

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 8TH OF MAY 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 CAN 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:**
April 24, 2017
- 6. DISCUSSION**
Fence Ordinance
Landscape Ordinance-Trees
- 7. OPEN COMMENTS/REQUESTS**
- 8. 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



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WAYNE GALLEGOS
CITY COUNCIL
DAVID CARTER
CITY COUNCIL
DARLEEN ARAGON
MAYOR PRO-TEM
FRANK ORTEGA
CITY COUNCIL

**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
APRIL 24, 2017**

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:04 p.m.

PRESENT: Chairman Steve Ethridge
Vice Chair Pete Armstrong
Commissioner Claudine Montano
Commissioner Debbie Thompson-arrived at 6:05 PM

ABSENT: Commissioner Gordon Reeves

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

PLEDGE OF ALLEGENCE

Chairman Steve Ethridge

APPROVAL OF AGENDA:

Vice Chair Pete Armstrong moved to approve the agenda.

Commissioner Claudine Montano seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

Commissioner Claudine Montano moved to approve the minutes of April 10, 2017.

Commissioner Debbie Thompson seconded the motion.

Motion carried.

PUBLIC HEARING WITH POSSIBLE ACTION

A. REQUEST FOR A VARIANCE ON FENCE HEIGHT RESTRICTIONS:

RONNIE TORRES. LEGAL DESCRIPTION: Township 5 North, Range 2 East, Section 18, Map 100, Lots 20-22,, Block 21, BTS Addition, aka 422 Dalies Ave., Belen NM 87002

Lisa Miller informed the Commission that Mr. Torres had come to the office to inquire about fence heights. He has been broken into several times and wished to put up a fence across his homes parking area. It was explained to him that he would need a variance due to the fact that his property sits on the corner of Dalies Ave. and Fifth St. He filled out the application and she took photos of the area he wished to fence in. She also provided a photo of where the clear site triangle is in that area.

Mr. Ronnie Torres said that he would like to place a six foot fence across his parking area because he has been broken into six times. He has installed window guards, an alarm system and motion light and nothing seems to be working. Whoever is breaking in is doing it at all times of the day and night. They have even done it when he was at home. They have even broke into a car that was parked there from a visitor to his home.

Vice Chair Pete Armstrong asked Mr. Torres if he had reported these break-ins to the police.

Mr. Torres said that he has reported all but three. Those three occurred when they broke into his vehicle. Two of them they just pulled everything out, but left it there, and the other one was when they broke the window.

Commissioner Claudine Montano asked if it was the area that is on the west side of the house on Fifth St.

Mr. Torres said yes. He informed the Commission that the gate would not swing in or out, that it would slide along parallel to the fence, electronically.

Vice Chair Pete Armstrong said that he thought the application was a little lacking in detail. In the requirements it asks you to specify the type of variance, the heights, the setbacks, parking requirements, and then it goes on to say a survey/ plot or scaled drawing of the property showing lot line, dimensions, easements, etc.

Steven Tomita said that in this case the parking exists and does comply with the off street parking regulations.

Vice Chair Pete Armstrong said that they have been hard on variances, particularly on the sides and fronts. This is a street side and on the last one we heard, we wanted to see the setbacks, the type of construction, etc.

Lisa Miller said that the type of construction is the only thing that was not provided.

Mr. Torres said that he would be putting in a chain link fence.

Commissioner Debbie Thompson asked if putting a chain link fence hurt this area of the City.

Steven Tomita said that the Council has requested that we review the proposed Fence Ordinance again. They want more restrictions in it. Right now we do not have any restrictions except for heights. The existing Ordinance stands.

Commissioner Debbie Thompson asked if the only area where they would need site clearance would be on the alley on the North side of his home. It is not a main street clearance.

Lisa Miller said yes. She said that she has heard from two neighbors. One in writing, which is included with the packet, and the other was verbal, from the neighbor across the street from him at 500 Dalies Ave. and both of them do not have a problem with a fence being put up there.

Ro. Torres said that his neighbors came and spoke with him. They all had no problem with it.

Chairman Steve Ethridge asked if there was any negative feedback. Even chain link is not see through at certain angles.

Steven Tomita said that is true and it also depends on the size of the chain link.

Chairman Steve Ethridge asked for a motion.

Commissioner Claudine Montano moved to grant the fence height variance request for Mr. Torres.

Commissioner Debbie Thompson seconded the motion.

Motion carried.

Motion was as follows:

Commissioner Claudine Montano	Yes
Commissioner Debbie Thompson	Yes
Vice Chair Pete Armstrong	Abstained
Chairman Steve Ethridge	Yes

DISCUSSION

Spot Zoning.

Chairman Steve Ethridge read what the City has currently on spot zoning.

Steven Tomita said that some of the real estate law says that when you look at a change of zoning, it may not be consistent with the existing zoning but still serves the community area. The reason that this has been brought up is that Belen has a lot of empty areas in it and every time we look at a zone change the question always comes up as to whether this is spot zoning. The reason is, like neighborhoods, and when you start getting into residential neighborhoods, let's look at a convenience store, and a convenience store is a store that is convenient to a neighborhood.

Because they would serve a neighborhood, even though it may not be where everything is commercial, even though it would be considered spot zoning under our definitions, it would serve the neighborhood and therefore not be in violation of legalities and doesn't fall under the spot zoning that is not allowed.

Vice Chair Pete Armstrong asked who makes that determination.

Steven Tomita said that the Planning & Zoning Commission and then the Council. It has the same process as a zone change. The C-1 zoning that Belen has is a neighborhood commercial and is intended to provide convenience, retail businesses that serve the neighborhood. On a lot of typical communities you will have a commercial on a road intersection in a residential zone. This is typically what happens as neighborhoods redevelop. In an aging area that needs to be redeveloped to come back to life is an area you will see this most likely happening. Camino Del Llano is a good area for this type of development. When you start looking at when you ask the question about spot zoning, he wouldn't be so much concerned as to whether it is spot zoning, but what is happening in the area. Is it evolving, is it trying to redevelop or do we have a bunch of empty lots that we need infill on and it is not happening because the existing surroundings aren't conducive for it. In a neighborhood area what might be appropriate to cause that infill to occur verses a single family home so you might have a single family home, duplexes, condo's or low intensity apartments. You have to look at the intensity.

Chairman Steve Ethridge asked if the street was relevant.

Steven Tomita said that it was because you don't want to bring in a Wal-Mart in a residential area because the intensity is huge. A little neighborhood store is usually just capturing the neighborhood residents.

Chairman Steve Ethridge asked how they would know what the difference was between a neighborhood store and a big draw store is.

Steven Tomita said that they would go by how the store looks at the area that they are considering, like Walgreens looks at a 2 to 3 mile radius for their consideration. That is the customer base along with traffic counts in the area are also considerations. He wanted to go over this because as Belen starts drawing in more companies, hopefully we will create an incentive for a lot of these empty lots to start filling up and in order to do that we have to think of what we can do with what is compatible but different. Low intensity with higher density housing and maybe a corner store and things like that that can draw and rejuvenate neighborhoods.

Chairman Steve Ethridge said that multi-unit apartments are located in our R-2, R-3 and R-4 zones.

Steven Tomita said that our Ordinances are so vague on all of this. They do not give you intensities and typically you're R-5, R-6.... is giving you how many units per acre. A very low intensity apartment is typically 8 units per acre. Twelve is a moderate and the high intensity apartment is typically twenty four to thirty six per acre.

Chairman Steve Ethridge said that a duplex unit in a residential area doesn't sound like it would be a big issue.

Steven Tomita said that he didn't see two story apartments are an issue. A lot of times you will see townhouses going into residential areas. When someone comes in to change a zone and the question pops up on spot zoning, what they really need to look at is how it fits into the area, does it serve that area, what the intensity is and will it be drawing more traffic to the area.

Chairman Steve Ethridge said going from an R-1 to an R-2 is really not a big deal.

