"2026 Amendments to Chandler City Code Chapters 30, 35, and 46" The Chandler City Code Chapter 30- Property Maintenance, Chapter 35- Land Use and Zoning, and Chapter 46- Encroachments and Other Uses in Public Right-of-Way; hereby amended to read as follows (additions in ALL CAPS, deletions in ~~strikethrough~~, omitted text indicated by ellipses as ". . ."):

Chapter 30 PROPERTY MAINTENANCE ORDINANCE[1]

30-9. Civil citations.

F. Service of the citation may be accomplished and will be deemed proper and complete by any of the following means:

1. Hand delivering the citation to the defendant.

2. Mailing a copy of the citation by certified or registered mail, return receipt requested, to the defendant's last known address AND ~~If the citation is returned showing that the certified mail was not delivered,~~ a copy thereof shall be posted in a conspicuous place in or about the structure affected by such citation.

30-18. Land maintenance.

G. No person owning or occupying any property fronting on any street, alleyway or public place in the City, shall allow thereon grass or weeds characterized as uncontrolled, unmaintained or overgrown, including those areas between the property line and the street, when such conditions create a blighted condition or may harbor infestations or are likely to become a hazard to the public health or safety. ROCK LANDSCAPING MUST BE MAINTAINED FREE OF GRASS AND WEEDS.

J. No person shall allow or permit to remain any exterior property condition that presents a blighted or deteriorated appearance including, but not limited to, yards, ground covers, trees, shrubs or other landscaping vegetation that is substantially dead or damaged, characterized by uncontrolled growth or lack of maintenance, or any other similar conditions. ~~Rock landscaping must be maintained substantially free of grass and weeds.~~

30-19. Vehicles.

~~F. No person shall leave, place or park any abandoned vehicle or inoperable vehicle upon any public street, alleyway, public or private parking lot or City property.~~

30-20. Miscellaneous.

L. No person shall cause, allow, leave or permit to be or remain in or upon any private lot, building, structure or property any vector, vermin, or other noxious pest infestation of any kind, including but not limited to insects, bees, wasps, pigeons, rats, or rodents. All premises shall be kept free from the presence or apparent evidence of vector, vermin, or other noxious pest infestation, including nesting places, or any other unsightly or unsanitary condition which could harbor infestations. INCLUDING, BUT NOT LIMITED TO, THE KEEPING AND RAISING OF BEES EXCEPT IN ACCORDANCE WITH CHAPTER 14-3.

O. Prohibited nuisance—Bird keeping or feeding.

1. ~~Notwithstanding Section 30-20.O.2., n~~No person shall keep or feed non-domesticated birds in a manner that interferes with the peace, quiet, comfort or enjoyment of neighboring public or private property, or that

constitutes a public health and/or safety hazard. Prohibited conditions include, but are not limited to, any unsanitary condition or property damage caused by the keeping or feeding of non-domesticated birds.

2. Bird keeping and feeding are permitted only if the following conditions are met:

a. The feeding does not create an accumulation of droppings on the neighboring properties, or on the feeder's property, such that the accumulation of droppings is discernible by sight and/or smell from a neighboring public or private property; and

b. The property does not become an attractant for rodents or other wild animals; and

c. All birdfeeders are placed at least five (5) feet above the ground~~.~~ MEASURED FROM THE BOTTOM OF THE FEEDER.

Chapter 35 LAND USE AND ZONING[2]

ARTICLE II. DEFINITIONS

35-200. Definitions.

For the purpose of this Code, certain words, terms and phrases are hereby defined as set forth below. The word "building" shall include the word "structure" and the word "lot" shall include the word "plot."

Accessory building: A ~~One (1)~~ detached building which is subordinate and customarily incidental to and on the same lot with a main building, accessory buildings may include structures such as but not limited to a private garage, workshop, or guest quarter. Greenhouses and/or hydroponic houses for hobby purposes shall be excluded for this definition.

Accessory dwelling unit: A self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping, sanitation, and kitchen facilities.

Acreage, gross: The acreage within the perimeter of a development tract, plus one-half (½) of the right-of-way of all adjoining streets and alleys.

Adult: A person who has attained the age of eighteen (18) years.

Adult bookstore: A commercial establishment:

(a) Which, as one (1) of its principal business purposes, offers for sale or rental, for any form of consideration, books, magazines, periodicals, or other printed matter that depict or describe "specified sexual activities" or "specified anatomical areas"; or

(b) Which offers for sale or rental instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities" excluding condoms and other birth control and disease prevention products; or

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[2]Editor's note(s)—When the code is published this chapter will be formatted in a similar manner as other chapters. All section numbers will have the chapter number at the beginning but the section numbers shall remain the same.

(c) Which regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented or displayed therein.

Adult care home: (Repealed by Ord. No. 4513, § I, 11-8-13)

Adult live entertainment establishment: (Repealed by Ord. No. 2413, § 1.A, 11-18-93)

Adult service: A dance, performance or other activity, including, but not limited to, service of food or beverages, modeling, posing, wrestling, singing, reading, talking, or listening conducted for any consideration in an adult service business by a person who is nude during all or part of the time that the person is providing the service. (Ord. No. 2413, § 1.C, 11-18-93)

Adult service business: A commercial establishment where any adult service is provided to patrons in the regular course of business and as one (1) of the principal business purposes of the establishment.

Adult theatre: (Repealed by Ord. No. 2413, § 1.A, 11-18-93)

Adult video facility: A commercial establishment where, for any consideration, films, motion pictures, video cassette projections, slides, photographs or other visual media characterized by depiction of "specified sexual activities" or "specified anatomical areas" are shown in the regular course of business and as a principal business purpose of the establishment. "Adult video facility" does not include a theater where all viewing occurs in a common area with seating for fifty (50) or more persons.

Airport-related definitions:

a. *Airport:* A parcel of land designed and set aside for the operation, servicing, maintenance, and sale of aircraft.

b. *Airport noise, accidental potential and clear zone map:* Means a map detailing specific airport noise and accidental potential overlay areas and clear zone areas and is hereby incorporated by this reference and is a part of the official Zoning Code of the City of Chandler for the purpose of establishing various land uses and design criteria within the airport impact overlay district, and is available in the Office of the Airport Manager and of the Planning Director.

c. *Airport noise overlay area one (1) (ANO-1):* Means the area between the sixty-Ldn and sixty-five-Ldn noise contour lines developed by the application of day-night average sound level methodology of sound measurement (Ldn).

d. *Airport noise and accident potential overlay area two (2) (ANO-2):* Means the area between the sixty-five-Ldn and seventy-Ldn noise contour lines developed by the application of day-night average sound level methodology of sound measurement (Ldn).

e. *Airport noise and accident potential overlay area three (3) (ANO-3):* Means the area between the seventy-Ldn and seventy-five-Ldn noise contour lines developed by the application of day-night average sound level methodology of sound measurement (Ldn).

f. *Clear zone:* Means an area on either side of an extension of the centerline of a runway beginning at a line two hundred (200) feet from the end of a runway and, for Runway 4L-22R of the Chandler Municipal Airport: two hundred fifty (250) feet wide and flaring outward to a width of four hundred fifty (450) feet at a distance of one thousand (1,000) feet; for Runway 4R-22L of the Chandler Municipal Airport: five hundred (500) feet wide and flaring outward to a width of one thousand ten (1,010) feet at a distance of one thousand seven hundred (1,700) feet; for Runway 35-17 of the Stellar Airpark: two hundred fifty (250) feet wide and flaring outward to a width of four hundred fifty (450) feet at a distance of one thousand (1,000) feet.

g. *Day-night sound level contour, Ldn:* Is a computed noise which uses sound exposure levels (SEL) which is computed by numerically integrating the sound pressure level versus the time history of each

operation measured. This data is then converted to Ldn by taking the energy average SEL at reference measurement points for all aircraft.

