorative-style that compliments the building architecture of the development unless otherwise accepted by the Zoning Administrator. Example of decorative lighting examples are shown in figure 18.95.030.A.



Figure 18.95.030 A. Lighting Fixture Examples

B. All public and private streets shall adhere and install the minimum required streetlights per the city's Design Standard Manual and shall also be of a decorative style as deemed acceptable by the City of Maricopa.

## 18.95.050 Prohibitions and exemptions.

### A. Prohibitions.

1. *Searchlights.* The operation of searchlights for advertising purposes is prohibited.
2. *Recreational Facility.* No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m. unless a temporary permit for a special event has been approved.
3. *Architectural Lighting.* Unshielded outdoor illumination on buildings is not permitted unless it is at a less than 90-degree angle and of filtration level approved by the zoning administrator. Exterior light fixtures attached to a building and designed as an integral part of the building may highlight building forms and architectural details as long as there is no direct spillover of light onto adjacent property and no light causes a hazard to motorists.
4. *Advertising Sign or Landscape Illumination.* The unshielded outdoor illumination of any advertising sign, landscaping or other purpose is prohibited. However, low voltage accent landscape lighting is allowed.

5. *Mercury Vapor.* The installation of new mercury vapor fixtures is prohibited. Existing mercury vapor fixtures shall be removed and replaced with compliant lighting fixtures wherever substantial alterations and additions are undertaken, exclusive of ordinary maintenance and repair.

6. *Fueling Service Canopies.* All lighting under fueling facility canopies, drive-through canopies, porte-cocheres, and similar structures shall be fully recessed. No portion of the fixture shall project below the ceiling of the canopy structure.

B. *Permanent Exemptions.*

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

2. *Federal and State Facilities.* Those facilities and lands owned or operated as protected by the U.S. federal government or the state of Arizona are exempted by law from all requirements of this code. Voluntary compliance with the intent of this code at those facilities is encouraged.

C. *Temporary Exemptions.*

1. *By Right Exemptions.* Temporary emergency lighting needed by police, fire, and other emergency services, as well as temporary lights for holiday decorations.

2. *Request for Temporary Exemptions.* Any individual may submit a written request to the zoning administrator for a temporary exemption from the requirements of this code through filing a temporary use permit pursuant to MCC [18.150.080](#). Such exemption will be valid for up to 30 days, renewable at the discretion of the zoning administrator. The request for temporary exemption shall contain the following listed information:

- a. Specific exemptions requested;
- b. Type and use of exterior light involved;
- c. Duration of time for requested exemption;
- d. Type of lamp and calculated lumens;
- e. Total wattage of lamp or lamps;
- f. Proposed location of exterior light;
- g. Previous temporary exemptions, if any; and
- h. Physical size of exterior light and type of shielding provided.

3. *Appeal for Temporary Exemptions.* The zoning administrator, within five days from the date of the properly completed request for temporary exemption, shall approve or reject in writing the request. If rejected, the individual making the request shall have the right of appeal to the board of adjustment. [Ord. 14-12 § 1; Res. 14-36 § 405.04.]

DRAFT

**Zoning Code Minor Update  
Summary of Proposed Amendments  
Chapter 18.105 On-Site Parking and Loading**

**Section 18.105.030 General Regulations and Standards (p. 2-6)**

1. **Sec. 18.105.030 General Regulations and Standards:** Revise section to only require loading areas for specific building developments. Any development under 15,000 SF will not require a dedicated loading space.

**Section 18.105.040 Required parking spaces (p. 6-12)**

1. **Table 18.105.040A:** Revised “Senior and Long Term-Care” parking ratio for clarity.
2. **Table 18.105.040A:** Revised “College and Trade Schools, Public and Private” parking ratio updated to include office space.
3. **Table 18.105.040A:** Revised “Education Facility, Public and Private” parking ratio for clarity.
4. **Table 18.105.040A:** Added “Libraries, cultural institutions” to the parking table.
5. **Table 18.105.040A:** Revised “Automobile Rentals” for clarity.
6. **Table 18.105.040A:** Revised “Dispensary Facilities” by adding the determination by the Zoning Administrator.
7. **Table 18.105.040A:** Revised “Cultivation Facilities” by adding the determination by the Zoning Administrator.
8. **Table 18.105.040A:** Revised “Personal Services” parking ratio to be consistent with best practices.
9. **Table 18.105.040A:** Revised “Personal” parking ratio to be consistent with best practices.
10. **Sec. 18.105.040F:** Revised section so that on-street parking can be credited for any property within the city as determined by staff.

**Section 18.105.050 Parking area design (p. 12-17)**

1. **Sec. 18.105.050:** Added reference statement to other sections within the code.
2. **Sec. 18.105.050 E:** Deleted minimum interior garage dimension. This was considered impractical for the city to mandate minimum interior garage dimensions within the zoning code.



3. **Sec. 18.105.050 G (5)(b):** Revised minimum walkway from four (4) feet to five (5) feet to be consistent with ADA standards.

**Sec. 18.105.070 Alternative compliance with minimum parking requirements (18-20)**

1. **Sec. 18.105.050 A (5):** Added “other design requirements” to the section to give administrative staff to at alternative design for parking standards and requirements.

## Chapter 18.105

### ON-SITE PARKING AND LOADING

#### Sections:

<b>18.105.010</b>	<b>Specific purposes.</b>
<b>18.105.020</b>	<b>Applicability.</b>
<b>18.105.030</b>	<b>General regulations and standards.</b>
<b>18.105.040</b>	<b>Required parking spaces.</b>
<b>18.105.050</b>	<b>Parking area design.</b>
<b>18.105.060</b>	<b>Parking reductions.</b>
<b>18.105.070</b>	<b>Alternative compliance with minimum parking requirements.</b>
<b>18.105.080</b>	<b>Bicycle and motorcycle parking.</b>

#### **18.105.010 Specific purposes.**

The specific purpose of this chapter is to provide standards for parking and loading facilities to accommodate the various land uses permitted by this code. It is the intent of this chapter to require the minimum number of on-site parking and loading spaces with maneuvering areas, driveways, and surface materials for the efficient movement of vehicular traffic and also to provide flexibility in meeting these requirements for sites with special needs. Additional purposes of this chapter include:

- A. Ensuring the provision of safe and convenient places to park bicycles and motorcycles;
- B. Providing paved surfaces and alternative dust control measures to control and reduce the amount of dust and particles released to the atmosphere;
- C. Limiting the area of land consumed by parking by allowing reductions to the number of required parking spaces and sharing of parking spaces among multiple uses where appropriate;
- D. Minimizing conflicts between pedestrian and vehicular circulation; and
- E. Reducing the scale of paved surfaces and shading these surfaces, both of which are intended to reduce heat gain that contributes to the urban heat island effect. [Ord. 14-12 § 1; Res. 14-36 § 407.01.]

#### **18.105.020 Applicability.**

The parking and loading requirements of this chapter apply to all development in the city. They may be modified pursuant to the provisions for certain zoning districts and overlay districts.

A. *Additions to Existing Buildings and Changes in Use.* When a change in use, expansion of a use, or expansion of floor area creates an increase of five percent or more in the number of required off-street parking or loading spaces, based on the initially approved and constructed facility or development, off-street parking and loading shall be provided according to the provisions of this chapter. The additional parking shall be required only for such addition, enlargement, or change in use and not for the entire building or site. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.

B. *Alterations That Increase Number of Dwelling Units.* If an alteration to an existing building increases the number of residential dwelling units on the site, off-street parking to serve the new dwelling units must be provided according to the provisions of this chapter.

C. *When Required.* Off-street parking and loading facilities required by this chapter shall be constructed or installed prior to the issuance of a certificate of occupancy for the uses that they serve. [Ord. 14-12 § 1; Res. 14-36 § 407.02.]

### **18.105.030 General regulations and standards.**

A. *Location.* All required parking and loading spaces and maneuvering areas shall be located on the lot upon which the use served is located. Parking spaces may also be located upon a contiguous lot, within the same zoning district, given the number of required parking spaces are met for both sites, and a city enforceable "Off-site Parking Agreement" is provided in accordance with MCC [18.105.070\(C\)\(3\)](#). Parking spaces and maneuvering areas shall not be located within any RS District or in any required front or street side yard or landscaped area in any zoning district, except driveways that directly and immediately allow a vehicle to access the site from a street or abutting property. All vehicles shall enter the public rights-of-way in a forward motion except within the RS Districts when driveway access to local streets or private roadways is permitted for individual lots.

B. *Standards.* The following standards apply to required on-site parking and loading spaces, maneuvering areas, and access:

1. Required parking and loading spaces, maneuvering areas, and driveways shall be paved with asphalt, concrete, paving stone, or masonry to a sufficient thickness to withstand repeated vehicular traffic. The zoning administrator, in collaboration with the city engineer, may establish alternative standards for porous surface paving.
2. Required parking spaces shall be permanently marked and shall be accessible from a street or alley by a driveway or aisle such that all vehicles shall approach the street or alley in forward motion, except for single-unit dwellings and agricultural uses.

C. *Compact Parking.* On a site with at least 10 required parking spaces, up to 20 percent of the total required parking spaces may be compact spaces; provided, that the following standards are met:

1. Where covered parking is required all covered parking spaces shall be standard size;
2. All compact spaces are to be designated with a sign or pavement marking; and
3. Compact spaces shall be distributed throughout the parking area, with no more than eight compact spaces in a single row. No more than four compact parking spaces placed end-to-end shall make up any cluster of 10 parking spaces.

D. *Accessible Parking.* Accessible parking spaces shall be provided and maintained pursuant to the Federal Americans with Disabilities Act and Arizonans with Disabilities Act of 1992.

E. *Structured Parking.* The exterior elevations of any multi-level parking structure must be designed so as to screen or conceal parked cars from view from public streets and open space on the first and second floors of the structure. The floors of structured parking garages must be screened or concealed by one or more of the following methods:

1. *Ground-Floor Commercial.* The garage's ground-level street frontage (except for driveways and pedestrian entrances) for the designated front of the structure shall be improved with general retail sales, food and beverage sales, eating and drinking establishments, personal services, or similar pedestrian-oriented uses.
2. *Landscaping.* Landscaping shall be provided in the form of perimeter planters within openings, and/or the incorporation of hanging baskets, flower boxes, planting trellises, or desert plants.
3. *Setback.* A parking structure that does not incorporate ground-floor retail or other commercial use or is not otherwise screened or concealed at street frontages on the first and second levels must provide a densely planted landscaped yard that is a minimum of 10 feet in depth, or the required setback for the district in which it is located, whichever is greater.
4. *Combination of Opaque Screen Walls and Open Decorative Panels.* A combination of opaque screening devices and decorative panels may be used to screen parking within aboveground structures. Opaque screen walls shall not be higher than three feet six inches relative to the abutting floor height, and shall not exceed 45 percent of the aggregate surface area of the exterior wall. Decorative panels or other devices with opacity of at least 40 percent shall be used to screen the remainder. The decorative panels shall be constructed of durable materials, such as iron, steel, copper, aluminum, formed concrete, glass block, brick or other textured masonry.

F. *Recreational Vehicle (RV) Parking.* A single recreational vehicle may only be parked or stored on property within a residential district as follows:

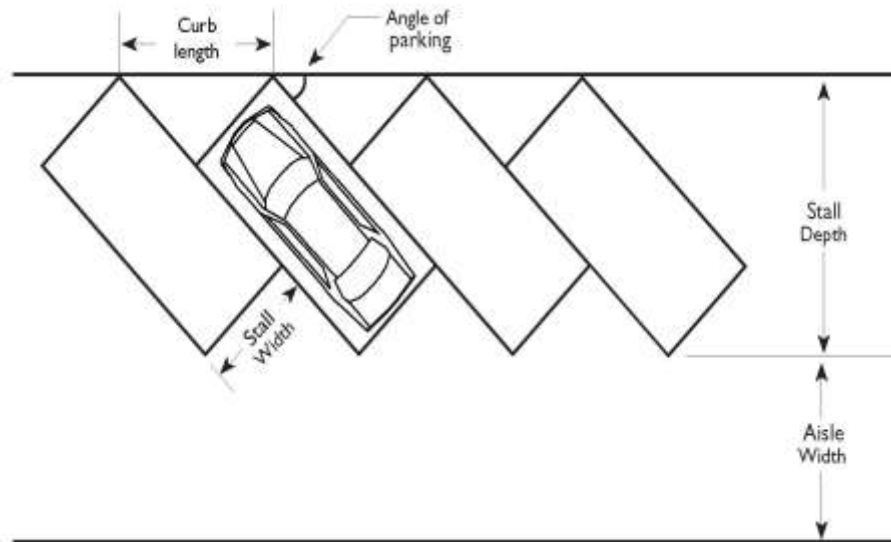
1. In a driveway, exterior, or interior side yard, or the rear yard for the purpose of loading or unloading or repairs or maintenance, not to exceed 24 hours before or after a trip; or
2. In a driveway, exterior, or interior side yard, or the rear yard, if at least 10 feet from the rear property line and screened so as not to be visible from the street; or
3. In a garage or accessory structure; and
4. The vehicle does not block access to a sidewalk or driveway.

G. *Size of Parking Spaces and Maneuvering Aisles.* Parking spaces and maneuvering aisles shall be provided to meet the minimum dimensions required by this subsection. Screening walls, roof support posts, columns, or other structural members shall not encroach the minimum required dimensions for parking spaces. A paved space may be reduced by two feet for vehicle overhang if it abuts the landscape median.

1. *Standard Parking Spaces.* The minimum basic dimension for standard parking spaces is nine feet by 18 feet. The table below shows the dimensions of a stall and aisle according to the angle of parking spaces.

**Table 18.105.030.G.1 Standard Parking Space and Aisle Dimensions**

Angle of Parking (degrees)	Stall Width	Curb Length Per Stall	Stall Depth	One-Way Aisle Width	Two-Way Aisle Width
Parallel	9 ft.	22 ft.	8 ft.	12 ft.	20 ft.
30°	9 ft.	18 ft.	17 ft. 4 in.	11 ft.	20 ft.
40°	9 ft.	14 ft.	19 ft. 2 in.	12 ft.	22 ft.
45°	9 ft.	12 ft. 9 in.	19 ft. 10 in.	13 ft.	24 ft.
50°	9 ft.	11 ft. 9 in.	20 ft. 5 in.	15 ft.	24 ft.
60°	9 ft.	10 ft. 5 in.	21 ft.	18 ft.	24 ft.
70°	9 ft.	9 ft. 8 in.	21 ft.	19 ft.	24 ft.
90°	9 ft.	9 ft.	18 ft.	24 ft.	24 ft.



**Figure 18.105.030.G.1. Parking Spaces and Aisles**

2. *Compact Parking Spaces.* The minimum basic dimension for compact parking stalls shall be eight feet by 16 feet. The table below shows the dimension of standards and aisles according to the angles of parking spaces.

**Table 18.105.030.G.2 Compact Parking Space and Aisle Dimensions**

Angle of Parking (degrees)	Stall Width	Curb Length Per Stall	Stall Depth	One-Way Aisle Width	Two-Way Aisle Width
Parallel	8 ft.	22 ft.	8 ft.	11 ft.	20 ft.
30°	8 ft.	18 ft.	14 ft. 11 in.	11 ft.	20 ft.
40°	8 ft.	14 ft.	16 ft. 5 in.	11 ft.	22 ft.
45°	8 ft.	12 ft. 9 in.	17 ft.	11 ft.	24 ft.
50°	8 ft.	11 ft. 9 in.	17 ft. 5 in.	13 ft.	24 ft.
60°	8 ft.	10 ft. 5 in.	17 ft. 10 in.	16 ft.	24 ft.
70°	8 ft.	9 ft. 8 in.	17 ft. 9 in.	16 ft.	24 ft.
90°	8 ft.	9 ft.	16 ft.	8 ft.	16 ft.

H. *Size of Parking Spaces for Loading Vehicles.* Each on-site loading space required by this chapter shall not be less than 12 feet wide, 45 feet long, and 14 feet high, exclusive of driveways for ingress and egress, maneuvering areas and setbacks. The minimum size requirement may be modified if the zoning administrator finds that the applicant has satisfactorily demonstrated that, due

to the nature of the proposed use, such size will not be needed. Space shall be signed for exclusive use for loading vehicle.

**1. Required loading spaces:**

**a. Non-Residential Uses:** 1 loading space for 15,000 – 50,000 square feet of building; 2 spaces if over 50,000 square feet of building.

**b. Residential Uses:** 1 loading space if 50+ dwelling units on-site

I. *Size of Parking Spaces for Motorcycles, Scooters, and Golf Carts.* Motorcycle and scooter parking spaces shall have a minimum dimension of five feet by nine feet. Golf cart parking spaces shall have a minimum dimension of five feet by 10 feet. All motorcycle and scooter parking areas shall be clearly marked and dedicated to these vehicles.

J. *Electric Vehicle Charging Stations.* In parking facilities containing 20 or more spaces serving multiple unit dwellings, offices, hotels, and motels, and large-scale resorts, at least five percent of parking spaces shall be electric vehicle (EV) charging stations. For all other uses, EV charging stations are eligible for sustainable development incentives under Chapter [18.125](#) MCC.

1. Each EV charging station shall be clearly marked with a sign reading “Electrical Vehicle Charging Station.”

2. EV charging stations may be equipped with card readers, controls, connector devices, and other equipment as necessary for public use. [Ord. 14-12 § 1; Res. 14-36 § 407.03.]

## **18.105.040 Required parking spaces.**

A. *Minimum Parking Requirements.* The following table, 18.105.040.A, specifies the minimum parking spaces required for each use. MCC [18.105.060](#) provides a procedure for reducing these requirements for reasonable cause, and MCC [18.105.070](#) includes provisions for alternative compliance.