Steven Tomita said, that where he has worked, most communities would separate out, the first consideration is are you bringing residential into residential and if you are it is the first plus step then are you bringing in an area of development that each lot is a half-acre in size and a developer wants to bring in an apartment complex that has twenty four units per acre, then there may be a problem. How would they buffer that or separate that so it is not a problem to the neighbors. That is not compatible with the neighborhood.

Vice Chair Pete Armstrong said that he understands where this is going, but he also wonders about things like alleyways and other things similar to that, and how they play into the process.

Steven Tomita said that alleyways are becoming a thing of the past.

Vice Chair Pete Armstrong said the reason he has brought that up is that the Commission recently approved a zone change for the Credit Union and on the other side of the alley, on the east side, is all residential and he is a little concerned on how this is going to play out, especially in the older residential areas.

Steven Tomita said that it could get difficult. If you look at the Dalies area, you have a lot of homes but you also have a lot of homes that are converting to businesses, and that is an evolution of neighborhoods and it is a difficult situation. If there is not enough support within the neighborhood, to keep it residential then you are going to lose your neighborhood. It is a matter of those residents within the neighborhood to say that they say no and they want to keep it residential.

Vice Chair Pete Armstrong said that he understands that but, take the case of the development going in on the corner of Main and Aragon, and there a lot of homes that back up to that area.

Steven Tomita said that the area he is talking about is a commercial area. They are buying three homes and most of the property where that trailer court is. Most of the heavy activity will be on Main St.

Vice Chair Pete Armstrong said that he understands that but there are things happening that can create real questions. There will be homes lost and a small business lost and almost all of the Mobile Homes.

Chairman Steve Ethridge said that it makes sense that all along Main St. is a commercial area.

Steven Tomita said that if someone came along and wanted to put a home on Main St. he would say that it was an incompatible use. What is frustrating is that nobody responds to correspondence, to voice their opinion until after the fact and that is what is going to be difficult.

That is why the Commission needs to look at different aspects that will need to be addressed. The intensity and what is it intended to serve to make these decisions if nobody is going to show up and voice or defend their neighborhood.

Chairman Steve Ethridge said that most people just glance at the mail and say that the City is going to do what they want anyway and he wishes there was a way that someone could talk to them and let them know what is going on to get their opinions.

Steven Tomita said that if we think that it is something that will be controversial, we encourage them to participate.

Vice Chair Pete Armstrong said that there are now neighborhood associations and he is sure that if they came to Steven and asked him to speak to the association, he could.

Steven Tomita said he could. The City had an event and a phone call was done, a flyer was sent out in the water bills, we had a big write up in the paper, there was a billboard on the way to Albuquerque, and there were flyers all over town, and we still had people coming up and complaining that they did not know about it.

Vice Chair Pete Armstrong said that there was an incident that happened in his neighborhood that had just the opposite effect. He did not know that a whole neighborhood could be so galvanized by one event. People that he didn't even know where neighbors came out of the woodwork.

Steven Tomita said that a few years ago, Lisa was updating the GIS system with correct addressing, and many addresses were going to be changed, the news channels came down and spoke with us and then went out into some neighborhoods to speak with some of the residents. The news channels could not find anyone interested in speaking to them so they looked around and found a neighborhood with a lot of barking dogs and one person willing to speak to them and showed it on the news saying that the neighbors were hopping mad, and panned down a street with all the dogs barking.

Commissioner Claudine Montano said that Rio Communities is going through that now because no one wants to put Rio Communities as part of their return address, they still use Belen. Some people do not even know that Rio Communities is a City.

Steven Tomita said that he wanted to over this with the Commission, because it isn't just a matter of spot zoning, it is what does this thing signify and what impact will it have, will it benefit the community and these things need to be considered by the Commission when making some of the decisions. With the fact that Keter North America is coming in and Tractor Supply is looking at the old ALCO Building that we will be seeing more activity here and we are going to be seeing some changes in the neighborhoods. We will see cluster housing coming in and the City does not have an Ordinance for this. We might see Independent Living areas for people and small home subdivisions for the retired people who do not want a lot or yard with a small home on it. There will not be much traffic.

Vice Chair Pete Armstrong said that shuttle busses will be used for transportation. He is very impressed with Rio Metro, they will come pick you up and take you there for a very small fee, but you do need to call first. It allows more mobility in some areas for some people.

Steven Tomita said another thing to look at is some the intensity of assisted living, retirement subdivisions, etc. and we are going to be seeing some of these. This Community is aging and if we get the hospital we will really see a lot of this. Spot zoning will come up but what has been discussed some of the things that will need to be addressed.

OPEN COMMENTS/REQUESTS

Lisa Miller reminded the Commission about the MRCOG workshop on the 28th from 9 to 12 and the NMLZO Conference in Albuquerque May 3-5.

Vice Chair Pete Armstrong said that there was an event that happened last week and there was a response from the City and they was the Planning & Zoning Commission to look at the easement and parkway areas to develop an Ordinance that speaks of that subject. He asked how they would do that.

Steven Tomita said that he would have to confer with the Attorney to see if it should be an Ordinance or a policy. Communities are moving away from trees in the parkway areas because they can destroy sidewalks and curbs with its root system and communities are also being sued when someone hits a tree and causes damage to vehicles along with medical damages, being that the tree was in the parkway area. Some Communities are requiring homeowners to place trees in on the front yards.

Vice Chair Pete Armstrong said that they will wait for staff to provide guidance on when they will start working on this and keep the City Manager updated on the progress. A copy of the letter that was written to the City that he provided to the Commission, was pretty specific about this.

Chairman Steve Ethridge said that it gives them some ideas as to how to go about developing this and gives the Commission some homework to do.

Vice Chair Pete Armstrong said there were other issues that have come up since then. There are issues with the fire department and their trucks with the tree overhang. There are also those same issues with school busses. The Commission has to take these issues into consideration when developing the Ordinance and policies for this in addition to the residences.

Chairman Steve Ethridge reminded the Commission about the MRCOG workshop and asked if a notice of quorum need to be posted.

Lisa Miller said that she would post it for the MRCOG and the NMLZO conference.

Chairman Steve Ethridge said in terms of throwing wild ideas out there, he proposed that the City of Belen and make an agreement with the City of Los Lunas where Los Lunas could have the hospital if the City of Belen could have the County Seat. It was just an idea he was throwing out there.

ADJOURNMENT

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

Commissioner Claudine Montano seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:11 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Economic Development Director

1 **17.54.060 – Fences**

2 The intent of fencing standards is to establish a uniformity of fencing appearance and materials
3 of construction and create a general front yard harmony of one building with another in
4 relation to the street.

5 **A. General Standards**

- 6 1) Fences and screening shall be permitted in all zones, as provided in this Section.
7 2) The height and location requirement of this section may be modified as provided in
8 **Chapter 17.54.070, Administration and Enforcement**, of this title.
9 3) Any fence above six feet (6) in height shall be approved by the City of Belen and may
10 require a permit.
11 a. The fence details shall show the proposed method of construction and foundation
12 details.
13 b. The fence details shall clearly show the distance to the sight line of a street right-of-
14 way to the sight line of a street right-of-way intersection. Adequate sight distance
15 shall be maintained as per **18.31.6 NMAC, State Highway Access Management**
16 **Requirements Table 18.F-2**.
17 4) All fencing shall be maintained in like new conditions with proper repairs to replace any
18 damaged fencing or posts. Any repairs shall not be with wire or other like material.
19 5) For fencing purposes on a double front lot; the front shall be defined by the address
20 assigned and the second street side shall be considered the side or rear.
21 6) Pre-existing fencing shall be grand fathered in and not subject to change under this
22 Ordinance unless existing fencing is replaced, then it shall meet current standards.

