

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 31ST OF JULY 2017 AT 6:00 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.

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

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

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGENCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:**
June 26, 2017
- 6. PUBLIC COMMENT 3 MINUTE PRESENTATIONS:** If more time is needed for presentation, please ask to be scheduled on the next agenda.
- 7. DISCUSSION**
Fencing and Landscape Ordinance
- 8. INFORMATIONAL ITEMS**
 - a. Communication from the Commission and Staff
- 9. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/s/
Lisa R Miller
Planning & Zoning Administrator

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

cc: Mayor & City Council
News Bulletin

Belen Chamber of Commerce
Belen Recreation Center

Belen Public Library
Belen City Hall

JERAH R CORDOVA
MAYOR
LEONA VIGIL
CITY MANAGER



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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
JUNE 26, 2017

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:00 p.m.

PRESENT: Chairman Steve Ethridge
Vice Chair Pete Armstrong
Commissioner Gordon Reeves

ABSENT: Commissioner Claudine Montano

CITY STAFF: Steven Tomita, Economic Development

PLEDGE OF ALLEGIANCE

Chairman Steve Ethridge led the Pledge of allegiance.

APPROVAL OF AGENDA:

Commissioner Gordon Reeves moved to approve the amended Agenda.

Vice Chair Pete Armstrong seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

Commissioner Gordon Reeves moved to approve the minutes of June 12, 2017.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

OPEN COMMENTS/REQUESTS

Vice Chair Pete Armstrong asked if this also includes the Planning & Zoning Commission.

Steven Tomita said that this is meant for the general public and suggested that it be changed to read Public Comment.

Commissioner Gordon Reeves asked why it was moved to this part of the Agenda.

Steven Tomita said that the Commission expected there to be public comments at the last meeting so it was moved at that time. He said that generally public comments is listed at the beginning of a meeting. He said that he will have it changed to public comments with a limit of three minutes.

Commission agreed.

There were no public comments.

DISCUSSION

Landscape Ordinance

Steven Tomita said that Lisa endeavored to take the existing Queen Creek ordinance and took what the Commission had previously discussed and incorporated the two together to get what is before them.

Vice Chair Pete Armstrong said that he was very pleased with the initial draft.

Steven Tomita said that the key to this document is to make sure that it is legally defensible by including enough examples, explanations and clear definitions so that the public will understand and know what is expected of them.

Chairman Steve Ethridge said that at the very beginning of each section of the Ordinances there should be definitions that apply for that section.

Steven Tomita informed the Commission that each section is a component of the whole Ordinance and at the beginning of the Ordinance is where the definitions are. He said that he would have Lisa include the definitions from the beginning of the Ordinances so that they would get an idea as to what has changed to follow each section.

Vice Chair Pete Armstrong said that he was familiar with most of the terminology but there were a few that he was unfamiliar with. He said that it needs to be understood that this is for new fencing and not existing fencing. The existing fencing will be grandfathered in.

Steven Tomita said that it is there.

Vice Chair Pete Armstrong said that it needs to be brought to the front so that people know right away.

Steven Tomita asked the Commission if they would like to go over the language page by page.

Vice Chair Pete Armstrong said that for the most part, he was very pleased with the language. It is very understandable.

Steven Tomita said that the way that the fencing and wall regulations, as it is written, it is for residential areas.

Chairman Steve Ethridge said that the general standards apply to all zoning districts. He asked what is meant by wire mesh.

Steven Tomita said what is meant is the type of fence like to one around the basketball and tennis court area at the Eagle Park. That is a type of mesh fence.

Vice Chair Pete Armstrong said that, with his property which backs up to an alleyway, there is a brick wall with a metal netting to keep intruders out and he has been thinking very seriously about placing two and a half foot poles, on top of that, with a barbed wire outrigger to keep people from climbing the fence and stealing equipment from his yard.

Steven Tomita said that he would recommend that be a conditional use in a residential zone.

Vice Chair Pete Armstrong said that there are some areas there is an increasing number of cases of criminal activity and feels that the residents within those areas, need to have some kind of option to help them protect their properties, especially along alleyways.

Steven Tomita said that he understood where he is coming from, but a typical standard needs to be established and anything beyond that needs to be considered a condition use. This will allow people to enter into an agreement with the city to allow this on a temporary basis until that type of situation is under control. The alleyway was typically intended to have living quarters above the garage.

Vice Chair Pete Armstrong said that corrugated steel has been used extensively in the older areas of the City, especially those that boarder alleys.

Commissioner Gordon Reeves would like to see the different categories with illustrations at the beginning of this document.

Vice Chair Pete Armstrong said that it would set the tone at the beginning of the document.

Chairman Steve Ethridge asked if there were any illustrations within the existing Ordinances.

Steven Tomita said that there were not. He said if they do categories and illustrations at the beginning of the document, they will end up with categorizing them again within the different districts.

Chairman Steve Ethridge said that there seems to be a spelling error on the second to last page of the document and thinks that the word mast should be mask.

Steven Tomita said that he would look into that but it refers to the pole heights.

Vice Chair Pete Armstrong said that he would like to thank Lisa for all the work that she has put in on this. It is very obvious that she has spent a lot of time on this.

The Commission agreed and thanked Lisa for the good job that she did.

Chairman Steve Ethridge commented on the screening of the undercarriages of parked vehicles.

Steven Tomita said that in most commercial districts and even our own Downtown Overlay District regulations, it encourages parking to be behind the buildings and the buildings up against the street. If you are not going to put the building up front then the intent is to shield the cars from vehicles driving down the road and pedestrians walking along the sidewalk.

