

AGENDA

FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON MONDAY THE 11th OF SEPTEMBER 2017 AT 6:00 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

A COPY OF THE AGENDA MAY BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGENCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:**
August 14, 2017
- 6. PUBLIC COMMENT 3 MINUTE PRESENTATIONS:** If more time is needed for presentation, please ask to be scheduled on the next agenda.
- 7. DISCUSSION**
Landscape Ordinance
- 8. INFORMATIONAL ITEMS**
 - a. Communication from the Commission and Staff
- 9. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/S/
Lisa R Miller
Planning & Zoning Administrator

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact 505-966-2746 at least one week prior to the meeting.

cc: Mayor & City Council
News Bulletin

Belen Chamber of Commerce
Belen Recreation Center

Belen Public Library
Belen City Hall

JERAH R CORDOVA
MAYOR
LEONA VIGIL
CITY MANAGER



CITY OF BELEN
100 SOUTH MAIN STREET
BELEN, NEW MEXICO 87002
(505) 966-2746
www.belen-nm.gov

WAYNE GALLEGOS
CITY COUNCIL
DAVID CARTER
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CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
AUGUST 28, 2017

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:02 p.m.

PRESENT: Chairman Steve Etheridge
Vice Chair Pete Armstrong
Commissioner Claudine Montano
Commissioner Gordon Reeves
Commissioner Jim Lardner

CITY STAFF: Steven Tomita, Economic Development
Lisa R Miller, Planning & Zoning Administrator

PLEDGE OF ALLEGIANCE

Chairman Steve Etheridge led the Pledge of allegiance.

APPROVAL OF AGENDA:

Vice Chair Pete Armstrong moved to approve the Agenda.

Commissioner Gordon Reeves seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

Vice Chair Pete Armstrong said that he wanted to say thank you to Lisa for the excellent minutes. The Commission covered a lot of territory at the last meeting and the minutes reflect that.

Commissioner Jim Lardner moved to approve the minutes of August 14, 2017.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

PUBLIC COMMENT

None.

DISCUSSION

Fencing and landscape Ordinance

Lisa Miller informed the Commission that she has provided a copy of the changes that the Commission has already done to the Landscape Ordinance. She explained that the changes are not permanent yet but they had been worked on by the Commission. She also provided a copy of the Queen Creek Design Standards. She did not know whether the Commission wanted our ordinances incorporated into the Queen Creek ordinances or if the parts of the Queen Creek Ordinance should be incorporated into the City's Ordinance.

Vice Chair Pete Armstrong said that he went over the changes that they had made and he was satisfied with those changes.

Chairman Steve Ethridge agreed.

Vice Chair Pete Armstrong said that this is going to be a drastic change for the City of Belen and he wonders if there is a methodology in which parts of these changes can be implemented over time. He said that going to these new regulations all at once is going to be a hardship on the local businesses.

Chairman Steve Ethridge said that he thinks they should go through the Queen Creek regulations and chose what will pertain to the City. Then the Commission can put the City's Ordinance together for a final review.

Steven Tomita said that the Commission will not make the new Ordinance retroactive on the existing businesses. It is more on redevelopment and new developments that would be required to comply with the new regulations.

Vice Chair Pete Armstrong said that he was concerned that as the City starts to grow, not just in the new business area but as we fill in residentially, etc. it will take our local contractors some time to get accustomed to the new policies and procedures that are being placed on them.

Commissioner Jim Lardner asked if our Ordinance only consisted of the two pages.

Lisa Miller said yes. She suggested that the Commission include all new developments in our regulations and not just the commercial and industrial developments.

Commissioner Jim Lardner said that as he was reading through the changes that the Commission has already proposed, and the Queen Creek regulations, it will cost the new developments a lot of money to come into Belen.

Steven Tomita said that the Queen Creek regulations are an example and the Commission need to look at them as the maximum example. The Commission needs to ask themselves if that is what they want for Belen. Some of the things that are in the Queen Creek regulations are extreme so the Commission needs to moderate what they like to fit the City of Belen. The city is rapidly getting investors looking at the City of Belen now and we need to impose what the City would like to see, on all of them and not just a few at a time. This will cause a ripple effect and prevent some of the new growth from coming. If builders are going to get used to them it needs to be done all at once. Some of our local builders are doing more business in Albuquerque and Rio Rancho at this time and are used to regulations that are stricter than Belen's.

Vice Chair Pete Armstrong said that the Commission can then toss out some of the Queen Creek regulations to make it more palatable for this area.

Steven Tomita said that we want to create a certain look for Belen. He said that the City wants attractiveness and organization for the new developments that will be coming. He explained that the Commission was looking at the fencing and landscaping ordinance that exists and the Commission had come up with some criteria that they would like to see adopted. A workshop with the City Council was held and the Council suggested that it was not clear enough and not detailed enough for them to adopt what was presented to them. They sent it back to the Commission for revisions. The City Council wants a good clear and decisive Ordinance. The Commission then used the Queen Creek Ordinances for an example and started incorporating some of those regulations into the City's regulations.

Commissioner Jim Lardner said that the two pages that the Commission had worked on originally make sense. It is a minimum and should be added to.

Lisa Miller said that the Commission has just finished working on the fence regulations part of the ordinance.

Steven Tomita said that some of the things in the Queen Creek regulations are very strict and covers everything you can imagine. Queen Creek is in Arizona and Arizona requires more open spaces but did not want to pay for that. They felt that if you are going to come in and develop an area that it is a part of what the developers are doing and not the cities. Arizona makes the homeowners associations responsible for the upkeep of these open areas.

Vice Chair Pete Armstrong said that was true even for the area that Commissioner Lardner lives in. The Homeowners Association is responsible for the maintenance. It is not something new to this area.

Steven Tomita said that it is fairly new for this area. It is new for Albuquerque and Rio Rancho.

Vice Chair Pete Armstrong that that position has been around for a long time all over the country. When a new development comes in they have to set aside a certain amount of time and money for this and it is the Homeowners Association or a Commercial Business that has to maintain these areas.

Steven Tomita said that he agrees with that. When he was trying to develop areas in Albuquerque with a HOA to maintain the open areas and the City of Albuquerque denied them. Albuquerque did not want to take over after 10 years if the HOA was disbanded. They did not want to deal

with it. They are now finally doing that and requiring the HOA's to stay in existence. Some of the issue that he has had a problem with is the amount of dues that the HOA's require. These can be quite expensive and he does not see going to a big expense on the homeowners by requiring a huge amount of open space. The Loves Truck Stop has a huge area of open space planned for and has gone to a big expense to do so and they will be maintaining that area.

Vice Chair Pete Armstrong said it demonstrates that the large companies that are coming in for new development are used to that kind of expense. It is not going to be a burden on them but, he is concerned about the existing residential and small businesses.

Commissioner Gordon Reeves said it might be a good idea to figure out a percentage for the commercial businesses. Require a percentage of the development for landscaping.

Steven Tomita said that it is going to have to specify a certain size of trees and shrubs, etc. or you will have twigs going in.

Chairman Steve Ethridge said that the Queen Creek regulations that are so extensive are the ones for Commercial and Industrial developments. The ones for a homeowner building they are minimum requirements, just two trees.

Steven Tomita said that they had to remember that Queen Creek had no developments when they started out. They were planning the future when they wrote their ordinances and that is what this Commission is doing. You are planning the future of developments for the City of Belen.

Chairman Steve Ethridge said that if the Commission is going to put this in place does this also include infill areas of the City.

Steven Tomita said that they need to look at infill areas.

Commissioner Gordon Reeves said that they have to start somewhere. If they are going to adopt a good landscaping ordinance then it needs to be done.