**Table 18.105.040.A Parking Regulations**

Use	Minimum Parking Requirement
<b>Rural Uses</b>	
Animal and Crop Sales	1 space per 100 s/f of sales area

Use	Minimum Parking Requirement
<b>Residential Uses</b>	
Single Unit	
Single Unit Detached	2 covered spaces per dwelling
Single Unit Attached	2 covered spaces per unit
Second Dwelling Unit	1 additional space
Duplex	2.1 spaces per dwelling unit
Multiple Unit Dwelling	Guest – 0.2 space per unit Studio – 1 space per unit 1 Bedroom – 1.5 spaces per unit 2 Bedroom – 2 spaces per unit 3 Bedroom – 2.5 spaces per unit 4 Bedroom – 3 spaces per unit
Supportive Housing; Transitional Housing	1.2 space per dwelling unit for development with distinguishable dwelling units 1.0 space for each room plus 2 additional spaces for development with congregate dining and no distinguishable separate dwelling units
Senior and Long-Term Care	0.3 space per dwelling unit plus <b>1 per employee</b> <del>2 additional spaces</del>
Residential and Group Care Home	1.0 space per dwelling unit plus 2 additional spaces. Required spaces may be tandem
Manufactured and Mobile Dwellings	2 spaces for each unit (may include tandem spaces); plus 2 guest parking spaces per 10 (or fraction thereof) dwelling units for the overall development
<b>Public and Semi-Public Uses</b>	
Colleges and Trade Schools, Public and Private	1 space per 200 s/f of classroom + <b>1 per 375 s/f of office space</b>
Community Assembly	1 space per 125 s/f used for public assembly
Cultural Facilities	1.5 spaces per 1,000 s/f
Day Care Centers	1 spaces per 375 s/f
Educational Facility, Public and Private	1 space per <del>75 feet</del> <b>125 s/f</b> for public assembly space, such as auditoriums and theaters, <del>and 1 space per 600 s/f for all other areas</del> Elementary/junior high – 1 space per 300 s/f of classroom + <b>1 per 375 s/f of office space</b> Instructional – 1 space per 200 s/f of classroom + office



Use	Minimum Parking Requirement
	High school/college – 1 space per 200 s/f of classroom + 1 per 375 s/f of office Vocational – 1 space per 200 s/f of classroom + 1 per 375 s/f of office
Emergency Shelters and Facilities	1 space per 1,000 s/f
Government Buildings	1 space per 200 s/f
Libraries, cultural institutions	1 space per 300 s/f of public area + 1 per 375 s/f of office space
Hospitals and Clinics	
Hospital	1 space per 400 s/f
Clinic	1 space per 200 s/f 1 space per 150 s/f for urgent care facilities
Parks and Recreation Facilities, Public	Campground – 1 (10' x 30') per campsite + 1 (10' x 30') per 6 campsites + 4 per laundry and shower facility All Other – 20 per athletic field or ball diamond or 1 per 4 seats, whichever results in more spaces
Public Safety Facility	1 per 250 s/f office space
Social Service Facility	1 space per 500 s/f
<b>Commercial Use Classifications Uses</b>	
Adult–Oriented Business	1 space per 350 s/f
Animal Sales, Care and Services	
Animal Sales and Grooming	1 space per 250 s/f of sales/service area
Kennels	1 space per 250 s/f of office/service space
Riding Schools and Stables	1 space per 2 horse stalls
Small Animal Day Care	1 space per 250 s/f of office/service space
Veterinary Services	1 space per 250 s/f of office/service space
Automobile/Vehicles Sales and Services	
Automobile Rentals	1 space per 150 s/f of customer service area
Automobile/Vehicle Repair, Major and Minor	3 spaces per service bay plus 1 space per 100 s/f of office and sales area
Automobile/Vehicle Sales and Leasing	1 space per 250 s/f of interior display space; plus 1 space per 3 service bays; plus 1 space per 25 vehicles displayed outdoors

Use	Minimum Parking Requirement
Automobile/Vehicle Washing and Services	1 space per 375 s/f, including service bays, wash tunnels, and retail areas Automated/Self-Service: 2 spaces minimum Full Service: 10 spaces minimum
Large Vehicle and Equipment Sales, Service, and Rental	1 space per 250 s/f of interior display space
Service Station	1 space per 100 s/f of convenience retail sales
Banks and Credit Unions	1 space per 300 s/f
Building Materials Sales and Service	Retail: 1 space per 375 s/f Wholesale: 1 space per 800 s/f
Business Services	1 space per 375 s/f
Commercial Entertainment and Recreation	
Banquet and Conference Centers	Determined by Hearing Officer
Large Scale Facility	1 space per 500 s/f of public area Driving ranges: 1 space per tee plus ancillary use requirements
Small-Scale Facility	1 space per 150 s/f or sum of components (courts, day care, office, etc.), whichever is less 10 spaces + 1 per 200 s/f in excess of 1,000 s/f
Theaters	1 space per 3 seats
Golf Courses and Resorts	2 spaces per tee plus ancillary use requirements
Club or Lodge	1 space per 200 s/f
Commercial Kitchen	1 space per 250 s/f
Eating and Drinking Establishments	
Bars and Lounges	1 space per 100 s/f of customer seating area, and 1 space per 400 s/f for outdoor seating area
Restaurants, Full Service	1 space per 100 s/f of customer seating area, and 1 space per 400 s/f for outdoor seating area
Restaurants, Limited Service	1 space per 75 s/f of customer seating area, and 1 space per 400 s/f for outdoor seating area
Restaurant, Take-Out Only	1 space per 300 s/f of customer seating area, and 1 space per 200 s/f for outdoor seating area
Food and Beverage Sales	
Convenience Market	1 space per 300 s/f
General Market	1 space per 300 s/f
Liquor Store	1 space per 350 s/f

Use	Minimum Parking Requirement
Specialty Food Sales and Facilities	1 space per 300 s/f
Funeral Parlors and Mortuaries	1 space per 100 s/f used for public assembly plus 1 space per 400 s/f of office area
Instructional Services	1 space per 200 s/f of instructional area
Light Fleet-Based Services	1 space per 350 s/f of floor area
Live/Work Quarters	1 space for each 750 s/f of residential area, minimum of 1 space per unit
<b>Lodging</b>	
Hotels and Motels; Bed and Breakfast Inns	0.8 space per room or suite of rooms with individual exits plus ancillary use requirements
Large Scale Resorts	Determined by Hearing Officer
Maintenance, Repair, and Rental Services	1 space per 500 s/f
<b>Medical Marijuana Uses</b>	
Dispensary Facilities	Determined by <del>Hearing Officer</del> <b>Zoning Administrator</b>
Cultivation	Determined by <del>Hearing Officer</del> <b>Zoning Administrator</b>
Nurseries and Garden Centers	1 space per 400 s/f of sales and service building, but not less than 4 spaces per use
<b>Office</b>	
Business and Professional	1 space per 375 s/f
Medical and Dental	1 space per 200 s/f
Off-Track Betting Establishments	1 space per 100 s/f of betting area plus 1 space per 400 s/f of office space
Outdoor, Temporary, and Seasonal Sales	1 space per 375 s/f of display area, but not less than 4 spaces per use
Personal Services	1 space per <del>250</del> <b>375</b> s/f
<b>Retail Sales</b>	
General, Small Scale	1 space per 300 s/f
General, Large Scale	1 space per 250 s/f plus 1 per 5,000 s/f of outdoor display area
Tobacco Paraphernalia	1 space per 250 s/f
<b>Industrial Uses</b>	
Artist Studio and Production	1 space per 500 s/f but not less than 2 spaces per use
General Industrial	1 space per 1,000 s/f
Light Industrial	1 space per 600 s/f

Use	Minimum Parking Requirement
Research and Development	1 space per 250 s/f
Salvage and Wrecking	1 space per 500 s/f
Storage and Warehouse	
Chemical and Mineral Storage	1 space per 250 s/f of office area
Indoor Warehousing and Storage	1 space per 5,000 s/f (based on storage space), includes manager's office
Outdoor Storage	1 space per 250 s/f of office area
Personal Storage	<del>1 space per 900 s/f</del> 4 spaces + 1 space per 20,000 s/f of storage not drive up accessible
Wholesaling and Distribution	1 space per 900 s/f
<b>Transportation, Communication, Utility Uses</b>	
Airports and Heliports	2 spaces per aircraft, plus ancillary use requirements
Communication Facilities	
Antennas and Transportation Towers	1 space per service employee
Facilities within Buildings	1 space per service employee
Freight/Truck Terminals and Warehouses	1 space per 1,000 s/f
Recycling Facilities	1 space per 900 s/f
Utilities	
Major	1 space per 250 s/f of office area
Minor	None
Waste Transfer Facility	1 space per 250 s/f of office area

B. *Basis of Calculation.* The on-site parking requirements specified in this section are based on gross floor area, unless otherwise stated.

1. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements of the various uses, computed separately, as specified in this section, and the off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.

2. In case of fractional results in calculating parking requirements from the chart above, the required number shall be rounded up to the nearest whole number if the fraction is one-half or greater.

C. *Covered Spaces.* Covered parking spaces shall be provided as follows:

1. Single-unit dwellings shall provide a minimum of two covered parking spaces per unit, one of which must be enclosed (a garage space).

2. Multiple unit projects shall provide one covered parking space per unit.
3. Office-use developments shall provide one covered parking space per office or suite.

D. *Minimum Number.* All uses, except single-unit dwellings, shall provide at least four on-site parking spaces.

E. *Maximum Number.* The maximum number of parking spaces shall not exceed 10 percent more than the number required by Table 18.105.040.A, unless the applicant demonstrates that the additional parking is required to meet the anticipated parking demand of the proposed uses and the additional parking will not result in an overdependence on automobiles to the detriment of other modes of access to the site. Additional parking lot landscaping may be required at the discretion of the zoning administrator.

F. *Credit for on-Street Spaces.* On-street parking spaces located immediately adjacent to the frontage of properties in the MU-N Districts may be counted toward required off-street parking for nonresidential uses ~~at the Zoning Administrators discretion~~. One on-street parking space may be substituted for each required off-street space. These provisions only apply to street frontages where all day on-street parking is allowed.

G. *Calculation of Parking Requirements for Industrial Uses.* The following standards apply to specified and unspecified tenant spaces in industrial buildings:

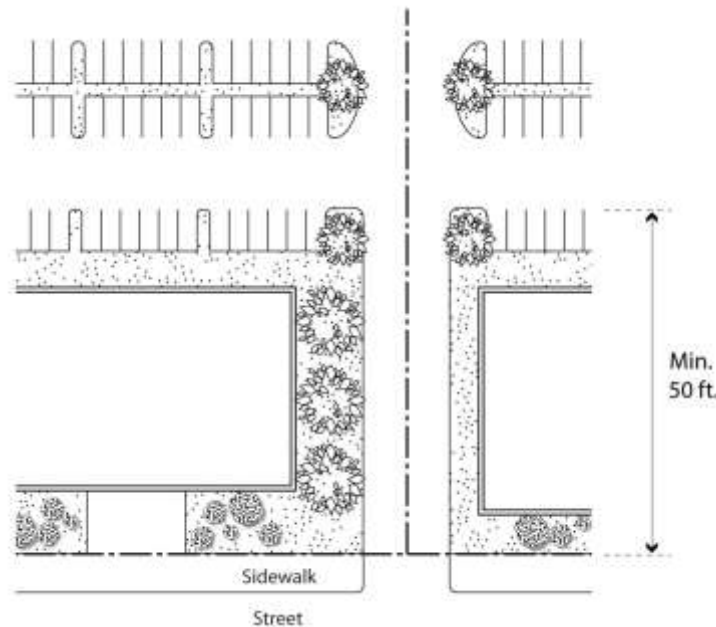
1. *Specified Tenants.* Where tenants are specified and listed by name of company, parking is calculated according to uses identified on the floor plan.
2. *Unspecified Tenants.* Where tenants are not specified, and the use described on the plans is industrial or warehouse, parking is calculated based on 25 percent of the floor space being used for office uses, and 75 percent of the space being used for warehouse use, based on the parking ratios for those uses specified in Table 18.105.040.A.

H. *Uses Not Specified.* The parking requirement for any use not listed in Table 18.105.040.A, such as, but not limited to, public or private rideshare parking areas, shall be determined by the zoning administrator based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand. In order to make this determination, the zoning administrator may require the applicant to submit a parking demand study or other information, at the applicant's cost. [Ord. 14-12 § 1; Res. 14-36 § 407.04.]

## 18.105.050 Parking area design.

Regulations of this section are complemented by Section 18.80.110 Screening and Section 18.90.050 Parking Lot Landscaping.

A. *Setback of Cross Drive Aisles.* Parking spaces or cross drive aisles along main drive aisles connecting directly to a street shall be set back at least 50 feet from the property line abutting the street to avoid traffic conflicts.



**Figure 18.105.050.A. Setback of Cross Drive Aisles**

B. *Parallel Parking Spaces Abutting Wall or Fence.* Each parallel parking space abutting a wall, fence, column, or other obstruction higher than one-half foot shall be increased by two feet on each obstructed side; provided, that the increase may be reduced by one-quarter foot for each one foot of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space.

C. *Optional Double-Line Striping.* Each parking space shall measure nine feet from center to center, with double stripes two feet apart.

D. *Minimum Dimensions for Residential Carports.* Each single-car carport shall measure at least 10 feet wide by 20 feet long. Each double carport shall measure at least 18 feet wide by 20 feet long. The width of the carport is to be measured from inside face of support to inside face of opposite support. The carport roof shall cover the entire 20-foot length of the space.

~~E. *Minimum Dimensions for Residential Enclosed Garages.* Enclosed garages serving residential uses shall be constructed to meet the following minimum inside dimensions:~~

- ~~1. A single-car garage shall be at least 10 feet wide and 22 feet long.~~

~~2. A double car garage shall be at least 20 feet wide and 22 feet long.~~

F. *Surfacing.* All parking spaces and driveways shall be paved and maintained with asphalt or other surface approved by the zoning administrator. Plans shall contain a cross-section of the parking lot indicating the composition and thickness of the materials to be used, as well as indicating the structural strength of the parking area. Any approval of an alternative dust-control surface by the zoning administrator shall specify and require routine maintenance method(s) and schedule. Failure by the owner of the site to maintain the alternative surface according to the approved method(s) and schedule shall be considered a violation of this code.

G. *Circulation and Safety.*

1. *Internal Circulation.*

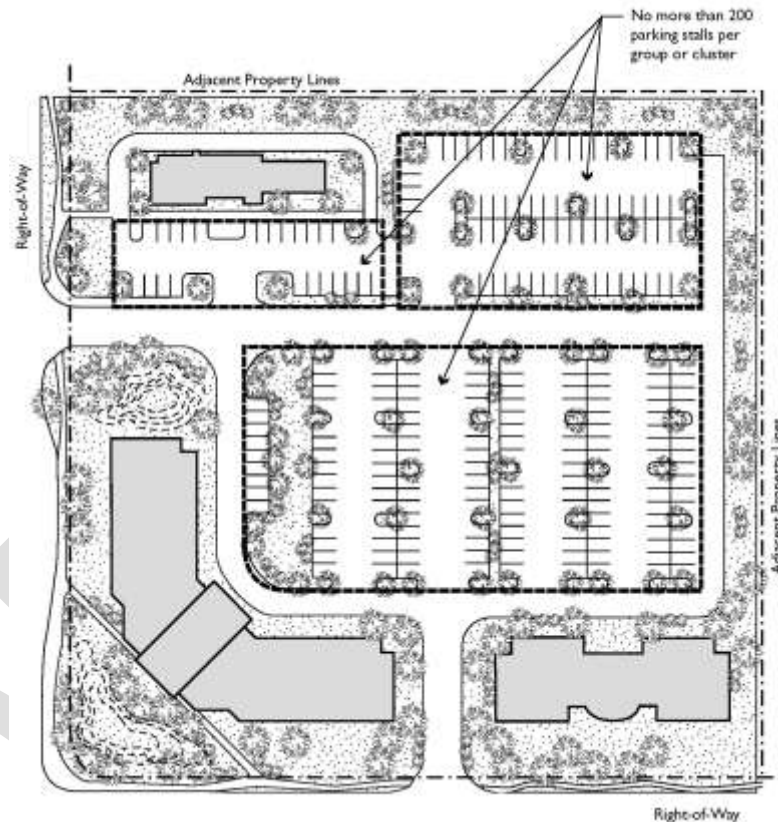
- a. Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.
- b. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety.
- c. Off-street parking and loading areas shall be provided with sufficient maneuvering room so that all vehicles can enter and exit from a public street by forward motion only. This regulation does not apply to parking areas serving single-unit dwellings served by individual driveways. The maneuvering of vehicles necessary to enter or exit loading areas shall not occur on city streets.
- d. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements.

2. *Parking Lot Layout.* No more than 200 parking spaces shall be allowed together in one group or cluster. Parking lot clusters shall be separated by landscaping, pedestrian connections, cross aisles, retention basins or similar features.

- a. In office projects, a minimum of 25 percent of the required parking spaces shall be provided within 200 feet of the building served, with the balance of the required parking within 400 feet.
- b. In commercial and industrial projects, a minimum of 50 percent of the required parking spaces shall be located within 300 feet of the building served.



- c. In residential mixed use projects, required parking spaces shall be arranged to provide at least one parking space per unit within 200 feet of the dwelling units they are intended to serve.
- d. Drive aisle intersections are to be perpendicular to each other.
- e. Separate vehicular and pedestrian circulation systems shall be provided where possible.



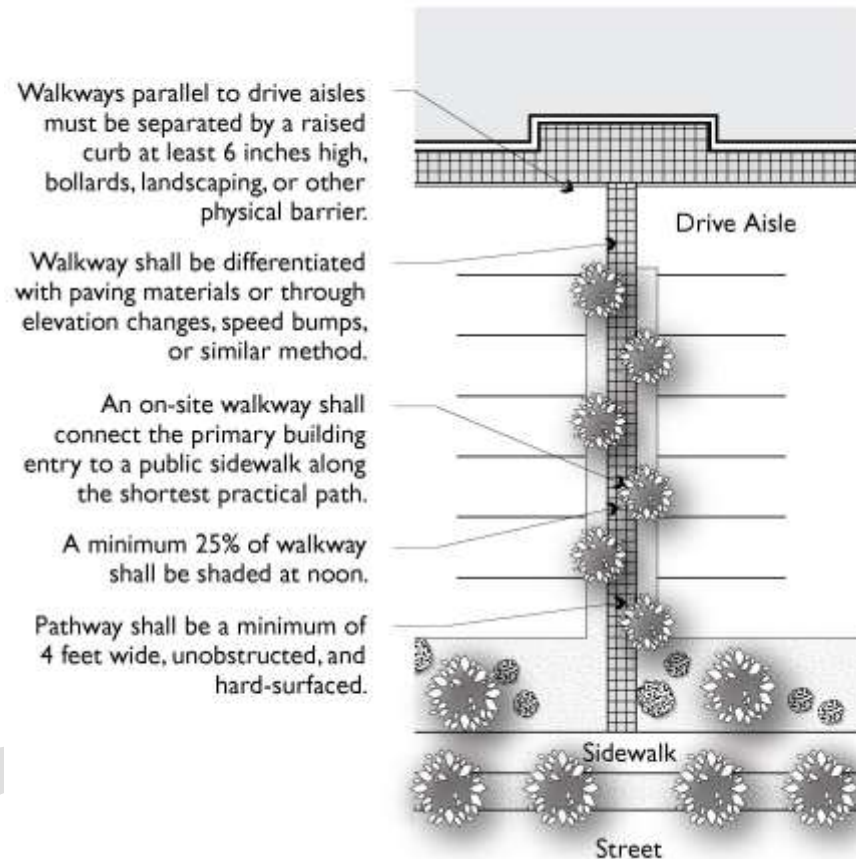
**Figure 18.105.050.G.2. Parking Lot Layout**

3. *Pedestrian Access in Multi-Unit Development.* Multi-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways.

- a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.
- b. *Materials and Width.* Walkways shall provide at least four feet of unobstructed width and be hard-surfaced.