Vice Chair Pete Armstrong said that he was in downtown Albuquerque and they are doing that exact thing along the area where they are re-developing.

Steven Tomita said that they will need to hold a workshop on this section of the landscaping regulations. He said that since Lisa was not going to be at work for a couple of weeks would they like to change the next meeting into a public workshop.

Vice Chair Pete Armstrong asked what time frame will be needed to get the workshop published before the actual workshop date.

Steven Tomita said it needs to be published at least seventy two hours but being the paper only comes out once a week it has to go to the paper on a Friday to be published the following Thursday. He suggested the 18th of July at 6:00 PM. He said he would send out notices. He said he would also include that the P & Z Commission has canceled the next meeting and will instead hold a public workshop on the 18th.

COMMUNICATIONS FROM THE COMMISSION AND STAFF

Steven Tomita said that he was really please on where this is going and liked the way that the fence and wall regulations has come together. He informed the Commission that Loves is moving forward. Keter is now under construction on their new building and have put out a notice that they are now hiring. He will be working with them, and hopefully the other big companies in the area, on holding a job fair. Keter is still intending to open in September. Tractor Supply will be going into the old ALCO Building. There are now a lot of investors looking in our area.

Commissioner Gordon Reeves asked if the City infrastructure was capable of handling new growth.

Steven Tomita said that we can handle infill but, if a new development was to come in we would be scrambling. If a new development came in at Rancho Cielo, a new sewer system would have to be created for that area. The Main Street organization will be in communications with NM Mainstreet on a block grant that they received. This area will involve First St, from Reinken to Becker then up Becker to Second St. This grant is for a master plan to revitalize that area. WE are the only one in the State that got that grant.

Vice Chair Pete Armstrong said that in the short time he has been on the Commission, they seem to be bouncing around a lot, whether it is from our end or whether it is from outside sources. We have gone from the airport area to the fence and next to landscaping. He would like to know what our old Comprehensive Plan look like so that he can get his mind around this document that is the baseline document for all the other things that they are working on and talking about.

Steven Tomita said that he could get a copy of the existing Comprehensive Plan. I would behoove them to read it so that when it is re-written they will at least know what is in the current one. The current document has some good things in it but it is lacking. Things will have to be added to it.

Vice Chair Pete Armstrong said that he is getting a better idea as to how this is to be done but he is concerned as to where the resources are coming from to bring all of the many pieces together in a timely manner.

Steven Tomita said that the Comprehensive Plan will be done by a consultant and they will shoulder a big part of the burden. The Planning & Zoning Commission will be a part of its development to reflect what we would like to see happen in Belen.

Chairman Steve Ethridge said that he watched the NM True program and thought it was a good program to watch. He happened to catch the one on Belen. He asked if the City has a Freeway Overlay Zone and if not would it not be a good idea to have one that would cover the entrances into Belen.

Steven Tomita said that if we get the grant for the Comprehensive Plan update, we can set the elements that we want see in the different areas of the City. If that does not happen we can come up with a corridor plan to look at all of our corridor roads and not just the bypass.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Vice Chair Pete Armstrong moved to adjourn.

Commissioner Gordon Reeves seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:09 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Economic Development Director

DEFINITIONS FENCING AND WALLS

Chapter 17.04 - GENERAL PROVISIONS AND DEFINITIONS

Sections:

17.40.010 - Title

17.40.020 - Purpose

17.40.030 – Application

17.40.040 – Definitions

17.04.010 - Title.

These regulations shall be known as the "comprehensive zoning ordinance" of the city of Belen, New Mexico, and shall be referred to herein as "this title."

(Ord. 370 § 1, 1975)

17.04.020 - Purpose.

The regulations and restrictions of this title are designed to lessen congestion in the streets and public ways; to secure safety from fire, flood, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions for transportation, water, sewerage, schools, parks, and other requirements; to conserve the value of buildings and lands; and to encourage the most appropriate use of land throughout the city of Belen.

(Ord. 370 § 2, 1975)

17.04.030 - Application.

No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the city of Belen except as specifically, or by necessary implication, authorized by this title. Conditional uses are allowed only on permit granted by the Belen planning and zoning commission upon finding that the specified conditions exist. Any use not designated a permissive or conditional use in a zone district is specifically prohibited in that zone district, except as otherwise provided herein.

(Ord. 370 § 3, 1975)

17.04.040 - Definitions.

For the purpose of this title, certain terms, words, or phrases used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The words "shall" and "must" are mandatory, the word "may" is permissive.

"Accessory" means subordinate and incidental to a principal use or structure on the same lot.

"Accessory building" means a building that is subordinate and incidental to the principal building on the lot. An accessory building is typically a storage shed, workshop, or garage; but is not used as a dwelling unit. The floor area of any accessory building shall not be greater than the floor area of the principal building on the lot.

"Apartment" means ~~one or more structures containing two or more dwelling units each, located on one lot.~~ a room or a group of related rooms, among similar sets in one building, designed for use as a dwelling.

"Blight" means a condition of property or the uses of property within the municipal limits of the city that are detrimental to the physical, social, and/or economic well-being of the community.

"Block" means any territory smaller than five acres in size.

"Boarding or rooming house" means a dwelling unit containing up to and including five guest rooms where lodging is provided, with or without meals, for compensation.

"Buffer Landscaping" means areas of landscaping that serves as or is a part of a buffer zone.

"Buffer Wall" means a stone, concrete, or masonry wall that is located on or near the property line between non residential zoned and residential property, is a part of a buffer zone and is intended to provide a buffer from an adjacent property.

"Buffer Zone" means a strip of property located between two land uses, where property lines abut, and intended to provide a buffer from an adjacent property.