Steven Tomita said that on some of the infill you will not have open space but you can require a certain amount of trees to be used in the landscaping. You want to start creating green neighborhoods.

Chairman Steve Ethridge asked if they could take into account whether it is a planned development and not just one small lot, infill.

Steven Tomita said that they would have to break it down as to residential or commercial, because an empty lot can also be located within a commercial zone and you want that commercial development to comply with the regulations. With a residential lot you are mainly looking at what you would like to see from the street and not what is in their back yards. You still want the commercial area to comply and have landscaping along the sidewalks and streets. The same with an industrial area. You have different situations when you set up buffering and separations of intensities. If a manufacturing company comes in they will have to look around them to see what the surrounding area is zoned and act accordingly but if it is a residential area that comes in and develops next to an existing manufacturing area then it is the responsibility of the residential area to provide the buffering.

Vice Chair Pete Armstrong said that one of the areas that he read about in the Queen Creek Ordinance is where they look at the size of interlocking block and feels that is going a little too far and hopes that this Commission does not get that restrictive.

Lisa Miller informed them that what he referring to was part of the fence regulations and that the Commission has already addressed it. She informed them that they are working on the landscaping standards.

Steven Tomita suggested that they can establish what it common to any situation and work on the infill first. What they would like to see as the existing infill areas get developed and what requirements they would like in place for that infill. Part of the reason that this is being worked on is because we want to see not only the existing landscaping but future landscaping maintained. They also need to look at new developments.

Vice Chair Pete Armstrong said that the one area he sees, especially in the infill area, is going to be the cost to implement what we would be asking the infill folks to do. For example, he just purchased four one inch caliper trees that cost \$175.00 a tree. These trees are going to be placed in the parkway area between the sidewalk and the street. This area is an undefined area because who has responsibility of the maintenance of these areas is undefined. This needs to be established first.

Commissioner Jim Lardner said that the subdivision that he lives in, that area is the responsibility of the homeowner to maintain and they are not allowed to put trees there. Trees have a tendency to damage sidewalks, etc.

Steven Tomita said that it is the same in the area that he lives in. These things can be addressed in the Ordinance. Once the Commission has developed the standards and regulations it then goes to the City Council for final approval. We also hold workshops for the public for their input. We are leading the effort to see this get done. Keep in mind that some of these big contractors or developers have contracts with nurseries for the landscape plants. Plants are sometimes purchased during the planning phase of a development and keep until they were actually planted and this would give younger plants time to mature before being put in the ground. You have a better survival rate with bigger plants.

Vice Chair Pete Armstrong said that the bigger the tree the more stressful that first year on them. It takes a lot of maintenance to keep a tree going in that first year. He planted 40 trees all around Belen, a number of years ago, and he is will to bet that not more than seven or eight of them are still alive. The biggest issue was vandalism.

Steven Tomita said that Queen Creek looked at a mixed balance where it was a mixture of different sizes. This way if one dies then the other one has had a change to mature and survive and saves a little money. There is a lot of work to do and suggested that they go to some of the general standards and decide what we would like to see in the infill areas then on to the next step of new development.

Vice Chair Pete Armstrong said that there seems to be a consensus on the regulations that the Commission has already worked on and then add what they would like to see from the Queen Creek Ordinance.

Steven Tomita said that there are several ways they could do this. They could look at our ordinance and ask themselves if that language is in the QC ordinance and if it is we might take other parts of the ordinance. This way we are editing the QC Ordinance to our liking. It might be easier to do it this way instead of pulling sections out of the QC Ordinance and finding a place for them in ours. You are going to find out that a majority of ours is already in the QC Ordinance and all they will need to do is change it to fit Belen.

Vice Chair Pete Armstrong said that there are some good things in the QC Ordinance that will help flesh out what we have.

Chairman Steve Ethridge asked if he had some examples from the QC Ordinance that he is thinking of.

Vice Chair Pete Armstrong said the paragraph of the specific sizes of plant material allowed in landscaping.

Steven Tomita asked if he means that things need to be pulled out of QC Ordinance and incorporated into ours. Stevens concerns is that it sounds simple but your taking our two pages and condensing and changing approximately 40 pages and trying to figure out where you are going to place it in ours. It would be easier to modify QC's Ordinance to fit what the City of Belen wants.

Chairman Steve Ethridge said that there are a few pages missing on his copies that he has.

The rest of the Commission said they had the odd pages missing on theirs.

Lisa Miller apologized to the Commission. Only one side of a double sided page was printed.

Commissioner Gordon Reeves said that his suggestion is that they go through QC's and cross out anything that we do not feel fits Belen and then maybe incorporate it into ours.

Steven Tomita said that they could go through and take out what they do not like in the QC's and then look at it to see if it would be easier to move that over to ours or to move ours over into the edited QC ones.

Commissioner Gordon Reeves said that they could then go over it again in its final form to be sent to the Council.

Chairman Steve Ethridge suggested that the Commission go over this before the next meeting so that they can review some of the ideas that they have amongst themselves. Have everything ready to go at the next meeting so that they can get this done in a shorter period of time.

Steven Tomita said that the name of Queen Creek needs to be voiced because there will be questions of where this language came from, was it vetted, etc. and we need to recognize where we got this information from.

Chairman Steve Ethridge said it gives credit where credit is due.

Commissioner Gordon Reeves said that there were seven pages that did not get copied.

Steven Tomita said that the double sided pages did not get copied. It does get confusing when you skip a whole page. One of the things that he wants to point out as they are reading this, keep in mind on the QC Ordinance, that when they are talking about the zoning districts, they are talking about the size of the lots. Example and R-6 is a six thousand sq. ft. lot and the R-190 is a nineteen hundred sq. ft. lot. They define the specific lot sizes and he feels that eventually Belen needs to go in the same direction.

Commissioner Gordon Reeves asked if we had a list of the lot sizes to correlate to the zoning.

Steven Tomita said that all Belen has is a minimum lot size required under that zoning. Belen is really in need of that change.

Vice Chair Pete Armstrong said that in the older part of town the size of the overall lot is made up of several individual lots together. This also needs to be addressed. It get real confusing real fast.

Steven Tomita said that the City is now requiring a lot consolidation if someone comes in and wants to build on a lot that consists of three smaller lots, etc. This s a problem that we are trying to resolve as things get redeveloped or just developed.

Commissioner Jim Lardner asked when Lisa could get the complete Queen Creek section of the Ordinance to them.

Lisa said that she needs to get an email account set up for him through the City. She could reprint them and get them available for the Commission by the next afternoon.

Commissioner Jim Lardner asked if it could be emailed to his current email account.

Lisa said she could do that by the next afternoon also. She will call everyone and let them know when they are ready.

Vice Chair Pete Armstrong said that as they go through this and come to an agreement within this Commission do they have to go through motions on these.

Steven Tomita said that this is a working group. The only time there will be a motion is when you have completed editing the document and feel it is ready to review by the City Council for final approval.

Alley next to Rutilios

Commissioner Gordon Reeves informed the Commission that this was brought to his attention through the mail. Whoever mailed it to me wants the Commission to look at the history of the happenings that have concerned that alley. This has been going on since 2008 and in 2009 the City Attorney, Norm McDonald sent Mr. Moya a certified letter, to remove the encroachment on that alley. Nothing has been done and the City has dropped the ball in this case. He feels that this Commission needs to address this and put it to rest.

Steven Tomita said that Rutilios has no say so on this, it is up to owner of the property to address this.

Commissioner Gordon Reeves said that his question for the City is why has it not been addressed.

Lisa Miller said that the alley was never vacated and that was the issue. It resurfaced when Casey Luna came in wanting to know if that alley could be vacated and become a part of his property.