The Ldn concept defines the day-night level as a series of hourly noise levels for a given day, weighted for time of occurrence. Residential uses are not normally acceptable in areas with Ldn sixty (60) or greater unless the residences are properly sound attenuated. Mobile homes and recreational vehicles cannot normally be sound attenuated.

h. *Decibel:* Means the physical unit commonly used to describe noise levels.

i. *High noise levels:* Means sound levels which equal or exceed that within the sixty-Ldn noise contour line developed by the application of the day-night average sound level methodology of sound measurement (Ldn).

j. *Principally permitted use or structure:* A use or structure which determines the primary or predominant use of the lot on which it is located.

Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

Major alley: Twenty (20) feet in width serving multifamily residential, commercial and industrial developments.

Minor alley: Sixteen (16) feet in width serving single- and two-family residential development.

Apartment house: Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments. (See "dwelling, multiple")

Area Plan: A plan that is more specific than the General Plan, and which is designed to help implement the goals, policies, and strategies of the General Plan for specific defined areas. Area plans may contain a mix of uses such as commercial (retail, offices), residential (single-family and multi-family) and public facilities (parks). Area plans may also include broad goals, objectives and policies for specific areas that are appropriate for inclusion in the General Plan. Written notification of an Area Plan shall comply with the standards described in Section 35-2601.2 of Article XXVI.

Autonomous vehicle: A motor vehicle that performs all driving functions under all conditions without a human operator.

Bar: Any establishment operating under a series 6 bar license and selling spirituous beverage to the public.

Basement: That portion of a building between floor and ceiling, which is partly below and partly above grade (as defined in this chapter) but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (See "story")

Boardinghouse: A building where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.

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

Building height: The vertical distance above "grade" as defined herein to the highest point of the coping of flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Building setback line: The line indicated by the minimum permitted horizontal distance between the street right-of-way and building(s) or any projections thereof, other than steps, eaves, chimneys, bay windows and fire escapes.

Bulk plant: Property where flammable, combustible and toxic liquids are received by tank vessel, pipelines, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle or container.

Camper: A mobile living unit designed to be mounted upon and conveyed by another vehicle. No camper unit shall be occupied within the City of Chandler except as provided in Article XI of this Code.

Carport: A roofed structure with two (2) or more open sides under which a vehicle may be driven.

Cellar: That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this section) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See "story")

Central Business District: For purposes of Chapter 35, Central Business District means that area designated as the City's downtown pursuant to Ariz. Rev. Stat. § 9-462.13, having the boundaries consisting of the centerlines of Chandler Boulevard on the north, the Union Pacific Railroad on the east, Pecos Road on the south, and Palm Lane and Essex Street on the west as depicted in section 35-3505.

Chicken coop: A small structure that is used as a cage or housing enclosure for chickens. A chicken coop includes any "chicken run" or attached enclosure in which chickens are allowed to roam. A chicken coop exceeding one hundred twenty (120) square feet in size or seven (7) feet in height requires a building permit and is considered an accessory building for purposes of this chapter.

Clear zone: Means an area on either side of an extension of the centerline of a runway beginning at a line two hundred (200) feet from the end of a runway and, for Runway 4L-22R of the Chandler Municipal Airport: two hundred fifty (250) feet wide and flaring outward to a width of four hundred fifty (450) feet at a distance of one thousand (1,000) feet; for Runway 4R-22L of the Chandler Municipal Airport: five hundred (500) feet wide and flaring outward to a width of one thousand ten (1,010) feet at a distance of one thousand seven hundred (1,700) feet; for Runway 35-17 of the Stellar Airport: two hundred fifty (250) feet wide and flaring outward to a width of four hundred (450) feet at a distance of one thousand (1,000) feet.

Cluster housing: Any type of dwelling units located in a planned development which are constructed on lots or a site having an area less than required by the district regulations and sharing common approved open space. The overall density of housing units for such developments is in compliance with the district regulations.

Condominium: An estate of real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in air space in a residential, industrial or commercial building on such real property, such as an apartment, office or store.

Convalescent home: Includes rest homes, nursing homes, convalescent homes for children, and homes providing chronic and convalescent care.

Court: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

Data center: A facility or portion of a facility housing networked computer systems and telecommunications equipment used for remote storage, processing, and distribution of data.

Day-night sound level contour (Ldn): Is a computed noise which uses sound exposure levels (SEL) which is computed by numerically integrating the sound pressure level versus the time history of each operation measured. This data is then converted to Ldn by taking the energy average SEL at reference measurement

points for all aircraft. The Ldn methodology defines the day-night level as a series of hourly noise levels for a given day, weighted for time of occurrence.

Decibel: Means the physical unit commonly used to describe noise levels.

Density, gross: Gross acreage divided into the number of units, lots or spaces.

Density, net: Net acreage, excluding arterial and collector street rights-of-way, divided into the number of units, lots or spaces.

Disability: A physical or mental impairment that substantially limits one (1) or more major life activities, a history or record of such an impairment, or the perception by others as having such an impairment.

District: Any area indicated on zoning map for specific uses for which certain regulations relative to height, area, etc., apply.

DOUBLE WALLS: TWO SEPARATE, GENERALLY PARALLEL FREESTANDING WALLS OR FENCES CONSTRUCTED ADJACENT TO ONE ANOTHER, INCLUDING SITUATIONS WHERE A NEW WALL OR FENCE IS CONSTRUCTED ALONGSIDE AN EXISTING WALL OR FENCE ON THE SAME OR ADJOINING PROPERTIES.

Dustfree: Shall mean the property is maintained dustfree by paving with one (1) of the following methods: (1) asphaltic concrete, (2) portland cement concrete, (3) a penetration treatment of asphaltic material and a seal coat of asphaltic binder and mineral aggregate, or (4) the equivalent of the above as approved by the Department of Public Works.

Dwelling: Any building or any portion thereof which is not an "apartment house," "lodging house" or a "hotel" as defined in this Code, which contains one (1) or two (2) "dwelling units" or "guest rooms," used, intended or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes.

Dwelling, single-family: A building designed for occupancy by one (1) family.

Dwelling, two-family: A building designed for occupancy by two (2) families.

Dwelling, multiple: A building or portion thereof designed for occupancy by three (3) or more families.

Dwelling, townhouse: Building that has not less than three (3) nor more than eight (8) single-family housekeeping units erected in row as a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from ground floor to roof along a dividing lot line, and each such building being separated from other buildings by required yard areas.

Dwelling, duplex: Two (2) dwelling units on the same parcel or lot in attached, detached, or semi-detached arrangements that are designed for residential occupancy by not more than two (2) households living independent from each other.

Dwelling, fourplex: Four (4) dwelling units on the same parcel or lot in attached, detached or semi-detached arrangements that are designed for residential occupancy by not more than four (4) households living independent from each other.

Dwelling, triplex: Three (3) dwelling units on the same parcel or lot in attached, detached or semi-detached arrangements that are designed for residential occupancy by not more than three (3) households living independently from each other.

Dwelling unit: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Edible food product: A substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

Elderly care housing: Single or multiple dwellings intended solely for occupancy and use by senior citizens who require or choose a residential community environment providing limited/special care, amenities and features associated with the needs and lifestyles of the elderly. May comprise part of a project providing intensive or congregate care. Incorporation of features such as those enumerated below will be indicative of the project's suitability as elderly care housing; prior to approval, the approving authority shall make finding that in their opinion there are sufficient such features for the project to be considered elderly care housing:

(1) Accessible central dining area(s);

(2) Recreation coordinator/program;

(3) Association access (by van available, etc.);

(4) Ramps and/or elevators;

(5) Electric appliances with safety features;

(6) Wide doors;

(7) Nonskid floors, tubs, walkways;

(8) Central heating with individual controls;

(9) Handle-type knobs;

(10) Emergency signal to central location/911;

(11) Grab bars-toilets, tubs, etc.;

(12) Cable T.V.;

(13) Braille signage;

(14) Library;

(15) Street furniture;

(16) Occupancy restrictions;

(17) Applicable licensing;

(18) Sprinkler systems (indoor);

(19) Electrical outlets elevated;

(20) Laundry service;

(21) Physician/nurse on call;

(22) Security;

(23) Housekeeping available;

(24) Private garden space;

(25) Common open space for walking and passive recreation, including walkways, benches for seating, and shade;

(26) Any other feature lending to the convenience, safety, character, function, or identity of the elderly care housing community. All common facilities shall be located within two hundred (200) feet for seventy-five (75) percent of the dwelling units.