23 **B. Residential Zoning Districts A-R, R-1, R-1A, R-2, R-2A, R-3, R-4**

- 24 1) A fence constructed on a side or rear property line shall not exceed a height of six
25 feet (6') from highest finished grade adjacent to the fence.
26 2) Street facing fences shall be in a color that matches or is in harmony with the
27 structure/home.
28 3) Barbed wire and wire mesh shall not be allowed within the Residential Zoning
29 Districts unless in an agricultural zone.
30 4) Railroad ties, pallets, corrugated steel and razor wire shall not be permitted within
31 the Residential Zoning districts.
32 5) Fence lighting shall adhere to night sky regulation, be low profile, no more that 18"
33 above fence line and not be in a position to interfere with abutting owners privacy.
34 6) There shall be no fences or screening located from the front corner of the house or
35 garage within the front setback.

36 7) Front Courtyard privacy fencing up to four (4') feet is allowed but must meet
37 setbacks.
38

39 C. Commercial Zone Districts C-R, C-1, C-2.

- 40 1) All Residential uses located in a Commercial Zone shall use the Residential Zoning
41 Districts fence regulations.
42 2) Fence height restriction shall be seven (7) feet with one (1) foot of out rigging for a total
43 of eight (8) feet.
44 3) Out rigging shall be located on the top of the fence.
45 4) Front fencing in together with Perimeter fencing shall be allowed in the following
46 Commercial uses;
47 a. Storage units, Warehouses, Equipment buildings, Automotive related activities,
48 utility buildings, open storage and impound areas.
49 5) All other Commercial uses shall follow setback regulations, for the specified Commercial
50 Zone, provided in **Title 17 Zoning**, of the City of Belen Municipal Codes.
51 6) Railroad ties, pallets, and corrugated steel shall not be permitted within the Commercial
52 zones.
53

54 D. Manufacturing and Industrial Zone Districts M-C, M-1

- 55
56 1) All residential uses located within a Manufacturing and Industrial Zone District shall use
57 the Residential Zoning District regulations.
58 2) Fence height restrictions shall be a maximum of twelve (12) feet in height including out
59 rigging.
60 3) Out rigging shall be located on the top of the fence.
61 4) Fencing within the Manufacturing and Industrial Zone Districts shall require a plan
62 review by the Planning and Zoning Commission
63 5) Railroad ties and pallets shall not be permitted within the Manufacturing and Industrial
64 Zone Districts.
65

66 E. Special Use Zone District SU-1.

- 67
68 1) The underlying use within the SU-1 Zone District shall determine what fence regulations
69 apply.
70 2) Fencing within the Special Use Zone shall require a plan review by the Planning and
71 Zoning Commission
72

Zoning Ordinance

Article 5.0

Site Improvement Standards

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

5.0 Site Improvement Standards

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5.1 Adequate Public Facilities

- A. *Adoption by Reference.* The "Town of Queen Creek Adequate Public Facilities" requirements, a current copy of which is on file with the Development Services Department and which may be modified from time to time, are hereby adopted by reference as if set out at length in this Ordinance.

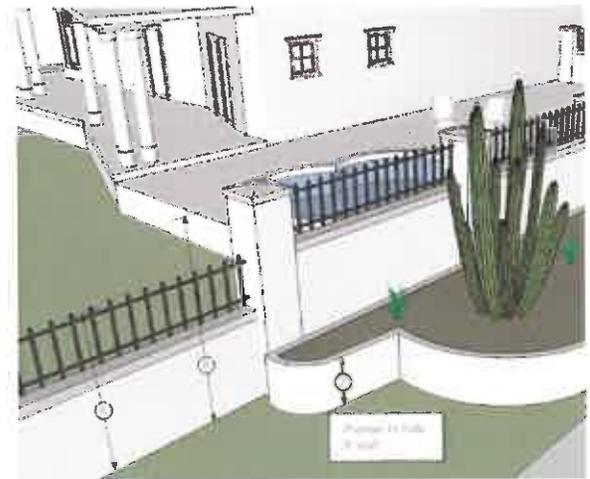
5.2 Fencing and Walls

A. *General Standards.*

1. Fencing and screening shall be permitted as provided in this Section.
2. Fence materials shall be durable and consistent with abutting fences.
3. The height and location requirements of this section may be modified as part of a subdivision, planned area development, special use, or conditional use approval. For fences on retaining walls, see definition of a retaining wall.
4. Fences in the required front yard setback shall not exceed thirty-six inches (36") in height. Such fences may be increased to forty-eight inches (48") maximum height if the fencing material extending above the thirty-six inch (36") height is an open material such as wrought iron or vinyl rail. Parcels that are zoned R1-43 and larger may construct fences up to six feet (6') in height, where the solid portion of the fence, if any, does not exceed thirty-six inches (36") and does not encroach any closer than eight feet (8') from the front property line or create any visibility conflicts that may be determined by the Town.



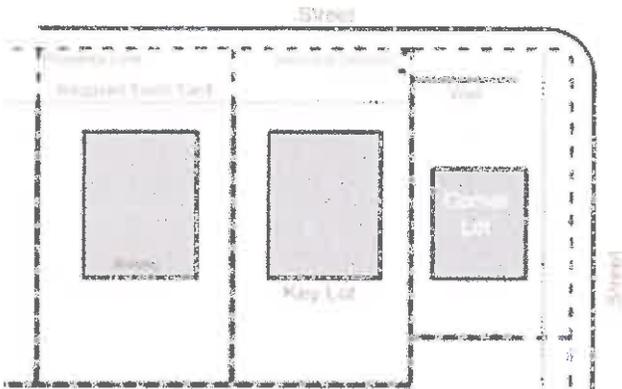
5. A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished grade adjacent to the fence, nor more than eight feet (8') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') height on the low side shall use berming, landscaping, fence offset(s) or similar enhancements to mask height differences, and in no case shall the fence height exceed eight feet (8'). Where the fence height exceeds six feet (6') on the lower side, a view fence shall be required for the portion above six feet (6') in height (i.e. 6' solid – 2' view).



6. Any fence above six feet (6') in height shall be designed by an Arizona registered structural engineer and approved by the Town.
7. On that part of the lot other than the required front yard setback area, fences may be erected up to six feet (6') in height.

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

8. Connecting side yard fences are to be set back a minimum distance of one-quarter ($\frac{1}{4}$) of the required front yard setback) from the front face plane of the residential structure.
9. When a corner lot abuts a key lot, the fence or freestanding wall over three feet, six inches (3' 6") but not more than six feet (6') in height on the corner lot shall be set back from the street side property line not less than one-half ($\frac{1}{2}$) the depth of the required front yard.



10. The fencing details shall show the proposed method of construction and anchoring of the fence, posts, and gate.
11. The fencing details shall clearly show the proposed distance between the fence and the abutting property lines and the distance to the sight line of a street right-of-way intersection. Adequate sight distance shall be maintained.
12. The height of fences shall be determined by measurement from the ground level at all points upon which the fence is located. An increase in height shall be allowed when spacing for drainage under the fence is needed.
13. The use of barbed wire, wire mesh or chain link shall not be used in any zoning district.
14. Storage areas, solid waste dumpsters, and large items for solid waste pick-up shall be confined in an enclosed area and shall be of solid construction, six feet (6') high with locking gates providing access.

B. Rural Zoning Districts A-1, AT, R1-190, R1-154, R1-108, R1-54, R1-43.

1. All fencing along the perimeter of a subdivision not adjacent to an arterial or collector street shall be full view fencing of an open style material.



2. All fencing along arterial and collector streets shall be either full view fencing or partial view fencing (4' solid – 2' view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member.



3. Construction of solid fences no taller than six feet (6') shall be limited to the buildable area of the lot within the building envelope. However, view fencing no taller than six feet (6') (3' solid – 3' view) may be allowed along property boundaries interior to the subdivision in accordance with the provisions of this section.