"Earth Berm" means an earthen mound, natural or manmade, that serves as a sound attenuation or a visual obstruction between two opposing land uses.

"Buildable Area" means the portion of a lot which is within the building envelope formed by the required yards.

"Building Area" means the total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory building, exclusive of uncovered porches, terraces, steps, roof overhang, and balconies.

"Building Envelope" means the three dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet (3'0" in height).

"City Block" means ~~any territory smaller than five acres in size.~~ the small area that is surrounded by streets on four sides, excluding alleys.

"Clinic" means a place where medical or dental care is furnished to persons on an out-patient basis by two or more doctors or dentists.

"Conditional use" means one of those uses enumerated as conditional uses in a given zone district. Such uses require individual approval and permit granted by the planning and zoning commission.

"Condominium" means multifamily ~~one or more structure containing two or more~~ dwelling units each that are sold to and held under individual ownership by the occupants, and which may or may not include ownership of the land upon which the dwelling units are situated. This includes townhouses, patiohouses, and other similar forms of individual ownership.

"Contiguous" means touching or separated only by an alley or street.

"District" means an area in which there is a specific land use designation.

"Drive-in restaurant" means an establishment where food or beverages are sold and may be consumed on the premises outside the structure primarily in automobiles.

"Duplex dwelling unit" means a dwelling having apartments with a separate entrance for two households.

"Dwelling unit" means one or more connected rooms and a single kitchen designed for and occupied by no more than one family for living and sleeping purposes.

"Family" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or legal adoption, no such family shall contain more than three unrelated persons.

"Fence" means a barrier, railing, or other upright structure enclosing an area of ground to mark a boundary, control access, or prevent escape and provide privacy.

"Floor area" means the total gross area of all floors of a building.

"Floor area ratio" means the relationship of the floor area to the lot area computed by dividing the floor area by the lot area.

"Grade" means the average of the finished ground level at the center of all walls of a building.

Height, Building. "Building height" means the vertical distance from the finished lot grade to the highest point of the coping of a flat roof; the deck line of a mansard roof; or the average height between the plate and ridge of a gable, hip, or gambrel roof. Exceptions to the height requirements in this title include: silos, chimneys, cooling towers, water towers or tanks, flagpoles, antennas, spires, belfries, and other accessory objects usually required to be placed above the roof level and not intended for human occupancy.

"Home occupation" means an occupation conducted in a dwelling unit, provided that:

1. No person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit for the home occupation shall be used in the conduct of the home occupation, nor more than six hundred (600) square feet of an accessory building.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation.
4. There shall be no sales in connection with such home occupation that would disrupt the residential nature of the district.
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

"Lot" means any parcel of land platted and placed on record in accordance with laws and ordinances; a parcel described by metes and bounds and having frontage on a public right-of-way.

Lot, Area. "Lot area" means the aggregate lot area measured to property lines.

Lot, Corner. "Corner lot" means any lot located at the intersection of, and having frontage on, two or more streets.

"Lot depth" means the average distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot, Double Frontage. "Double frontage lot" means any lot with frontage on two parallel or approximately parallel streets.

"Lot width" means the average distance between the side lot lines measured parallel to the front lot line.

Lot Line, Front. "Front lot line" means the boundary of a lot bordering on a street. For the purpose of determining setback requirements on corner lot and double frontage lots, all sides bordering on a street shall be considered the front.

Lot Line, Rear. "Rear lot line" means the lot boundary line which is opposite and most distant from and not coterminous with the front lot line.

Lot Line, Side. "Side lot line" means any boundary line not a front line or a rear lot line.

"Mobilehome" means a transportable structure, exceeding either eight body feet in width or thirty-two (32) body feet in length, built on a chassis and designed to be used as a moveable dwelling with or without a permanent foundation when connected to required utilities. Any mobilehome not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be prohibited from installation or placement within the city of Belen.

"Mobilehome park" means a parcel of land on which space is leased for terms of twelve (12) months or less, or rented for occupancy for thirty (30) days or more by mobilehomes, and which contains permanent facilities for the use of mobilehome occupants.

"Modular unit" means a factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies which must conform to the local building code, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated in a structure at the building site.

'Multi-section manufactured home' means a manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty six by twenty-four feet (36 X24) and constructed in accordance to the National Manufactured Housing Construction and Safety standards Act of 1974.

"Nonconforming uses, lots, structures" means any building, structure, or portion thereof, or use of any building or land which does not conform to the regulations of this title and which lawfully existed on the effective date of those regulations with which it does not conform.

"Overlay zone" means a zone district placed over other zones such that special zoning requirements are imposed in addition to those of the underlying zone. Development within the overlay zone must conform to the requirements of both zones or the more restrictive of the two zones.

"Permanent zone" means a zone district which is established by ordinance.

"Premises" means any lot or combination of contiguous lots held in single ownership, together with all development thereon.

"Recreational vehicle," "travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, and not permanently connected to utilities.

"Retaining wall" means a relatively rigid wall used for supporting a soil mass so that the soil can be retained at different levels on two sides.

“Screening” means a natural or man-made feature which separates land uses. Screening requirement address visual, light, and sound impacts and can enhance community appearance, reduce land use conflict by separating incompatible land uses, improve the appearance of parking area and public right-of-way, minimize soil erosion, and reduce storm water runoff.

"Setback" means the required distance between every building or structure and any lot line on the lot on which it is located. Setbacks shall consist of an open space, unoccupied and unobstructed by any part of a building or structure, except as otherwise provided in this title. Structures exempt from setback regulations include walls, fences, signs, satellite dish antennas, and public utility poles and lines.