4. *Pedestrian Access in Commercial and Mixed Use Development.* Parking areas for commercial and mixed use developments that are 80 feet or more in depth and/or include 50 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:



**Figure 18.105.050.G.4. Pedestrian Access through Parking Areas**

- a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.
- b. *Materials and Width.* Walkways shall provide at least ~~four~~<sup>five</sup> feet of unobstructed width and be hard-surfaced.
- c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, a different color, or similar method.

d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least six inches surfaced high, bollards, or other physical barrier.

5. *Pedestrian Access in Industrial Development.* Parking areas for industrial developments, including manufacturing, warehousing, call centers, and similar employment uses, that are 80 feet or more in depth and/or include 50 or more parking spaces must have distinct and dedicated pedestrian access from the industrial use to parking areas and public sidewalks, according to the following standards:

a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry and/or primary employee entrance and exit to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance. This distance may increase up to 50 percent of the total straight-line distance in the event the route is designed to take account of afternoon shade patterns from buildings or similar shading devices.

b. *Materials and Width.* Walkways shall provide at least ~~four~~<sup>five</sup> feet of unobstructed width and be hard-surfaced.

6. *Minimum Lighting Levels.* All parking and loading areas shall meet the lighting requirements of MCC [18.95.020\(B\)](#).

H. *Alternative Parking Area Designs.* Where an applicant can demonstrate to the satisfaction of the decision-maker that variations on the dimensions otherwise required by this section are warranted in order to achieve environmental design and green building objectives, including but not limited to, achieving certification under the LEED™ Green Building Rating System or equivalent third-party system, a specific parking area design may be approved. Sustainable development bonus incentives may be available for projects that apply alternative designs, as described in Chapter [18.125](#) MCC. [Ord. 14-12 § 1; Res. 14-36 § 407.05.]

## **18.105.060 Parking reductions.**

Required parking for any use may be reduced through approval of an administrative use permit.

A. *Criteria for Approval.* An administrative use permit for reduced parking shall only be issued if the following criteria are found to be true:

1. Special conditions, including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or parking facilities exist that will reduce parking demand at the site;

2. The use will adequately be served by the proposed parking, including any shaded parking; and

3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area considering the days and times of parking demand.

B. *Parking Demand Study.* In order to evaluate a proposed project's compliance with the above criteria, the zoning administrator may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces and includes any of the following information:

1. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.
2. A survey of existing on-street and off-street parking within 350 feet of the project site.
3. Standard parking requirements for the use, based on Table 18.105.040.A.
4. Estimated parking demand for the use, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE), or other professionally recognized and/or accredited sources. If appropriate parking demand studies are not available, the city may require the applicant to conduct a parking demand survey of a development similar to the proposed.
5. Comparison of proposed parking supply with parking requirements.
6. A shared parking analysis, as appropriate.
7. A description of any other characteristics of the site or measures being undertaken that could result in reduced parking demand, including but not limited to staggered work shifts, staggered opening times, telecommuting, shuttles to transit stations, or similar programs. [Ord. 14-12 § 1; Res. 14-36 § 407.06.]

### **18.105.070 Alternative compliance with minimum parking requirements.**

A. *Authorized Alternatives.* The zoning administrator is authorized to approve alternative compliance parking permits for the following:

1. Off-site parking (see subsection [\(C\)](#) of this section);
2. Valet parking (see subsection [\(D\)](#) of this section);
3. Residential special needs (see subsection [\(E\)](#) of this section); and

4. Community building(s) for residential development (see subsection (F) of this section).

5. Other design requirements (see subsection G) of this section).

B. ~~Administrative Use Permit Required.~~ Applicants seeking approval of an alternative compliance parking plan must secure approval of an administrative use permit. **by the city's zoning administrator.**

C. *Off-Site Parking.* The zoning administrator may permit all or a portion of the required off-street parking spaces to be located on a remote and separate lot from the lot on which the principal use is located, subject to the standards of this section.

1. *Location.* No off-site parking space may be located more than 1,000 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This distance limitation may be waived by the zoning administrator if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the principal use.

2. *Zoning Classification.* Off-site parking areas are accessory to the principal uses that the parking spaces serve. Off-site parking areas require the same or a more intensive zoning classification as required for the most intensive of the uses served by the shared parking area.

3. *Off-Site Parking Agreement.* An agreement providing for the use of off-site parking, executed by the parties involved, must be filed with the zoning administrator, in an approved form. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. Agreements must guarantee long-term availability of the parking, commensurate with the use served by the parking. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this chapter.

D. *Valet Parking.* Valet parking may be authorized through an administrative use permit as a means of satisfying up to 100 percent of otherwise applicable off-street parking ratios. In order to approve an alternative parking plan for valet parking, the zoning administrator must determine that the proposal satisfies the approval criteria of off-site parking (see subsection (C) of this section) and that the valet parking will not cause interference with the public use of rights-of-way or imperil public safety.

E. *Residential Special Needs.* If a developer can demonstrate that a multi-unit residential or supportive housing project designed for residents with special needs, such as senior citizens or handicapped individuals, will not generate a need for as much parking as such a project designed for a general market, the approving body shall have the authority to allow a reduction in the number of required parking spaces. Upon conversion of a senior citizen or other special needs group housing project to a general market apartment or condominium complex, parking must be provided consistent with the requirements of Table 18.105.040.A, as amended from time to time.

F. *Community Building(S) for Residential Developments.* Community buildings used for the common benefit of residents within residential subdivisions or otherwise designed to be used by multiple-residence projects such as townhouse developments, apartments, residential condominiums, or residential manufactured home parks, may substitute up to 50 percent of required full-size parking spaces with golf-cart spaces, motorcycle/scooter spaces, or bicycle parking. [Ord. 14-12 § 1; Res. 14-36 § 407.07.]

G. Other design requirements listed within this chapter, the Zoning Administrator shall evaluate, and possibly accept or recommend to the decision-making body alternative design that meets the intent and spirit of the code.

### **18.105.080 Bicycle and motorcycle parking.**

#### *A. Bicycle Parking.*

1. *Spaces Required.* Bicycle parking is required for multi-unit residential buildings and nonresidential development. Unless otherwise expressly stated, buildings and uses subject to bicycle parking requirements must provide at least three bicycle parking spaces, or at least one bicycle space per 10 off-street vehicle parking spaces actually provided, whichever is greater. After the first 50 bicycle parking spaces are provided, the required number of additional bicycle parking spaces is one space per 20 vehicle parking spaces.

2. *Design and Location.* Required bicycle parking spaces must:

- a. Consist of racks or lockers anchored so that they cannot be easily removed and of solid construction, resistant to rust, corrosion, hammers, and saws;
- b. Allow both the bicycle frame and the wheels to be locked using a standard U-lock;
- c. Be designed so as not to cause damage to the bicycle;
- d. Facilitate easy locking without interference from or to adjacent bicycles;
- e. Be located in convenient, highly visible, active, well-lit areas without interfering with pedestrian movements; and
- f. Have minimum dimensions of two feet in width by six feet in length, with a minimum overhead vertical clearance of seven feet.

B. *Motorcycle and Scooter Parking.* For any nonresidential use providing 50 or more off-street spaces, a maximum of two required off-street parking spaces per 50 vehicle spaces may be reduced in size or otherwise redesigned to accommodate parking for motorcycles and scooters. When

provided, motorcycle and scooter parking must be identified by a sign. Motorcycle and scooter parking spaces can be counted toward meeting the minimum number of spaces required for the development. [Ord. 14-12 § 1; Res. 14-36 § 407.08.]

DRAFT

**Zoning Code Minor Update  
Summary of Proposed Amendments  
Chapter 18.75 Mixed Use Heritage Overlay District**

**Section 18.75.020 Land Use Regulations (p. 2-6)**

1. **Sec. 18.75.020 Land Use Regulations:** Deleted the notion of “Administrative Use Permit” and revised to “Permitted”. Business developments will no longer be required to submit an additional zoning application permit for a by-right type use.
2. **Table 18.75.020 Land Use Regulations:** Add “Hospital” as a permitted use.
3. **Table 18.75.020 Land Use Regulations:** Revised “Mobile Food Vendor” to “Mobile Merchant”.

**Section 18.75.030 Development standards (p. 6-12)**

1. **Table 18.75.030 Development Standards:** Deleted minimum building height.

**Section 18.80.050 Alternative Design (p. 12)**

1. **Sec. 18.80.050 Alternative design.** Added section “Alternative Design” to allow staff discretion for meeting alternative design that meets the general intent of the chapter.

## Division 2. Base Zoning Districts

### Chapter 18.30 RURAL DISTRICTS

#### Sections:

- 18.30.010 Purpose.
- 18.30.020 Land use regulations.
- 18.30.030 Development standards.
- 18.30.040 Review of plans.

#### 18.30.010 Purpose.

##### A. The purposes of the rural districts are to:

1. Preserve agricultural and resource conservation areas while providing opportunities for rural living;
2. Protect, preserve, and enhance agricultural resources and related activities from incompatible land uses and encroachment; and
3. Provide large-lot low-density residential buffers adjacent to agricultural lands, and to provide an alternative to medium-density conventional production residential development; and
4. Encourage limited development in rural areas until suitable infrastructure and subarea plans are in place to facilitate development in a manner consistent with the general plan.

##### B. Additional purposes of each rural district:

1. *RA Rural Agricultural.* This district is intended to provide for agricultural areas within the city and to protect and conserve these areas within and adjacent to urban development. The main use of this district is for animal and food production, in terms of growing, processing, and selling. Incidental residential uses with septic systems may be allowed and are subject to Pinal County review and approval.
2. *GR General Rural.* This district is intended to prevent urban residential and related uses from developing near agricultural operations, thereby infringing on the full operation of farmland. Allowable uses include environmental, habitat, water conveyance, as well as limited agriculture and livestock, and necessary supportive uses such as minor agricultural processing, but not uses that have the potential to create obnoxious noise, odor, etc. [Ord. 14-12 § 1; Res. 14-36 § 201.01.]



## 18.30.020 Land use regulations.

Table 18.30.020 below prescribes the land use regulations for rural districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

~~“A” designates use classifications that are permitted after review and approval of an administrative use permit.~~

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the planning and zoning commission.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“X” designates uses that are not permitted.

Table 18.30.020 Land Use Regulations – Rural Districts

Uses	District		Additional Regulations
	RA	GR	
Agricultural			
Animal and Crop Production			
Large Scale	P	X	MCC <a href="#">18.80.030</a> , Animal Keeping
Small Scale	P	P	
Urban Agriculture	P	P	
Animal and Crop Sales	P	P	
General Agricultural	P	P	
Farmers and Animal Produce Stand	P	P	
Residential			
Single Unit			
Single Unit Detached	P	P	
Guest Quarters and Residences	P(2)	C(2)	
Family Day Care Facility			
Small	A P	A P	MCC <a href="#">18.120.110</a> , Family Day Care Facility
Large	C	C	
Residential and Group Care Home	A P	A P	MCC <a href="#">18.120.240</a> , Residential and Group Care Homes
Public and Semi-Public			

Uses	District		Additional Regulations
	RA	GR	
Cemetery	X	C	
Community Assembly	C	C	MCC <a href="#">18.120.070</a> , Community Assembly
Parks and Recreation Facilities, Public	P	P	
Commercial			
Animal Sales, Care and Services			
Animal Sales and Grooming	P	P	MCC <a href="#">18.80.030</a> , Animal Keeping
Kennels	C	C	
Riding Schools and Stables	P	P	
Small Animal Day Care Services	P	P	
Veterinary Services	P	P	
Commercial Entertainment and Recreation			
Club or Lodge	X	<del>A</del> P	
Food and Beverage Sales			
Convenience Market	X	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales MCC 18.120.280 Food and Beverage Sales
Lodging			
Bed and Breakfast Inns	P	P	
Guest Ranch	P	X	
Nurseries and Garden Centers	P	P	
Outdoor, Temporary Seasonal Sales	P	P	MCC <a href="#">18.120.260</a> , Temporary Uses
Industrial			
Storage and Warehouse			
Indoor Warehousing and Storage	<del>A</del> P (1)	<del>A</del> P (1)	
Outdoor Storage	P(1)	P(1)	
Transportation, Communication, Utility			
Communication Facilities			
Antennas and Transmission Towers	Subject to existing regulations, including a conditional use permit if certain standards are not met or thresholds exceeded.		Chapter <a href="#">18.130</a> MCC, Telecommunications Facilities
Utilities			

Uses	District		Additional Regulations
	RA	GR	
Minor	P	P	
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in MCC <a href="#">18.120.010</a> , Accessory Uses		
Temporary Uses	Require a temporary use permit, unless otherwise exempt; see MCC <a href="#">18.120.260</a> , Temporary Uses		
Nonconforming Uses	Chapter <a href="#">18.100</a> MCC, Nonconforming Uses and Structures		

1 Agriculture-related storage only.

2 Incidental to farm/agricultural operations only.

[Ord. 14-12 § 1; Res. 14-36 § 201.02.]

### 18.30.030 Development standards.

Table 18.30.030, below, prescribes development regulations for the rural districts. The first three columns establish minimum requirements for permitted and conditional uses. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations applicable to multiple districts are in Division 4 of this code.

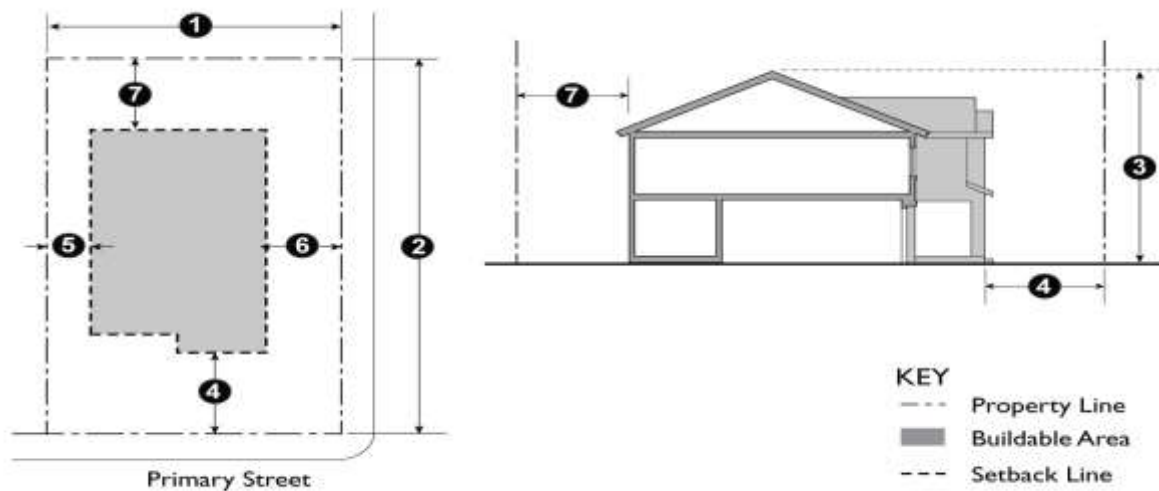


Table 18.30.030 Development Standards – Rural Districts

	District		Additional Regulations	#
	RA	GR		
Lot and Density Standards				
Minimum Lot Area (sq. ft.)	3 acres	54,450		
Minimum Lot Width (ft.)	165	145		①
Minimum Lot Depth (ft.)	200	150		②
Maximum Lot Coverage	25%	25%		
Building Form and Location				
Maximum Building Height (ft.)	35	30		③
Setbacks (ft.)				
Front	50	40		④
Interior Side	30	20	50 feet if building is used for poultry or animals	⑤
Street Side	40	30		⑥
Rear	50	40		⑦

	District		Additional Regulations	#
	RA	GR		
Additional Standards				
Accessory Structures	MCC <a href="#">18.80.020</a> , Accessory Building or Structures			
Exceptions to Height Limits	MCC <a href="#">18.80.080</a> , Exceptions to Height Limits			
Fences and Walls	MCC <a href="#">18.80.090</a> , Fences and Freestanding Walls			
Landscaping	Chapter <a href="#">18.90</a> MCC, Landscaping			
Lighting	Chapter <a href="#">18.95</a> MCC, Lighting			
Off-Street Parking and Loading	Chapter <a href="#">18.105</a> MCC, On-Site Parking and Loading			
Outdoor Storage	MCC <a href="#">18.80.100</a> , Outdoor Storage			
Projections into Required Setbacks	MCC <a href="#">18.80.040</a> , Building Projections into Yards			
Screening	MCC <a href="#">18.80.110</a> , Screening			
Signs	Chapter <a href="#">18.115</a> MCC, Signs			
Swimming Pools	MCC <a href="#">18.80.120</a> , Swimming Pools and Spas			
Visibility at Driveways	MCC <a href="#">18.80.150</a> , Visibility at Intersections and Driveways			

A. *Transitional Standards.* Where a rural district adjoins an interior lot line in an RS District, the following standards apply:

1. The maximum height within 40 feet of an RS District is 25 feet.
2. The minimum building setback from a residential district boundary shall be 20 feet.

B. *Truck Docks, Loading, and Service Areas.* Truck docks, loading, and service areas are not permitted within 50 feet of the boundary of any residential district. [Ord. 14-12 § 1; Res. 14-36 § 201.03.]

### 18.30.040 Review of plans.

Permit and review procedures shall follow the standards and approval criteria in Division 5, Administration and Permits. [Ord. 14-12 § 1; Res. 14-36 § 201.04.]

### 18.30.050 Alternative design

The Zoning Administrator may consider alternative design methods to meet the intent of this chapter.

## Chapter 18.35

### RESIDENTIAL DISTRICTS

#### Sections:

- 18.35.010 Purpose.
- 18.35.020 Land use regulations.
- 18.35.030 Development standards – RS districts.
- 18.35.040 Development standards – RM, RH, and RMHP districts.
- 18.35.050 Review of plans.

#### 18.35.010 Purpose.

The general purposes of the residential districts are to:

- A. Provide for a variety of residential development to suit the spectrum of individual lifestyles and space needs and ensure the continued availability of the range of housing opportunities necessary to meet the needs of all segments of the community consistent with the general plan;
- B. Provide for the orderly, well-planned, and balanced growth of residential neighborhoods;
- C. Promote the development of residential neighborhoods that encourage walking and the use of public transit;
- D. Establish design guidelines to help create distinct and attractive residential neighborhoods, encourage quality multi-unit housing, and ensure that new residential development is well-integrated into surrounding neighborhoods; and
- E. Provide for appropriate public and quasi-public uses such as parks, playgrounds, religious facilities, and day care centers where they are compatible with and contribute to the quality of life in residential neighborhoods.

Additional purposes of each residential district:

*RS-1 Low Density Residential.* This district is intended to provide a transitional use between rural zoning districts and medium-density residential districts. This district includes areas for single residence development on lots of at least 18,000 square feet, subject to design and development standards to ensure

land use compatibility. This district also allows for group and residential care homes, family day care, park and recreation facilities, and educational facilities.