Due to decreased impact on infrastructure, density can be increased fifty (50) percent over what is prescribed by the governing district.

Entertainment activity: Live musical performances, disc jockeys, karaoke, dancing, and similar activity. This definition excludes establishments that provide other types of entertainment activity as the principal use such as a cinema, a performing arts theater, amusement arcade, bowling alley, skating rink, or recreational assembly uses for families and/or children.

Family: One (1) or more persons living together as a single housekeeping unit in a dwelling unit.

Farmer's roadside stand: Any building or structure used for the sale of articles grown or produced on the property.

Farming: Commercial agricultural uses in general and especially crop, dairy, stock and poultry farming; commercial greenhouses on three (3) acres or more.

Film production studio: A building or space used for the purpose of making film productions. Pornographic film production depicting specified sexual activities shall be prohibited.

Fixed base operator: A person, firm or corporation subject to the provisions of a lease engaging in more than two (2) of the following:

(a) The sales, service, exchange, renting, and leasing of:

(1) New and used aircraft;

(2) Aircraft parts, accessories and hardware;

(b) The repair, overhaul, maintenance, and alteration or modification of general aviation aircraft and/or aircraft equipment under the provisions of FAA approved guidelines;

(c) The provisions of an FAA pilot flight and ground school training; and

(d) Charter flight services, which may include aerial photography, advertising, map making, and crop dusting services.

Foundation line: "Foundation line" is defined as the outer perimeter of the base of a structure or building. In the case of a cantilever roof carport or similar building or structure not having an actual base, the base will be the perimeter as measured from two (2) feet inside of the edge of the roof of such building or structure.

Front of lot: The front boundary line of a lot bordering on the street, and in the case of a corner lot, may be either frontage.

Frontage: All property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street or, if the street is dead end, then all of the property abutting on one (1) side between an intersecting street or the dead end of the street, including property fronting on a cul-de-sac.

Garage: A building or portion thereof in which a motor vehicle containing gasoline, distillate, or other volatile, flammable liquid in its tank is stored, repaired or kept.

Garage, private: A building, or a portion of a building designed primarily for the storage of motor-driven and/or recreational vehicles by the occupants of the buildings on the premises.

Garage, service: A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

Garage, storage: A building or portion thereof designed or used exclusively for housing motor-driven vehicles and/or recreational vehicles.

General aviation specialty shop: Two (2) or less of the following types of commercial activities:

(a) *Aircraft radio and accessories shop* is a person, firm, or corporation engaged in aircraft radio business, including sales, service, repair, exchange and installation of new and/or used aircraft radio equipment and parts which operate in accordance with FAA guidelines.

(b) *Aircraft instrument and accessories shop* is a person, firm, or corporation engaged in aircraft instrumentation business, including sales, repair, exchange, and installation of new/or used aircraft instruments and parts which operate in accordance with FAA guidelines.

(c) *Flight school operator* is a person, firm, or corporation engaged in a flight training school, limited to dual and solo flight training in fixed- or rotary-wing aircraft and such related ground school instruction as is necessary to prepare a student pilot to take a written examination and flight check ride for a pilot's license or appropriate aircraft rating from the Federal Aviation Administration, or its designee.

(d) *Aircraft and aircraft parts wholesale* is a person, firm, or corporation engaged in the business of buying, selling and/or exchanging aircraft, aircraft parts, accessories, and hardware for other than retail trade.

(e) *Aircraft upholstery shop* is a person, firm, or corporation engaged in the business of installing, replacing, and modifying or repairing aircraft interior upholstery and furnishings which operates in accordance with FAA guidelines.

(f) *Aircraft maintenance shop* is a person, firm, or corporation engaged in the business of providing routine repair, overhaul, modification, and alteration and preventive maintenance for general aviation aircraft which operates in accordance with FAA guidelines.

(g) *Used aircraft sales operator* is a person, firm, or corporation engaged in the business of buying, selling, and exchanging of used general aviation aircraft.

(h) *Air taxi operator* is a person, firm, or corporation engaged directly in air transportation of passengers and/or property subject to the provisions of part 135 of the Federal Aviation Regulations and holding a Certificate of Public Convenience and Necessity issued by the Arizona Corporation Commission.

Grade (adjacent ground elevation): The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

GREENHOUSE: A STRUCTURE ENCLOSED ON ALL SIDES WITH TRANSPARENT MATERIALS AND/OR TRANSLUCENT MATERIALS, DESIGNED TO ALLOW LIGHT IN AND RETAIN HEAT OR OTHERWISE PROTECT PLANTS FROM HARSH WEATHER CONDITIONS, AND WHICH IS BUILT PRIMARILY FOR THE PURPOSE OF GROWING PLANTS.

Group home: A residential dwelling unit for a group of no more than five (5) unrelated non-transient persons, excluding staff, who do not have a disability, and are not living together as a single housekeeping unit. Group home facilities may or may not be licensed by the state or another governmental authority. This definition shall not include group homes for the developmentally disabled nor adult foster care homes as specifically defined and provided for by the Arizona Revised Statutes.

Guest quarters: A detached building that is on the same lot or parcel as a single-family dwelling of greater square footage than the guest quarters, which may include its own sleeping and sanitation facilities.

Guest room: Any room or rooms used or intended to be used by a guest for sleeping purposes. Every one hundred (100) square feet of superficial floor area in a dormitory shall be considered to be a guest room.

Heliport: An area of land or water or a structural surface which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

High noise levels: Means sound levels which equal or exceed that within the fifty-five-Ldn noise contour line developed by the application of the day-night average sound level methodology of sound measurement (Ldn).

Home occupation: A business or profession conducted in a dwelling unit or accessory building within a residential district in accordance with state and local regulations.

Hospital: Unless otherwise specified, the term "hospital" shall include "sanitarium," "preventorium," "clinic," "maternity home" or "rest home" and shall be deemed to mean a place for treatment or other care of human ailments.

Hotel: Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Infusion or infuse: The act or process of mixing, blending, combining, or otherwise admixing medical marijuana or the active ingredients of medical marijuana into an edible food product.

Infusion food establishment: A food processing or other food establishment of any type or size, not operated by a medical marijuana dispensary and not located at a medical marijuana facility or a medical marijuana cultivation site, but may be located on the same premises or within the same building as its affiliated medical marijuana facility or medical marijuana cultivation site operating under the same Arizona Department of Health Services approved license and upon approval of a use permit and which is permitted under Arizona State Law to contract with and does provide to a medical marijuana dispensary edible food products infused with medical marijuana.

In-home day care: An accessory use of a single-family residential dwelling, done by the person primarily using the dwelling as the person's dwelling unit, and which involves the providing of child care, on a regular or irregular basis, whether or not for compensation, for periods of less than twenty-four (24) hours per day, for not more than four (4) children through the age of twelve (12) years.

Institution: A building or buildings occupied by a nonprofit corporation or a nonprofit establishment for public use.

Intensity of lot use: "Intensity of lot use" is defined as that portion of a lot or parcel of land which is covered by, or may be covered by, a building or structure, excluding the allowable two-foot overhang.

Junkyard means any land used for storage or for sale of scrap metal, waste paper, rags, non-operated vehicles or other junk materials and including noncommercial storage of non-operating and non-driveable motor vehicles, dismantling or storage of such vehicles or parts thereof, or used machinery, and regardless of whether repair or any other type of commercial operation occurs, but excluding scrap for use in manufacturing processes on the premises, or waste materials resulting from manufacturing processes, or resulting from the construction or elimination of facilities for such processes.

Landscaped area: An area including living plants, astro turf, walkways, ponds, fountains, sculpture and other organic and inorganic materials used for creating an attractive appearance and void of asphaltic or concrete pavement.

LANDSCAPE SCREEN: A BUILT OR MANUFACTURED ELEMENT, SUCH AS A PANEL, LATTICE, FENCE, OR WALL, THAT IS INTENDED TO BLOCK SLIGHT OR RESTRICT MOVEMENT, WHICH MAY OR MAY NOT HAVE VEGETATION.