Setback, Front. "Front setback" means an open area extending across the full width of a lot, the depth of which is the shortest distance between the front lot line and a building or structure located on said lot.

Setback, Rear. "Rear setback" means an open area extending across the full width of a lot, the depth of which is the shortest distance between the rear lot line and a building or structure located on said lot.

Setback, Side. "Side setback" means an open area not included in any front or rear setbacks of a lot and measured in width by the shortest distance between a side lot line and a building or structure located on said lot.

"Spot zoning" means assigning a lot, a parcel, or several lots or parcels a zoning classification inconsistent with that of the zone district in which it is located, with the effect of conferring special benefits or privileges upon particular property owners, or bringing about a detriment to the general welfare of the surrounding neighborhood.

"Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobilehomes, walls, fences, billboards, and poster panels, but exclude sidewalks, driveways and uncovered patios.

"Temporary zone" means a zone assigned to all territories annexed to the city of Belen which shall be effective from the date the annexation is effective until the date the city of Belen establishes a permanent zone by ordinance.

"Travel trailer court or campground" means any lot, tract or parcel of land licensed and used or offered for use in whole or in part, for the parking of occupied travel trailers, pick-up campers, converted buses, recreational vehicles, tent trailers, tents or similar devices used for temporary portable housing and used solely for living and/or sleeping purposes.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

"Variance" means a relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship. As used

in this title, a variance may be authorized only for area, height, dimension, distance, setback, off-street parking, and off-street loading requirements.

"Zero lot line development" means a development approach in which a building is sited on one or both of the side lot lines with an appropriate exemption from side setback requirements. The intent is to allow more flexibility in site design, and to increase the overall density of a small lot subdivision without sacrificing open space. Zero lot line developments may include single-family detached dwelling units with one wall of the building on a side property line, and multiple dwelling units with common walls placed along side property lines.

(Ord. 2007-14 § 1; Ord. 2007-13 § 1; Ord. 2006-07; Ord. 2001-04 § 4; Ord. 97-18 § 2 (part), 1997; Ord. 1990-4 § A; Ord. 1982-11 § 4; Ord. 370 § 4, 1975)

17.54.060 FENCING & WALLS

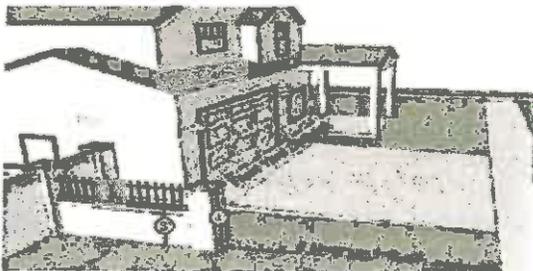
Purpose

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

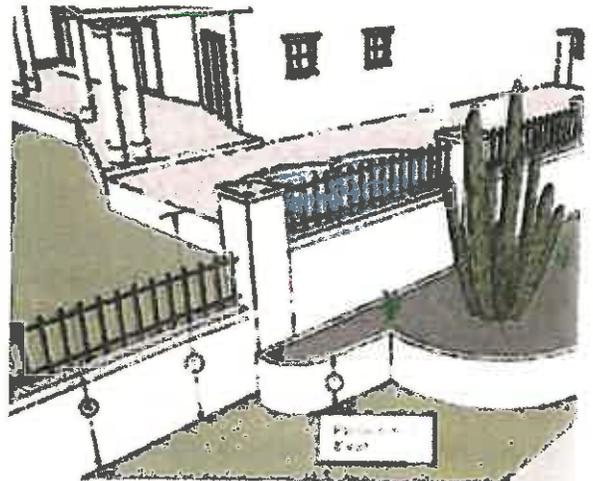
Pre-existing fencing shall be grand fathered in and not subject to change under this Ordinance unless existing fencing is replaced, then it shall meet current standards.

A. General standards

1. Fencing and screening shall be permitted as provided in the Section
2. Fencing 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 and 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 height in an open material such as wrought iron or vinyl rail. Parcels that are zoned A-R, R-1, R-1A, R-2, R-2A, R-3, R-4 shall have no fencing or screening located within the front setback.

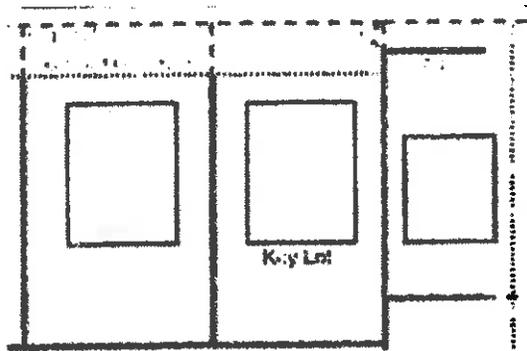


5. A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished grade adjacent to the fence, nor more than eight feet (8') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, 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 (6') on the lower side, a view fence shall be required for the portion above (6') in height.



6. Any fence above six feet (6') in height shall be designed by a New Mexico registered structural engineer and approved by the City.
7. On that part of the lot other than the required front yard setback area, fences may be erected up to six (6') feet in height.
8. For fencing purposes on a double front lot: the front shall be defined by the address assigned and the second street side shall be considered the side or rear of the property. Fencing along the side or rear of a corner lot shall be set back

from the street side property line not less than half (1/2) the depth of the required front yard setback.