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

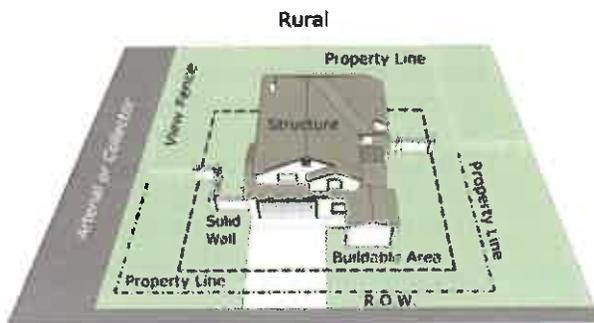


- All solid and view fences within the building envelope shall be decoratively treated on the public side to match the architectural style and design of the neighborhood.

are encouraged at the end of the abutting interior cul-de-sac streets.



- All fences shall be decoratively treated on the public side to match the architectural style and design of the neighborhood.



C. Suburban Zoning Districts R1-35, R1-18, R1-15, R1-12, and Urban Zoning Districts R1-9, R1-8, R1-7, R1-6, R-4, R-3, R-2, and TC.

- Fences adjacent to streets may be solid regardless of the landscape tract width separating the lots from the street and no taller than six feet (6') in height.



- Fences adjacent to a community open space system or trail shall be partial view fencing (4' solid – 2' view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member. Openings in the perimeter wall

D. Non-Residential Zoning Districts.

- All perimeter fences adjacent to an arterial or major collector shall be decorative and undulating. A decorative variation shall be provided every fifty feet (50').



- All perimeter fences shall be finished on all sides to match the commercial and / or industrial product architectural style and design.
- 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

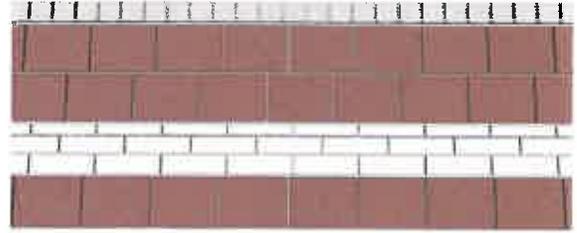
ARTICLE 5 – SITE IMPROVEMENT STANDARDS

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').

4. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three feet (3') in order to adequately screen the undercarriages of the parked vehicles.



5. The use of solid perimeter fences is not permitted, except where indicated.
6. 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.
7. 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.
8. 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.



9. *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.

10. Solid fence designs shall require use of a minimum of three (3) materials including stone, brick, block, or textured block including treated, split-face, single-score or patterned integrally colored block or similar enhancement and may include changes in color or texture.



11. Offsets or undulations of solid fencing with a minimum of two feet (2') change to create additional variety. The length of the offset shall be the lesser of three lot widths or a minimum length of fifty feet (50').

5.3 Landscaping Standards

- A. *Purpose.* The purpose of this Section is to implement the goals of the Queen Creek General Plan in regard to providing landscaping and buffering standards for landscaping that will capitalize on the Town

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of Queen Creek’s agricultural character and identity while preserving natural resources, native plants, and scarce water supplies. These requirements will be applied to all new development, redevelopment or building expansion (greater than twenty-five (25%) of the gross building area) projects including streetscaping of rights-of-ways. Landscape plans, complete with irrigation plans, shall accompany any application for development approval. These minimum landscaping requirements will:

1. Establish a landscape theme including street trees and streetscape design to be used throughout the Town to promote the overall Town and neighborhood character and identity;
2. Provide buffering and transitions between less intensive land uses abutting intensive development and land uses and between washes, multi-use trails and low intensity residential development;
3. Preserve and accentuate Queen Creek’s agricultural heritage;
4. Preserve existing native vegetation, as an integral part of the Sonoran Desert and wildlife habitats, and incorporate native plants, low-water need plant communities, and ecosystems into landscape design;
5. Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging water and energy conservation;
6. Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;
7. Manage efficiently and effectively the groundwater supplies by using drought-tolerant, low maintenance, and low-water consumptive landscape;
8. Encourage community gardens for cultivation of fruits, flowers, vegetables, or ornamental plants;

9. Maintain and increase property values by requiring landscaping to be incorporated into development; and,

10. All plant material shall be selected from the Arizona Municipal water Users Association (AMWUA) list of very-low, low, or moderate water use plants.

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.

b. *On-site landscaping.* One (1) tree and ten (10) shrubs for each increment of five-hundred (500) square feet or fraction thereof required in all areas on-site including the parking lot. The planting requirements of this paragraph, as well as the total square footage of landscape area required, may be reduced up to twenty-five percent (25%) where existing shade trees in excess of the minimum requirement are retained upon the approval of the Planning Administrator or his or her designee. Existing shade trees shall measure four inch (4”) caliper or more when measured eighteen inches (18”) above ground.

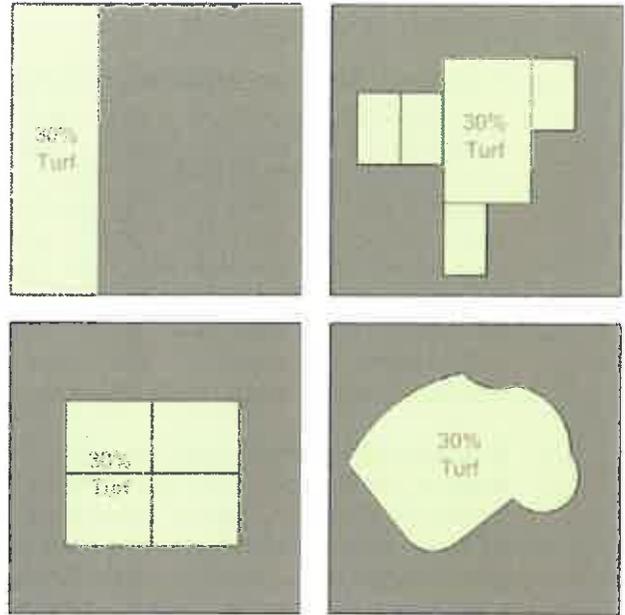
2. *Landscape Requirements for single family uses.* See the design criteria stated in Town of Queen Creek Design Standards for front yard landscaping options.

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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.

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6. *Landscape Buffer Setbacks.*

- 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; to preserve 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.
9. *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.

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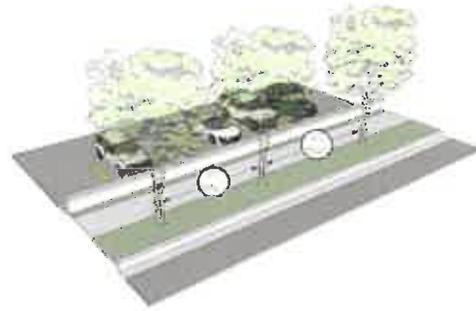
- a. Trees and shrubs shall be adequately supported and staked when planted. No trees shall be planted under overhead service wires if their mature heights will interfere with the wires.
 - b. All landscaped areas shall be finished with a natural topping material which may include, but is not limited to, the following: turf, groundcover planting, decomposed granite two inches (2") minimum in depth, river run rock, or expanded shale.
 - c. Trees shall not be planted under outdoor lighting structures. Landscape plant material shall be arranged in a manner not to obstruct security lighting. Where a conflict arises between landscape elements required under this Ordinance and security lighting, the Planning Administrator shall make the final determination.
 - d. Plant material installed within the site triangle at roadway intersections shall not exceed twenty-four inches (24") in height at maturity. Tree canopy height shall not be less than six feet (6'). The site triangle at an intersection shall be calculated according to Chapter 9, Section 9.2 of the Maricopa County Department of Transportation Roadway Design Manual. The Town of Queen Creek's official reference for roadway design standards.
 - e. All plant materials used in public right-of-way, medians, or parking lot islands shall come from the Arizona Municipal Water Users Association Low Water Use Plant List.
10. *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.
11. *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;

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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 Dactylon*) is prohibited as a defined weed and for its profuse production of allergy producing pollen. (For clarification purposes, non-allergenic species are permissible as approved by the Town); and,
4. Mulberry Trees (*Morus*) are prohibited as noxious pollen producers.