Residential care home: A residential dwelling unit for a group of no more than five (5) unrelated persons, excluding staff, who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding the service provider, members of the service provider's family, or persons employed as facility staff) is an individual with a disability. Residential care home service providers may or may not be licensed by the state or another governmental authority. This definition shall not include group homes for

developmentally disabled nor adult foster care homes as specifically defined and provided for by the Arizona Revised Statutes.

Residential child care: A single-family residential dwelling that is primarily used by the owner or party in legal possession as that person's principal dwelling unit, but which is also used by that person for an accessory use, namely, childcare and/or academic training for children, including pre-school, regularly provided for compensation, for periods of less than twenty-four (24) hours per day, for at least five (5) children but not more than ten (10) children, through the age of twelve (12) years.

Screened/screening: The concealment of unattractive land uses, such as storage areas or parking lots, from the public eye through the installation of landscaping, walls, fences, earth berms, or other devices as specified by the Zoning Code. Chain-link fencing with slats, vegetation or other material shall not be considered as screening under this definition.

Service station: A place of business engaged primarily in the retail sale of motor fuels and oils and in supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products directly related to the automotive vehicle. Painting, body and fender work are excluded.

Sexually oriented business: An adult bookstore, an adult service business, an adult video facility, or any combination of the foregoing.

Sign: Any visual communication which is used to attract the attention of the public, when the display is visible beyond the boundaries of the property.

Single housekeeping unit: Any number of related, or up to five (5) unrelated, persons living as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g. meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household is determined by the residents of the dwelling unit rather than the landlord or property manager.

Specified anatomical areas: The cleft of the buttocks, anus, pubic region, male genitals, female genitals, or female breast below the top of the areola that are less than completely and opaquely covered by nonflesh-colored fabric; or human genitals in a state of sexual arousal, even if completely and opaquely covered.

Specified sexual activities: Actual or simulated sexual intercourse, masturbation, oral copulation, sodomy, flagellation, bestiality, fondling or other erotic touching of human genitals, pubic region, buttocks, anus or the female breast, or any combination of the foregoing.

Spirituous beverage: Any beer, wine, or spirituous liquor, as each of those terms is defined in A.R.S. § 4-101.

Storage shed: A subordinate structure or building used primarily for storage purposes

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

Street: Any existing or proposed street, highway, avenue, boulevard, road, parkway, place, bridge, viaduct or easement for public vehicular access or a street shown in a plat heretofore approved pursuant to law or a street in a plat duly filed and recorded in the County Recorder's Office. A street includes all land within the street right-of-

way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges and viaducts.

(a) *Freeway:* A divided major thoroughfare having controlled access to adjoining property and designated as such on the transportation plan.

(b) *Arterial street:* A major street of exceptional continuity that is intended to carry the greater portion of through traffic from one (1) area of the City to another.

(i) *Major arterial street:* Provides continuity for the intercity travel through urban areas and serve most of the mid to long distance trips within the City.

(ii) *Minor arterial streets:* These typically accommodate trips of shorter length than major arterials. These facilities interconnect uses on a community level and are designated in corridors that have lower traffic demand than major arterials.

(c) *Collector street:* A street designed to accommodate traffic within residential neighborhoods with their primary purpose of collecting and distributing traffic to and from the arterial streets.

(d) *Local street:* A street which has limited continuity with the primary purpose of serving property that is adjacent to the street.

(e) *Cul-de-sac:* A short local street having but one (1) end open for vehicular traffic, the opposite end being terminated with a permanent turnaround.

(f) *Marginal-access street (frontage road):* A minor service street which parallels and is immediately adjacent to an arterial street or freeway.

Street line: A dividing line between a lot, tract or parcel of land and a contiguous street (right-of-way).

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed or parts joined together in some definite manner.

Structural alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof.

STUDIO UNIT: A SELF-CONTAINED, SINGLE-ROOM RESIDENTIAL SPACE WHERE THE LIVING ROOM, BEDROOM, AND KITCHEN ARE COMBINED INTO ONE OPEN FLOOR PLAN.

Subdivision: Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right-of-exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

Swimming pool: Any outside body of water, above or below ground, created by artificial means, which is designed or used for swimming or immersion purposes, any portion of which exceeds eighteen (18) inches in depth.

Transient service facility: An establishment where the principal function involves providing on-site food, clothing, shelter, employment or other related services primarily intended for transient populations with limited ability for self care, or those persons in need of counseling for employment, or those persons with personal or behavioral disabilities. The term shall include the principal assistance or service facility and all appurtenant or related establishments intended for use by the patrons of the principal facility. The term shall

include homeless shelters, charity dining facilities, plasma centers, rescue missions, day labor hiring centers, and similar facilities, but shall not include State licensed care facilities such as homes for the developmentally disabled, child crisis, and domestic violence centers.

Travel trailer: A mobile home not exceeding eight (8) feet in width nor more than thirty-three (33) feet in length. No such unit shall be occupied within the City of Chandler except as provided for in Article XI of this Code.

Use: The purpose of (for) which land or building is occupied, or maintained, arranged, designed or intended.

Use, accessory: A subordinate use of building or land, customarily incident to and conducted on the same lot with the principal use.

Yard: An open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

Yard, front: A yard extending across the full width of the lot, between the front lot line and the front wall of the principal building.

Yard, rear: A yard extending across the full width of the lot between the rear lot line and the rear foundation wall of the principal building.

Yard, side: A yard extending from the front yard to the rear yard, between the side lot line and the side foundation wall of the principal building.

Zoning Administrator: The person appointed and responsible for the enforcement of the Zoning Code.

(Ord. No. 1197, 6-20-83, eff. 7-9-83; Ord. No. 1353, §§ I, II, 6-25-84, eff. 7-25-84; Ord. No. 1433, § I, 1-10-85; Ord. No. 1506, eff. 8-11-85; Ord. No. 1583, § I, 1-23-86; Ord. No. 1735, § 1, 1-22-87; Ord. No. 2293, § 2, 7-23-92; Ord. No. 2413, §§ 1.B, 1.C, 11-18-93; Ord. No. 2551, § 1, 4-27-95; Ord. No. 2645, § 2, 6-13-96; Ord. No. 3063, § 3, 11-18-99; Ord. No. 3240, § 1, 6-14-01; Ord. No. 3290, § 1, 8-9-01; Ord. No. 3421, § 1, 1-23-03; Ord. No. 3640, § 1, 1-13-05; Ord. No. 3802, § 1, 6-8-06; Ord. No. 4278, § 1, 2-24-11; Ord. No. 4280, § 1, 2-24-11; Ord. No. 4513, § I, 11-8-13; Ord. No. 4567, § I, 10-20-14; Ord. No. 4811, § 1, 5-10-18; Ord. No. 4846, § 2(Exh.), 12-10-18; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5033, § 1, 12-8-22; Ord. No. 5035, § 2(Exh.), 12-5-22; Ord. No. 5044, § 2(Exh.), 2-9-23; Ord. No. 5075, § 2(Exh.), 2-22-24; Ord. No. 5113, § 2(Exh.), 12-9-24; Ord. No. 5141, § 2(Exh. A), 11-13-25)

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ARTICLE VIII. MF-1—MEDIUM-DENSITY RESIDENTIAL DISTRICT

35-800. Purpose.

This district is intended to permit two[-family] and multi-family dwelling units at a maximum density of twelve (12) units per net acre and including uses incidental or accessory to dwellings. By use permit, certain nonresidential uses, such as public and quasi-public buildings, may be permitted.

(Ord. No. 3063, § 3, 11-18-99)

35-801. Uses permitted.

All buildings are subject to approval of site development plan in accordance with Article XIX of this Code.

(1) Two-family dwellings.

(2) Multi-family dwellings (subject to site development plan).

(3) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.

(4) Signs in accordance with the Chandler Sign Code [Chapter 39].

(5) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.

(6) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code, excluding accessory dwelling unit.

(7) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to side or rear yard lines and not [more than] three (3) feet in height adjacent or contiguous to front yard lines.