9. The fencing details shall show the proposed method of construction and anchoring of the fence, posts, gate and foundation details if applicable.
10. The fencing details shall clearly show the proposed distance between the fence and the abutting property lines and the sight line of a street right-of-way to the sight line of a street right-of-way intersection. Adequate sight distance shall be maintained as per 18.31.6 NMAC State Highway Access Management Requirements Table 18.F-2.
11. Front courtyard privacy fencing up to four feet (4') is allowed but must meet setback regulations.
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, electric fencing, or chain link shall not be used within Residential Zoning Districts of R-1, R-1A, R-2, R-2A, R-3, R-4.



14. Railroad ties and pallets shall not be used in any zoning districts.
 15. Razor Wire, railroad ties, pallets, corrugated steel or electric fencing shall not be used in any Residential Zoning districts.
 16. 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.
 17. Fence lighting shall adhere to the night sky regulations, be low profile, no more than eighteen inches (18") above the fence line and not be in a position to interfere with abutting owners privacy.
 18. All fencing shall be maintained in like new conditions with proper repairs to replace any damaged fencing or posts. Any repairs shall not be with wire, zip ties, duct tape or other like material.
- B. New Subdivisions & Agricultural Zoning District (A-R).**
1. All fencing along the perimeter of an Agricultural Zoning District (A-R) and new subdivision not adjacent to an arterial or collector street shall

be full view fencing of an open style material.

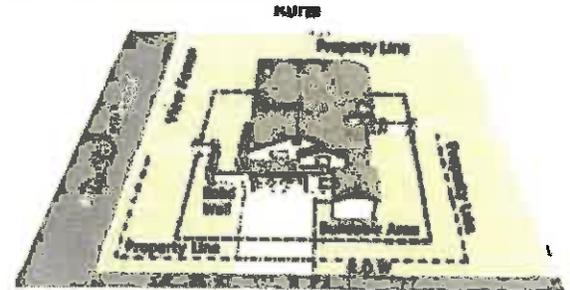


2. All fencing along arterial and collector streets shall be either full view fencing or partial view fencing (4' solid-2' view). The top of any view fence, if constructed of ornamental iron or a similar material shall have a rail or horizontal member such that no portion of the view fence protrudes not more than two inches (2') above the top rail or horizontal member.



3. Construction of solid fences no taller than six feet (6') shall be limited to the lots within the subdivision. However, view fencing 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 the title.



4. 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.

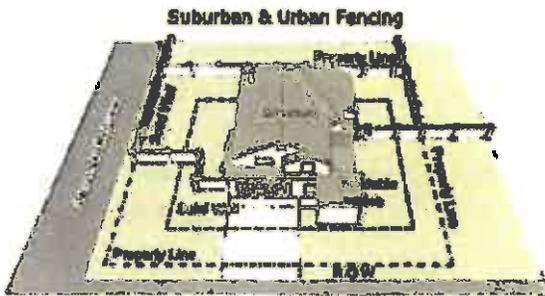


C. Residential Zoning Districts R-1, R-1A, R-2, R-2A, R-3, R-4.

1. Fences adjacent to streets may be solid and no taller than six feet (6') in height.
2. 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 not more than two inches (2') above the top rail or horizontal member.

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



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

1. All residential uses located in a Commercial Zone shall use the Residential Zoning District fence regulations.
2. A fence constructed on a side or rear property line shall not exceed a height of seven feet (7') with one foot (1') of out rigging for a total of eight feet (8') from the highest finished grade adjacent to the fence, nor more than ten feet (10') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, landscaping, fence offset (s) or similar enhancements to mast height differences, and when adjacent to single or multi-family residential the fence height shall not exceed eight feet (8').

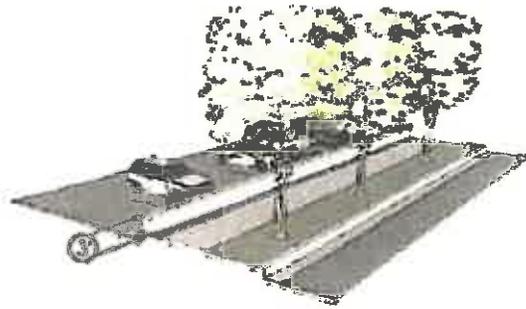


3. Front fencing and perimeter fencing shall be allowed in the following Commercial uses;
 - a. Storage units, Warehouses, Equipment buildings, Automotive related activities, utility buildings, open storage and impound areas.
4. All perimeter fences adjacent to an arterial or major collector shall be decorative. A decorative variation shall be provided every fifty feet.

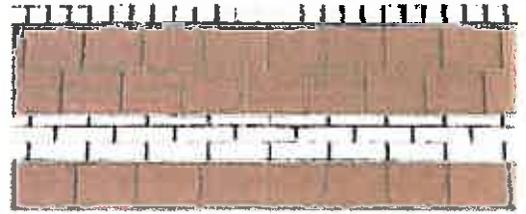


5. All perimeter fences shall be finished on all sides to match the commercial and or industrial product architectural style and design.
6. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three feet (3') in order to adequately screen the undercarriages

of the parked vehicles.



openness and reduce the impact of solid fencing is required.



7. All other Commercial uses shall follow setback regulations for the specified Commercial zone provided in Title 17 of the City of Belen Municipal Codes.

E. Manufacturing and Industrial Zone Districts M-C, M-1.

1. Residential uses located within a Manufacturing and Industrial Zone District shall use the Residential Zoning District regulations.
2. A fence constructed on a side or rear property line shall not exceed a maximum height of Twelve feet (12'). Any fence of more than ten feet (10') in height side shall use berming, landscaping, fence offset (s) or similar enhancements to mast height.
3. Solid fencing use along arterial and collector street 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

4. 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.



5. Fencing within the Manufacturing and Industrial Zone districts shall require a plan review by the Planning & Zoning Commission.