E. *Street Rights-Of Way Landscaping.*

1. Street rights-of-way shall be landscaped with street trees and other plantings such as shrubs, vegetative ground cover and accent plantings.
2. All parcels located at the intersection of an arterial intersection, shall observe a buffer setback pursuant to Table 5.3-1. Said buffer shall not be encumbered by parking areas, buildings or other improvements. The Planning Administrator or his or her designee shall have the authority to impose special conditions or guidelines on the development of property at arterial intersections that affect the following design elements in order to achieve the purposes of this section:
 - a. Landscape architecture;
 - b. Building architecture;
 - c. Building orientation;
 - d. Vehicular ingress, egress, and circulation;
 - e. Walls and screening devices; and,
 - f. Building setbacks.
3. Street trees shall be spaced alternately on each side of the street in order to form a pleasant experience for motorists, pedestrians, and building occupants, as applicable.



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



8. The entire area of the right-of-way, between the street property line and back of curb (BOC) and / or pavement except for approved driveways, walkways and bike paths, shall be landscaped.
 9. A minimum of fifty percent (50%) shading at full tree maturity shall be required in order to form a pleasant experience for pedestrians.
- F. *Parking Lot Landscaping.* Parking lots shall be landscaped in accordance with the requirements of Section 5.6 of this Ordinance.

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G. *Retention Basin Landscaping and Design Requirements.*

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

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

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

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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.

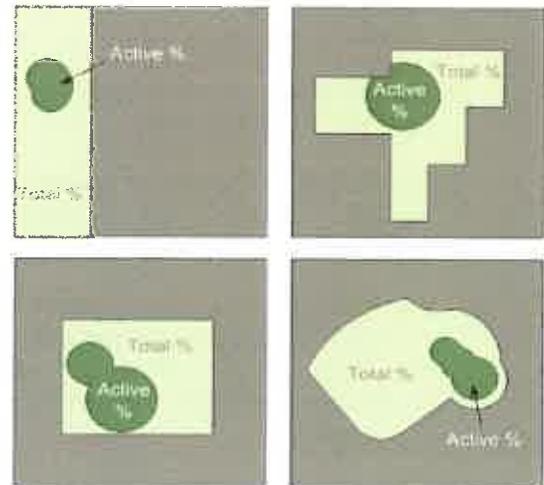
Table 5.4-1 Required Open Space

(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 (R-9, R-8, R-7, R-5, R-4, R-3, R-2 PAD)	20%	30%
Commercial (B1, C-1, C-2, C-3, MU, AT and TC)	15%	N/A
Industrial (EMP-A and EMP-B)	10%	N/A

5.4 Open Space

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

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



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

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- 1) Retention or detention areas shall be an integral part of the subdivision either as a greenbelt, or as a single basin. Retention areas shall be improved so as to be useable and accessible. Site and architectural amenities, such as armadas or benches shall be provided. "Tot lots", playground equipment, and sport courts equipment shall be elevated above the bottom of the basin for uninterrupted use.
 - 2) Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming and contouring is required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three to one (3:1) slope.
 - c. Open space areas shall be landscaped and the majority of the area shall be visible from at least one (1) adjoining arterial, collector, or local street.
- F. *Preservation of Open Space.* Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as determined by the Town Council by any of the following mechanisms or combinations thereof:
1. Dedication of open space to the Town, an appropriate public agency, or a non-profit entity if there is a public or non-profit agency willing to accept the dedication and financially capable of maintaining such open space. The Town may not accept the dedication of open space unless such dedication is part of a linked open space or trails system included in the Queen Creek Open Space and Trails Plan. Dedication of Sonoqui and Queen Creek washes may be required along with rezoning and / or plat approval if the Town demonstrates that impacts of the development on stormwater discharge, public recreation, or water quality are proportionate to the amount of wash area being dedicated. The applicant for plat approval or rezoning may consent to said dedication, pursuant to Section 3.4 of this Ordinance or as a condition of development approval, and said consent shall be deemed to waive any and all constitutional challenges to said dedication requirement;
 2. Common ownership of the open space by a homeowner's or neighborhood association which assumes full responsibility for its maintenance except for lands dedicated to the Town. The restrictive covenants shall provide that, in the event that any private owner of open space fails to maintain same according to the standards of this Ordinance, the Town may, following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space and shall constitute a lien upon the property and buildable lots of the subdivision or development site; and,
 3. Payment of a fee in lieu of dedication of open space, if:
 - a. The Town Council establishes an Open Space Acquisition Trust Fund for the receipt of fees and other financial commitments for the acquisition and development of public open space.
 - b. The Town Council adopts an ordinance establishing a fee in lieu or dedication of land for open space. The ordinance shall include the following:
 - 1) The fee amount per residential dwelling unit or equivalent residential dwelling unit;
 - 2) Time of determination of the fee;
 - 3) Time of payment of the fee;
 - 4) Form of payment of the fee;
 - 5) Restrictions on use of the fees collected;
 - 6) Time limit on expenditure of fees;
 - 7) Placement of fees in the Open Space Acquisition Trust Fund;
 - 8) Maintenance of financial records;

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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 be 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

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

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

F. *Prohibitions.*

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

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

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

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

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

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

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

1. All fixtures used for event lighting shall be fully shielded, or shall be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m.; except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
 3. The height of such lighting shall be a maximum of eighty feet (80').
- I. *Outdoor Display Lots.* Any light source permitted by this Ordinance may be used for lighting of outdoor display lots such as, but not limited to, automobile sales or rental, recreational vehicle sales or building material sales, provided all of the following conditions are met:
1. All fixtures used for display lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.
 2. Display lot lighting shall be turned off within thirty (30) minutes after the closing of the business. The full illumination of the lot may be permitted after 11:00 p.m., pursuant to a Temporary Use Permit (see Section 3.6). Any lighting used after shall be used as security lighting.
- J. *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.

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5.6 Parking and Loading Standards

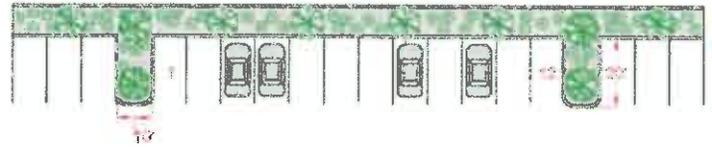
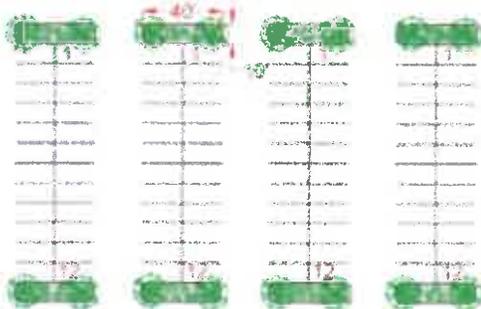
A. Off-Street Parking.