(8) Swimming pools, private, in accordance with Article XXII [section 35-2205] of this Code.

(9) Single-family dwelling on existing lots that are less than twelve thousand (12,000) square feet as of February 8, 2024. Lots less than twelve thousand (12,000) square feet that were first subdivided on or after February 8, 2024 are not eligible for a single-family dwelling unless a use permit is granted pursuant to this chapter. Accessory dwelling units shall be permitted if the principal use is a single-family residential home, in accordance with Article XXII, section 35-2202.2 of this Code.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24; Ord. No. 5113, § 2(Exh.), 12-9-24)

35-802. Uses permitted by use permit.

[The following uses are permitted in this district subject to use permit:]

(1) Single-family dwellings for existing lots exceeding twelve thousand (12,000) square feet as of February 8, 2024.

~~(2) Townhouses.~~

(2) ~~(3)~~ Churches, schools, public buildings and facilities.

(3) ~~(4)~~ Elderly care housing.

(4) ~~(5)~~ Any other uses the City Council determines are compatible and in the best interests of the community.

(Ord. No. 1506, 8-11-85; Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24)

35-803. Height and area regulations.

(1) *Height regulations:* No building shall exceed twenty-five (25) feet in height at the building setback line, except any building may exceed such height provided that at no point it projects above a line sloping inward and upward at a forty-five (45) degree angle at the required setback line to a maximum height of thirty-five (35) feet.

(2) *Front yard:* The yard requirement shall be determined by the right-of-way width of the street of the lot fronts. The following schedule indicates front yard requirement:

Approved R/W Width of Abutting Street(s) (feet)	Required Front Yard (feet)
50—59	20
60—79	25
80—99	30
Greater than 99	50

(a) For through lots, a front yard shall be required from the street which the principal building will front.

(b) In the proximity of street intersections, see section 35-1902(4).

(3) *Side yards:*

(a) *Interior lots:* For single [-family], two [-family] and multi-family dwellings, no side yard shall be less than five (5) feet in width, except for dwelling units constructed with common or party wall, the total of both side yards shall not be less than fifteen (15) feet. For all other nonresidential principal buildings permitted by use permit, no side yard shall be less than twenty-five (25) feet.

(b) *Corner lots:* For residential purposes, the street side yard shall be not less than one-half (½) as required for a front yard for the abutting street. The interior side yard shall be a minimum of five (5) feet. For nonresidential uses, no side yard shall be less than twenty-five (25) feet in width.

(c) In the proximity of street intersections, see section 35-1902(4).

(4) *Rear yard:* For single[-family], two[-family] and multi-family dwellings, ten (10) feet. All other principal buildings, the rear yard shall not be less than thirty (30) feet.

(5) *Intensity of lot use:* For residential purposes, property shall not be subdivided or developed in a manner that would result in dwelling units exceeding twelve (12) units per net acre. No building(s) area shall occupy more than forty-five (45) percent of the net lot area. No principal building shall contain more than six (6) dwelling units.

(Ord. No. 1041, § 1, 3-25-82; Ord. No. 3063, § 3, 11-18-99)

35-804. Parking regulations.

All required off-street parking shall be in accordance with Article XVIII of this Code.

(Ord. No. 3063, § 3, 11-18-99)

ARTICLE IX. MF-2—MULTIPLE-FAMILY RESIDENTIAL DISTRICT

35-900. Purpose.

This district is intended to provide a diversity of dwelling units at an appropriate density which will enable Chandler to offer a balanced housing market. By use permit, certain nonresidential uses and other support facilities will be permitted.

(Ord. No. 3063, § 3, 11-18-99)

35-901. Uses permitted.

All buildings are subject to approval of site development plan in accordance with Article XIX of this Code.

(1) Multiple-family dwellings.

(2) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.

(3) Signs in accordance with the Chandler Sign Code [Chapter 39].

(4) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.

(5) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to side or rear yard lines and not exceeding three (3) feet in height adjacent or contiguous to front yard lines.

(6) Swimming pools, private, in accordance with Article XXII [section 35-2205] of this Code.

(7) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code, excluding accessory dwelling unit.

(8) Churches, schools, public buildings and facilities.

(9) Single-family dwelling on existing lots that are less than twelve thousand (12,000) square feet as of February 8, 2024. Lots less than twelve thousand (12,000) square feet that were first subdivided on or after February 8, 2024 are not eligible for a single-family dwelling unless a use permit is granted pursuant to this chapter. Accessory dwelling units shall be permitted if the principal use is a single-family residential home, in accordance with Article XXII, section 35-2202.2 of this Code.

(10) TWO FAMILY DWELLINGS

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3320, § 1, 12-10-01; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24; Ord. No. 5113, § 2(Exh.), 12-9-24)

35-902. Uses permitted by use permit.

[The following uses are permitted in this district subject to use permit:]

(1) Single-family dwellings for existing lots exceeding twelve thousand (12,000) square feet as of February 8, 2024.

~~(2) Two-family dwellings.~~

~~(3) Townhouses.~~

(2) ~~(4)~~ Elevator multiple-family structures, including accessory business uses which are primarily for the convenience of the tenants.

(3) ~~(5)~~ Offices and office buildings.

(4) ~~(6)~~ Elderly care housing.

(5) ~~(7)~~ Any other uses the City Council determines are compatible and in the best interests of the community.

(Ord. No. 1506, 8-11-85; Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24)

35-903. Height and area regulations.

(1) *Height regulations:* Same as MF-1 District, except maximum height limitation shall be forty-five (45) feet.

(2) *Front yard:* Same as MF-1 District.

(3) *Side yard:* Same as MF-1 District.

(4) *Rear yard:* Same as MF-1 District.

(5) *Intensity of lot use:* For residential purposes, property shall not be subdivided or developed in such a manner that would result in dwelling units exceeding eighteen (18) units per net acre. No building(s) shall occupy more than forty-five (45) percent of the net lot area.

(Ord. No. 1048, 4-25-82; Ord. No. 3063, § 3, 11-18-99)

35-904. Parking regulations.

All required off-street parking shall be in accordance with Article XVIII of this Code.

(Ord. No. 3063, § 3, 11-18-99)

ARTICLE X. MF-3—HIGH-DENSITY RESIDENTIAL DISTRICT

35-1000. Purpose.

This district is primarily intended to provide concentrations of population in and adjacent to the Central Business District and other areas of Chandler where needed and determined to be in the best interests of the community.

(Ord. No. 3063, § 3, 11-18-99)

35-1001. Uses permitted.

All buildings are subject to an approved site development plan in accordance with Article XIX of this Code.

(1) Multiple-family buildings.

(2) Elevator multiple-family buildings, including accessory business uses which are primarily for the convenience of the tenants.

(3) Churches, schools, public buildings and facilities.

(4) Offices and office buildings.

(5) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.

(6) Signs in accordance with the Chandler Sign Code [Chapter 39].

(7) Fences, walls and landscape screens not exceeding seven (7) feet in height when adjacent or contiguous to side or rear lot lines and not more than three (3) feet in height when adjacent or contiguous to front yard lines.

(8) Swimming pools, private, in accordance with Article XXII [section 35-2205] of this Code.

(9) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code.

(10) Storage shed in accordance with Article XXII, section 35-2203 of this Code.

(11) Single-family dwelling on existing lots that are less than twelve thousand (12,000) square feet as of February 8, 2024. Lots less than twelve thousand (12,000) square feet that were first subdivided on or after February 8, 2024 are not eligible for a single-family dwelling unless a use permit is granted pursuant to this chapter. Accessory dwelling units shall be permitted if the principal use is a single-family residential home, in accordance with Article XXII, section 35-2202.2 of this Code.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24; Ord. No. 5113, § 2(Exh.), 12-9-24)

35-1002. Uses permitted by use permit.

[The following uses are permitted in this district subject to use permit:]

(1) Single-family dwellings for existing lots exceeding twelve thousand (12,000) square feet as of February 8, 2024.

~~(2) Two-family dwellings.~~

~~(3) Townhouses.~~

(2)~~(4)~~ Elderly care housing.

(3)~~(5)~~ Any other uses the City Council determines are compatible and in the best interests of the community.