F. Special Use Zone District SU-1.

1. The underlying use within the Special Use Zone shall determine what fence regulations apply.
2. Fencing within the Special Use Zone shall require a plan review by the Planning and Zoning Commission.

CURRENT

LADSCAPE

REGULATIONS

Chapter 17.54 - LANDSCAPE REGULATIONS

Sections:

17.54.010 - Intent of regulations.

The intent of these regulations is to provide visually attractive landscaping for commercial and industrial developments, to encourage the conservation of water through the use of drought-tolerant plantings and xeriscaping principles, to provide shade in pedestrian and parking areas, and to reduce the erosion of soils and contamination of surface waters caused by stormwater runoff.

(Ord. No. 2015-14, 11-16-2015)

17.54.020 - Applicability.

These regulations shall apply to the following:

- A. All new commercial and industrial development as defined and permitted in this title.
- B. Expansion of existing commercial and industrial development in which the square footage of land area, floor area, lot coverage or parking area is increased by fifty (50) percent or more.

(Ord. No. 2015-14, 11-16-2015)

17.54.030 - Landscaping plan.

All applicants for a building permit for construction of new commercial or industrial development, or for expansion of existing commercial or industrial development applicable to these regulations, shall submit a landscaping plan with a required administrative review fee to the city planning and zoning officer who shall determine compliance with these regulations. The landscaping plan shall include:

- A. A site map drawn to scale showing topography in the form of finished contour lines and areas proposed to be landscaped upon completion of the building construction project;
- B. Common or botanical names of the plants to be used, indicating plant size, location and spacing shown on the site map;
- C. The location, type and size of any underground or overhead utility lines on the site with reference to the landscaped areas;
- D. Type and layout of the irrigation system, if required, for landscaped areas indicating connections to the water supply source;
- E. A stormwater drainage plan for the site shall be attached or referenced in accordance with the city drainage regulations for commercial and industrial development.

(Ord. No. 2015-14, 11-16-2015)

17.54.040 - Landscape requirements.

All landscaping created pursuant to these regulations shall be planned, designed, and installed in compliance with the following requirements:

- A. A minimum of five (5) percent of the total site area shall be landscaped in a manner that will meet the intent of these regulations. Landscaping shall consist of trees, shrubs, ground-cover, or other low-growing plants, and may include natural or manufactured materials such as rocks, walls, pavements for walkways or patios, works of art, and outdoor furniture.
- B. Drought-tolerant plantings are encouraged in all landscape designs. Upon request, the city planning and zoning officer will provide a list of drought-tolerant plants for the area to be landscaped.
- C. To the extent possible, healthy existing trees and shrubs should be preserved, especially if drought-tolerant, and incorporated into the landscaped area.
- D. Trees shall be planted as a landscape border along all abutting roadways and may be planted as an interior landscape border within vehicle parking areas. Spacing of trees in a landscape border shall be no greater than forty (40) feet apart.
- E. Vegetation may be used to satisfy a screen requirement in accordance with this title to visually separate the land use on the commercial or industrial development site from an abutting residential land use.
- F. Landscaping shall not create a physical or visual obstruction to vehicular traffic whether on or off public rights-of-way.
- G. Placement of new trees shall avoid locations where future tree growth might interfere with utility lines or cause structural upheaval of pavements or buildings.
- H. All landscape areas should make use of stormwater catchment and retention on site for purposes of flood control, water pollution abatement, prevention of soil erosion, and increased soil moisture for vegetation. On-site stormwater retention structures shall be designed to ensure public health and safety, during and following storm events.

(Ord. No. 2015-14, 11-16-2015)

17.54.050 - Maintenance standards.

All landscaping installed in compliance with these regulations shall be maintained as long as the commercial or industrial land use remains an active facility. The following maintenance standards are required:

- A.

Any plant material in areas of required new landscaping that does not survive will be replaced with an equivalent size and species of plant within three (3) months.

- B. Plants shall be pruned as necessary to control size or shape, but not to endanger its health, in order to prevent visual and physical obstructions to pedestrians or vehicles.
- C. Regular landscape maintenance should ensure water efficiency and include, but not be limited to, pruning, mulching, weeding, litter and dead plant removal, fertilizing, insect and disease control, and improvements or repair of nonvegetative materials.
- D. Substantial modifications to landscaping will require review and approval of a revised landscape plan by the city engineer. Minor modifications of the landscaping occurring as a result of routine maintenance or replacement of vegetation because of damage or disease are not subject to approval by the city engineer.
- E. Irrigation systems will be maintained and replaced as necessary to minimize loss of water due to leaks or inefficient use of water.

(Ord. No. 2015-14, 11-16-2015)

17.54.060 - Administrative review and fee.

These landscape regulations shall be enforced by the city planning and zoning officer who is authorized to review and approve landscape plans. Applicants for building permits to be granted by the city for commercial or industrial development shall confer with the city planning and zoning officer regarding the landscape requirements contained herein. An administrative fee of fifteen dollars (\$15.00) shall be paid to the city to cover the landscape plan review costs. For complex and extensive landscape plans, the city planning and zoning officer may request an independent review of such plan by the city engineer or other qualified individual. Specific costs associated with an independent review of a landscape plan shall be paid to the city by the building permit applicant. All reviews of landscape plans shall be completed within thirty (30) days of receipt and documented with reasons given for approval or disapproval. Requests for variances or waivers to the requirements of these regulations shall be submitted to the city planning and zoning officer in writing. A variance or waiver may be granted or denied at the discretion of the city planning and zoning officer with reasons given in writing and returned within thirty (30) days of receipt of the request for variance or waiver. Any decision made by the city planning and zoning officer in carrying out the provisions of these regulations may be appealed to the Belen city council.