*RS-2 Medium/Low Density Residential.* This district is intended to provide areas for medium/low-density residential neighborhoods. Housing types include single unit detached and attached housing on lots of at least 12,000 square feet. In addition to single unit homes, this district provides for uses such as parks and child care in homes that are appropriate in a residential environment.

*RS-3 Medium Density Residential.* This district is intended to provide areas for medium-density residential neighborhoods. Housing types include single unit detached and attached housing on lots of at least 9,000 square feet. In addition to single unit homes, this district provides for uses such as parks and child care in homes that are appropriate in a residential environment. Clustered development, to allow somewhat smaller lot development, is also allowed, provided the overall average gross density is maintained.

*RS-4 Medium Density Residential.* This district is intended to provide areas for medium-density residential neighborhoods. Housing types include single unit detached and attached housing on lots of at least 7,000 square feet. In addition to single unit homes, this district provides for uses such as parks and child care in homes that are appropriate in a residential environment. Clustered development, to allow somewhat smaller lot development, is also allowed, provided the overall average gross density is maintained.

*RS-5 Medium Density Residential.* This district is intended to provide areas for medium-density residential neighborhoods. Housing types include single unit detached and attached housing generally on lots of at least 5,000 square feet. Up to 25 percent of the lots in a subdivision may be below the minimum lot size, but no lot shall be less than 4,500 square feet. In addition to single unit homes, this district provides for uses such as parks and child care in homes that are appropriate in a residential environment.

*RM Multiple Unit Residential.* This district is intended for a variety of housing types on lots of varying sizes, subject to overall general plan density standards (six to 12 units per net acre), with provisions for small-lot development subject to standards for clustering and open space. Types of dwelling units that are appropriate include small-lot single residences, townhouses, condominiums, cluster housing, and multiple residence housing. This district also provides for assisted living and transitional supportive housing, day care centers, park and recreation facilities, limited and small-scale residential support activities, educational facilities, and community and religious facilities that can be appropriate in a residential environment.

*RH High Density Residential.* This district is intended for a variety of housing types on lots of varying sizes, subject to overall general plan density standards (12 to 20 units per net acre). The density range and development standards accommodate attached single residences, townhomes, condominiums, garden apartments and multi-unit buildings developed at a scale and form that is appropriate to its neighborhood context and adjacent single unit residential uses and forms. In addition to residential uses, this district allows for a limited number of public and semi-public uses such as day care centers, public safety

facilities, and assisted living and transitional supportive housing that are appropriate in a high density multi-unit environment.

*RMHP Residential Manufactured Home Park.* This district is intended to provide seasonal or permanent housing where residence is exclusively in manufactured home use, taking into consideration existing conditions including present use of land, future land use needs, and the availability of infrastructure. It is intended that mobile home parks meet design standards and be provided with necessary community services in a setting that provides a high quality of life for residents. This district should be located in areas where they will be compatible with adjacent land uses. [Ord. 14-12 § 1; Res. 14-36 § 202.01.]

### 18.35.020 Land use regulations.

Table 18.35.020 below prescribes the land use regulations for residential districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

~~“A” designates use classifications that are permitted after review and approval of an administrative use permit.~~

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the planning and zoning commission.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“X” designates uses that are not permitted.



Table 18.35.020 Land Use Regulations – Residential Districts

Uses	District				Additional Regulations
	RS	RM	RH	RMHP	
Agricultural					
Animal and Crop Production					
Urban Agriculture	P	P	P	P	
Residential					
Single Unit					
Single Unit Detached	P	X	X	X	(A)
Single Unit Attached	P(1)	P	P	P	(A)
Guest Quarters	P	X	X	X	(A)
Multiple Unit Dwelling	X	P	P	X	(A)
Group and Residential Care Homes	<del>A</del> P	X	X	X	MCC <a href="#">18.120.240</a> , Residential and Group Care Homes
<del>Family</del> Day Care Facility					
Small	<del>A</del> P	X	X	X	MCC <a href="#">18.120.110</a> , <del>Family</del> Day Care Facility
Senior and Long-term Care	X	C	C	X	
Mobile Home Parks	X	X	X	P	(A), MCC <a href="#">18.120.150</a> , Manufactured Home/Recreational Vehicle Uses
Supportive Housing	C	C	C	X	MCC <a href="#">18.120.270</a> , Transitional and Supportive Housing Facilities
Transitional Housing	C	C	C	X	
Public and Semi-Public					
Community Assembly	C	C	C	C	MCC <a href="#">18.120.070</a> , Community Assembly
<del>Family</del> Day Care Facility	C	P	P	X	MCC <a href="#">18.120.080</a> , <del>Family</del> Day Care Facility
Educational Facility, Public/Private	C	C	C	C	
Hospitals and Clinics					
Hospital	X	X	C	X	MCC <a href="#">18.120.130</a> , Hospitals and Clinics
Clinic	X	C	C	X	
Parks and Recreation Facilities, Public/Private	P/C	P/C	P/C	C	
Public Safety Facility	P	P	P	P	

Uses	District				Additional Regulations
	RS	RM	RH	RMHP	
Religious Facility	C	C	C	C	
Commercial					
Commercial, Entertainment and Recreation					
Golf Courses and Resorts	C	C	C	C	
Model Homes	P	X	X	X	MCC 18.120.260
Leasing Office/Property Management	X	P	P	P	
Convenience Market	A P (1)	A P (1)	A P (1)	A P (1)	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales
Transportation, Communication, Utility					
Communication Facilities					
Antennas and Transmission Towers	Subject to existing regulations, including a conditional use permit if certain standards are not met or thresholds exceeded.				Chapter <a href="#">18.130</a> MCC, Telecommunications Facilities
Utilities					
Minor	P	P	P	P	
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in MCC <a href="#">18.120.010</a> , Accessory Uses				
Temporary Uses	Require a temporary use permit, unless exempt; see MCC <a href="#">18.120.260</a> , Temporary Uses				
Nonconforming Uses	Chapter <a href="#">18.100</a> MCC, Nonconforming Uses and Structures				

1 Small scale, less than 2,500 square feet. Liquor sales are prohibited.

A. *Recreational Vehicle Storage on Residential Lots.* Only recreational vehicles parked on an approved driveway with paved access or additional parking space as permitted in Chapter [18.105](#) MCC, On-Site Parking and Loading, may be stored within the required front or street side setback. No recreational vehicle shall be used for living purposes. [Ord. 14-12 § 1; Res. 14-36 § 202.02.]

### 18.35.030 Development standards – RS districts.

Table 18.35.030 below prescribes development regulations for the RS Districts. The first six columns establish minimum requirements for permitted and conditional uses. Letters in parentheses in the “Additional Regulations” column refer to regulations following the schedule. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations applicable to multiple districts are in Division 4 of this code.

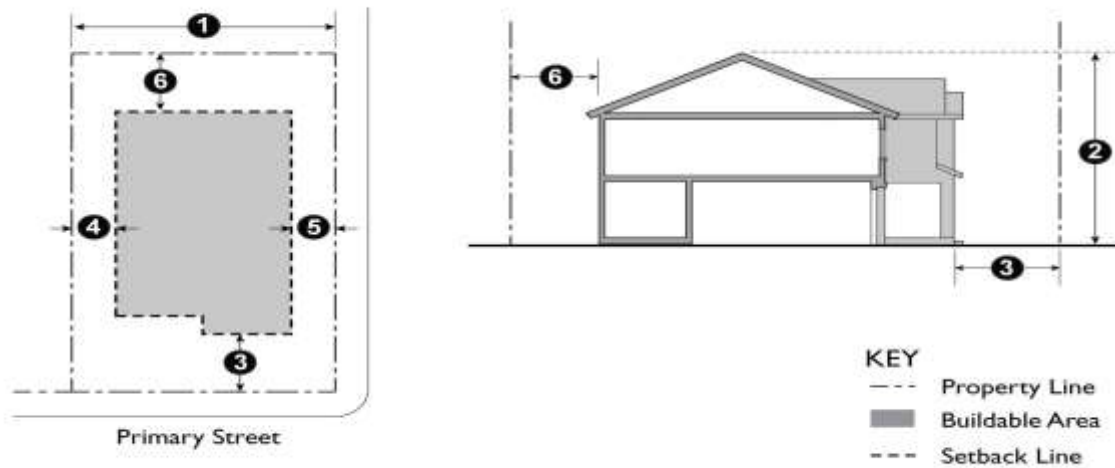


Table 18.35.030 Development Standards – RS Districts

	District					Additional Regulations	#
	RS-1	RS-2	RS-3	RS-4	RS-5		
Lot Density Standards							
Minimum Lot Area (s/f)	18,000	12,000	9,000	7,000	5,000	(A), (B)	
Minimum Lot Width (ft.)	115	100	80	60	50	(B)	1
Maximum Lot Coverage							
One Story	35%	40%	45%	50%	55%		
Two/Three-story	30%	35%	40%	45%	50%		
Building Standards							
Maximum Building Height (ft.)	30	30	30	30	30		2
Setbacks (ft.)							
Front	30	25	20	20	15 (2)	(C)(1)	3
Interior Side	15	10	7.5	5	5		4

	District					Additional Regulations	#
	RS-1	RS-2	RS-3	RS-4	RS-5		
Street Side	20	20	7.5	5	5	(C)	5
Rear	30	25	20	20	15		6
Garages and Driveways	(C)(3)						
Other Standards							
Street Side Setbacks	For all lots under 10,000 square feet, a minimum 10-foot landscape tract or no-build easement must be provided on the street side of the lot, in addition to the minimum interior side setback required.						
Covered Patios	(C)						
Residential Diversity	(C)						
Clustered Development	(C,D)						
Additional Standards							
Accessory Structures	MCC <a href="#">18.80.020</a> , Accessory Building or Structures						
Exceptions to Height Limits	MCC <a href="#">18.80.080</a> , Exceptions to Height Limits						
Fences and Walls	MCC <a href="#">18.80.090</a> , Fences and Freestanding Walls						
Landscaping	Chapter <a href="#">18.90</a> MCC, Landscaping						
Lighting	Chapter <a href="#">18.95</a> MCC, Lighting						
Off-Street Parking and Loading	Chapter <a href="#">18.105</a> MCC, On-Site Parking and Loading						
Outdoor Storage	MCC <a href="#">18.80.100</a> , Outdoor Storage						
Projections into Required Setbacks	MCC <a href="#">18.80.040</a> , Building Projections into Yards						
Screening	MCC <a href="#">18.80.110</a> , Screening						
Signs	Chapter <a href="#">18.115</a> MCC, Signs						
Swimming Pools	MCC <a href="#">18.80.120</a> , Swimming Pools and Spas						
Visibility at Driveways	MCC <a href="#">18.80.150</a> , Visibility at Intersections and Driveways						

1 For RS-4 and RS-5 Districts, livable areas and side entry garages may have a minimum setback of 10 feet from the property line.

2 For RS-5 Districts, street facing garage entrances shall be no less than a distance of 18 feet ~~to the nearest sidewalk or to the back of curb, when a sidewalk is not provided~~ **from the property line.**

3 Detached garages shall be located in the rear half of the lot. The zoning administrator may approve a detached garage in the front half of the lot subject to the front setback requirements of the district where the size, shape, location, surroundings, or existing structures make it infeasible to locate the garage in the rear half of the lot.

A. *Diversity in Lot Size.* Chapter [17.25](#) MCC sets minimum requirements for a diversity of lot sizes within a residential subdivision.

B. *RS-5 Districts – Open Space, Lot Size Variation Allowed.* Open space for projects with lots less than 7,000 square foot lot size shall be a minimum of 22 percent of the total net acres. Up to 25 percent of the lots in a subdivision may be smaller than the minimum lot size, with a minimum width of 45 feet. No lot shall be less than 4,500 square feet.

C. *Residential Design Approval.* All new single-family standard home plans, and additions to existing standard home plans shall be reviewed for compliance with the “City of Maricopa Single Family Residential Design Guidelines” prior to issuance of a building permit. A zoning permit shall be issued for all plans found to meet the intent of the “City of Maricopa Single Family Residential Design Guidelines,” subject to conditions.

D. *Clustered Development.* Clustered development may be approved in RS-3, RS-4, RS-5, and RM Districts through development review permit, subject to the standards in Table 18.35.030.D and the regulations that follow the table.

Table 18.35.030.D Clustered Development Standards

	Standard
<b>Site Development</b>	
Maximum Lot Coverage (% of site)	50 or as approved by PAD
Maximum Number of Units in an Individual Cluster	8 for a cluster with a single access point
<b>Setbacks</b>	
Project Site	The perimeter of the project site is subject to the setback requirements of the base zone.
<b>Individual Lot Setbacks</b>	
Front	10 ft.; 7 ft. for porch
Side	5 ft. or as approved by PAD
Rear	15; 0 for detached garage on alley or private autocourt, but a 3-ft. setback for maneuvering and pedestrian safety may be required. See MCC Title <a href="#">17</a> , Subdivisions, for minimum alley dimensions.
Minimum Building Separation	International Residential Code
<b>Parking and Access</b>	
Maximum Driveway Width (ft.)	32 ft.
Number of Parking Spaces for Each Unit	3 with one space being nonexclusive.
<b>Building Orientation</b>	
Entrance Location	The main entrance to each ground-floor dwelling shall be visible to and located directly off a common courtyard, autocourt, open space paseo, or directly from a public or private street.

	Standard
<b>Other Standards</b>	
Open Space	See MCC Title <a href="#">17</a> , Subdivisions.

1. *Access.* Cluster subdivisions may use public streets or private accessways to provide vehicular access to each cluster. Private accessways shall meet the minimum city standards for public streets in terms of engineering and design standards and construction materials. Private accessways shall be maintained by a homeowners association.
2. *Shared Driveways.* Cluster subdivisions may use shared driveways to provide access to each unit in the cluster. Shared driveways shall have a minimum width of 24 feet at the intersection with public streets or private accessways and may transition to a minimum width of 20 feet within each cluster, and shall be maintained by a homeowners association.
  - a. Shared driveways within individual clusters shall be differentiated from adjacent public streets or private accessways by a strip of decorative pavers, stamped or colored concrete, or materials other than those used to pave adjoining streets.
  - b. Shared driveways within individual clusters shall not exceed 150 feet in length, measured from the curb line at the intersection with the public street or private accessway to termination of the shared drive.
3. *Required Parking.* Cluster subdivisions shall provide a minimum of three parking spaces for each unit in the cluster, with at least one space per unit being nonexclusive and located within 150 feet of the dwelling unit the space is intended to serve.
4. *Additional Parking.* If additional parking is provided internal to the cluster, driveways to accommodate such parking should be a minimum of 18 feet long and a minimum eight feet wide per garage bay. If the garage door of any unit faces a private accessway or public street serving other clusters in the subdivision, then a minimum of 18 feet must be provided between the back of sidewalk (or curb, if no sidewalk) to the face of the garage door.
5. *Minimum Maneuvering Space.* Each dwelling unit driveway in the cluster shall be designed such that each driver backing a large-size passenger vehicle out of the driveway can maneuver with one turning movement in order to exit the cluster, and vehicles entering a garage can drive into the garage without having to back up. Driveways for 60 percent of the units in each cluster shall be designed such that a large-size vehicle may back out with one turning movement in order to exit the cluster without backing into the public street or private accessway.
6. *Drainage.* Surface water drainage shall not be allowed to pass from one cluster to another over the shared driveway of another cluster. Surface water drainage from individual clusters, however, may pass over the driveway for that respective cluster, but not from lot to lot unless located within a drainage easement.

### 7. *Building and Entrance Design.*

- a. *Integrated Theme.* Buildings and structures shall exhibit an integrated architectural theme that includes similar or complementary materials, colors, and design details.
- b. *Site Entrance.* Clustered development shall have at least one major driveway entrance feature that provides an organizing element to the site design. Major driveway entrances shall include such features as a landscaped entry corridor or a divided median drive separated by a landscaped center dividing island.
- c. *Entries and Porches.* At least 35 percent of homes must include entries and porches extending along a minimum of 50 percent of the width of the homes' front facades, excluding the width of garages. Porches meeting this requirement shall have a minimum width of eight feet and a minimum depth of four feet.

8. *Additional Landscaping Required.* A clustered development shall provide 25 percent more landscaping than required by MCC Title [17](#), Subdivisions, for standard size lots, which may be in common areas, landscaped right-of-way, trails, or other open space. [Ord. 14-12 § 1; Res. 14-36 § 202.03.]

## 18.35.040 Development standards – RM, RH, and RMHP districts.

Table 18.35.040, below, prescribes development regulations for the RM, RH, and RMHP Districts. The first three columns establish minimum requirements for permitted and conditional uses. Letters in parentheses in the “Additional Regulations” column refer to regulations following the schedule. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations applicable to multiple districts are in Division 4 of this code.