Steven Tomita said that it started because there was a fence placed within the alley and there was an encroachment of this alleyway. The City did take an action and legal counsel was brought in and then all of a sudden things just went away.

Commissioner Gordon Reeves said that in December of 2009 the Council demanded that this be taken care of.

Steven Tomita said that he did not believe that a vote taken on this but a direction from the Council to have this problem taken care of. After that the politics changed within the City government and it died. He asked if the Commission wants to take a position or request for the City to follow through on its action. This Commission has no legal basis to enforce it so this is going to have to go before the City Manager and the Council and say that it appears that there has been an encroachment since this time, the City had intended to take action and then it was dropped and something needs to be done.

Commissioner Jim Lardner asked what it would take to correct this action.

Lisa Miller said that the dumpster enclosure, the parking curb stops would have to be removed, and the fence that is blocking the alley. They have taken over the alley in that area.

Commissioner Gordon Reeves asked if the City had abandoned this alley or has the property owner gotten a variance.

Lisa Miller said no. She cannot find anything in the records that say it was abandoned or that a variance was granted.

Vice Chair Pete Armstrong said that it appears that this has been going on for some time and it appears that there was an application to vacate the alley back in 2015.

Steven Tomita said that an application was submitted but the applicant was unable to attend the scheduled hearing so it was tabled by the Commission. The applicant has not come back and requested the hearing. It would now take a complete new application to move forward on that matter.

Vice Chair Pete Armstrong said that the owner of this property lives in town and wanted to know who the enforcement officer of the City was. He sees that the City had already taken a position in this matter and it is now an enforcement issue.

Steven Tomita said that this became a political issue. His thoughts are, if the City does not enforce our codes on everyone equally then we cannot enforce them at all. The City needs to follow through on their codes. He asked what the Commission would like to do as to this issue. His recommendation is that this Commission make a request to the City Manager for to make something happen. It will then be up to the City Manager to direct the Code Enforcement officer to follow through with our codes.

Commissioner Gordon Reeves said that the minutes reflect that the code enforcement officer would be informed of this issue back in June, 2017.

Lisa Miller said that the Code Enforcement Officer was informed.

Commissioner Gordon Reeves asked if he had done anything.

Lisa Miller said that she has not been informed of anything that has been done. She is no longer Code Enforcement Officer so she is unaware of any of the follow-through on this issue.

Commissioner Gordon Reeves asked who the Code Enforcement Officer's supervisor was.

Steven Tomita said the Chief of Police.

Lisa Miller said that she notified the Code Enforcement Officer of the issue. She does not know if the Chief of Police was notified or not.

Steven Tomita said that, again, if the Commission wants something to be done, they should submit a request to the City Manager that action be taken and can be recorded in tonight's minutes. He asked the Commission what request they would like to make, one of the Code Enforcement, the City Manager, or the City Council. He recommended that it be taken to the City Manager.

Commissioner Gordon Reeves feels that all this information needs to be copied and given to the City Manager and the Code Enforcement officer so they know what is being spoken about.

The Commission was shown the location of the alley and what was encroaching.

Commission Gordon Reeves said that the dumpster and its structure, the cement slab and the fence needs to be removed.

Lisa Miller said that the concrete slab and the asphalt does not need to be removed. The obstructions are the only things that need to be removed.

Steven Tomita said that the asphalt and the cement slab are not an obstruction. The other things are and what is going to have to be done is striping along the alley boundary in that parking lot to indicate where the property line is.

Commissioner Gordon Reeves said that there is a sewer line in that alley.

Lisa Miller said that there was and it serves those structures on Mr. Moya's property.

Steven Tomita asked if the sewer line was ever brought up when Mr. Lunas requested that the alley be abated.

Lisa Miller said that it was and the sewer line runs down the part of the alley adjacent to Mr. Moya's property and stops there. It is not through the whole alley. She said it was not our sewer line.

Steven Tomita said it was not our issue then.

Commissioner Gordon Reeves said that this request should be taken to the City Manager and the Code Enforcement to see this process through. All information need to be provided with the request. All this information was mailed to me by way of the City of Belen and Lisa made copies of this and included it with our packets.

Chairman Steve Ethridge asked if this needed to be approved with a motion.

Steven Tomita said that it is not a voting matter, it is a response to a letter that the Commission received asking that something needs to be done about this issue. The Commission is not in a position to a citation or anything else. The Commission is in the position to bring this to the attention of the City Manager and the Code Enforcement saying that this was an action taken years ago and was not followed through and needs to be addressed.

Vice Chair Pete Armstrong said that it should go to the City Manager and it is the City Manager who needs to decide how to proceed.

Steven Tomita said that what could be presented to the City Manager is a request with a recommendation that this matter has been outstanding for a number of years and needs to be addressed. The Commission is not in a position to take a position on this so it is being forwarded to the City Manager.

The Commission agreed with this.

COMMUNICATIONS FROM THE COMMISSION AND STAFF

Steven Tomita informed the Commission that the Waiver for the new location of Circle K was approved. The property that was in question was a small parking lot owned by the Schools. Under the law that small lot is exempt from the alcohol restrictions due to the fact that there is no instructional activities taking place on that property. The Alcohol Board did not agree so they asked to City to grant a waiver. The building at Reinken and Main is being demolished and it is his understanding that Dominos will be going in there with a sit down restaurant. Tractor supply is sending the lease to the schools for their review and signature. Their intent is to open in January. There are a lot of investors looking in the area and there has been some property purchases up by the airport by one investor but the City has not been contacted as to what is planned for these properties. The subdivision De La Reina will be moving forward this fall. The streets were originally rejected because they were not built to specs. The new owner will be removing them and bringing them up to specs and then proceeding to develop the area. All utilities are in place. Jardin de Belen has been purchased and the new owners are bringing in a few homebuilders to build that out. He attended the New Mexico Film conference this last weekend. Celebrate Belen will be moving up to the High School and the performance will be held in the auditorium. Everything that was in our parking lot will be located outside the auditorium but the performances will be held inside. They now need to build sets for the stage and some of the students will be doing this. He met with the director of the Film union and he was willing to send some of his set crews to assist with these sets but they will need to take an OSHA training and he will pay for this. Workforce Connection was also there and said that they would give certifications to those who attend this training. A producer that he knows is willing to

devote three to four days to help them focus on this project to give it a professional feel to it. We are getting a lot of support from the film industry. We are receiving a lot of recognition now.

Chairman Steve Ethridge asked if all the mobile homes that are on N Seventh St. be removed where the Circle K is proposing to go.

Lisa Miller said that the four that are left will be moved.

Chairman Steve Ethridge asked everyone to pray for the people of Texas and asked if any request applications have been received.

Lisa Miller said that the next application is for another Utility Pole for Broadband service. This will be on the Agenda for the September 25th meeting.

Steven Tomita informed the Commission that Blue Skies Consulting up at the Airport, has been sold to Geomni. This company will be using a combination of aircraft and drones for aerial photos, mapping and data collection and a lot of the data is used to do risk evaluations for big companies. That information is also used in catastrophic situations. They will have 27 locations in the United States, Canada and Hawaii. This is a nice addition to Belen.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Claudine Montano moved to adjourn.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:45 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Economic Development Director



Queen Creek Zoning Ordinance



Original adoption January 6, 1999. Updated April 19, 2017, Ordinance No's 628-17 through 636-17.