(Ord. No. 2015-14, 11-16-2015)

QUEEN CREEK

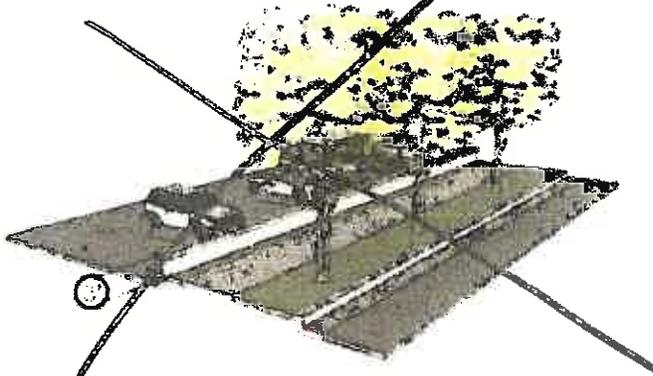
LADSCAPE

REGULATIONS

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.~~

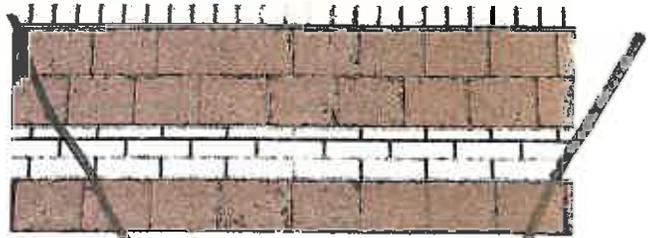


- ~~5. The use of solid perimeter fences is not permitted, except where indicated.~~

- ~~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 or 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~~

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

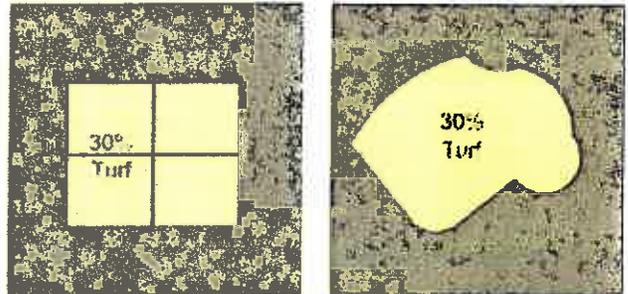
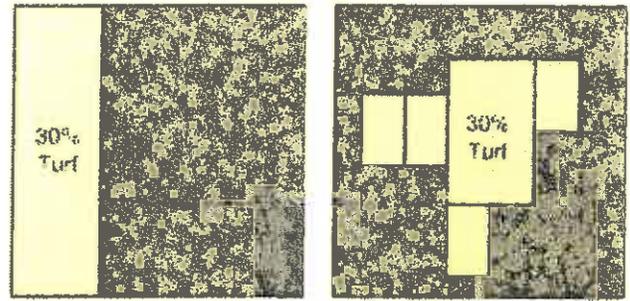
of Queen Creek's agricultural character and identity while preserving natural resources, native plants, and scarce water supplies. These requirements will be applied to all new development, redevelopment or building expansion (greater than twenty-five (25%) of the gross building area) projects including 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.

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

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.

ARTICLE 5 - SITE IMPROVEMENT STANDARDS

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.

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.

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.

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

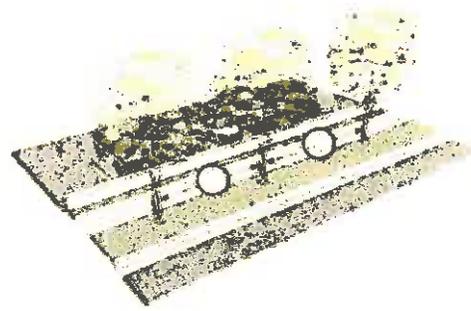
- a. Trees and shrubs shall be adequately supported and staked when planted. No trees shall be planted under overhead service wires if their mature heights will interfere with the wires.
 - b. All landscaped areas shall be finished with a natural topping material which may include, but is not limited 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;

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

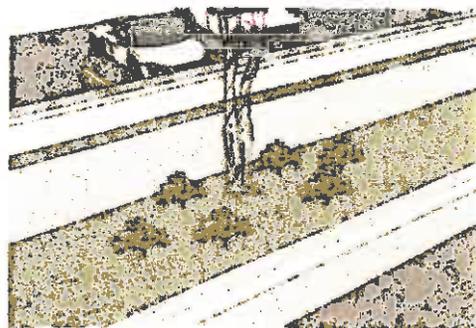
2. Fountain Grass (*Pennisetum Setaceum*) is prohibited as a defined weed with the potential to spread throughout the Town and become a fire hazard;
3. Common Bermuda grass (*Cynodon Dactylon*) is prohibited as a defined weed and for its profuse production of allergy producing pollen. (For clarification 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.

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

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

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

- 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.