(Ord. No. 1506, 8-11-85; Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24)

35-1003. Height and area regulations.

(1) *Height regulations:* Same as MF-2 District.

(2) *Front yard:* Same as MF-1 District.

(3) *Side yards:* Same as MF-1 District.

(4) *Rear yard:* Same as MF-1 District.

(5) *Intensity of lot use:* For residential purposes, property shall not be subdivided or developed in such a manner that would result in dwelling units exceeding eighteen (18) per net acre. No building(s) shall occupy more than fifty (50) percent of the net lot area.

(Ord. No. 1048, 4-25-82; Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20)

35-1004. Parking regulations.

All required off-street parking shall be in accordance with Article XVIII of this Code.

(Ord. No. 3063, § 3, 11-18-99)

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ARTICLE XVII. PLANNED AREA DEVELOPMENTS

35-1700. Purpose.

The Planned Area Development (PAD) zoning designation is intended to accommodate, encourage and promote innovately designed developments involving residential and nonresidential land uses, which together form an attractive and harmonious unit of the community. Such a planned development may be designed as a large-scale separate entity, able to function as an individual community, neighborhood, or mixed-use development; as a small-scale project which requires flexibility because of unique circumstances or design characteristics; or as a transitional area between dis-similar land uses (interface zone). Thus it can be used either as an overlay district to provide flexibility in an otherwise established land use district, or it can be used as an independent district.

This zoning designation recognizes that adherence to a rigid set of space, bulk and use specifications contained elsewhere in this Code would preclude the application of the PAD concept. Therefore, where PAD zoning is deemed appropriate or necessary, traditional rigid zoning regulations are replaced by performance considerations to fulfill the objectives of the Chandler General Plan. The PAD zoning designation may be tailored to meet the specific development representations of an applicant, relative to permitted uses, design standards, and other details. Hence one PAD designation may vary considerably from another designation.

(Ord. No. 983, § 1, 7-9-81; Ord. No. 3063, § 3, 11-18-99; Ord. No. 3386, § 1, 9-12-02)

35-1701. Objectives.

The objectives of PAD zoning shall include the following:

(1) To accommodate variations in building design, lot arrangements and land uses.

(2) To provide for a coordinated and compatibly arranged variety of land uses through innovative site planning.

(3) To provide a maximum choice in the types of environments for residential, commercial, and industrial uses and facilities.

(4) To encourage an efficient and safe traffic circulation, including the separation of pedestrian from vehicular traffic.

(5) To encourage economy in the construction and maintenance of streets and utilities.

(6) To encourage the provision of usable open space.

(7) To assist in the fulfillment of the goals, objectives and policies of the Chandler General Plan and any amendments thereto.

(8) To maintain a reasonable quality of living standard and minimize adverse environmental impact on surrounding areas during development.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3386, § 1, 9-12-02)

35-1702. Permitted uses.

All uses permitted within a PAD zoning designation shall be identified at the time of zoning approval, and be set forth in the ordinance and/or Preliminary Development Plan approved by the Mayor and Council.

(1) Residential uses may be any variety of types and styles. In the development of a balanced community, a variety of housing types within one (1) project shall be deemed most in keeping with the objectives of this article.

(2) All other uses shall be determined by the compatibility of such uses with each other and with surrounding land uses and shall conform to policies established in the Chandler General Plan.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3386, § 1, 9-12-02)

35-1703. Intensity of land use.

Densities and intensity permitted in the PAD zoning designation shall be determined by the quality of the PAD designation and shall be consistent with the Chandler General Plan.

In order to accommodate, encourage, or promote infill development or redevelopment on properties located within the infill incentive district, the Zoning Administrator may reduce front-yard building setbacks by up to twenty-five (25) feet for arterial streets and up to fifteen (15) feet for collector streets after having made a finding in writing that all of the following criteria have been met:

A. Such deviation, on balance, will result in a superior environmental and design quality through items such as but not limited to;

i. Increased levels of architectural quality

ii. Greater material diversity

iii. Enhanced usable space and/or pedestrian connection

iv. Activation of street frontage

v. Higher level of landscape design

vi. Creative design solutions for back-of-house functions

B. The site is designed to ensure safe and adequate on-site traffic circulation;

C. Sufficient parking is provided on-site;

D. The development will enhance the quality of a neighborhood by developing a vacant lot, or redeveloping an existing dilapidated building or development;

E. The development complies with required setbacks and landscape buffers from adjacent residential properties; and

F. The reduced setback maintains the goals of providing landscaping along streets and street intersections as identified in section 35-1906.1.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3386, § 1, 9-12-02; Ord. No. 5075, § 2(Exh.), 2-22-24; Ord. No. 5142, § 2(Exh. A), 11-13-25)

35-1704. Construction without approval prohibited.

No building or zoning permit shall be issued for any use under a PAD zoning designation prior to approval of the final development plan as prescribed herein.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3386, § 1, 9-12-02)

35-1705. Preliminary development plan required.

A PAD Preliminary Development Plan is required. The approval of such plan may be handled as follows:

(1) In cases of specific or small-scale single-stage projects, the Preliminary Development Plan, as described in Section 35-1706 shall be REVIEWED AND ADMINISTRATIVELY APPROVED BY THE ZONING ADMINISTRATOR OR DESIGNEE UPON FINDING COMPLIANCE WITH ARTICLE XIX DESIGN STANDARDS. REQUESTS FOR DEVIATIONS FROM ARTICLE XIX DESIGN STANDARDS AND REQUESTS TO SUBSTANTIALLY DEVIATE FROM PREVIOUSLY APPROVED PRELIMINARY DEVELOPMENT PLANS MAY BE ~~filed as part of the application and approved prior to and in conjunction with~~SUBMITTED TO THE Planning Commission FOR REVIEW and THE City Council FOR APPROVAL.~~ consideration of the application.~~

(2) In cases of large, multi-stage projects, such approval may be given in stages. The initial submittal with the application may be a conceptual development plan with sufficient description and documentation to identify the nature, mix, general arrangement, density, open space, and quality of the project. Such conceptual development plan may then be approved conditionally, with the Preliminary Development Plan to be REVIEWED AND ADMINISTRATIVELY APPROVED BY THE ZONING ADMINISTRATOR OR DESIGNEE UPON FINDING COMPLIANCE WITH ARTICLE XIX DESIGN STANDARDS. REQUESTS FOR DEVIATIONS FROM ARTICLE XIX DESIGN STANDARDS AND REQUESTS TO SUBSTANTIALLY DEVIATE FROM PREVIOUSLY APPROVED PRELIMINARY DEVELOPMENT PLANS MAY BE submitted to the Planning Commission and City Council in the time and stages stipulated by City Council at the time of rezoning~~.~~, Multi-stage developments shall not be considered phased developments.

(3) In order for a development to be a phased development, it is required that the applicant submit a Preliminary Development Plan for each phase of the development TO BE REVIEWED AND APPROVED ADMINISTRATIVELY BY THE ZONING ADMINISTRATOR OR DESIGNEE, OR BY THE PLANNING COMMISSION AND CITY COUNCIL AS DESCRIBED IN SUBSECTIONS 1 AND 2 ABOVE. ~~as part of the PAD zoning application.~~

(4) ~~Written notification of a Preliminary Development Plan shall comply with the standards described in Section 35-2601.2 of Article XXVI.~~ PRELIMINARY DEVELOPMENT PLAN APPLICATIONS SUBMITTED TO THE PLANNING COMMISSION AND CITY COUNCIL SHALL COMPLY WITH NOTIFICATION REQUIREMENTS DESCRIBED IN SECTION 35-2601.1 CITIZEN REVIEW PROCESS AND 35-2602 PUBLIC HEARING.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3386, § 1, 9-12-02; Ord. No. 3411, § 1, 11-7-02; Ord. No. 3640, § 2, 1-13-05)

35-1706. Description of preliminary development plan.

(1) A Preliminary Development Plan shall contain the following information:

(a) A master development plan as defined in the Subdivision Code, Chapter 48, acceptable to the ~~Planning and~~ Development SERVICES Director for consistency with Chandler codes and policies and plans.