Acknowledgements

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

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

Mayor and Council

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

Planning and Zoning Commission

Chair Alex Matheson
Vice Chair Gregory Arrington
Commissioner Stephen Sossaman
Commissioner Nichelle Williams
Commissioner Chris Webb
Commissioner Shaine Alleman
Commissioner Josh Ehmke

Town Staff

John Kross, Town Manager
Bruce Gardner, Assistant Town Manager
Chris Anaradian, Development Services Director
Brett Burningham, Planning Administrator
Keith Newman, Planner II

Consultants

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

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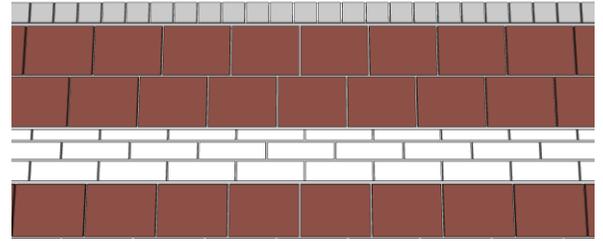
ARTICLE 5 – SITE IMPROVEMENT STANDARDS

2. A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished grade adjacent to the fence, nor more than eight feet (8') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, landscaping, fence offset(s) or similar enhancements to mask height differences, and when adjacent to single or multi-family residential the fence height shall not exceed eight feet (8').
3. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three feet (3') in order to adequately screen the undercarriages of the parked vehicles. Parking lot screen walls shall also be subject to the design provisions set forth in Section 5.2.A.15 & 16 above.



4. Six inch (6") wide Interlocking Blocks: Six inch (6") wide concrete masonry blocks designed in accordance with the approved Town of Queen Creek design specification are permitted for internal lot line and privacy fences.
5. Six inch (6") wide Non-Interlocking Blocks: All perimeter subdivision fences adjacent to open space or arterial and collector rights-of-way shall be constructed of a 6" block provided the fence system is designed by an Arizona registered structural engineer and approved by the Town.
6. Eight inch (8") wide Non-Interlocking Blocks: 8" non-interlocking block is

permitted in all areas of the subdivision provided it is designed and installed in accordance with the Town of Queen Creek design specification or an Arizona registered structural engineer.



7. *Solid Perimeter Fence Standards.* Solid fencing use along arterial and collector streets on the perimeter of residential projects addresses individual property concerns regarding noise, light, privacy, and safety. Because solid fence use affects the image, character, safety, and privacy of the community, design upgrades such as material choices and additional buffering to offset the reduction in project openness and reduce the impact of solid fencing is required.

5.3 Landscaping Standards

- A. *Purpose.* The purpose of this Section is to implement the goals of the Queen Creek General Plan in regard to providing landscaping and buffering standards for landscaping that will capitalize on the Town of Queen Creek's agricultural character and identity while preserving natural resources, native plants, and scarce water supplies. These requirements will be applied to all new development, redevelopment or building expansion (greater than twenty-five (25%) of the gross building area) projects including streetscaping of rights-of-ways. Landscape plans, complete with irrigation plans, shall accompany any application for development approval. These minimum landscaping requirements will:
 1. Establish a landscape theme including street trees and streetscape design to be used throughout the Town to promote the overall Town and neighborhood character and identity;

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2. Provide buffering and transitions between less intensive land uses abutting intensive development and land uses and between washes, multi-use trails and low intensity residential development;
3. Preserve and accentuate Queen Creek’s agricultural heritage;
4. Preserve existing native vegetation, as an integral part of the Sonoran Desert and wildlife habitats, and incorporate native plants, low-water need plant communities, and ecosystems into landscape design;
5. Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging water and energy conservation;
6. Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;
7. Manage efficiently and effectively the groundwater supplies by using drought-tolerant, low maintenance, and low-water consumptive landscape;
8. Encourage community gardens for cultivation of fruits, flowers, vegetables, or ornamental plants;
9. Maintain and increase property values by requiring landscaping to be incorporated into development; and,
10. All plant material shall be selected from the Arizona Municipal Water Users Association (AMWUA) list of very-low, low, or moderate water use plants. The Planning Administrator may approve alternative plant materials.

B. *Interpretation of Landscaping Terms.* Where necessary to interpret the precise meaning of technical landscaping terms used in this Section, reference shall be made to The American Standard For Nursery Stock, as published by the American Association of Nurserymen (AAN), which document is hereby incorporated by reference as if set forth in its entirety herein.

C. *Minimum Standards for Landscaping Design and Development.*

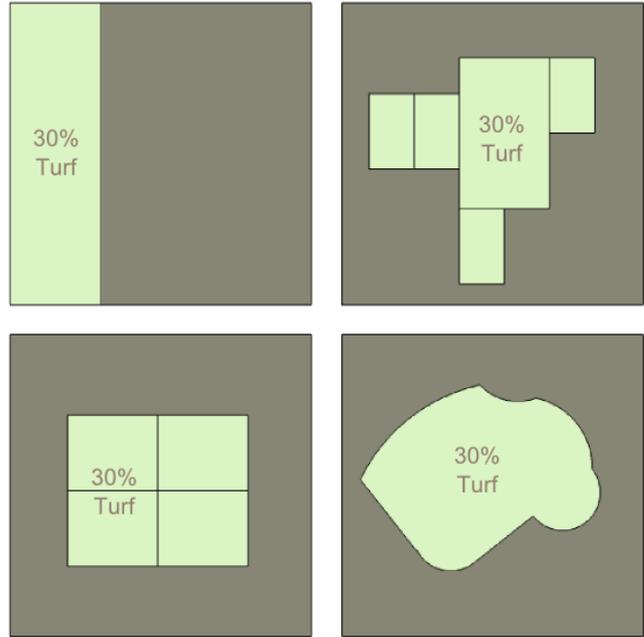
1. *Landscape Requirements.* Except for single family uses, the following minimum requirements shall be provided for each developed parcel:
 - a. *Street right-of-way landscaping.* One (1) tree and six (6) shrubs for each thirty feet of street frontage. The front twenty feet (20’) of the required onsite landscape buffer setback area may also be used to satisfy this requirement.
 - b. *On-site landscaping.* The following quantities of landscaping materials are required in all areas on-site including the parking lot:
 - i. *Commercial/Office/Retail Developments-* One (1) tree and ten (10) shrubs per one thousand (1,000) square feet of landscape area. Alternative landscape designs that meet the intent of this section may be considered by the Planning Administrator.
 - ii. *Industrial Developments-* One (1) tree and ten (10) shrubs per one thousand five hundred (1,500) square feet of landscape area. Alternative landscape designs that meet the intent of this section may be considered by the Planning Administrator.
 - c. The planting requirements of this paragraph, as well as the total square footage of landscape area required, may be reduced up to twenty-five percent (25%) where existing shade trees in excess of the minimum requirement are retained upon the approval of the Planning Administrator or his or her designee. Existing shade trees shall measure four inch (4”) caliper or more when measured eighteen inches (18”) above ground.
2. *Landscape Requirements for single family uses.* See the design criteria stated in

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Town of Queen Creek Design Standards for front yard landscaping options.

3. *Minimum Plant Size.* The minimum allowable plant size for new installations shall be as follows:

- a. The minimum size shall be fifteen (15) gallons, six feet (6') in height, and a caliper of one inch (1") measured four inches (4") above the soil line. Fifty percent (50%) of the required number of street frontage trees are to be twenty-four inch (24") box size or larger, six feet (6') in height, and a caliper of one and a half inch (1 1/2") measured four inches (4") above the soil line.
- b. Shrubs shall measure a minimum of five (5) gallon size upon installation.
- c. Organic ground covers shall be a minimum of one (1) gallon size upon installation.
- d. Inorganic ground covers shall be used and shall consist of decomposed granite (minimum size half-inch (1/2") minus or screened, except quarter-inch (1/4") minus shall be used on all equestrian trails) or turf. Where boulders are used one-third (1/3) of the boulder shall be buried.