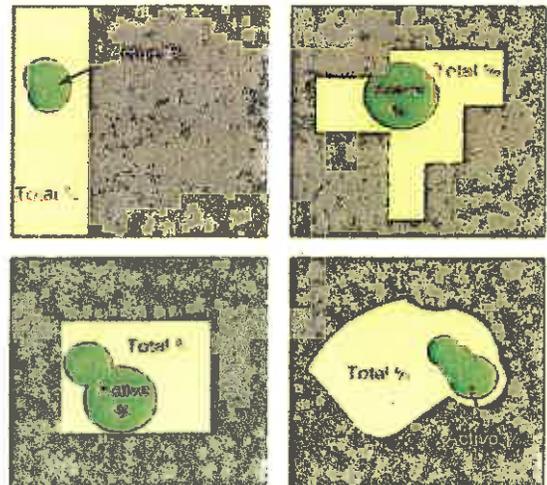
5.4 Open Space

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

Table 5.4-1 Required Open Space

(A) Zoning District	(B) Total Open Space	(C) Active Open Space
Rural Residential (A-1, R1-190, 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

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	LDL (ft)	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.
- ### 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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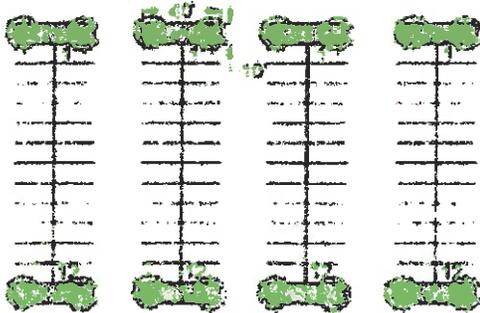
alleviate adverse visual and environmental effects associated with parking facilities for all development except single family detached and duplex dwellings including climate modification. The application of these standards will improve the compatibility and the appearance of such facilities, implement 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

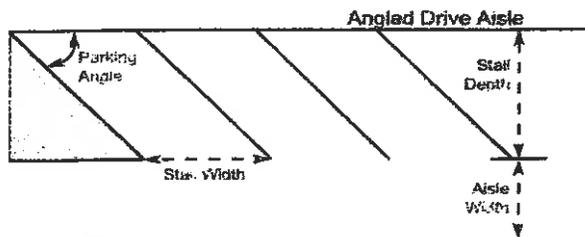
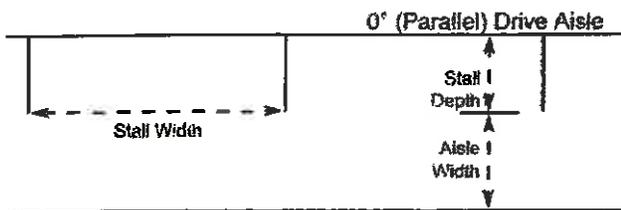
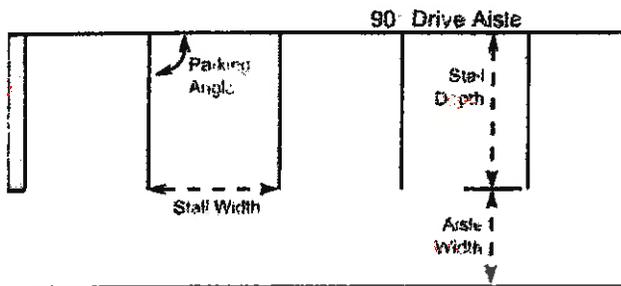
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concrete curb shall be constructed so that no part of a vehicle extends beyond the property line;

- 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

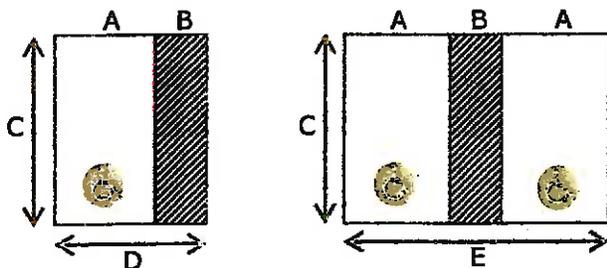
ARTICLE 5 – SITE IMPROVEMENT STANDARDS

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.

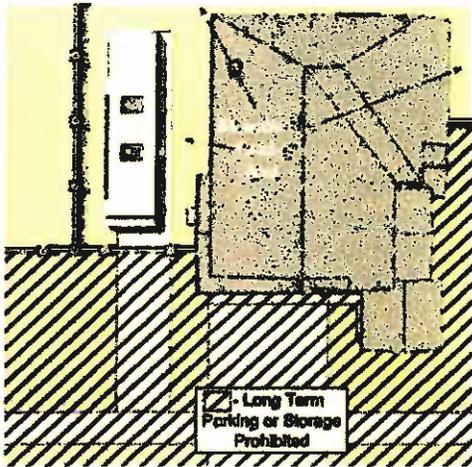
14. *Large Vehicle Parking.* Certain uses may be required to install larger customer parking spaces for trucks and trucks hauling equipment. A maximum of twenty percent (20%) of the total required parking may be used to meet large vehicle parking requirements. Minimum dimension standards for large vehicles 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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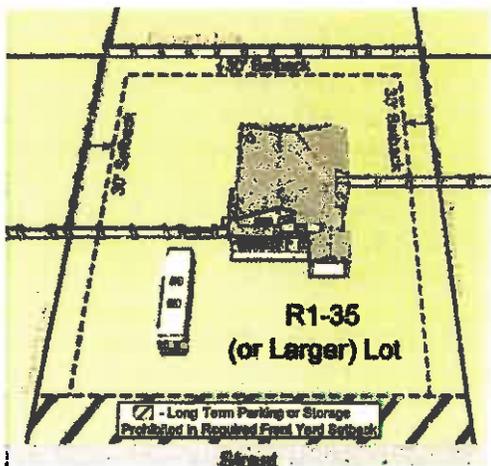
16. *Compact Parking Allowance.* Where there is less than one-hundred (100) parking spaces, a compact parking allowance may be permitted where, up to ten percent (10%) of the required total number of parking spaces may be designated as compact parking where there is more than one-hundred (100) parking 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.