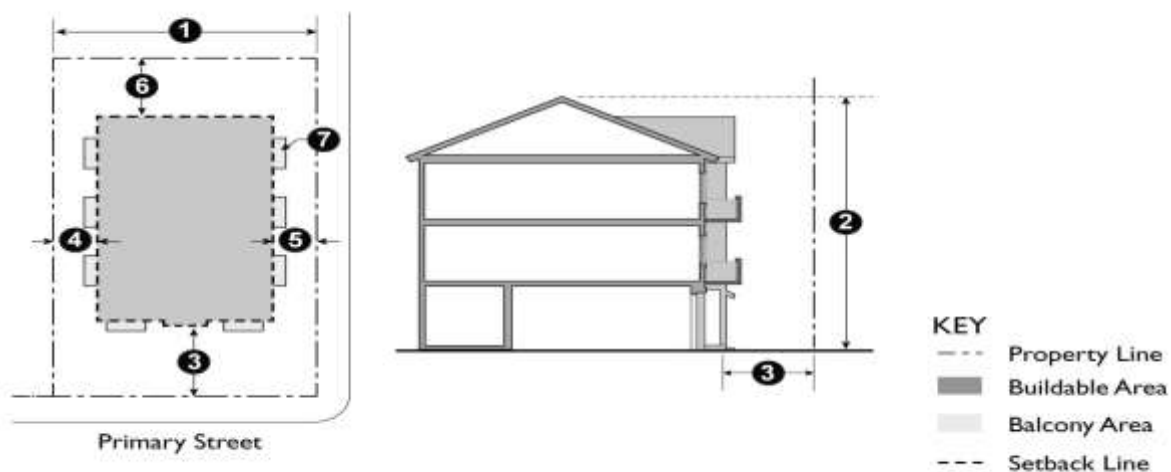


Table 18.35.040 Development Standards – RM, RH, RMHP Districts

	District			Additional Regulations	#
	RM	RH	RMHP		
Lot Density Standards					
Minimum Lot Area (s/f)	7,000	7,000	2,500	MCC <a href="#">18.120.150</a> , Manufactured Home/Recreational Vehicle Uses	
Minimum Lot Width (ft.)	60	60	45	MCC <a href="#">18.120.150</a> , Manufactured Home/Recreational Vehicle Uses	1
Maximum Density (units/net acre)	12	20	12		
Maximum Lot Coverage	50%	50%	50%		
Building Standards					
Maximum Building Height (ft.)	36	42	15	MCC <a href="#">18.120.150</a> , Manufactured Home/Recreational Vehicle Uses	2
Setbacks (ft.)					
Front	20	20	20	MCC <a href="#">18.120.150</a> , Manufactured Home/Recreational Vehicle Uses	3
Interior Side	5	5	5	(A); MCC <a href="#">18.120.150</a> , Manufactured Home/Recreational Vehicle Uses	4
Street Side	20	20	20	MCC <a href="#">18.120.150</a> , Manufactured Home/Recreational Vehicle Uses	5
Rear	20	20	10	(A); MCC <a href="#">18.120.150</a> , Manufactured Home/Recreational Vehicle Uses	6
Building Separation	A minimum of 10 feet between buildings				
Architectural Articulation	(B)				
Building Entrances	(C)				
Location of Parking	(D)				
Other Standards					
Open Space	20% of site; (E),(H)(1)				
Private Outdoor Living Area (s/f per unit)					
Ground Floor Units	120	120	100	(E); MCC <a href="#">18.120.150</a> , Manufactured Home/Recreational Vehicle Uses	7
Second Floor Units	80	80	N/A		
Third Floor Units	48	40	N/A		
Pedestrian Access	(F)				
Private Storage Areas	(G)				
Additional Standards					



	District			Additional Regulations	#
	RM	RH	RMHP		
Accessory Structures	MCC <a href="#">18.80.020</a> , Accessory Building or Structures				
Exceptions to Height Limits	MCC <a href="#">18.80.080</a> , Exceptions to Height Limits				
Fences and Walls	MCC <a href="#">18.80.090</a> , Fences and Freestanding Walls				
Landscaping	Chapter <a href="#">18.90</a> MCC, Landscaping				
Lighting	Chapter <a href="#">18.95</a> MCC, Lighting				
Off-Street Parking and Loading	Chapter <a href="#">18.105</a> MCC, On-Site Parking and Loading				
Projections into Required Setbacks	MCC <a href="#">18.80.040</a> , Building Projections into Yards				
Screening	MCC <a href="#">18.80.110</a> , Screening				
Signs	Chapter <a href="#">18.115</a> MCC, Signs				
Swimming Pools	MCC <a href="#">18.80.120</a> , Swimming Pools and Spas				
Visibility at Driveways	MCC <a href="#">18.80.150</a> , Visibility at Intersections and Driveways				

1 For development projects in RM, RH, and RMHD Districts, 60 percent of the required open space must be usable, as defined in MCC Title [17](#), Subdivisions.

A. *Transitional Standards.* Where an RM, RH, or RMHP District adjoins an interior lot line in an RS District, the following standards apply:

1. The maximum height within 30 feet of an RS District is 30 feet. From this point, the building height may be increased one foot for each additional foot of upper story building setback to the maximum building height.
2. The building setback from an RS District boundary shall be 15 feet for interior side yards and 20 feet for rear yards.

B. *Architectural Articulation.*

1. *Projections or Recesses.* All street-facing facades have at least one horizontal or vertical projection or recess at least four feet in depth, or two projections or recesses at least two and one-half feet in depth, for every 25 horizontal feet of wall. If located on a building with two or more stories, the articulated elements should be greater than one story in height, and may be grouped rather than evenly spaced in 25-foot modules. Building entrances, front porches, and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises count towards this requirement. Alternative designs that create a welcoming entry feature facing the street, such as trellis or landscaped courtyard entry, may be approved by the zoning administrator.
2. *Variable Roof Form.* Variable roof forms shall be incorporated into the building design, and no more than two side-by-side units may be covered by one unarticulated roof. Articulations may be accomplished

by changing roof height, offsets, and direction of slope, and by introducing elements such as dormers, towers, or parapets.

C. *Building Entrances.*

1. *Orientation.* All units located along public rights-of-way must have the primary entrance facing this right-of-way. Exceptions to this requirement may be approved by the zoning administrator for projects where multiple unit housing is located on streets carrying high traffic volumes and/or streets that do not allow on-street parking. In such cases, the project shall be oriented around courtyards.

2. *Dwelling Unit Access.* Exterior entrances to units shall be in a form of individual or shared entrances at the ground floor of the building. Unit entrances above the ground floor are also permitted; however, on any single floor no exterior access corridor located above the ground floor may provide access to five or more units.

D. *Location of Parking.* Parking may be located within 40 feet of the street-facing property line in accordance with the following standards:

1. *Underground and Partially Submerged Parking.* Parking completely or partially underground shall match the setbacks of the main structure. The maximum height of a parking podium visible from a street is five feet from finished grade.

2. *Surface and Structure Parking.* Surface and aboveground structure parking may be located within 40 feet of a street-facing lot line with the approval of a conditional use permit when all of following findings can be made:

- a. For structure parking the building design incorporates habitable space built close to the public sidewalk to the maximum extent feasible;
- b. The parking area is well screened with a wall, hedge, trellis, and/or landscaping, consistent with the landscaping standards of this code; and
- c. The site is small and constrained such that underground, partially submerged, structured, or surface parking located more than 40 feet from the street frontage is not feasible.

E. *Outdoor Living Areas.* As part of the open space required by this code, private and common areas for outdoor living shall be provided in accordance with this section. Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence. Common areas typically consist of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development. Landscaped courtyard entries that are oriented towards a public or private street or parking area to create a welcoming entry feature are also considered common areas.

1. *Minimum Dimensions.*

a. *Private Open Space.* Private open space located on the ground level (e.g., yards, decks, patios) shall have no horizontal dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.

b. *Common Open Space.* Common open spaces with a minimum horizontal dimension of 20 feet shall count towards the open space calculation. Isolated open space areas with a horizontal dimension less than 20 feet are not considered usable open space and shall not count in determining compliance with this standard.

2. *Minimum Area Required – Private Open Space.*

a. RM and RH Districts: ~~35 percent of~~ All units shall provide private open space to achieve a minimum area of 120 square feet for ground-floor units, 80 square feet for second story units, and 48 square feet for third floor units. **See Table 18.35.040 Development Standards for minimum size of private space per unit.**

b. RMHD Districts: 100 square feet per unit.

c. The amount of outdoor living area provided for individual units may vary based on unit size and location within a project, as long as the average area per unit meets the applicable standard.

3. *Credit Toward Open Space Requirement for High Density Residential Subdivision.* Each square foot of private and common outdoor living area provided in a high density residential subdivision shall count as 10 feet of open space for purposes of determining compliance with the “open space equivalent” requirement for these subdivisions. This credit also applies to high density projects not subject to the subdivision process.

F. *Pedestrian Access.* A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to sidewalks, and to any on-site open space areas or pedestrian amenities. Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

1. Walkways shall be a minimum of six feet wide, hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.

2. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

3. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb, bollards, or other physical barrier.

G. *Private Storage Space.* Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet. All storage structures shall

be designed and constructed in a manner consistent with and complementary to the primary building architecture.

H. *Shared Amenities.* In RM, RH, and RMHD Districts, a minimum of two shared amenities shall be provided for the first 100 dwelling units; one additional shared amenity shall be provided for 50 dwellings or portion thereof. Combinations of amenity features shall be provided in a manner acceptable to the zoning administrator and dependent on the type of multifamily development proposed, the private open spaces in the development, proximity to public trails, and other public amenities nearby. An amenity shall consist of one of the following: pool, spa, recreation center, tot lot, indoor fitness center, outdoor fitness circuit, ramada, shared barbeque or picnic facilities, gathering area, volleyball court, sport court or field, internal multi-use path, community gardens, or playground. [Ord. 14-12 § 1; Res. 14-36 § 202.04.]

18.35.050          Review of plans.

Permit and review procedures shall follow the standards and approval criteria in Division 5, Administration and Permits. [Ord. 14-12 § 1; Res. 14-36 § 202.05.]

18.35.060          Alternative design

The Zoning Administrator may consider alternative design methods to meet the intent of this chapter.

## Chapter 18.40

### COMMERCIAL DISTRICTS

#### Sections:

- 18.40.010 Purpose.
- 18.40.020 Land use regulations.
- 18.40.030 Development standards.
- 18.40.040 Review of plans.

#### 18.40.010 Purpose.

The purposes of the commercial districts are to:

- A. Designate adequate land for a full range of commercial uses and regional-serving retail services consistent with the general plan to maintain and strengthen the city's economic resources;
- B. Provide for the orderly, well-planned, and balanced growth of commercial areas;
- C. Plan for commercial development to expand the variety of goods and services to meet the needs of city residents and those living within Maricopa's market area;
- D. Establish design standards that improve the visual quality of development and create a unified, distinctive, and attractive character along commercial streets;
- E. Contribute to the pedestrian environment with standards that promote ground-floor visibility, orientation of buildings to the street, and pedestrian access across parking lots and between commercial centers and adjacent land uses;
- F. Ensure that new development is designed to minimize traffic and parking impacts and is appropriate to the physical characteristics of the area; and
- G. Address transitions and provide appropriate buffers between commercial and residential uses.

Additional purposes of each commercial district:

*NC Neighborhood Commercial.* This district is intended to provide areas for locally oriented retail and service uses that serve the surrounding residential trade area within one-half-mile to one-mile radius. Typical uses include, but are not limited to, retail stores, small grocery and drug stores, specialty food sales and services, restaurants and cafes, neighborhood dry cleaners, personal services (e.g., laundries, barbers, hair and nail salons, fitness studios), small gas stations, and convenience stores. Other compatible uses include small-scale medical and professional offices as well as public and semi-public uses. Large

format retail stores, greater than 40,000 gross square feet for a single user, and shopping centers are not appropriate in this district.

*GC General Commercial.* This district is intended to provide retail and service-oriented businesses that serve a large surrounding residential trade area within a one- to five-mile radius. Examples of allowable uses include but are not limited to animal sales, care, and services; automobile servicing; building materials; storage facilities with active storefronts; equipment rental; wholesale businesses; and specialized retail and service uses not normally found in shopping centers.

*GO General Office.* This district is intended to enhance employment opportunities and the overall economic vitality of Maricopa as well as to promote attractive development and ensure minimal impacts on surrounding development. It is intended for low- to medium-intensity office and medical center development located along thoroughfares, arterials, or collectors, or near existing/planned public transit stops. This district also allows supporting services such as banks, clinics, lodging, small-scale retail, service, or restaurant uses developed in conjunction with office use.

*SC Shopping Center.* This district is intended to meet local and regional retail demand, such as large-scale retail, office, civic and entertainment uses, shopping malls with large footprints, “big-box” retail use, and other uses that are not appropriate in other areas because of higher volumes of vehicle traffic and potential impacts on other uses. Typical uses include but are not limited to grocery store and anchored tenant shopping centers with additional drug stores, fast food chains, smaller hardware and building supply stores, gas stations with convenience stores, and restaurants and cafes. Other compatible uses include medical and professional offices as well as public and semi-public uses. The focus of district development standards is to ensure structures complement the surrounding development pattern. [Ord. 14-12 § 1; Res. 14-36 § 203.01.]

#### 18.40.020 Land use regulations.

Table 18.40.020 below prescribes the land use regulations for commercial districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

~~“A” designates use classifications that are permitted after review and approval of an administrative use permit.~~

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the planning and zoning commission.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“X” designates uses that are not permitted.

Table 18.40.020 Land Use Regulations – Commercial Districts

Uses	District				Additional Regulations
	NC	GC	SC	GO	
Residential					
Multiple Unit Dwelling	A P	X	X	X	
Public and Semi-Public					
Colleges and Trade Schools, Public and Private	X	P	X	P	
Community Assembly	X	P	X	X	MCC <a href="#">18.120.070</a> , Community Assembly
Cultural Facilities	A P	P	P	X	
Family Day Care Facility	P	X(5)	X(5)	A P	MCC <a href="#">18.120.080</a> , Family Day Care Facility
Educational Facility, Public and Private	A P	X	X	X	
Emergency Shelters and Facilities	X	C	X	X	
Government Buildings	P(6)	P(6)	P(6)	P(6)	
Hospitals and Clinics					
Hospital	X C	X C	X C	C	MCC <a href="#">18.120.130</a> , Hospitals and Clinics
Clinic	A P	A P	A P	A P	
Public Safety Facility	P(6)	P(6)	P(6)	X	
Social Service Facility	A P	A P	A P	X	
Commercial					
Adult-Oriented Business	X	C	C(1)	X	MCC <a href="#">18.120.020</a> , Adult-Oriented Businesses
Animal Sales, Care and Services					
Animal Sales and Grooming	P	P	P	X	MCC <a href="#">18.80.030</a> , Animal Keeping
Kennels	X	A P	X	X	
Small Animal Day Care	P	P	P	X	
Veterinary Services	X	P	P	P	
Automobile/Vehicles Sales and Services					
Automobile Rentals	X	P	P	P	
Automobile/Vehicle Repair, Minor	C	P	P	X	
Automobile/Vehicle Repair, Major	X	P	C	X	MCC <a href="#">18.120.050</a> , Automobile/Vehicle Service and Repair, Major
Automobile/Vehicle Sales and Leasing	X	P	P	X	MCC <a href="#">18.120.040</a> , Automobile/Vehicle Sales and Leasing

Uses	District				Additional Regulations
	NC	GC	SC	GO	
Automobile/Vehicle Washing and Services	X	<del>A</del> P	<del>A</del> P	X	MCC <a href="#">18.120.060</a> , Automobile/Vehicle Service Stations and Washing
Large Vehicle and Equipment Sales, Service, and Rental	X	<del>A</del> P	X	X	
Service Station	C	<del>A</del> P	<del>A</del> P	X	MCC <a href="#">18.120.060</a> , Automobile/Vehicle Service Stations and Washing
Banks and Financial Institutions					
Banks and Credit Unions	P	P	P	P	
Noninstitutional Banking	X	C	C	X	MCC <a href="#">18.120.200</a> , Noninstitutional Banking
Building Materials Sales and Service	X	P	P	X	
Business Services	P	P	P	P	
Commercial Entertainment and Recreation					
Banquet and Conference Centers	X	C	C	C	
Small-Scale Facility	<del>A</del> P	P	P	X	
Large-Scale Facility	X	C	C	C	
Theaters	X	P	P	X	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales
Club or Lodge	P	P	P	P	
Commercial Kitchen	X	P	P	X	
Eating and Drinking Establishments					
Bars and Lounges	A(2)	<del>A</del> P	<del>A</del> P	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating
Restaurants, Full Service	P	P	P	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating
Restaurants, Limited Service (including Fast Food)	P	P	P	P	MCC <a href="#">18.120.090</a> , Drive-In and Drive-Through Facilities, Including Fast-Food Facilities MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating
Restaurant, Take-Out Only	P	P	P	P	MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating
Food and Beverage Sales					
Convenience Market	P	P	P	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverages
General Market	P(4)	P	P	X	MCC <a href="#">18.120.280</a> Food and Beverage Sales



Uses	District				Additional Regulations
	NC	GC	SC	GO	
Liquor Store	C	C	C	X	
Specialty Food Sales and Facilities	P	P	P	P	
Funeral Parlors and Mortuaries	P	P	P	X	
Instructional Services	P	P	P	X	
Live/Work	P(1)	P	X	X	MCC <a href="#">18.120.140</a> , Live/Work Units
Lodging					
Hotels and Motels	X	P	P	<del>A</del> P	
Maintenance and Repair Services	P(3)	P	P	X	
Medical Marijuana Uses					
Dispensary Facilities	X	C	X	X	MCC <a href="#">18.120.160</a> , Medical Marijuana Facilities
Mobile Food Vendor Merchants	<del>A</del> P	<del>A</del> P	<del>A</del> P	<del>A</del> P	MCC <a href="#">18.120.170</a> , Mobile Food Vendor Merchants
Nurseries and Garden Centers	X	P	P	X	
Offices					
Business and Professional	P(1)	P(1)	P(1)	P	
Medical and Dental	P	P	P	P	
Walk-In Clientele	P	P	P	P	
Parking Facility, Public and Private	<del>A</del> P	<del>A</del> P	<del>A</del> P	<del>A</del> P	
Personal Services					
General Personal Services	P	P	P	P	MCC <a href="#">18.120.210</a> , Personal Services and Restricted Personal Services
Restricted Personal Services	X	C	C	X	MCC <a href="#">18.120.210</a> , Personal Services and Restricted Personal Services
Outdoor, Temporary, and Seasonal Sales	P	P	P	X	MCC <a href="#">18.120.260</a> , Temporary Uses
Off-Track Betting	X	C	C	X	MCC <a href="#">18.120.180</a> , Off-Track Betting Establishments
Retail Sales					
General Retail, Small Scale	P	P	P	X	MCC <a href="#">18.120.250</a> , Restricted Retail Uses
General Retail, Large Scale	X	P	P	X	
Restricted Retail Uses	X	C	X	X	
<b>Industrial</b>					
Artist Studio and Production	P (3)	C	X	X	
Research and Development	X	X	X	C	
Storage and Warehouse					

Uses	District				Additional Regulations
	NC	GC	SC	GO	
Indoor Warehousing and Storage	X	<del>A</del> P	X	<del>A</del> P	
Personal Storage	X	<del>A</del> P	<del>A</del> P	X	
<b>Transportation, Communication, Utility</b>					
Bus/Rail Passenger Facilities	C	C	C	C	
Communication Facilities					
Antennas and Transmission Towers	Subject to existing regulations, including a conditional use permit if certain standards are not met or thresholds exceeded.				
Facilities within Buildings	P	P	P	P	
Recycling Facility					
Recycling Collection Facility	C	P	P	P	MCC <a href="#">18.120.230</a> , Recycling Facilities
Utilities					
Minor	P	P	P	P	
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in MCC <a href="#">18.120.010</a> , Accessory Uses				
Temporary Uses	Require a temporary use permit, unless exempt; see MCC <a href="#">18.120.260</a> , Temporary Uses				
Nonconforming Uses	Chapter <a href="#">18.100</a> MCC, Nonconforming Uses and Structures				

1 Upper floors only if available.

2 Wine and beer sales only.

3 Small scale, less than 1,500 square feet.

4 Less than 40,000 square feet.

5 Permitted as an accessory use. See MCC [18.120.010](#), Accessory Uses.

6 Outdoor storage yards are not permitted.

[Ord. 14-12 § 1; Res. 14-36 § 203.02.]

## 18.40.030 Development standards.

Table 18.40.030, below, prescribes development regulations for commercial districts. The first five columns establish minimum requirements for permitted and conditional uses. Letters in parentheses in the “Additional Regulations” column refer to regulations following the schedule. The letter “Y” in the district column means that the Additional Regulation applies. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations applicable to multiple districts are in Division 4 of this code.