(b) An area map showing adjacent property owners, location of all buildings, and existing uses within a three hundred (300) foot radius of the parcel, measured in all directions from the perimeter property lines of the parcel.

(c) A legal description of the metes and bounds of the parcel, including gross and net acreage.

(d) Drawings and descriptions clearly showing the following:

1. The existing topographical features of the site;

2. A statement of intended design philosophy and environmental quality; this statement may be in writing, graphic, photographic or a combination of these;

3. Where portions of the site are subject to flooding, the map shall indicate extent and frequency; location of retention areas, calculations and maintenance responsibility;

4. Where areas lie in aircraft approach and holding patterns, such areas shall be indicated;

5. The location and nature of the various uses and their areas in acres;

6. The proposed circulation system and traffic analysis, including any improvements needed to accommodate additional traffic; indicating whether they are public or private;

7. Delineation of the various land use areas, indicating for each such area its general extent, size, total number of dwelling units and approximate percentage allocation by dwelling type, building arrangement, schematic floor plans, building elevations, architectural style and details, and exterior building materials and colors;

8. The interior open space system;

9. General statement as to how common open space is to be owned and maintained;

10. A calculation of the residential density in dwelling units per gross acre, including interior roadways; a calculation of nonresidential intensity in terms of building coverage or floor area ratios, as appropriate;

11. Perimeter treatment and relationship of the project to surrounding land uses;

12. Principal ties to the community at large with respect to transportation, water supply and sewage disposal; indicating whether they are public or private;

13. General description of the availability of other community facilities, such as schools, fire protection services, and cultural facilities, if any, and how these facilities are affected by this proposal;

14. Graphic representation of proposed landscaping, on-site parking, points of access, common areas, recreational amenities, screen walls/fences, building heights, lighting, streets, drives and pedestrian walks, water features, signage and other site plan details;

15. Evidence that the proposal is compatible with the goals of the Chandler General Plan;

16. If the development is to be phased, a general indication of how the phasing is to proceed; whether or not the development is to be phased, the development plan shall show the intended total project;

17. A list of development standards from which departure is requested, together with a statement of how such deviations shall result in environmental quality higher than without stated deviations.

The Zoning Administrator may waive, in writing, any of the above required information when, in his/her opinion, not applicable and may require additional information when needed to adequately describe or clarify the project or its impact.

(2) The Preliminary Development Plan shall be reviewed by the Chandler ~~Planning and~~ Development SERVICES Department and any other departments and agencies deemed appropriate by the Department. The Department shall compile and return written comments to the applicant within thirty (30) days, or as soon as practical.

(3) PRELIMINARY DEVELOPMENT PLANS SUBMITTED TO ~~T~~The Planning and Zoning Commission shall ~~review the Preliminary Development Plan, together with~~BE TRANSMITTED WITH a written report and recommendations from the Zoning Administrator or designee. Commission recommendation shall be transmitted to the City Council for review~~.~~

(4) PRELIMINARY DEVELOPMENT PLANS SUBMITTED TO The City Council shall ~~review the Preliminary Development Plan,~~ SHALL BE TRANSMITTED together with THE Commission'S RECOMMENDATION and staff reports~~.~~, The City Council may approve the PAD AND/OR PRELIMINARY DEVELOPMENT PLAN only upon finding that:

(a) The proposal meets the intent, objectives and general requirements of the PAD designation; and

(b) The proposal is in conformance with the Chandler General Plan, amendments thereto and all pertinent codes and policies.

(5) If the City Council approves the PAD zoning designation, the Official Zoning Map shall be so changed by ordinance. The Council may, as necessary, attach conditions to the PAD approval, which may include but are not limited to the following:

(a) Use limitations.

(b) Landscaping.

(c) Screen planting.

(d) Setback and height of buildings.

(e) Paving, location of drives and parking areas.

(f) Storm drainage and stormwater retention.

(g) Public and/or private open space.

(h) Shape and size of lots.

(i) Grouping and uses of buildings.

(j) Maintenance of grounds.

(k) Regulation of signs.

(l) Fences and walls.

(m) Adequacy of vehicular and pedestrian circulation and access.

(n) Timing and phasing.

(o) Any other reasonable consideration the Council finds germane to project quality and neighborhood compatibility.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3386, § 1, 9-12-02; Ord. No. 4931, § 2(Exh.), 8-13-20)

35-1707. Final development plan approval.

(1) It is the intent of this section that subdivision review under the City Subdivision Regulations, Chapter 48, be carried out simultaneously as an integral part of the PAD review. The plans required under this section must be submitted in a form which substantially satisfies the requirements of the Subdivision Regulations for plat approval.

(2) The applicant shall submit a pre-determined number of copies of the Final Development Plan for approval by the Planning & Development Department. The plan shall contain the following information:

(a) All information required on the Preliminary Development Plan.

(b) Complete site plans showing location and type of all improvements.

(c) Plans and elevations of all building types, building materials, and colors.

(d) Schematic grading plans including proposed treatment of sloped and retention areas.

(e) The number of dwelling units by type and estimate of school enrollment to be generated by the project.

(f) All applicable standards of design and construction required by all pertinent City Codes and policies.

(g) Phases and timing of development in numerical order, if applicable.

(h) Any other requirements of Section 35-1900 of this chapter.

(i) An agreement to maintain the property free and clear of weeds, uncontrolled vegetation and trash, litter and debris by twice annually clearing all undeveloped space until project completion. Semiannual weed/debris removal shall be done in May and October.

(j) An agreement to post all phased projects with signs prohibiting dumping of waste, scrap or fill material of any type and to berm and trench the entire periphery of all undeveloped space not in an active phase of development.

(3) The Final Development Plan must be in substantial conformance with the approved Preliminary Development Plan as determined by the Zoning Administrator. Any deviations from the approved Preliminary Plan that would alter the nature of the project shall require approval by the Planning and Zoning Commission and the City Council, with a finding as outlined in Section 35-1706(4)(a) of this chapter.

(4) The Final Development Plan shall be accompanied by a statement of how the deviations from other provisions of the Zoning Code, as requested and/or approved in the Preliminary Development Plan, have been achieved in the Final Development Plan.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3386, § 1, 9-12-02; Ord. No. 5113, § 2(Exh.), 12-9-24)

35-1708. Reserved.

Editor's note(s)—Ord. No. 4846, § 2(Exh.), adopted Dec. 10, 2018, repealed § 35-1708, which pertained to extension of premises to serve or consume liquor within a public right-of-way (Planned Area Development zoning district) and derived from Ord. No. 4206, § 1, adopted June 10, 2010; Ord. No. 4280, § 1, adopted Feb. 24, 2011.

ARTICLE XVIII. PARKING AND LOADING REGULATIONS[3]

35-1800. Purpose.

The purpose of this article is to establish standards for off-street parking, loading and maneuvering spaces for the uses permitted in this Zoning Ordinance. The standards of this article are intended to:

(1) Ensure that adequate parking is provided to meet the typical parking needs of the uses permitted in this Zoning Ordinance, while at the same time limit excessive parking to avoid negative environmental and urban design impacts,

(2) Provide flexible methods of responding to land uses with atypical parking needs through allowances for reductions or increases to the number of required parking spaces through parking demand studies,

(3) Encourage higher densities, mixed-use developments, infill developments, and adaptive reuse of existing buildings in areas as set forth by the General Plan by allowing parking reductions for uses sharing parking and/or utilizing public parking facilities,

[3]Editor's note(s)—Ord. No. 4375, § I, adopted August 13, 2012, amended Art. XVIII, in its entirety, to read as herein set out in §§ 35-1800—35-1807. Prior to inclusion of said ordinance, Art. XVIII pertained to similar subject matter. See also the Code Comparative Table.

Cross reference(s)—Parking generally, § 16-10 et seq.

(4) Ensure that off-street parking and loading areas are designed and located to protect public safety, facilitate the efficient movement of traffic, minimize traffic congestion, and maintain an attractive streetscape,

(5) Ensure pedestrian-friendly parking areas by providing for safe, accessible and shaded pedestrian paths,

(6) Encourage sustainable development practices that reduce solar heat gain and stormwater runoff.