4. All plant material shall meet the minimum standards contained in the most recent edition of the Arizona Nursery Association's Growers Committee Recommended Tree Specifications which document is hereby incorporated by reference as if set forth in its entirety herein, as to size, condition and appearance. *Acceptable Frontage Landscaping.* A minimum of thirty percent (30%) of all frontage landscaped areas shall be covered with vegetative or organic ground cover consisting of turf, not to exceed fifty percent (50%) of the minimum requirement, or other living plant materials characterized by horizontal growth which generally do not exceed eighteen inches (18") in height.

5. *Common Area Landscaping Requirements.*

- a. In any single family residential district, a minimum of two (2) trees per dwelling unit shall be required, which may include street trees. In any multifamily district, a minimum of one (1) tree per dwelling unit shall be required, which may include street trees and perimeter landscaping. A minimum of twenty-five percent (25%) of required trees shall be twenty-four inch (24") box or larger.
- b. Office and commercial developments shall be landscaped not less than fifteen (15%) of the developed parcel and industrial developments not less than ten percent (10%) of the developed parcel.

6. *Landscape Buffer Setbacks.*

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- a. A buffer setback as described in Table 5.3-1 shall be provided to ensure visual separation between uses when appropriate; create a transition area; topreserve and enhance property values; and, to implement the goals and policies of the General Plan. To the extent that there is an inconsistency between this Section and the Subdivision Ordinance, the more restrictive requirement shall be used.
- b. A landscape setback may be used for passive recreation. It may contain sidewalks or paths, parks, open space, or storm water retention basins. Active recreational uses, such as play fields, swimming pools, or other active, structured recreational uses or circulation drives and parking lots, shall not be permitted in the landscape setback.
- c. A 50% proportional share of the required landscape setback shall be installed along each property line by each development.
- d. A landscape setback shall be developed in the outer perimeter of a lot or parcel extending to the lot or parcel line. The landscape setback shall not be located within any public right-of-way or private street.

Table 5.3-1 Landscape Buffer Setbacks

	SFR	MFR	COM	EMP
SFR	0*	30	30	40
MFR	30	0	20	20
COM	30	20	0	20
EMP	40	20	20	0

SFR - Single Family Residential
MFR - Multi Family Residential
COM - Commercial
EMP - Employment

* A 30 foot buffer may be required adjacent to rural and large lot suburban zoning districts.

7. Landscape Street Setbacks.

- a. For all residential subdivision, multi-family and non-residential development a thirty foot (30') wide landscaped

setback shall be provided along all abutting arterial roadways with breaks for approved access points. A minimum fifteen foot (15') wide landscape setback shall be planted along collector roadways.

- 8. *Landscape Installation.* All landscaping shall be installed in accordance with accepted planting procedures. If after three (3) years following installation, plant materials have not formed an effective screen, or if an effective screen is not maintained, the Planning Administrator may require that another type of screen be added or additional plantings be installed. Landscaped areas shall require protection from vehicular encroachment. The Planning Administrator or his or her designee shall inspect all landscaping and no Certificate of Occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided.

General. All required landscaping materials shall be in place prior to the time of issuance of a final Certificate of Occupancy, weather permitting. In periods of adverse weather conditions, a temporary Certificate of Occupancy may be issued, subject to the posting of a cash escrow or irrevocable letter of credit in an amount equal to one and one-half (1-1/2) times the estimated cost of the landscaping, with said estimated cost to be certified by a landscaping provider. The cash escrow or irrevocable letter of credit may be forfeited if the landscaping is not completed within one (1) year after the issuance of the temporary Certificate of Occupancy. Forfeiture of any cash escrow or irrevocable letter of credit shall not relieve the owner of the responsibility to complete the required landscaping.

- a. Trees and shrubs shall be adequately supported and staked when planted. No trees shall be planted under overhead service wires if their mature heights will interfere with the wires.
- b. All landscaped areas shall be finished with a natural topping material which may include, but is not limited to, the following: turf, groundcover planting, decomposed granite two inches (2")

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minimum in depth, river run rock, or expanded shale.

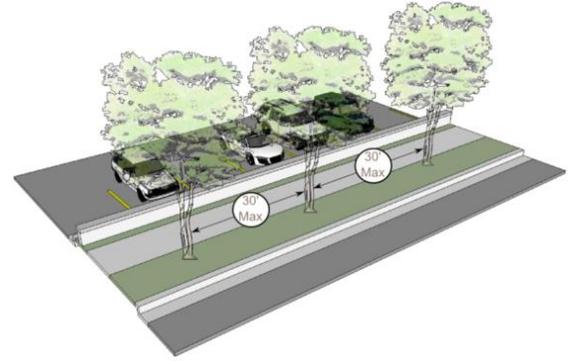
- c. Trees shall not be planted under outdoor lighting structures. Landscape plant material shall be arranged in a manner not to obstruct security lighting. Where a conflict arises between landscape elements required under this Ordinance and security lighting, the Planning Administrator shall make the final determination.
 - d. Plant material installed within the site triangle at roadway intersections shall not exceed twenty-four inches (24") in height at maturity. Tree canopy height shall not be less than six feet (6'). The site triangle at an intersection shall be calculated according to Chapter 9, Section 9.2 of the Maricopa County Department of Transportation Roadway Design Manual. The Town of Queen Creek's official reference for roadway design standards.
 - e. All plant materials used in public right-of-way, medians, or parking lot islands shall come from the Arizona Municipal Water Users Association Low Water Use Plant List.
9. *Site Stabilizations.* The applicant shall revegetate the graded and / or disturbed land where any construction activity has occurred in order to prevent erosion by water, wind or subsidence, as follows:
- a. Revegetate the construction area with native species or with revegetation seed mixes. Revegetative native plants include: desert trees, desert shrubs and grasses, large specimen cacti or seeding of the same.
 - b. Weedy species such as Russian Thistle, Telegraph Plant, Desert Broom, Pigweed or Burrow Bush shall be weeded to prevent growth and spread of such species onto adjacent properties.
 - c. Slopes steeper than three to one (3:1), where revegetation and plant material alone will not hold soil in place, shall be held in place with turf, retaining walls, rip-rap, or shall be developed with a system of terraces or diversions to ensure slope stability, control surface water runoff and encourage rapid vegetation establishment, or any method deemed appropriate by the Town.
10. *Dust Control.* During grading and until revegetation is established, the applicant shall use the following methods to reduce and mitigate the production of dust and such methods shall be addressed in the grading permit prior to commencement of construction.
- a. Dust palliative approved by Town Engineer;
 - b. Watering during grading;
 - c. Use of decomposed granite or other decorative landscape material as a groundcover for non-slope and vehicular/pedestrian areas; and,
 - d. The use of motor oil, oil treatment, sodium chloride, or any other palliative method that cause adverse effects on human, animal or plant life or that may cause property damage shall be prohibited.
- D. *Prohibited Plants.* The "Swan Hill Olive" and the "Wilson Hill Olive" varieties may be used due to their non-flowering non-pollen status and are exempt from the prohibited plants list:
1. Olive Trees (*Olea Europaea*) are prohibited for reasons of their profuse production of allergy producing pollen except for the two (2) varieties as mentioned above;
 2. Fountain Grass (*Pennisetum Setaceum*) is prohibited as a defined weed with the potential to spread throughout the Town and become a fire hazard;
 3. Common Bermuda grass (*Cynodon Dactilon*) is prohibited as a defined weed and for its profuse production of allergy producing pollen. (For clarification purposes, non-allergenic species are permissible as approved by the Town); and,

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4. Mulberry Trees (*Morus*) are prohibited as noxious pollen producers.