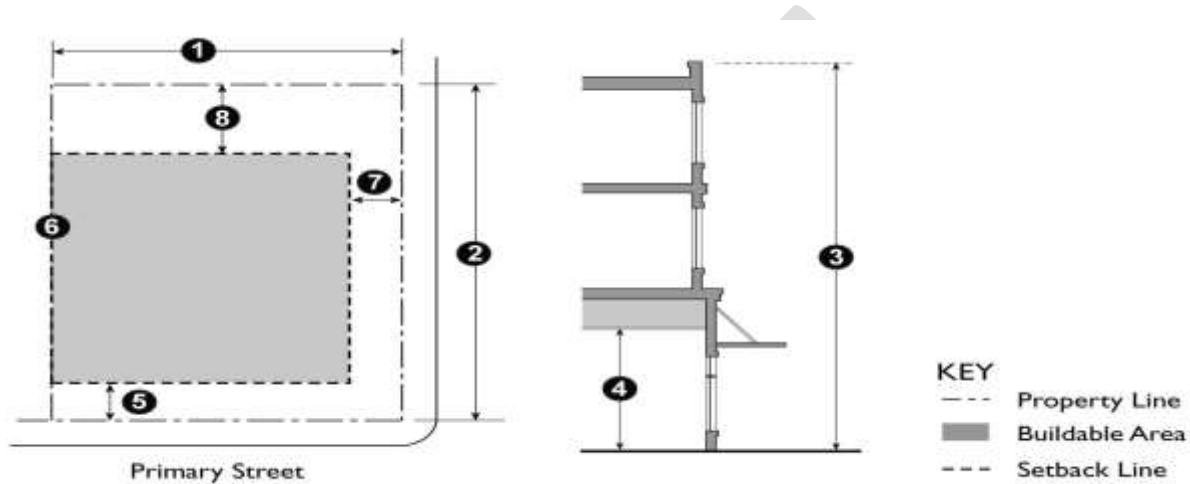


Table 18.40.030 Development Standards – Commercial Districts

	District				Additional Regulations	#
	NC	GC	SC	GO		
Lot and Density Standards						
Minimum Lot Area (s/f)	5,000	10,000	20,000	10,000		
Minimum Lot Width (ft.)	25	50	100	75		①
Minimum Lot Depth (ft.)	75	100	100	100		②
Maximum Density (units/net acre)	20	n/a	n/a	n/a		
Building Form and Location						
Maximum Building Height (ft.)	40	40	40	40		③
1st Floor Ceiling Height (ft. clear)	12	n/a	12	12		④
Setbacks (ft.)						
Front	10	20	20	20	(A)	⑤
Interior Side	0	0	0	0		⑥
Street Side	10	20	20	20	(A)	⑦

	District				Additional Regulations	#
	NC	GC	SC	GO		
Rear	20	30	40	30		8
Screening of Parking	Y	Y	Y	Y	(B)	
<b>Other Standards</b>						
Building Design	Y	Y	Y	Y	(C)	
Ground Floor Transparency	Y	n/a	Y	Y	(D)	
Outdoor Living Area (s/f per unit)	100	n/a	n/a	n/a	(E)	
Pedestrian Access	Y	Y	Y	Y	(F)	
Private Storage Space	Y	n/a	n/a	n/a	(G)	
Transitions Adjacent to Residential Districts	Y	Y	Y	Y	(H)	
Transparency	Y	Y	Y	Y	(D)	
<b>Additional Standards</b>						
Accessory Structures	MCC <a href="#">18.80.020</a> , Accessory Building or Structures					
Exceptions to Height Limits	MCC <a href="#">18.80.080</a> , Exceptions to Height Limits					
Fences and Walls	MCC <a href="#">18.80.090</a> , Fences and Freestanding Walls					
Landscaping	Chapter <a href="#">18.90</a> MCC, Landscaping					
Lighting	Chapter <a href="#">18.95</a> MCC, Lighting					
Off-Street Parking and Loading	Chapter <a href="#">18.105</a> MCC, On-Site Parking and Loading					
Outdoor Storage	MCC <a href="#">18.80.100</a> , Outdoor Storage					
Projections into Required Setbacks	MCC <a href="#">18.80.040</a> , Building Projections into Yards					
Screening	MCC <a href="#">18.80.110</a> , Screening					
Signs	Chapter <a href="#">18.115</a> MCC, Signs					
Swimming Pools	MCC <a href="#">18.80.120</a> , Swimming Pools and Spas					
Visibility at Driveways	MCC <a href="#">18.80.150</a> , Visibility at Intersections and Driveways					

A. *Improvement of Street-Facing Setbacks.* Where a front or street-facing side setback is provided, it should be landscaped and/or hard-surfaced for use by pedestrians. If hard-surfaced, the setback area on each lot must be a plaza or gathering area and contain at least two pedestrian amenities such as benches, drinking fountains, and/or other design elements (public art, planters, and kiosks).

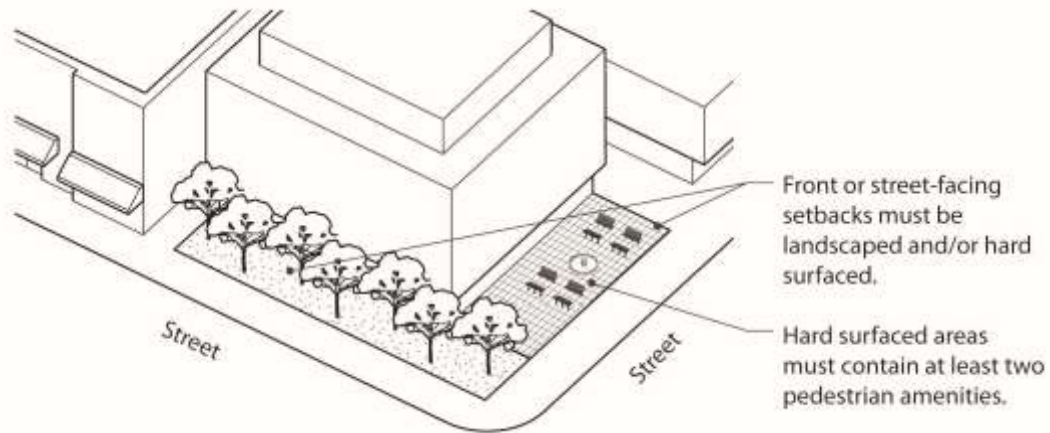


Figure 18.40.030.A Street-Facing Setbacks

B. *Screening of Parking.* Any parking area located between a building and the street shall be screened with a wall or berm at least three feet and not to exceed three and one-half feet high. A screening wall shall be composed of brick, stone, stucco, or other quality durable material and shall include a decorative cap or top finish as well as edge detail at wall ends. A combination of these materials may be used, or may be combined such that no more than 40 percent of the screening shall be accomplished with densely planted landscaping.

C. *Building Design.* The exterior design of all buildings, including all facades, shall be coordinated with regard to color, materials, architectural form, and detailing to achieve design harmony, continuity and horizontal and vertical relief and interest. The design of all buildings shall be compatible with the character of the neighboring area.

D. *Ground-Floor Transparency.* Exterior walls facing any front or street-facing lot line should include windows, doors, or other openings for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. No wall may run in a continuous plane for more than 20 feet without an opening. Openings fulfilling this requirement should have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

1. *Exception for Structured Parking Facilities.* Multi-level parking garages, where permitted, are not required to meet the ground-floor transparency requirement.
2. *Sites with Multiple Buildings.* On sites that contain multiple buildings, the building ground-floor transparency requirement does not need to be met along street-facing facades of buildings that are located behind other buildings and not visible from the adjacent public street.
3. *Reduction through Development Review Permit.* The building opacity requirement may be reduced or waived by the zoning administrator, if it is found that:

- a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
- b. Street-facing building walls will exhibit architectural relief and detail, or will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

E. *Outdoor Living Areas.* In NC District, decks and balconies or common areas for outdoor living shall be provided for all residential dwelling units.

1. *Minimum Dimensions.* The minimum horizontal dimension for a deck or balcony is six feet and the minimum dimension for a common area for outdoor living, such as a roof deck, is 10 feet.
2. *Common Areas – Shared Open Space.* Common areas shall be accessible to residents, open to the sky, and not include any ground-level area required for front or corner side setbacks.
3. *Averaging Allowed.* The amount of outdoor living area provided for individual units may vary, based on unit size and location within a project, as long as the average area per unit meets the applicable standard.

F. *Pedestrian Access.* A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to off-site sidewalks, and to any on-site open space areas or pedestrian amenities. Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible, while still providing for safety and security.

1. Walkways shall be a minimum of six feet wide, hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
2. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
3. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb, bollards, or other physical barrier.

G. *Private Storage Space for Residential Units in Nc Districts.* Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

H. *Transitional Standards.* Where a commercial district adjoins an interior lot line in a residential district, the following standards apply:

1. The maximum height is 30 feet within 40 feet of a residential district. From these points, the building height may be increased one foot for each additional foot of upper story building setback to the maximum building height.
2. The minimum building setback shall be 25 feet from a residential district boundary.

3. Adjoining a RS District, a minimum 25-foot landscaped setback shall be provided, free from parking and other encroachments.

I. *Truck Docks, Loading, and Service Areas.* Truck docks, loading, and service areas are not permitted within 25 feet of the boundary of any residential district. In the NC, SC, and GO Districts, such loading and service areas must be located on the side or rear of buildings, and may not face a public street or a private street functioning as a public road. [Ord. 14-12 § 1; Res. 14-36 § 203.03.]

#### 18.40.040 Review of plans.

Permit and review procedures shall follow the standards and approval criteria in Division 5, Administration and Permits. [Ord. 14-12 § 1; Res. 14-36 § 203.04.]

#### 18.40.050 Alternative design

The Zoning Administrator may consider alternative design methods to meet the intent of this chapter.

## Chapter 18.45

### MIXED USE DISTRICTS

#### Sections:

- 18.45.010 Purpose.
- 18.45.020 Land use regulations.
- 18.45.030 Development standards.
- 18.45.040 Review of plans.

#### 18.45.010 Purpose.

The purposes of the mixed use districts are to:

- A. Promote pedestrian-oriented infill development, intensification, and reuse of land consistent with the general plan and the Heritage District Redevelopment Area Plan;
- B. Encourage the development of mixed use centers and corridors with a vibrant concentration of goods and services, multi-unit housing, and community gathering and public spaces at strategic locations;
- C. Transform auto-oriented roadways and corridors into diverse and attractive corridors that support a mix of residential, pedestrian, and neighborhood-serving uses in order to achieve an active social environment within a revitalized streetscape while also respecting existing character;
- D. Reduce the need for private automobile use to access shopping, services, and employment;
- E. Offer additional housing opportunities for residents seeking to live and work in an urban environment; and
- F. Ensure that new development and redevelopment are designed to minimize traffic, parking and impacts on surrounding residential neighborhoods, and create walkable environments.

Additional purposes of each mixed use district:

*MU-N Neighborhood Mixed Use.* This district is intended to facilitate the transformation of sections of city roadways into vibrant, highly walkable areas with broad, pedestrian friendly sidewalks, trees, landscaping, and local-serving uses with new buildings that step down in relationship to the scale and character of adjacent low density neighborhoods. Development is expected to include ground-floor neighborhood-serving businesses and upper level housing or offices. Allowable ground-floor uses include active, neighborhood-serving retail, services, and open spaces, such as plazas.

*MU-G General Mixed Use.* This district is intended to allow for either horizontal or vertical mixed use development along key circulation corridors in the city where height and density can be easily accommodated. Ground-floor retail and upper-floor residential or offices are the primary uses, with retail,



personal and business services, and public and institutional space as supportive uses. These districts are intended to become vibrant, highly walkable areas with broad, pedestrian friendly sidewalks, trees, landscaping, and local-serving uses with new buildings that step down in relationship to the scale and character of adjacent neighborhoods. Automotive-oriented uses are not permitted. [Ord. 14-12 § 1; Res. 14-36 § 204.01.]

## 18.45.020 Land use regulations.

Table 18.45.020 below prescribes the land use regulations for mixed use districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

~~“A” designates use classifications that are permitted after review and approval of an administrative use permit.~~

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the planning and zoning commission.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“X” designates uses that are not permitted.

Table 18.45.020 Land Use Regulations – Mixed Use Districts

Use	District		Additional Standards
	MU-N	MU-G	
Agricultural			
Animal and Crop Production			
Urban Agriculture	P	P	
Residential			
Single Unit Dwelling	P(1)	P(1)	
Multiple Unit Dwelling	P(2)	P(2)	
Senior and Long-term Care	C	C	
<del>Family</del> Day Care Facility			
Small	<del>A</del> P	<del>A</del> P	MCC <a href="#">18.120.110</a> , <del>Family</del> Day Care Facility
Large	C	C	
Group and Residential Care Home	<del>A</del> P	<del>A</del> P	MCC <a href="#">18.120.240</a> , Residential and Group Care Homes

Use	District		Additional Standards
	MU-N	MU-G	
Supportive Housing	C	C	MCC <a href="#">18.120.270</a> , Transitional and Supportive Housing Facilities
Transitional Housing	X	C	
Public and Semi-Public			
Community Assembly	A P	P	MCC <a href="#">18.120.070</a> , Community Assembly
Cultural Facilities	P	P	
Child Care Centers	P	P	MCC <a href="#">18.120.080</a> , <del>Family</del> Day Care Facility
Government Buildings	P	P	
Hospitals and Clinics			
Clinic	A P	A P	MCC <a href="#">18.120.130</a> , Hospitals and Clinics
Parks and Recreation Facilities, Public	P	P	
Public Safety Facility	P	P	
Social Service Facility	P	P	
Commercial			
Animal Sales, Care and Services			
Animal Sales and Grooming	P	P	MCC <a href="#">18.80.030</a> , Animal Keeping
Small Animal Day Care	P(3)	P	
Banks and Financial Institutions			
Banks and Credit Unions	P	P	
Noninstitutional Banking	X	C	MCC <a href="#">18.120.200</a> , Noninstitutional Banking
Business Services	P	P	
Commercial Entertainment and Recreation			
Small-Scale Facility	A P	P	
Theaters	X	C	
Club or Lodge	X	A P	
Eating and Drinking Establishments			
Bars and Lounges	C	A P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating
Restaurants, Full Service	P	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating

Use	District		Additional Standards
	MU-N	MU-G	
Restaurants, Limited Service (including Fast Food)	P	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating
Restaurant, Take-Out Only	P	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales MCC <a href="#">18.120.100</a> , Eating and Drinking Uses MCC <a href="#">18.120.190</a> , Outdoor Dining and Seating
Food and Beverage Sales			
Convenience Market	P	P	MCC <a href="#">18.120.030</a> , Alcoholic Beverage Sales <b>MCC 18.120.280 Food and Beverage Sales</b>
General Market	P(4)	P(4)	
Liquor Store	C(3)	C	
Specialty Food Sales and Facilities	P	P	
Instructional Services	P(2)	P(2)	
Live/Work Quarters	P(2)	P(2)	MCC <a href="#">18.120.140</a> , Live/Work Units
Lodging			
Hotels and Motels	X	<del>A</del> P	
Maintenance and Repair Services	P(3)	P(3)	
Mobile Food Vendor <b>Merchants</b>	<del>A</del> P	<del>A</del> P	MCC <a href="#">18.120.170</a> , Mobile Food Vendor <b>Merchants</b>
Office			
Business and Professional	P	P	
Medical and Dental	P	P	
Walk-In Clientele	P	P	
Personal Services			
General Personal Services	P	P	MCC <a href="#">18.120.210</a> , Personal Services and Restricted Personal Services
Restricted Personal Services	X	<del>A</del> P	
Retail Sales			
General Retail, Small Scale	P	P	(A); MCC <a href="#">18.120.250</a> , Restricted Retail Uses
General Retail, Large Scale	X	C	
<b>Industrial</b>			
Artist's Studio and Production	P	P	
<b>Transportation, Communication, Utility</b>			
Bus/Rail Passenger Facility	X	P	
Communication Facilities			

Use	District		Additional Standards
	MU-N	MU-G	
Antennas and Transmission Towers	Subject to existing regulations, including a conditional use permit if certain standards are not met or thresholds exceeded.		Chapter <a href="#">18.130</a> MCC, Telecommunications Facilities
Facilities within Buildings	X	P	
Recycling Facility			
Recycling Collection Facility	P	P	MCC <a href="#">18.120.230</a> , Recycling Facilities
Utilities			
Minor	P	P	
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in MCC <a href="#">18.120.010</a> , Accessory Uses.		
Temporary Uses	Requires a temporary use permit, unless exempt; see MCC <a href="#">18.120.260</a> , Temporary Uses		
Nonconforming Uses	Chapter <a href="#">18.100</a> MCC, Nonconforming Uses and Structures		

1 Preexisting lots only.

2 Nonresidential uses on ground floors only unless approved by the planning and zoning commission.

3 Small scale, less than 1,000 square feet.

4 Less than 40,000 square feet.

**A. Outdoor Retail Sales and Merchandise Display.**

1. *Location.* Outdoor retail sales and merchandise displays shall not obstruct ingress and egress to a building, obstruct fire lanes, interfere with vehicular circulation or sight distance, or be located in landscaped areas. Outdoor retail sales and merchandise display areas shall be adjacent to the structure containing the business selling the merchandise.

2. *Maximum Area.* Outdoor retail sales and merchandise displays shall not exceed five percent of the total gross floor area of the business, or 200 square feet, whichever is less.

3. *Height.* Display merchandise shall not exceed a height of six feet above finished grade.

**B. Temporary Use of Parking Area.** The temporary use of a parking area for sales and display is permitted, subject to MCC [18.120.260\(G\)](#). [Ord. 14-12 § 1; Res. 14-36 § 204.02.]

## 18.45.030 Development standards.

Table 18.45.030, below, prescribes development regulations for the mixed use districts. The first four columns establish minimum requirements for permitted and conditional uses. Letters in parentheses in the “Additional Standards” column refer to regulations following the schedule. The letter “Y” in the district column means that the Additional Standard applies. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations applicable to multiple districts are in Division 4 of this code.