1. *Purpose.* This section sets minimum standards for off-street requirements for new construction and expansion of or changes to existing uses.
2. *Uses Not Identified.* The Planning Administrator shall determine the parking requirement for uses which do not correspond to the categories listed in Table 5.6-2. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:
 - a. Type of uses;
 - b. Number of employees;
 - c. Building design capacity;
 - d. Square feet of sales area and service area;
 - e. Parking spaces proposed on-site;
 - f. Parking spaces provided elsewhere; and
 - g. Hours of operation.
3. *Multiple Uses.* In those instances, where there is clearly identified accessory or multiple uses within a structure or multiple structures, the minimum standards shall apply to each use or structure, resulting in a total parking requirement when summed, except as provided in paragraph 4, Shared Parking Facilities.
4. *Shared Parking Facilities.* Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when the following conditions are met:
 - a. The off-site, off-street parking facilities are within five-hundred feet (500') of the property;
 - b. The parking demands of the individual uses, as determined by the Planning Administrator based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required; and,
 - c. A written agreement between the owners and lessees is executed for a minimum of twenty years, approved by the Planning Administrator, recorded with title to the land, and a copy maintained in the project file. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered nonconforming and any and all approvals, including Conditional Use Permits, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.
 - d. Developments which contain a mix of uses on the same parcel requesting to reduce the amount of required parking shall submit a shared parking analysis to the Town that clearly demonstrates the feasibility of shared parking.
 - e. In TC, C-1, C-2, and NC Zoning Districts the parking design standards of Section 4.9.C.3 shall govern development in order to encourage and protect pedestrian activity.
 - f. In EMP-A and EMP-B Zoning Districts, parking may be allowed in front of the building.
5. *Location.* The parking area shall be provided on the same parcel as the principal structure wherever practicable. In non-residential zoning districts, the parking may be up to five-hundred feet (500') from the property, but shall be located within a zoning district which allows business, commercial, or industrial parking. Parking spaces shall not be located in the front yard setback, or a side yard setback when adjacent to a residential zoning district.
6. *Parking Lot Landscaping.* The minimum landscaping requirements are intended to

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alleviate adverse visual and environmental effects associated with parking facilities for all development except single family detached and duplex dwellings including climate modification. The application of these standards will improve the compatibility and the appearance of such facilities, implement the public realm goals of the General Plan, provide relief from unshaded paved areas, reduce heat gain, and minimize glare and lights associated with parking areas. The following landscaping standards shall apply:

- a. The interior area of a parking facility is defined as the perimeter of the curbs or the edge of pavement. All landscaped areas shall be located and designed in such a manner as to break up the expanse of paving and better define parking lot circulation. Where possible, existing large trees shall be maintained. All required parking area landscaping shall be in addition to required perimeter and street frontage landscaping;
- b. All landscape areas shall provide raised concrete curbing to define and protect all landscaping.
- c. Interior parking lot islands shall be a minimum of ten feet (10') in width and shall run the entire length of the parking stall and shall be provided a minimum of one (1) every twelve (12) parking spaces.
- d. A minimum of one (1) tree and sufficient coverage of shrubs and ground cover shall be provided for each 10' x 20' landscape island. All trees at planting shall be a minimum size of fifteen (15) gallons and shrubs one (1) gallon.



- e. *Plant Materials.* All plants used in parking lot islands shall be from the AZDWR list of low water use plants and in accordance with the requirements of Section 5.3 of this Ordinance. The foliage crown of trees shall not be used in calculating this percentage. The remaining twenty-five percent (25%) of the required landscape area may be covered with inorganic materials such as decomposed granite (minus, screened size) of either a desert or Madison Gold or similar color.
 - f. *Use of Landscape Paving Material.* Pedestrian crossing areas in parking lots (especially near building areas) shall be constructed of alternative materials such as, but not limited to, surface pavers, such as brick, stone blocks, interlocking brick pavers, stamped concrete or other materials that form a smooth surface but contrast with asphalt, as may be approved by the Planning Administrator;
 - g. *Responsibility of Maintenance.* The maintenance of all required landscaping, whether located on the property in question or on adjoining right-of-way shall be the responsibility of the property owner. The property owner is responsible for obtaining required permits for the location of landscaping in a public right of way;
 - h. *Submittal Requirements.* A Conceptual Landscape Plan shall be submitted as part of the Site Plan or Preliminary Plat application.
7. *Parking Lot Lighting Requirements.* Adequate lighting shall be provided for surface parking facilities used at night. Lighting sources shall not be directly visible from adjacent roadways or residential uses. The following additional standards shall apply:

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- a. *Lighting Height, Maximum.* The maximum height of required lighting is fifteen feet (15'). Lighting located near buildings and adjacent to sidewalks shall not exceed twelve feet (12') in height. This provision does not apply to lighting on buildings;
 - b. *Lighting Location.* Parking area lighting shall be located in landscaped areas such as planting islands and buffers;
 - c. *Submittal Requirements.* A Lighting Plan shall be submitted as part of the Site Plan or Preliminary Plat application which details the location and specifications of all lighting provided. An ISO foot-candle diagram shall also be provided to indicate the level and extent of proposed lighting.
8. *Vehicle Traffic Areas.* All parking and vehicular traffic surfaces are subject to the following:
- a. All required parking and vehicular traffic surfaces shall be graded for drainage and surfaced with concrete or bituminous pavement in accordance with Town standards. The Town Engineer may permit a gravel or similar surface to be used in overflow parking areas, low-traffic storage yards, or as provided in (b) below, if the applicant establishes that dust in excess of the amount which would be generated by a paved surface area will not be generated. Dust control applications may be required as determined necessary by the Town. Overflow parking means parking in addition to the minimum required by this Ordinance, which is designed not to be used more than ten (10) times per year. A low-traffic storage yard means a storage area generating less than 30 ADT (average daily trips);
 - b. All surfaces shall be maintained in sound condition and free of weeds, dust, trash, and debris. All vehicular traffic areas shall meet or exceed construction standards established by the Town Engineer;
 - c. A temporary parking lot shall be used only with an approved site plan.
- Temporary surface parking lots are parking areas which serve as a transitional use of a property during development and shall not be used for more than twenty-four (24) months from issuance of a Town permit. Temporary parking lots shall be a permitted use in the non-residential zoning districts and shall be subject to site plan review as required in Section 3.3 of this Ordinance. Temporary parking lots shall be hard surfaced or gravel be applied with a Town approved dust control agent and shall be graded for drainage and maintained in sound condition and free of weeds, dust, trash and debris. Temporary parking lots shall be subject to all landscaping and screening requirements;
- d. Vehicular traffic areas shall be screened in order to minimize disturbance to occupants of adjacent residential buildings. For each boundary line directly abutting a residential zone or use, a decorative solid wall or fence at least three feet (3') in height shall be erected, in accordance with Section 5.2 of this Ordinance.
 - e. All entrances and exits to vehicular traffic areas shall be located and constructed to minimize traffic congestion on the public street system. Wheel or bumper guards shall be provided, located, and arranged so that no part of any parked vehicle will extend beyond the boundaries of the parking area.
 - f. All above-grade equipment at gasoline service stations or public garages for the service of gasoline, oil, air, or water shall be completely screened from public view and no closer than ten feet (10') to any public right-of-way.
9. *Measurement.* Parking Stall and Aisle Dimensions shall comply with the following standards:
- a. Off-street parking areas shall be surfaced with permanent pavement and striped as required herein;
 - b. Except where a wall is required, a minimum six inch (6") high vertical

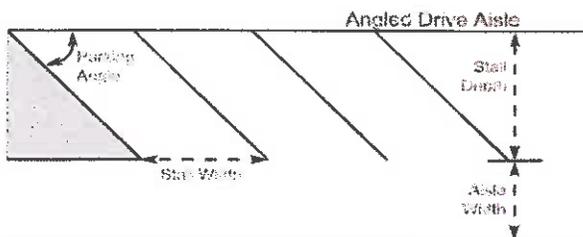
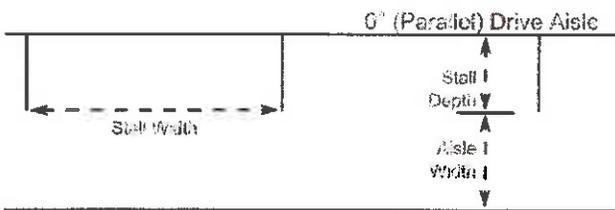
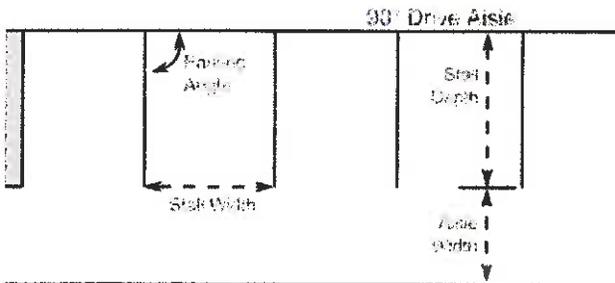
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concrete curb shall be constructed so that no part of a vehicle extends beyond the property line;

- c. Parking spaces and driveways shall be arranged to require ingress and egress from the lot to a street by forward motion of the vehicle; and,
- d. Minimum dimensions of parking spaces (other than compact car parking spaces) and maneuvering area shall be as set forth in Table 5.6-2.