E. *Street Rights-Of Way Landscaping.*

1. Street trees and other plant materials (i.e. shrubs, ground cover, accent plantings, etc.) shall be planted within all street right-of-ways in all zoning districts.
2. Trees shall not be planted in planting strips that are less than five (5) feet wide, measured from the back of curb to the edge of the adjacent sidewalk.
3. All parcels located at the intersection of an arterial intersection, shall observe a buffer setback pursuant to Table 5.3-1. Said buffer shall not be encumbered by parking areas, buildings or other improvements. The Planning Administrator or his or her designee shall have the authority to impose special conditions or guidelines on the development of property at arterial intersections that affect the following design elements in order to achieve the purposes of this section:
 - a. Landscape architecture;
 - b. Building architecture;
 - c. Building orientation;
 - d. Vehicular ingress, egress, and circulation;
 - e. Walls and screening devices; and,
 - f. Building setbacks.



5. Planting shall be spaced at regular intervals without regard to property lines in order to present a balanced appearance. Required spacing shall be not greater than thirty feet (30') or fraction thereof to achieve a tree-lined street appearance. Linear planting is preferred.
6. Trees for an entire block shall be planted at the same time.
7. Up to two (2) different species of trees may be planted alternately where an entire block is developed.
8. A minimum of six (6) shrubs are required per every one (1) tree planted.



4. Street trees shall be spaced on each side of the street and within medians where applicable, in order to form a pleasant experience for motorists, pedestrians, and building occupants, as applicable.

9. The entire area of the right-of-way, between the property line and back of curb (BOC) and / or pavement except for approved driveways, walkways and bike paths, shall be landscaped.

F. *Parking Lot Landscaping.* Parking lots shall be landscaped in accordance with the requirements of Section 5.6 of this Ordinance.

G. *Retention Basin Landscaping and Design Requirements.*

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1. All private retention basins in single residence, duplex, multifamily, commercial, or industrial projects, or districts shall be landscaped. Such basins shall not exceed more than fifty percent (50%) of the linear street frontage.
2. Retention basins shall be contoured and designed as an integral part of any frontage landscaping and shall not take on the appearance of a ditch or basin.

H. *Native Plant Preservation and Landscape Plan Standards.*

1. *Purpose.* The purpose of these standards is to protect native plants and to ensure appropriate re-vegetation for all development projects. The standards provide for in-place preservation protection of existing plants and the transplanting of native plant materials indigenous to the area such as: varieties of Acacia, Mesquite and Cercidium trees, Ocotillo, Cholla, Bursage and mixed Palo Verde-Cacti Community, Hedge Hog Cactus and Barrel Cactus, shrubbery and succulents typical of the Sonoran Desert Region. These standards protect the public health, safety and general welfare by:
 - a. Preserving organic and inorganic characteristics of the Sonoran Desert Region;
 - b. Preserving desert wildlife habitats and food sources;
 - c. Requiring protection re-vegetation of native plants, disturbed during land development;
 - d. Encouraging the use of native plants that are drought tolerant and require low maintenance and minimal groundwater after establishment; and,
 - e. Reducing the potential for erosion by water, wind, or subsidence.

2. *Standards.*

- a. All existing native plants shall be preserved in their original location except within those areas permitted to be graded. Large and / or unique

native plants within areas proposed for grading shall be preserved in place.

- b. In no case, shall native plants be removed, destroyed, or relocated from an existing stand of native plants which is to be preserved in place.
- c. Protected native plants (as defined by the Arizona Department of Agriculture) determined to be transplantable shall be salvaged and relocated on-site when they are located within areas designated to be graded. Salvaged plants may be maintained in a temporary nursery pending relocation in accordance with the approved landscape plan. All temporary nurseries shall:
 - 1) Provide automatic drip irrigation system.
 - 2) Provide fertilizer to promote plant health.
- d. Native plants are to be transplanted on-site and shall be used within those areas designated as “common area” or landscaped area that has been graded as part of the approved grading plan and within the front yards of residential lots.
- e. Mistletoe infestations shall be removed from all salvaged plants prior to relocation.

3. *Determination of Salvageability.*

- a. Salvageability shall be indicated on the Landscape Plan submittal during the site plan process.
- b. All plants receiving a “high” rating shall be preserved in place or salvaged and transplanted within on-site landscaped areas. All “medium” and “low” rated plants shall be placed in a salvage pool from which fifty percent (50%) of the plants shall be used on site or replaced on a two to one (2:1) basis with nursery stock.

High: A “high” rating will be assigned to plants meeting the following criteria:

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- 1) Plant health is good to excellent with no major infestations or apparent diseases.
 - 2) Plant age is young enough to suggest a likely chance of transplant survival.
 - 3) Plant is undamaged and is conducive to box or space transplanting, (upright branching).
 - 4) Soils can be excavated, are cohesive, and seem capable of supporting a boxed or spaded rootball.
 - 5) Surrounding topography permits access with the appropriate equipment needed to box or spade and remove the plant.
 - 6) Adjacent plants do not pose a likely interference with root systems or interfere with plant removal.
4. *Inspections.* All protected native plants scheduled to remain in place or authorized for destruction, removal or relocation by the approved Landscape Plan shall be tagged and numbered prior to an on-site inspection by the Planning Administrator. Salvage operators shall not commence until the Planning Administrator has performed an inspection and given approval to begin salvage.
5. Tagging shall be completed as outlined below:
- a. Tags shall be color-coded according to the following schedule so that the status of each plant may be easily identified: plants proposed for destruction shall be tagged with red plastic tape; plants proposed for relocation on-site shall be tagged with blue plastic tape; plants proposed for relocation to another site shall be tagged with yellow plastic tape; and plants proposed to remain in place shall be tagged with white plastic tape.
 - b. Tags required by this Section shall be affixed in a visible location on the plant. The initial inspection will be performed once tagging is completed and an inspection request has been received by the Planning Administrator.
- c. Once affixed, the tags shall not be removed until the approved Landscape Plan is implemented and a final inspection has been performed by the Planning Administrator.
 - d. All areas designated to remain as natural open space shall be fenced or taped off for protection during the grubbing and / or grading operation. The developer is responsible for maintaining this “no disturbance” boundary line and no plants shall be salvaged from this protected area.
 - e. No permit for grubbing or grading of a site may be issued prior to the completion of the initial on-site inspection.
6. For single-family lot development, the Planning Administrator shall verify limits of grading and the relocation of any salvaged plants in accordance with the approved site plan.
7. A follow-up inspection shall be performed which verifies the required on site relocation of salvaged plants to their new locations or the holding nursery, and the required in place preservation of native plants.
- I. *Irrigation Guidelines.* An irrigation plan is required and subject to review and approval by Planning Administrator or his or her designee.
 - J. *General Landscaping and Site Maintenance.*

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1. The applicant, property owner, and / or subsequent or successor owners and their agents shall be responsible for maintenance of landscaping on the property on a continuing basis for the life of the development as specified in this Section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding, and other activities common to the maintenance of landscaping.
2. Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.
3. All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease, and / or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season after installation. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development order or development permit.

the proposed development corresponding the zoning district as set forth in Columns "B" and "C" in Table 5.4-1 hereto.