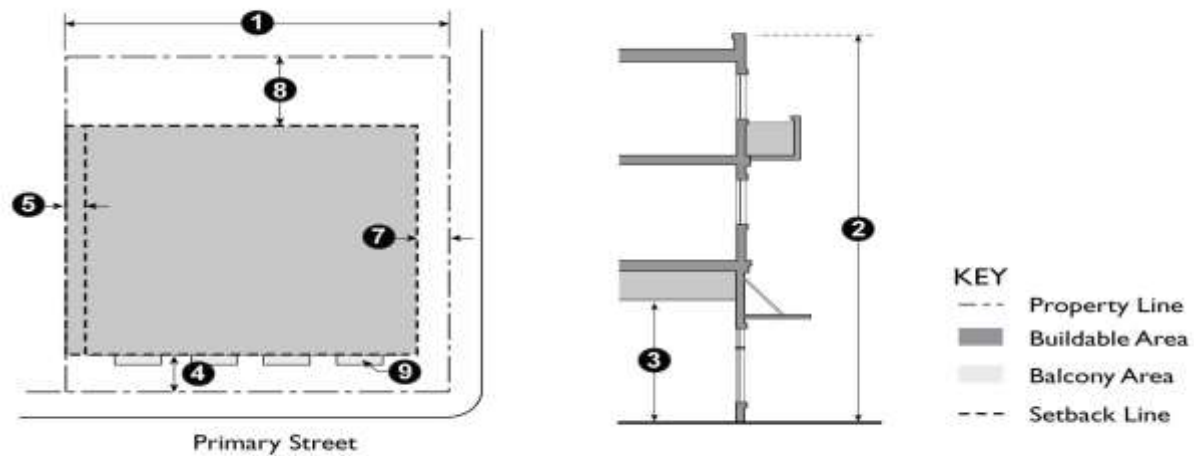


Table 18.45.030 Development Standards – Mixed Use Districts

Use	District		Additional Standards	#
	MU-N	MU-G		
Lot and Density Standards				
Minimum Lot Area (s/f)	7,000	7,000		
Minimum Lot Width (ft.)	60	60		1
Maximum Density (units/net acre)	16	24		
Maximum Floor Area Ratio (FAR)	0.8	1.2	(A)	
Building Form and Location				
Maximum Building Height (ft.)	30	40		2
Minimum Building Height (stories)	2	2		
1st Floor Ceiling Height, Nonresidential Uses (ft. clear)	12	12		3
Minimum Setbacks (ft.)				

Use	District		Additional Standards	#
	MU-N	MU-G		
Front	10	10		4
Interior Side, Residential Uses Only	5	5	(B)	5
Interior Side	0	0		5
Street Side	10	10	(C)	7
Rear	20	20	(B)	8
Maximum Front Setback (ft.)	15	20	(D)	
Location of Parking	Y	Y	(E)	
<b>Other Standards</b>				
Building Design	Y	Y	(F)	
Outdoor Living Area (s/f per unit)	120	120	(G)	9
Outdoor Storage	N	N	(H)	
Transitions	Y	Y	(I,K)	
Transparency for Ground-floor Frontages, Nonresidential Uses	Y	Y	(J,K)	
<b>Additional Standards</b>				
Accessory Structures	MCC <a href="#">18.80.020</a> , Accessory Building or Structures			
Exceptions to Height Limits	MCC <a href="#">18.80.080</a> , Exceptions to Height Limits			
Fences and Walls	MCC <a href="#">18.80.090</a> , Fences and Freestanding Walls			
Landscaping	Chapter <a href="#">18.90</a> MCC, Landscaping			
Lighting	Chapter <a href="#">18.95</a> MCC, Lighting			
Off-Street Parking and Loading	Chapter <a href="#">18.105</a> MCC, On-Site Parking and Loading			
Outdoor Storage	MCC <a href="#">18.80.100</a> , Outdoor Storage			
Projections into Required Setbacks	MCC <a href="#">18.80.040</a> , Building Projections into Yards			
Screening	MCC <a href="#">18.80.110</a> , Screening			
Signs	Chapter <a href="#">18.115</a> MCC, Signs			
Swimming Pools	MCC <a href="#">18.80.120</a> , Swimming Pools and Spas			
Visibility at Driveways	MCC <a href="#">18.80.150</a> , Visibility at Intersections and Driveways			

A. *Increased FAR for Mixed Use Buildings.* The maximum allowable FAR may be increased by up to 25 percent for buildings that contain a mix of residential and nonresidential uses through the provision of one or more of the following elements beyond what is otherwise required, subject to conditional use permit approval:

1. Car-share or electric car facilities;

2. Additional public gathering space or contribution to a city parks fund supporting new or improved public parks within walking distance;
3. Provision of off-site improvements. This may include off-site amenities and/or infrastructure (other than standard requirements and improvements) such as pedestrian or right-of-way improvements, public safety facilities, libraries, senior centers, community meeting rooms, or child care; and
4. Provision of green roofs, solar panels, and other green building measures.

B. *Required Side and Rear Yards for Residential Uses.* In order to provide light and air for residential units and additional separation for rooms that contain areas that require additional privacy considerations, the following minimum setbacks apply to any building wall containing windows and facing an interior side or rear yard. When the site is adjacent to a residential district, the project must comply with whichever standard results in the greater setback. The required setbacks apply to that portion of the building wall containing and extending three feet on either side of any window.

1. For any wall containing living room or other primary room windows, a setback of at least 15 feet shall be provided.
2. For any wall containing sleeping room windows, a setback of at least 10 feet shall be provided.
3. For all other walls containing windows, a setback of at least five feet shall be provided.

C. *Reduced Street Side Setback.* Along local streets only, the street side setback may be reduced to five feet from the lot line if the setback area is completely landscaped.

D. *Maximum Building Setbacks.* The street-facing facades of buildings must be located no farther from street-facing property lines than the maximum setback distance specified in Table 18.45.030. The following additional provisions apply:

1. *Corner Properties.* Where a property fronts on two or more streets, the maximum setback shall be met according to the following provisions:
  - a. *Frontage on Two Primary Streets.* New buildings on sites with frontage on two streets may be constructed to the maximum setback line on both frontages.
  - b. *Frontage on Three or More Streets.* Properties with frontage on three or more streets must build to the maximum setback lines of at least two of the streets.
2. *Sites with More than One Building.* Where there is more than one building on a site, the maximum setback standard must be met for at least 50 percent of the combined ground-level, street-facing facades of all buildings.
3. *Building Additions.* For any addition to a building that increases the width of a street-facing facade, 100 percent of the addition must be located on or within the maximum setback until the maximum

setback standard for the entire building is met, or as otherwise recommended by the zoning administrator to meet the intent of this code.

4. *Exceptions to Building Placement Requirements.* The following exceptions to the build-to requirement are permitted:

- a. *Articulated Building Street Face.* Where a portion of the building is set back from the maximum setback to provide an entry or other feature creating variation in the facade, the total area of the space created by the setback must be less than the area of one square foot per linear foot of building frontage.
- b. *Outdoor Eating Areas.* Where an outdoor eating area will be installed on the street frontage, a portion of the building may be set back up to 12 feet farther than the maximum setback line, if at least 40 percent of the building facade is at the setback line.
- c. *Residential Uses.* For buildings or portions of buildings that are in residential use, open porches located at or within the maximum setback shall count toward meeting the requirement if such porches are at least 10 feet wide and six feet deep.

E. *Location of Parking.* On-site parking areas shall be set back a minimum of 25 feet from streets within a mixed use district. Exceptions may be granted for short-term customer parking and drop-off spaces and for preexisting uses.

F. *Building Design and Signage.* The exterior design of all buildings, including all facades and all signage, shall be coordinated with regard to color, materials, architectural form, and detailing to achieve design harmony, continuity, and horizontal and vertical relief and interest. The design of all buildings and signage shall be compatible with the character of the neighboring area.

G. *Outdoor Living Areas.* As part of the open space required by MCC Title [17](#), Subdivisions, private or common areas for outdoor living shall be provided for upper-level residential units. Outdoor living areas include balconies, decks, common open space, and rooftop open space.

1. *Minimum Dimensions.*

- a. *Private Open Space.* Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.
- b. *Common Open Space and Rooftop Open Space.* Common open spaces and rooftop open spaces with a minimum horizontal dimension of 20 feet shall count towards the open space calculation.

2. *Minimum Area Required – Private Open Space.*

- a. *Mu-N and Mu-G Districts.* One hundred twenty square feet per unit.



- b. The amount of outdoor living area provided for individual units may vary based on unit size and location within a project, as long as the average area per unit meets the applicable standard, or as acceptable by the zoning administrator to meet the intent of this ordinance.

H. *Outdoor Storage.* Outdoor storage areas for nonresidential uses shall be only for retail and live/work uses and shall comply with the following requirements:

1. *Area.* Five percent of the gross floor area of the use or 200 square feet, whichever is less.
2. *Hours.* Outdoor storage during business hours only.

I. *Transitional Standards.* Where a mixed use district adjoins an interior lot line in an RS District, the following standards apply:

1. The maximum height within 30 feet of an RS District is 30 feet. From this point, the building height may be increased one foot for each additional foot of upper story building setback to the maximum building height.
2. The building setback from an RS District boundary shall be 25 feet for interior side and rear yards.

J. *Transparency on Ground Floor Frontages for Nonresidential Uses.* Windows, doors, or other openings shall be provided for at least 50 percent of the building wall area located between three and seven feet above the elevation of the sidewalk. No wall may run in a continuous plane for more than 20 feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

1. *Exception for Structured Parking Facilities.* Multi-level parking garages, where permitted, are not required to meet the ground-floor transparency requirement.
2. *Sites with Multiple Buildings.* On sites that contain multiple buildings, the building ground-floor transparency requirement does not need to be met along street-facing facades of buildings that are located behind other buildings and not visible from the adjacent public street.
3. *Reduction through Development Plan Review.* The transparency requirement may be reduced or waived by the zoning administrator upon finding that:
  - a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater or communications facility; and
  - b. Street-facing building walls will exhibit architectural relief and detail, or will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

K. *Truck Docks, Loading, and Service Areas.* Truck docks, loading, and service areas are not permitted within 25 feet of the boundary of any residential district. In addition, such loading and service areas must be

located on the side or rear of buildings, and may not face a public street or a private street functioning as a public road.

L. *Pedestrian Access.* A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to sidewalks, and to any on-site open space areas or pedestrian amenities. Whenever feasible, direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

1. Walkways shall be a minimum of six feet wide, hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
2. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
3. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb, bollards, or other physical barrier. [Ord. 18-14 § 1; Ord. 14-12 § 1; Res. 14-36 § 204.03.]

#### 18.45.040 Review of plans.

Permit and review procedures shall follow the standards and approval criteria in Division 5, Administration and Permits. [Ord. 14-12 § 1; Res. 14-36 § 204.04.]

#### 18.45.050 Alternative design

The Zoning Administrator may consider alternative design methods to meet the intent of this chapter.

## Chapter 18.50

### INDUSTRIAL DISTRICTS

#### Sections:

- 18.50.010 Purpose.
- 18.50.020 Land use regulations.
- 18.50.030 Development standards.
- 18.50.040 Review of plans.

#### 18.50.010 Purpose.

The purposes of the industrial districts are to:

- A. Provide appropriately located areas for continued employment activities to ensure a robust economy that is essential in order for the city to continue to provide the high level of public services that the community expects;
- B. Provide for the appropriate location of businesses that may have the potential to generate off-site impacts, while providing compatibility in use and form;
- C. Assure high-quality design and site planning of office and employment areas and support the adaptive reuse of industrial buildings that contribute to the character of the city as a whole; and
- D. Ensure that new industrial and office development is designed to minimize traffic, parking and impacts on surrounding neighborhoods, and is appropriate to the physical characteristics of the site and the area where the project is proposed.

Additional purposes of each industrial district:

*LI Light Industrial.* This district is intended to accommodate a diverse range of existing industrial uses that provide a job base and affordable space for small-scale industrial and manufacturing businesses. Allowable land uses within this district include light industrial uses, including but not limited to businesses engaged in design, development, manufacturing, fabricating, testing, or assembly of various products, which provide important community services and employment for workers with various skills. This district also allows general service, research and development, biotechnology, warehousing, and service commercial uses. It includes industrial complexes, flex space, and industrial buildings for single and multiple uses, warehouses, mini-storage, wholesale, commercial recreation, and other related uses. Small-scale retail and ancillary office uses are also permitted.

*GI General Industrial.* This district is intended to accommodate the broadest range of industrial uses on sites identified as “Employment” in the general plan. These intensive uses include but are not limited to

manufacturing, processing, assembly, research, wholesale, storage, and distribution activities that are essential to a balanced economic base. Small-scale commercial services and ancillary office uses are also permitted.

*IP Industrial Park.* This district is intended to provide for office and advanced technology uses, scientific research, and limited manufacturing of related products which require large expanses of floor area on large parcels. Development intensity is intended to provide for office uses and other uses within a campus-like environment that will be compatible with abutting residential neighborhoods, especially in terms of scale and building mass. [Ord. 14-12 § 1; Res. 14-36 § 205.01.]

## 18.50.020 Land use regulations.

Table 18.50.020 below prescribes the land use regulations for industrial districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

~~“A” designates use classifications that are permitted after review and approval of an administrative use permit.~~

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the planning and zoning commission.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“X” designates uses that are not permitted.

Table 18.50.020 Land Use Regulations – Industrial Districts

Uses	District			Additional Standards
	LI	GI	IP	
Agricultural				
Animal and Crop Production				
Urban Agriculture	A P	P	X	
Public and Semi-Public				
Colleges and Trade Schools, Public and Private	A P	A P	A P	
Family-Day Care Facility	X	X	C	MCC 18.120.080, Family-Day Care Facility
Government Buildings	P	P	P	

Uses	District			Additional Standards
	LI	GI	IP	
Hospitals and Clinics				
Clinic	<del>A</del> P	X	<del>A</del> P	MCC <a href="#">18.120.130</a> , Hospitals and Clinics
Public Safety Facility	P	P	P	
Commercial				
Adult-Oriented Businesses	C(1)	X	X	MCC <a href="#">18.120.020</a> , Adult-Oriented Businesses
Animal Sales, Care and Services				
Animal Sales and Grooming	P	X	X	MCC <a href="#">18.80.030</a> , Animal Keeping
Small Animal Day Care	P	X	X	
Automobile/Vehicles Sales and Services				
Automobile/Vehicle Repair, Minor	P	X	X	
Automobile/Vehicle Repair, Major	P	P	X	MCC <a href="#">18.120.050</a> Automobile/Vehicle Service and Repair, Major
Automobile/Vehicle Sales and Leasing	P	P	P	MCC <a href="#">18.120.040</a> , Automobile/Vehicle Sales and Leasing
Automobile/Vehicle Washing and Services	P	P	X	MCC <a href="#">18.120.060</a> , Automobile/Vehicle Service Stations and Washing
Large Vehicle and Equipment Sales, Service, and Rental	P	X	X	
Service Station	P	P	X	
Towing and Impound	X	P	X	
Building Materials Sales and Service	X	P	X	
Business Services	P	X	P	
Commercial Kitchen	P	P	A	
Eating and Drinking Establishments				
Restaurants, Full Service	<del>A</del> P	<del>A</del> P	<del>A</del> P	MCC <a href="#">18.120.100</a> , Eating and Drinking Establishments
Restaurant, Take-Out Only	<del>A</del> P	X	<del>A</del> P	MCC <a href="#">18.120.090</a> Drive-In and Drive-Through Facilities, Including Fast-Food Facilities
Food and Beverage Sales				
Convenience Market	P	<del>A</del> P	X	MCC <a href="#">18.120.030</a> Alcoholic Beverage Sales

Uses	District			Additional Standards
	LI	GI	IP	
				MCC 18.120.280 Food and Beverage Sales
Light Fleet-Based Services	P	P	X	
Maintenance and Repair Services	P	P	P	
Medical Marijuana Uses				
Cultivation	C	C	X	MCC 18.120.160, Medical Marijuana Uses
Mobile Food Vendor Merchants	<del>A</del> P	<del>A</del> P	<del>A</del> P	MCC 18.120.170, Mobile Food Vendor Merchants
Nurseries and Garden Centers	P	P	X	
Retail Sales				
General Retail, Small Scale	A(2)	X	X	MCC 18.120.250, Restricted Retail Uses
<b>Industrial</b>				
Artist Studio and Production	P	P	X	
General Industrial	X	P	X	
Light Industrial	P	P	P	
Research and Development	P	P	P	
Salvage and Wrecking	X	P	X	MCC 18.80.100, Outdoor Storage
Storage and Warehouse				
Chemical and Mineral Storage	X	<del>A</del> P	X	
Indoor Warehousing and Storage	P	P	P	
Outdoor Storage	C	P	X	MCC 18.80.100, Outdoor Storage
Personal Storage	P	X	X	
Wholesaling and Distribution	P	P	<del>A</del> P	
<b>Transportation, Communication, Utility</b>				
Airports and Heliports	C	C	C	
Bus/Rail Passenger Facilities	P	P	P	
Communication Facilities				
Antennas and Transmission Towers	Subject to existing regulations, including a conditional use permit if certain standards are not met or thresholds exceeded.			Chapter 18.130 MCC, Telecommunications Facilities
Facilities within Buildings	P	P	P	

Uses	District			Additional Standards
	LI	GI	IP	
Freight/Truck Terminals and Warehouses	X	P	X	
Recycling Facility				
Recycling Collection Facility	P	P	X	
Recycling Processing Facility	X	P	X	
Utilities				
Major	X	A P	X	
Minor	P	P	P	
Waste Transfer Facility	X	C	X	
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in MCC <a href="#">18.120.010</a> , Accessory Uses			
Temporary Uses	Require a temporary use permit, unless exempt; see MCC <a href="#">18.120.260</a> , Temporary Uses			
Nonconforming Uses	Chapter <a href="#">18.100</a> MCC, Nonconforming Uses and Structures			

1 Upper floors only.

2 Small scale, less than 1,000 square feet, goods produced on site.

[Ord. 14-12 § 1; Res. 14-36 § 205.02.]

### 18.50.030 Development standards.

Table 18.50.030, below, prescribes development regulations for the industrial districts. The first four columns establish minimum requirements for permitted and conditional uses. Letters in parentheses in the “Additional Standards” column refer to regulations following the schedule. The letter “Y” in the district column means that the Additional Regulation applies. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table. Regulations applicable to multiple districts are in Division 4 of this code.