Table 5.6-2 Parking Aisle Dimensions

Parking Angle	Stall Width	Stall Depth	One-Way Aisle Width	Two-Way Aisle Width
0°	22'	10'	12'	20'
45°	10'	20'	13'	24'
60°	10'	21'	18'	24'
70°	10'	21'	19'	24'
90°	10'	20'	24'	24'



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Table 5.6-3 Off-Street Parking Requirements

Use Categories	Specific Uses	Minimum Vehicle Spaces	Minimum Bicycle Spaces
Residential			
Group Living	Assisted Living Facilities; Treatment Facility	0.3 per room	N/A
Household Living	Bed and Breakfast	1 per guest room plus 2 spaces for owner's portion	N/A
	Rooming/Board House	1 per room	N/A
	Dormitories/ Fraternities/ Sororities	1 per 2 beds	0.5 per unit
	Single-Family and Duplex	2 accessible (non-tandem) spaces per dwelling unit	N/A
	Elderly housing	1 per three units	N/A
	All Other Dwelling Units	1 per unit	N/A
Lodging	Hotels/Motels; Bed and Breakfast Inn	1 per room + 1 per 800 sf of public meeting area and restaurant space	N/A
Multi-Family Complex	One Bedroom	1.5 per unit	.2 per unit
	Two Bedroom	2 per unit	.5 per unit
	Three or more bedrooms	2.5 per unit and - .5 per additional bedroom	.75 per unit
Institutional			
Colleges	All	1 per 4 students	1 per 5 vehicle spaces
Community Services	All	1.5 per 250 sf GFA	1 per 20 vehicle spaces
Cultural	Museums, Art Galleries, Opera Houses, Libraries	1.5 per 1,000 sf GFA	2 per 1,000 sf GFA
Day Care	Limited Day Care and General Day Care (see Appendix C)	1 per 375 sf GFA	N/A
Hospital or Medical Clinic	All	1 per 200 sf + 1 space per physician or 3 spaces per bed	.2 per 1,000 sf GFA
Parks and Open Space	All Other	20 per athletic field or ball diamond or 1 per 4 seats, whichever is more	1 per 10 vehicle spaces
Public Safety Service	All	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space	2% of number of parking spaces
Religious Assembly	All	1 per 8 seats	N/A
Schools	Elementary and Junior Highs	1 per classroom + 1 per 200 sf office space	1 per 10 students
	High Schools	1 per 200 sf	1 per 20 students
	Schools of Private Instruction	1 per 200 sf	1 per 10 students
Utilities, Basic	All	1 per employee	N/A
Commercial			
Office	General	1 per 350 sf GFA	1 per 30 vehicle spaces, 4 space minimum
	Medical	1 per 200 sf GFA	1 per 30 vehicle spaces, 4 space minimum
Recreation and Entertainment Indoor	Assembly/Auditorium	1 per 6 seats or 1 per 50 sf of GFA if no permanent seats	1 per 20 vehicle spaces
	Amusement Center, Skating Rink, and Dance Hall	1 per 250 sf of GFA	1 per 10 vehicle spaces
	Bowling Alley	2 per lane	1 per 10 vehicle spaces
	Clubs/Lodges	1 per 3 persons or 1 per 200 sf whichever greater	1 per 20 vehicle spaces
	Funeral Home/ Mortuary/Crematorium	1 per 4 seats	N/A
	Health Club/Fitness Center	10 spaces + 1 per 200 sf in excess of 1,000 sf	1 per 10 vehicle spaces

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Table 5.6-3 Off-Street Parking Requirements (Continued)

Use Categories	Specific Uses	Minimum Vehicle Spaces	Minimum Bicycle Spaces
Commercial (continued)			
Recreation and Entertainment Outdoor	All Other Outdoor Recreation, including amusement parks, miniature golf, batting ranges, and water slides	1 per 600 sf outdoor recreation area	N/A
	Driving Range	1 per 2 tees	N/A
	Golf Course	4 per hole + 1 per 200 sf for clubhouse	N/A
Retail Sales and Service	General	1 per 300 sf GFA	1 per 10 vehicle spaces; 4 space minimum
	Appliance sales/ repair shops, nurseries, green houses and similar uses	1 per 300 sf GFA	1 per 20 vehicle spaces; 4 space minimum
	Bank	1 per 250 sf GFA, plus required stacking spaces for drive-thru (if applicable)	1 per 30 vehicle spaces; 4 space minimum
	Bars/Nightclubs	1 per 2 seats	1 per 10 vehicle spaces
	Convenience Store	6 per 1,000 sf GFA	1 per 10 vehicle spaces
	Drive-In Cleaners; Drive-In Liquor	1 per 250 sf GFA	N/A
	Fuel: full-service with repair/service facility; full service no repair/service facility; self-service	1.5 per 1,000 sf GFA	N/A
	Other Service Business, Stand-Alone (e.g. salon/barber, frozen food lockers, laundries, and similar uses)	1 per 300 sf GFA	1 per 20 vehicle spaces; 4 space minimum
	Outdoor Sales (e.g. plant nurseries, building supplies) and Vehicle Sales, (including Recreational Vehicles/Boats)	1 per 375 sf GFA of sales and service building	N/A
	Restaurants	1 per 75 sf GFA + 1 per 400 sf outdoor dining area	1 per 20 vehicle spaces; 4 space minimum
	Restaurant with Drive-In Facilities	1 per 50 sf GFA of patron seating area + 1 per 200 sf office/food prep. area	1 per 20 vehicle spaces
	Shopping Centers less than 50,000 sf	3 per 1,000 GFA	1 per 20 vehicle spaces; 4 space minimum
	Swap meets/ farmer's markets	1 per 100 sf gross public sales area	N/A
	Supermarkets, department and hardware stores, book stores, big box stores and similar uses greater than 50,000 sf	1 per 300 sf GFA	1 per 10 vehicle spaces; 4 space minimum
	Theaters	1 per 6 seats	1 per 20 vehicle spaces; 4 space minimum
Industrial			
Industrial	Manufacturing and Production, Warehouse and Freight Movement, Wholesales Sales	0.3 per employee + 1 space per 1,000 sf GFA to 10,000 sf, then 1 space for each 10,000 sf over	1 per 20 vehicle spaces; 4 space minimum
Waste-Related Uses	All	1 per employee	N/A
Other			
Agriculture	All	None	N/A
Aviation, Surface Passenger Terminals	All	1 per employee + spaces required to satisfy projected peak parking needs	N/A
Telecommunication Facilities	All	1 per service employee	N/A

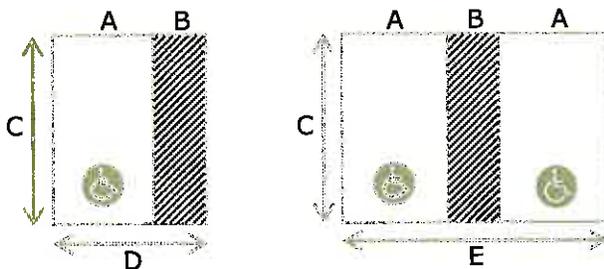
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10. *Minimum Amounts.* Table 5.6-3 establishes the minimum numbers of parking spaces required and the maximum number of parking spaces permitted for the uses indicated. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the Gross Floor Area of the building.