Table 5.4-1 Required Open Space

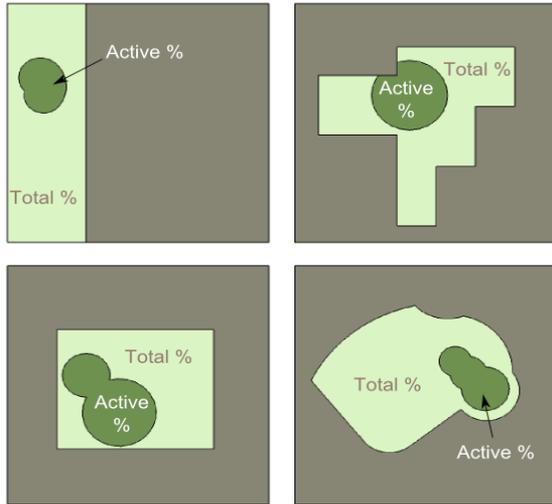
(A) Zoning District	(B) Total Open Space	(C) Active Open Space
Rural Residential (A-1, R1-190, R1-145, R1-108)	0%	0%
Estate Residential (R1-54 R1-43)	0%	0%
Suburban Type-A (R1-35)	5%	10%
Suburban Type-B (R1-18, R1-15, R1-12)	7.5%	15%
Urban Residential (R1-9, R1-8, R1-7, R1-6, R1-5, R1-4, R1-3, MDR, and HDR)	20%	30%
Commercial (B1, C-1, C-2, C-3, MU, AT and TC)	15%	N/A
Industrial (EMP-A and EMP-B)	10%	N/A

1. *Active Open Space.* Active Open Space shall be provided as referred in Table 5.4-1 may include, but shall not be limited to: recreational activities as golf courses, sport courts / fields, picnic areas, playgrounds and trails as defined in Section 1.14. Additional active amenities and reduction in active open space may be approved by the Planning Administrator.
2. *Passive Open Space.* Open Space not defined as Active may be considered as Passive Open Space as defined in Article 1, Section 1.14 of this Ordinance.

5.4 Open Space

- A. All new development in the Town of Queen Creek shall provide Open Space as provided herein and designed as required in Chapter 6 of the Town of Queen Creek Subdivision Ordinance.
- B. *Community Trails System.* The applicant shall provide a community open space network and / or trails system, which system shall be integrated with the *Parks Trails and Open Space Master Plan*, which is hereby incorporated by this reference as if set forth in its entirety herein. The trails shall be maintained by the applicant.
- C. *Required Open Space.* Required open space shall be reserved for any development in the zoning districts types forth in Column "A" of Table 5.4-1, below, based upon the percentage of net acres in

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D. *Open Space Designation.* Open space shall not be further than the following distances from any lot or, if the proposed development does not involve a subdivision, any primary building, and the entrance allowing people, bikes, or equestrians to enter into the open space or view the open space area:

1. One-sixth (1/6th) of a mile or eight-hundred and eighty feet (880') from passive open space; and,
2. One-fourth (1/4th) of a mile or one-thousand, three-hundred and twenty feet (1,320') from active open space.

E. *Open Space Maintenance.* Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed except as provided below.

1. Any areas reserved as open space shall be indicated on the sketch plan and preliminary site plan or subdivision plat. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open space areas required by this Ordinance. The plan shall:
 - a. Designate areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site;

- b. Designate the type of open space which will be provided; and,
- c. Specify the manner in which the open space shall be perpetuated, maintained, and administered.

2. The types of open space which may be provided to satisfy the requirements of this Ordinance, together with the maintenance required for each type, are as follows:

- a. Passive open space shall be maintained in a healthy, neat, clean, and weed-free condition. Waterways and landscaped areas lying between public right-of-way lines and the property, unless such streets, waterways, or landscaped areas are expressly designated to be maintained by a designated governmental authority shall be free-flowing and devoid of debris;
- b. No specific maintenance is required for agricultural uses;
- c. Active open space areas shall be accessible to all residents of the development. Maintenance is limited to insuring that there exist no hazards, nuisances, or unhealthy conditions; and,
- d. Greenways are linear green belts linking residential areas with other open-space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.

3. All designated open space shall be of suitable size, location, dimension, topography and general character and shall have proper road and / or pedestrian access, as may be appropriate, to be usable open space.

- a. The minimum dimension for usable open space shall be thirty feet (30') and the minimum area shall be one-thousand (1,000) square feet.

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b. Retention areas or detention basins which are required as part of this Ordinance or the Subdivision Ordinance shall not qualify as an open space area unless fifty percent (50%) or more of the active and usable area is above the twenty-five (25) year storm and is designed for multiple area(s) conforms to the requirements of subsection (1) and (2) below. This standard shall not apply to non-residential developments which shall be permitted to calculate the retention and detention area as part of the required open space area.

- 1) Retention or detention areas shall be an integral part of the subdivision either as a greenbelt, or as a single basin. Retention areas shall be improved so as to be useable and accessible. Site and architectural amenities, such as armadas or benches shall be provided. "Tot lots", playground equipment, and sport courts equipment shall be elevated above the bottom of the basin for uninterrupted use.
- 2) Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming and contouring is required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three to one (3:1) slope.

c. Open space areas shall be landscaped and the majority of the area shall be visible from at least one (1) adjoining arterial, collector, or local street.

F. *Preservation of Open Space.* Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as determined by the Town Council by any of the following mechanisms or combinations thereof:

1. Dedication of open space to the Town, an appropriate public agency, or a non-profit entity if there is a public or non-profit agency willing to accept the dedication and financially capable of maintaining such open space. The Town may not

accept the dedication of open space unless such dedication is part of a linked open space or trails system included in the Queen Creek Open Space and Trails Plan. Dedication of Sonoqui and Queen Creek washes may be required along with rezoning and / or plat approval if the Town demonstrates that impacts of the development on stormwater discharge, public recreation, or water quality are proportionate to the amount of wash area being dedicated. The applicant for plat approval or rezoning may consent to said dedication, pursuant to Section 3.4 of this Ordinance or as a condition of development approval, and said consent shall be deemed to waive any and all constitutional challenges to said dedication requirement;

2. Common ownership of the open space by a homeowner's or neighborhood association which assumes full responsibility for its maintenance except for lands dedicated to the Town. The restrictive covenants shall provide that, in the event that any private owner of open space fails to maintain same according to the standards of this Ordinance, the Town may, following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space and shall constitute a lien upon the property and buildable lots of the subdivision or development site; and,
3. Payment of a fee in lieu of dedication of open space, if:
 - a. The Town Council establishes an Open Space Acquisition Trust Fund for the receipt of fees and other financial commitments for the acquisition and development of public open space.
 - b. The Town Council adopts an ordinance establishing a fee in lieu or dedication of land for open space. The ordinance shall include the following:
 - 1) The fee amount per residential dwelling unit or equivalent residential dwelling unit;

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- 2) Time of determination of the fee;
- 3) Time of payment of the fee;
- 4) Form of payment of the fee;
- 5) Restrictions on use of the fees collected;
- 6) Time limit on expenditure of fees;
- 7) Placement of fees in the Open Space Acquisition Trust Fund;
- 8) Maintenance of financial records;
- 9) Allocation of interest on trust fund accounts; and,
- 10) Refund procedures.

G. *Open Space Requirements.* As a part of any application for development approval such as rezoning, site plan, and subdivision and in conjunction with the required landscape plans in Section 5.3, the applicant shall submit an Open Space Provision and Maintenance Plan meeting the requirement of subsections A through C herein.

5.5 Lighting

A. *Purpose.* These provisions are intended to control the use of outdoor artificial illuminating devices emitting rays into the night sky which have a detrimental effect on the rural atmosphere, astronomical observations, and which create glare. It is the intention of this Ordinance to encourage good lighting practices such that lighting systems are designed to conserve energy and money, to minimize glare, to protect the use and enjoyment of surrounding property, and to increasing nighttime safety, utility, security, and productivity. The provisions of this Section are authorized by Section 49-1106, A.R.S., which provides that the provisions of Section 49-1101 through Section 49-1106, A.R.S., are cumulative and supplemental and shall not apply within any county, city or town which by ordinance or resolution has adopted provisions restricting light pollution which are equal to or more stringent than the provisions of this Section.