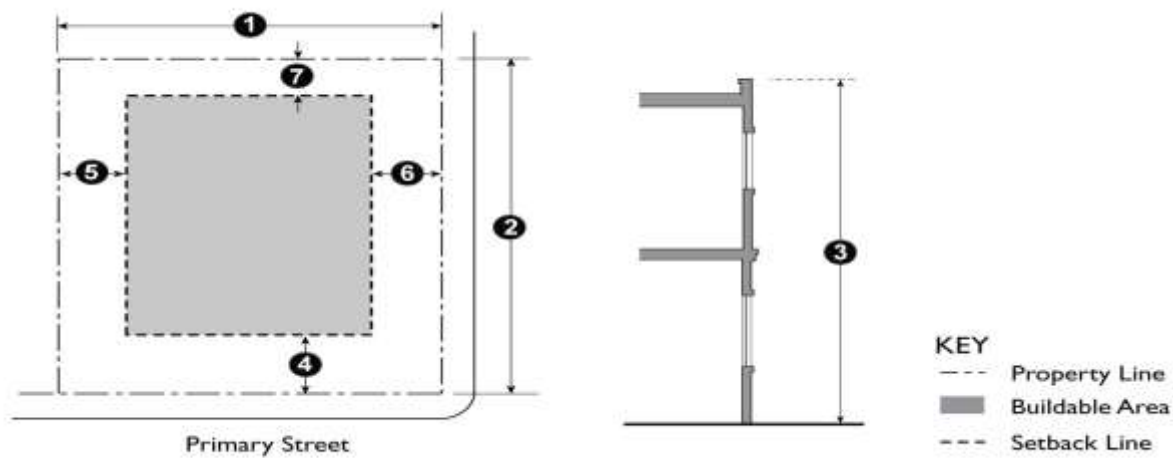


Table 18.50.030 Development Standards – Industrial Districts

	District			Additional Standards	#
	LI	GI	IP		
Lot and Density Standards					
Minimum Lot Area (s/f)	10,000	10,000	20,000		
Minimum Lot Width (ft.)	100	100	100		1
Minimum Lot Depth (ft.)	100	100	100		2
Building Form and Location					
Maximum Building Height (ft.)	40	40*	40	See MCC <a href="#">18.80.080</a> , Exceptions to Height Limits	3
1st Floor Ceiling Height (ft. clear)	15	15	15		
Setbacks (ft.)					
Front	25	35	25		4
Interior Side	0	0	0		5
Street Side	20	25	20		6
Rear	15	20	15		7
Other Standards					
Outdoor Storage and Screening	N	Y	N	(A), (B)	
Transitions	Y	Y	Y	(C)	
Truck Docks, Loading and Service Areas	Y	Y	Y	(D)	



	District			Additional Standards	#
	LI	GI	IP		
Additional Standards					
Accessory Structures	MCC <a href="#">18.80.020</a> , Accessory Building or Structures				
Exceptions to Height Limits	MCC <a href="#">18.80.080</a> , Exceptions to Height Limits				
Fences and Walls	MCC <a href="#">18.80.090</a> , Fences and Freestanding Walls				
Landscaping	Chapter <a href="#">18.90</a> MCC, Landscaping				
Lighting	Chapter <a href="#">18.95</a> MCC, Lighting				
Off-Street Parking and Loading	Chapter <a href="#">18.105</a> MCC, On-Site Parking and Loading				
Outdoor Storage	MCC <a href="#">18.80.100</a> , Outdoor Storage				
Projections into Required Setbacks	MCC <a href="#">18.80.040</a> , Building Projections into Yards				
Screening	MCC <a href="#">18.80.110</a> , Screening				
Signs	Chapter <a href="#">18.115</a> MCC, Signs				
Swimming Pools	MCC <a href="#">18.80.120</a> , Swimming Pools and Spas				
Visibility at Driveways	MCC <a href="#">18.80.150</a> , Visibility at Intersections and Driveways				

A. *Outdoor Storage.* In addition to the requirements of MCC [18.80.100](#), Outdoor Storage, in the LI District, outdoor storage shall be screened so as not to be visible from public areas.

B. *Screening and Separation of Parking Areas.* In the industrial districts, parking areas located between a building and street shall be screened with a screening wall or berm at least three feet and not to exceed three and one-half feet high. In addition, parking areas shall be separated from on-site buildings by a distance of at least 10 feet, which shall be landscaped and may also include a pedestrian walkway. Exceptions to this requirement may be granted in the GI District for a use located in the interior of the district, not on the perimeter.

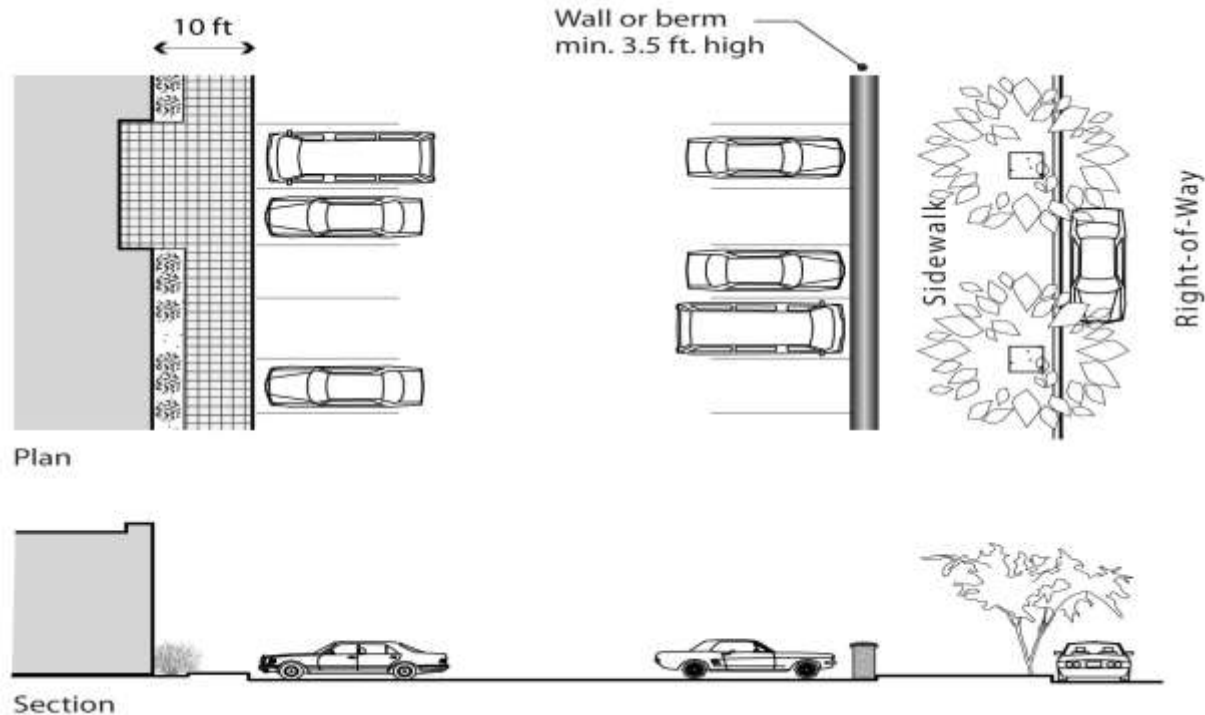


Figure 18.50.030.B Screening and Separation of Parking Area

C. *Transitional Standards.* Where an industrial district adjoins an interior lot line in a residential district, the following standards apply:

1. The maximum height within 40 feet of a residential district is 30 feet. From this point, the building height may be increased one foot for each additional foot of upper story building setback to the maximum building height.
2. The minimum building setback from a residential district boundary shall be 40 feet.
3. There shall be a minimum 40-foot landscape buffer from any residential district lot line.

D. *Truck Docks, Loading, and Service Areas.* Truck docks, loading, and service areas are not permitted within 40 feet of the boundary of any residential district. In the IP District, such loading and service areas must be located from the side or rear of buildings, and may not face a public street or a private street functioning as a public road. [Ord. 18-06 § 1; Ord. 14-12 § 1; Res. 14-36 § 205.03.]

18.50.040 Review of plans.

Permit and review procedures shall follow the standards and approval criteria in Division 5, Administration and Permits. [Ord. 14-12 § 1; Res. 14-36 § 205.04.]

## 18.50.050 Alternative design

The Zoning Administrator may consider alternative design methods to meet the intent of this chapter.

# Chapter 18.55

## OPEN SPACE AND PUBLIC-INSTITUTIONAL DISTRICTS

### Sections:

- 18.55.010 Purpose.
- 18.55.020 Land use regulations.
- 18.55.030 Development standards.
- 18.55.040 Review of plans.

### 18.55.010 Purpose.

The purposes of the open space and public-institutional districts are to:

- A. Provide areas for a wide range of public facilities, including parks and open space, private open spaces, educational facilities, cultural and institutional uses, health services, municipal offices, general government operations, utility and public service needs, and other public or quasi-public facilities;
- B. Ensure that the development and operation of public and semi-public uses protects and enhances the character and quality of life of surrounding residential areas;
- C. Ensure the provision of services and facilities needed to serve residents, businesses, and visitors and maintain a high quality of life; and
- D. Provide opportunities for outdoor recreation and meet the recreational needs of Maricopa's residents.

Additional purposes of each open space and public-institutional district:

*OS-PR Parks and Recreation Open Space.* This district is intended for developed and undeveloped park lands and permanent recreation open spaces in the community. This district may include trails and other low impact public recreational uses to implement the city's parks, trails and open space master plan. Access may be restricted to areas of sensitive habitat or which pose a danger to the public.

*OS-POS Privately Owned Open Space.* This district is for privately owned parkland and privately owned recreational open space. Uses allowed include parks and recreational facilities and supporting commercial and entertainment facilities and agricultural and other open space uses.

*OS-C Conservation Open Space.* This district is intended for permanent open spaces in the community, including environmentally sensitive lands and wildlife corridors, waterways, and deserts. It is also intended to safeguard the health, safety, and welfare of the people by limiting development in areas where police and fire services, protection against flooding by storm water, and mitigation of excessive erosion are not possible without excessive costs to the community.

*PI Public-Institutional.* This district is for public or quasi-public facilities, including but not limited to city facilities, utilities, schools (including but not limited to colleges and trade schools), health services, public works yards, utility stations, telecommunications facilities, and similar uses. Accessory retail uses and services, including food facilities and childcare, are permitted. [Ord. 14-12 § 1; Res. 14-36 § 206.01.]

## 18.55.020 Land use regulations.

Table 18.55.020 below prescribes the land use regulations for open space, public, and institutional districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

~~“A” designates use classifications that are permitted after review and approval of an administrative use permit.~~

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the planning and zoning commission.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“X” designates uses that are not permitted.

Table 18.55.020 Land Use Regulations – Open Space, Public, and Institutional Districts

Uses	District				Additional Regulations
	OS-PR	OS-POS	OS-C	PI	
Agricultural					
Animal and Crop Production					
Large Scale	X	P	X	X	MCC <a href="#">18.80.030</a> , Animal Keeping
Urban Agriculture	A(1)	P	X	X	
Animal and Crop Sales	X	P	X	X	
General Agricultural	X	P	X	X	
Public and Semi-Public					
Cemetery	X	A P	X	A P	

Uses	District				Additional Regulations
	OS-PR	OS-POS	OS-C	PI	
Colleges and Trade Schools, Public and Private	X	X	X	P	
Community Assembly	X	X	X	P	MCC <a href="#">18.120.070</a> , Community Assembly
Cultural Facilities	X	X	X	P	
Family Day Care Facility	X	X	X	P	MCC <a href="#">18.120.080</a> , Family Day Care Facility
Educational Facility, Public and Private	X	X	X	P	
Government Buildings	P	X	X	P	
Hospitals and Clinics					
Hospital	X	X	X	C	MCC <a href="#">18.120.130</a> , Hospitals and Clinics
Clinic	X	X	X	P	
Parks and Recreation Facilities, Public	P	P	A(2)	P	
Public Safety Facility	P	X	X	P	
<b>Commercial</b>					
Commercial Entertainment and Recreation					
Small-Scale Facility	C	C	X	C	
Large-Scale Facility	C	C	X	C	
Golf Courses and Resorts	C	C	X	X	
Club or Lodge	C	C	X	X	
Mobile Food Vendor Merchants	A P	A P	X	A P	MCC <a href="#">18.120.170</a> , Mobile Food Vendor Merchants
<b>Transportation, Communication, Utility</b>					
Airports and Heliports	X	X	X	C	
Bus/Rail Passenger Facilities	X	X	X	A P	
Communication Facilities					
Antennas and Transmission Towers	Subject to existing regulations including a conditional use permit if certain standards are not met or thresholds exceeded				Chapter <a href="#">18.130</a> MCC, Telecommunications Facilities
Facilities within Buildings	X	X	X	P	
Utilities					
Major	C	C	X	C	
Minor	P	P	X	P	

Uses	District				Additional Regulations
	OS-PR	OS-POS	OS-C	PI	
Accessory Uses	Subject to the same permitting requirements of the principal use unless additional review is established in MCC <a href="#">18.120.010</a> , Accessory Uses				
Temporary Uses	Require a temporary use permit, unless exempt; see MCC <a href="#">18.120.260</a> , Temporary Uses				
Nonconforming Uses	Chapter <a href="#">18.100</a> MCC, Nonconforming Uses and Structures				

1 Community gardens only.

2 Applicable to trails and trailhead related improvements.

[Ord. 14-12 § 1; Res. 14-36 § 206.02.]

### 18.55.030 Development standards.

Table 18.55.030, below, prescribes development regulations for the open space, public, and institutional districts. The first five columns establish minimum requirements for permitted and conditional uses. Letters in parentheses in the “Additional Regulations” column refer to regulations following the schedule. The letter “Y” in the district column means that the additional regulation applies. Regulations applicable to multiple districts are in Division 4 of this code.

Table 18.55.030 Development Standards – Other Districts

	District				Additional Regulations
	OS-PR	OS-POS	OS-C	PI	
Lot and Density Standards					
Minimum Site Area	None				
Building Form and Location					
Maximum Building Height (ft.)	45	35	n/a	45	
Setbacks (ft)					
Front	20	25	n/a	20	
Interior Side	20	25	n/a	15	
Street Side	20	25	n/a	15	
Rear	20	25	n/a	20	
Other Standards					
Transitions	Y	Y	n/a	Y	(A)

	District				Additional Regulations
	OS-PR	OS-POS	OS-C	PI	
Additional Standards					
Accessory Structures	MCC <a href="#">18.80.020</a> , Accessory Building or Structures				
Exceptions to Height Limits	MCC <a href="#">18.80.080</a> , Exceptions to Height Limits				
Fences and Walls	MCC <a href="#">18.80.090</a> , Fences and Freestanding Walls				
Landscaping	Chapter <a href="#">18.90</a> MCC, Landscaping				
Lighting	Chapter <a href="#">18.95</a> MCC, Lighting				
Off-Street Parking and Loading	Chapter <a href="#">18.105</a> MCC, On-Site Parking and Loading				
Outdoor Storage	MCC <a href="#">18.80.100</a> , Outdoor Storage				
Projections into Required Setbacks	MCC <a href="#">18.80.040</a> , Building Projections into Yards				
Screening	MCC <a href="#">18.80.110</a> , Screening				
Signs	Chapter <a href="#">18.115</a> MCC, Signs				
Swimming Pools	MCC <a href="#">18.80.120</a> , Swimming Pools and Spas				
Visibility at Driveways	MCC <a href="#">18.80.150</a> , Visibility at Intersections and Driveways				

A. *Transitional Standards.* Where an Open Space, Public, and Institutional District adjoins an interior lot line in a residential district, the following standards apply:

1. The maximum height within 40 feet of a residential district is 30 feet. From this point, the building height may be increased one for each additional foot of upper story building setback to the maximum building height.
2. The minimum building setback from a residential district boundary shall be 25 feet. [Ord. 14-12 § 1; Res. 14-36 § 206.03.]

#### 18.55.040 Review of plans.

Permit and review procedures shall follow the standards and approval criteria in Division 5, Administration and Permits. [Ord. 14-12 § 1; Res. 14-36 § 206.04.]

#### 18.55.050 Alternative design

The Zoning Administrator may consider alternative design methods to meet the intent of this chapter.

## Chapter 18.60

### PLANNED AREA DEVELOPMENT DISTRICT

#### Sections:

- 18.60.010 Purpose.
- 18.60.020 Minimum area.
- 18.60.030 Zoning map designation.
- 18.60.040 Land use and development regulations.
- 18.60.050 Procedures.
- 18.60.060 Review of plans.

#### 18.60.010 Purpose.

The specific purpose of the Planned Area Development (PAD) District is to provide opportunities for creative development approaches that will achieve superior community design, environmental preservation, and public benefit, in comparison to subdivision and development under base district regulations. The intent is to accommodate, encourage, and promote innovatively designed developments involving a mixture of residential and/or nonresidential land uses, which form an attractive and harmonious unit of the community. Such a planned development may be designed as a large-scale separate entity, able to function as an individual community, neighborhood, or mixed use development; as a small-scale project which requires flexibility because of unique circumstances or design characteristics; or as a transitional area between dissimilar land uses. This district is consistent with and supports the provisions of MCC Title [17](#), Subdivisions, and accommodates both planned area development and master planned development subdivisions, which conform to the guiding principles, general provisions, and specific requirements for such development established in MCC Title [17](#), Subdivisions. [Ord. 14-12 § 1; Res. 14-36 § 207.01.]

#### 18.60.020 Minimum area.

The minimum area of a PAD District shall be 30 contiguous acres. The city council may approve a PAD District that contains less than 30 acres upon a finding that special site characteristics exist and that the proposed development will result in specific community benefits. Any PAD less than 30 acres shall be at least five acres and for land uses other than conventional detached single-family. [Ord. 14-12 § 1; Res. 14-36 § 207.02.]



### 18.60.030 Zoning map designation.

A PAD District shall be noted on the zoning map by the designation “PAD,” followed by the number of the planned area development plan based on order of adoption or, for preexisting PADs, alphabetical order. [Ord. 14-12 § 1; Res. 14-36 § 207.03.]

### 18.60.040 Land use and development regulations.

A. *Permitted Uses.* No use other than an existing use shall be permitted in a PAD District, except in accord with a valid PAD plan. Land uses shall be established by the approved PAD plan. Land uses within a PAD District must be consistent with the land use plan, land use category definitions, and policies of the Maricopa General Plan.

B. *Residential Unit Density.* The total number of dwelling units in a PAD plan shall not exceed the maximum number permitted by the general plan density for the total area of the planned area development designated for residential use, excluding public facilities and permanent open space which is restricted from development by recorded covenants. Any PAD plan with a multiple unit dwelling land use component may receive a density bonus if the multiple unit dwelling land use provides a minimum open space of 30 percent. The density bonus shall allow up to a 20 percent increase in the maximum density allowed for the multiple unit dwelling land use component.

C. *Other Development Regulations.* Other development regulations shall be as prescribed by the PAD plan or, if the PAD plan does not address a specific topic, by the regulations of this code. [Ord. 14-12 § 1; Res. 14-36 § 207.04.]

### 18.60.050 Procedures.

Please refer to Chapter [18.180](#) MCC for PAD District administrative procedures. A PAD District must be adopted by the city council as a rezoning, according to the procedures and criteria of Chapter [18.180](#) MCC, and the provisions of this chapter. An application for a rezoning to the PAD District shall be accompanied by a PAD plan, which will be processed according to the procedures and criteria in Chapter [18.180](#) MCC, and the provisions of this chapter. Additional procedures for planned area development and master plan development subdivisions are in MCC Title [17](#), Subdivisions. [Ord. 14-12 § 1; Res. 14-36 § 207.05.]

## 18.60.060 Review of plans.

All applications for a PAD District shall be prepared and reviewed in accordance with this code and the applicable provisions of MCC Title [17](#), Subdivisions, the city of Maricopa parks, trails and open space master plan and all other applicable policies of the city. Once a PAD plan has been approved through the zoning procedures established in Chapter [18.180](#) MCC, all future improvements on the property governed by the PAD plan shall follow the standards and approval criteria in Division 5, Administration and Permits, unless specifically modified by the approved PAD plan. No project may be approved and no building permit issued unless the project, alteration, or use is consistent with the approved PAD plan. [Ord. 14-12 § 1; Res. 14-36 § 207.06.]