11. *Exceptions.* In unusual circumstances, the standard parking requirement may not be appropriate. The Planning Administrator shall have the authority to vary the parking requirement, either upward or downward by up to ten percent (10%) of the required number of vehicle parking or bicycle parking.

12. *Accessible Parking.*

- a. Accessible parking spaces shall be a minimum of sixteen feet by twenty feet (16' X 20') for a single space [eleven feet (11') in width in addition to a five foot (5') access aisle]; or twenty-seven feet by twenty feet (27' X 20') for a double space [eleven feet in width for each space with a five foot (5') access aisle between the spaces].
- b. All off-street parking areas other than for single family dwellings shall include reserved spaces for use by disabled persons. The Town of Queen Creek requires accessible parking spaces in accord with the ADA (American with Disabilities Act) "Universal Parking Space" design, as may be amended. The number of spaces provided shall be in accordance with Table 5.6-4.



- A – Width of Stall: Eleven feet (11')
- B – Width of Access Aisle: Five feet (5')
- C – Length of Space: Twenty feet (20')
- D – Overall Width of Single Space: Sixteen feet (16')
- E – Overall Width of Double Space: Twenty-seven feet (27')

Table 5.6-4 Accessible Parking Spaces Required

Total Number of Spaces	Number of Accessible Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and more	20 plus 1 for each 100 over 1,000

13. *Existing Parking Lots.* Parking areas provided before the effective date of this Section may combine and convert existing parking spaces to accessible parking spaces and associated access aisles, provided that the overall reduction in total parking spaces availability shall not exceed five percent (5%) below the quantity of off-street parking spaces otherwise required by this Ordinance.

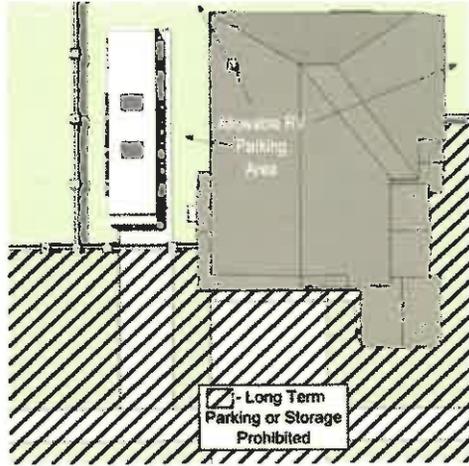
14. *Large Vehicle Parking.* Certain uses may be required to install larger customer parking spaces for trucks and trucks hauling equipment. A maximum of twenty percent (20%) of the total required parking may be used to meet large vehicle parking requirements. Minimum dimension standards for large vehicles shall be thirty-five feet by twelve feet (35' x 12'). Said spaces shall be clearly marked for customer use. Applicants shall be required to differentiate on applications the type of customer parking provided.

15. *Off-Street Parking.* Off-street parking space shall be connected with a public street by a paved driveway which affords safe and convenient ingress and egress. The minimum width of driveways shall be twenty feet (20') if ingress and egress are the same. If ingress and egress are separate drives, then the maximum width shall be twelve feet (12').

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16. *Compact Parking Allowance.* Where there is less than one-hundred (100) parking spaces, a compact parking allowance may be permitted where, up to ten percent (10%) of the required total number of parking spaces may be designated as compact parking where there is more than one-hundred (100) parking spaces, up to twenty percent (20%) may be designated as compact parking.
- The minimum size for a compact parking space shall be eight one-half feet by sixteen feet (8 1/2' x 16').
 - All compact parking spaces are to include a sign or pavement marking.
 - No more than eight (8) compact spaces shall be located within a single cluster. A minimum radius of sixty feet (60') shall separate multiple clusters.
17. *Continuation of Use.* The area reserved for off-street parking or loading in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking or loading space is provided. Street parking allowed adjacent to any land use shall not reduce the off-street parking requirements.
18. *Parking or Storage of Large Vehicles.*
- Parking or Storage of these classes of vehicles is permitted as follows:
 - In any Residential zone while actively loading or unloading for a time period not to exceed forty-eight (48) hours;
 - In R1-190, R1-145, and R1-108 Residential Districts; and,
 - In R1-54 and R1-43 Residential Districts consisting of two (2) or more contiguous acres.
 - Parking or Storage of these classes of vehicles is prohibited as follows:
 - In Residential Districts R1-54, R1-43, R1-35, R1-18, R1-15, R1-12, R1-9, R1-8, R1-7, R1-6, R1-4, R1-3 and R1-2; and,
 - Closer than ten feet (10') from any property line in R1-190, R1-145, R1-108, R1-54 and R1-43 Residential Districts.
 - Where permitted in R1-190, R1-145, R1-108, R1-54 and R1-43 Residential Districts, large vehicles shall be parked behind the back wall of the primary residence and no closer than ten feet (10') from any property line.
 - Vacant lots or open area in any Residential District. The use of vacant lots or open land area in any Residential District for parking of customer or employee passenger vehicles or large vehicles is prohibited.
 - Inoperable vehicles shall be stored only in conjunction with an industrial use completely screened from view of a public street.
 - Bus parking. Buses shall not be parked in the front yard of any Residential District.
19. *Parking or Storage of Recreational Vehicles*
- Such vehicles may be parked for short-term purposes in any district for purposes of loading and unloading.
 - For long-term purposes, these types of vehicles shall be parked behind the minimum front yard setback required by the zoning district and where possible, screened through the use of masonry fence walls, solid gates, and landscaping.
 - In the R1-18 and all smaller lot residential Zoning Districts, not more than one (1) may be parked for short-term or long-term purposes at any one time and such vehicle shall not be parked in front of the home during long-term storage.

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2) In the R1-35 and all larger lot residential Zoning Districts, such vehicle may be parked in front of the home during long-term storage, provided it is not parked in the required front setback.

*Home Owners Associations may have additional requirements.



20. Parking or Storage of Boats or Trailers.

- a. Temporary parking may be permitted in any single-family residential zoning district while actively loading or unloading for a time period not to exceed forty-eight (48) hours;
- b. Long-term parking or storage is permitted in residential districts as follows:
 - 1) Shall be parked behind the front yard setback and where possible, screened through the use of masonry fence walls, solid gates, and landscaping.
 - *Home Owners Associations may have additional requirements.

B. Loading.

1. There shall be provided on the same lot with each commercial and industrial building or structure adequate space for off-street loading, unloading and the maneuvering of commercial vehicles. There shall be no loading or unloading of commercial vehicles on the public street. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. All loading and maneuvering areas shall:
 - a. Be surfaced with hard, impervious surface dustless material;
 - b. Be properly drained;
 - c. Be designed with regard to pedestrian safety;
 - d. Have direct access to public streets;
 - e. Shall be screened from adjacent residentially zoned property as provided in Section 5.3 of this Ordinance; and,
 - f. No loading docks, service bays, or service windows shall be visible from an arterial or collector right-of-way.
2. Off-street loading spaces shall be not less than twelve feet (12') in width and thirty-five feet (35') in length, exclusive of access aisles and maneuvering space.

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3. A Multi-Family Residential, Commercial or Industrial structure or use (except self-service storage warehouses) that has an aggregate gross floor area of 25,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with Table 5.6-6.

Table 5.6-6 Off-Street Loading Requirements

Square Feet of Aggregate Gross Floor Area Devoted to Such Use:	Required Number of Berths
25,000-40,000 Sq. Ft	1
40,001-100,000 Sq. Ft	2
100,001-160,000 Sq. Ft	3
160,001-240,000 Sq. Ft	4
240,001-320,000 Sq. Ft	5
320,001-400,000 Sq. Ft	6
400,001-490,000 Sq. Ft	7
For Each Additional 100,000 Sq. Ft	+1

Notes:

Off-street loading facilities required shall be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area to satisfy the off-street parking requirements of this Ordinance. The provisions of this section shall apply to the entire Town, including the Town Center (TC) District.