B. *Conformance with Applicable Codes.*

1. All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this section and the building code of the Town of Queen Creek.
2. Where any provisions of the Arizona Revised Statutes, or any Federal law, or any companion Ordinance conflicts with the requirements of this outdoor light control provision, the most restrictive shall govern.
3. The provisions of this section are not intended to prevent the use of any material or method of installation not specifically prescribed by this Ordinance. In considering any variance from the provisions of this Ordinance, the Board of Adjustment shall take into consideration any state of the art technology which is consistent with the intent of the Ordinance as new lighting technology develops which is useful in reducing light above the horizontal plane.

C. *Shielding and Filtration.*

1. All non-exempt outdoor lighting fixtures shall limited to the types of fixtures specified in Table 5.5-1 of this Ordinance and shall have shielding and filtration as required by Table 5.5-1 of this Ordinance.
2. Light source locations shall be chosen to minimize the hazards of glare. The ratio of spacing to mounting height shall not exceed a four to one (4:1) ratio.
3. Poles and standards. All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated to minimize glare from the light source.

D. *Illumination.* In order to minimize glare and hazardous conditions, illumination levels shall not exceed the levels set forth in Table 5.5-2 for any use permitted by this Ordinance. The maximum illumination shall be measured at grade at the property line of the site in accordance with subsection J of this Section.

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Table 5.5-1 Shielding Requirement

Area / Activity	Lux (lx)	Footcandles (fc)
Residential Zoning Districts		
Building Exterior	50	5.0
Front, side, or rear yard (at property line)	10	1.0
Non-residential zoning districts		
Adjoining another non-residential zoning district along major arterial	20	2.0
Adjoining residential zoning district along major arterial	10	1.0
Adjoining another non-residential zoning district along minor arterial or collector street	6	0.6
Adjoining another non-residential zoning district along local street	4	0.4
Adjoining another non-residential zoning district along property line	10	0.9
Adjoining residential zoning district along property line	2	0.2
Outdoor Events		
Adjoining non-residential zoning district	1,000	100
Adjoining or within one-thousand feet (1,000') of residential zoning district	100	10

Notes:

- [1] This is the preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations.
- [2] Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaries.
- [3] Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects.
- [4] For the purposes of this Code, quartz lamps shall not be considered an incandescent light source.
- [5] Warm white and natural lamps are preferred to minimize detrimental effects.

- [6] Metal halide fixture lamp types shall be filtered. "Filtered" means any outdoor light fixture which has a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement).

Table 5.5-2 Illumination Standards

Fixture Lamp Type	Shielded	Filtered
Low Pressure Sodium [1]	Partially	None
High Pressure Sodium	Fully	None
Metal Halide	Fully [2, 6]	Yes
Fluorescent	Partially [3, 5]	Yes
Quartz [4]	Partially	None
Incandescent, Greater than 150W	Partially	None
Incandescent, 150W or Less	No	None
Fossil Fuel	No	None
Glass Tubes filled with Neon, Argon, Krypton	No	None

E. Control of Glare.

1. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.
2. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height not exceeding the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed twenty-five feet (25').
3. *Exceptions.*
 - a. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or less and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution or mounting height except that if any spot or flood

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luminaire rated 900 lumens or less is aimed, directed or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be re-directed or its light output controlled as necessary to eliminate such conditions.

- b. Luminaires used for public roadway illumination may be installed at a maximum height of twenty-five feet (25') and may be positioned at that height up to the edge of any bordering property.
- c. All temporary emergency lighting needed by the Police, the Fire Departments or other emergency services as well as all vehicular luminaires shall be exempt from the requirements of this Ordinance.

F. Prohibitions.

1. *Mercury Vapor Fixtures and Lamps.* The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
2. *Certain Other Fixtures and Lamps.* The installation of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor lighting fixture or lamp that does not comply with the shielding requirements of Table 5.5-1 and the illumination standards of Table 5.5-2 is prohibited.
3. *Laser Source Light.* The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.
4. *Searchlights.* The operation of searchlights for advertising purposes is prohibited between the hours of 11:00 p.m. and sunrise.
5. *Recreational Facilities.* No outdoor recreational facility, public or private, shall be illuminated by non-conforming means after 11:00 p.m., unless

otherwise permitted by the Town Council pursuant to a conditional use permit, except to conclude specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m. All recreational outdoor lighting shall comply with height restrictions as specified in the building codes. Outdoor lighting for open-air arenas primarily used for rodeo and roping activities, shall be permitted to a maximum height of thirty feet (30'), provided shielding and filtration requirements are met.

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

G. Exceptions. The following types of light fixtures shall be exempt from the provisions of this Section:

1. *Non-Conforming Fixtures.* All outdoor light fixtures installed prior to January 1, 1985, those equipped with a permanent automatic shut-off device may remain unchanged, except that the subject light fixtures shall not be operated between the hours of 11:00 p.m. and sunrise.
2. *Fossil Fuel Light.* Light which is produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
3. *Low Intensity Fixtures.* Any outdoor lighting fixture which has a maximum candle power or less than one-thousand (1,000) candelas is exempt from these provisions, if equipped with an automatic device which shuts off the fixture between the hours of 11:00 p.m. and sunrise.

- H. *Recreational Facilities.* Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to football fields, soccer fields, baseball fields, softball fields, tennis courts, auto race-tracks, horse race-tracks or show

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arenas, consistent with the illumination standards specified in Table 5.5-2 herein, provided all of the following conditions are met:

1. All fixtures used for event lighting shall be fully shielded, or shall be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m.; except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
 3. The height of such lighting shall be a maximum of eighty feet (80').
- I. *Outdoor Display Lots.* Any light source permitted by this Ordinance may be used for lighting of outdoor display lots such as, but not limited to, automobile sales or rental, recreational vehicle sales or building material sales, provided all of the following conditions are met:
1. All fixtures used for display lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.
 2. Display lot lighting shall be turned off within thirty (30) minutes after the closing of the business. The full illumination of the lot may be permitted after 11:00 p.m., pursuant to a Temporary Use Permit (see Section 3.6). Any lighting used after shall be used as security lighting.
- J. *Residential Neighborhoods.* Adequate lighting for residential neighborhoods may be provided for all outdoor amenities areas used at night (i.e. parks, trails, fields, open space areas, sport courts, etc). Lighting sources shall be appropriately shielded from adjacent residential uses to minimize any negative impacts. The following additional standards shall apply:
- a. All outdoor amenity area lighting within 100 feet of a residential property line shall not exceed a maximum height of fifteen feet (15');
 - b. In all other amenity areas lighting shall not exceed a maximum height of twenty five feet (25');
 - c. All outdoor amenity area lighting shall be setback from all property lines by a minimum distance of fifteen feet (15');
 - d. *Submittal Requirements.* A Lighting Plan shall be submitted as part of the Site Plan or Preliminary Plat application which details the location and specifications of all proposed lighting. An ISO foot-candle diagram shall also be provided to indicate the level and extent of proposed lighting.
- K. *Measurement.*
1. *Metering Equipment.* Lighting levels are to be measured in foot-candles with a direct-reading, portable light meter. The meter typically has a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five percent (5%). It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of its use.
 2. *Method of Measurement.* The meter sensor shall be mounted not more than six inches (6") above ground level in a horizontal position. Readings are taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements are made after dark with the light sources in question on, then with the same sources off. The difference between the two (2) readings shall be compared to the maximum permitted illumination and property line at ground level. This procedure eliminates the effects of moonlight and other ambient light sources. Where light patterns overlap, their total intensity shall be the sum of their individual intensities.