(7) Adapt to changes in demand for parking and loading areas resulting from changes in transportation behavior such as ride sharing and new technology such as autonomous vehicles.

(8) Encourage the proactive installation of dedicated spaces and necessary infrastructure in anticipation of greater need for electric vehicle charging stations.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 4375, § I, 8-13-12; Ord. No. 4811, § 2, 5-10-18)

35-1801. Applicability.

(1) Off-street parking and/or loading spaces shall be provided as prescribed herein at the time of:

(a) Construction of a new building.

(b) Any new uses of land.

(c) Enlargement or addition of any new nonresidential building or use of land.

(d) Creation of a new residential unit by adding to or subdividing an existing residential unit.

Such spaces shall be situated on the lot upon which the land use is located or on an adjacent or nearby lot within a reasonable distance of the site with respect to any one (1) use as determined by the Zoning Administrator. When the parking lot is not situated on the lot upon which the land use is located, the property owners shall record a parking use covenant, reciprocal easement agreement or other written form of parking agreement approved by the Zoning Administrator requiring that the parking spaces be maintained as long as the uses requiring parking exist or unless the required parking is provided elsewhere in accordance with the provisions of this article. Said parking agreement shall be recorded with the Maricopa County Recorder's Office and a copy filed in the City of Chandler's project review file prior to the issuance of a building permit or, for existing buildings, prior to the issuance of certificate of occupancy.

(2) Prior to the construction of any parking lot or the conversion of any land area for parking use, a parking plan graphically describing the location and size of all parking stalls, driveways, walkways, landscaped areas, retention basins, signs, lighting, and all other improvements shall be submitted to the City. The parking plan may be submitted as part of the site development plan requirement if the parking lot is proposed for construction in conjunction with a building. Prior to construction, the Zoning Administrator must approve the parking plan for conformance to the intent and provisions of this article.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 4375, § I, 8-13-12)

35-1802. General requirements.

(1) Minimum size of a non-parallel parking space shall be nine (9) feet by nineteen (19) feet. A two-foot six-inch landscape strip is permitted for vehicular overhang at the front of the parking stall. Said strip is not considered a part of any required on-site landscaping. Minimum size of a parallel parking space shall be eight (8) feet by twenty-two (22) feet, except for a parallel parking space in which a side adjoins a wall, column, or other obstruction higher than six (6) inches, and where a minimum three (3) feet wide unobstructed pedestrian access is not provided

between the wall, column, or other obstruction and the parking space, the width of the parallel parking space shall be increased by two (2) feet.

(2) Minimum driveway widths shall be twenty-four (24) feet for two-way drives. Fourteen-foot one-way drives are permitted where such drives are not required as fire lanes by the Fire Department. All driveways shall be located at least ten (10) feet from an interior lot line.

DEAD-END PARKING AISLES SHALL PROVIDE A MINIMUM FIVE (5) FOOT WIDE VEHICLE MANEUVERING AREA BEYOND THE LAST PARKING SPACE AT THE TERMINUS OF THE AISLE TO FACILITATE SAFE AND EFFICIENT VEHICLE BACKING AND TURNING MOVEMENTS.

(3) Minimum parking lot aisle widths:

Parking Angle	30°	40°	60°	90°
Aisle Width	~~13'~~ 14'	15'	19'	24'

(4) All required off-street parking spaces shall be connected with a public street by a paved driveway not less than twenty (20) feet in length within the property lines.

(5) All parking areas and driveways shall have a surface of masonry, concrete or asphalt except in an AG-1 District and SF-33 District, where a dust-free surface is permitted. Alternative permeable paving materials may be permitted in an AG-1 District, SF-33 District and any non-residential district subject to approval by the City Engineer.

Within any residential district, the parking of motor homes, travel trailers, and boats on trailers shall be permitted on an unimproved surface when located behind the required front yard setback, and screened from the street by a solid six-foot wall or fence.

(6) Temporary parking lots shall be permitted by use permit for a maximum period of one (1) year or other time period as approved by the City Council. The construction of such lots shall be in accordance with Section 35-1805.

(7) The conversion of any required parking space to another use shall be permitted only if those required spaces are provided elsewhere on the site and in keeping with all applicable provisions of this section.

(8) Alleys used for commercial or industrial uses adjacent to a single-family residential district may not be used as access to parking or loading area, except where such arrangement has been authorized by a use permit.

(9) Where access to a parking lot or space for uses other than single-family residential is provided by an alley, said alley shall be minimum twenty (20) feet wide and paved to the nearest intersecting street as required by City standard.

(10) Motor vehicles may be parked in the front yard only when on an improved driveway (as defined in (5) above).

(11) Parallel parking spaces may be counted toward the required parking in multifamily districts and any non-residential district.

(12) Excepting community activities and activities specifically authorized by the Zoning Administrator, there shall be no storage or display of merchandise or goods in parking lots and pedestrian walkways within the parking area.

(13) Storage and collection areas for shopping carts shall be provided in all parking lots for retail establishments utilizing such carts.

(14) Covered parking. Such structures shall be located and/or arranged so that it is perceived as an integral part of the building elevations. Said structures shall be enhanced through architectural treatment and/or trees and shrubs. Structures shall meet approval of the Zoning Administrator.

(15) Visitor parking and recreational vehicle storage shall be clearly identified through signage or curb paint.

(16) Tandem parking spaces (an arrangement of two (2) or more parking spaces placed one (1) behind the other) may be counted toward the required parking in multi-family developments where the tandem spaces are assigned to the same dwelling unit, and in non-residential developments where valet or a parking attendant is on duty at all times the facility is in use. Developments with tandem parking spaces shall provide an appropriate number of regular (non-tandem) parking spaces unless waived by the Zoning Administrator. The number and location of said regular parking spaces shall be approved by the Zoning Administrator.

(17) New parking garages and parking lots and/or major renovations to existing parking areas should include installation of conduit to selected parking spaces in anticipation of a greater need for electric vehicle charging stations.

(18) New parking garages should be designed and constructed to facilitate future conversion to alternative uses.

(Ord. No. 1196, 5-23-83; Ord. No. 1471, § I, 5-23-85; Ord. No. 3063, § 3, 11-18-99; Ord. No. 4375, § I, 8-13-12; Ord. No. 4811, § 2, 5-10-18; Ord. No. 5075, § 2(Exh.), 2-22-24)

35-1803. Design standards.

(1) All vehicular egress from parking lots to public rights-of-way shall be by forward motion only, except in the case of single-family, duplex, triplex, and fourplex residences fronting on a local street or a collector street.

(2) Except where a wall is required, six-inch vertical concrete or precast curbing shall be required around the perimeter of the parking area to protect landscaped areas and control vehicular circulation and the flow of stormwater. Wheel stops shall be installed where needed to prevent damage to property or persons.

(3) In the design of the parking lots and entrances to and from those parking lots and facilities served by those parking lots, provision shall be for adequate, safe, convenient pedestrian circulation, including for the handicapped.

(4) Landscaping standards: See Section 35-1906 for details.

(Ord. No. 2119, § 1, 2-22-90; Ord. No. 3063, § 3, 11-18-99; Ord. No. 4375, § I, 8-13-12; Ord. No. 5142, § 2(Exh. A), 11-13-25)

35-1804. Parking schedule.

The following schedule provides the minimum parking spaces required for individual stand-alone uses. Parking shared by multiple uses shall be subject to parking requirements for shopping centers where permitted by the underlying zoning and/or shared parking requirements pursuant to Section 35-1807(2) Shared Parking. All parking requirements are based on gross floor area unless otherwise stated.

(1) *Residential:*

Single-family	** 2 spaces/unit Plus guest parking per subsection A. below
Two-family	** 2 spaces/unit Plus guest parking per subsection A. below
Townhouse, patio home	** 2 spaces/unit Plus guest parking per subsection A. below
Multi-family: Efficiency or studio One-bedroom	 *** 1 space/unit *** 1.5 spaces/unit

Two-bedroom Each additional bedroom Guest parking	*** 2 spaces/unit *** 0.25 spaces 0.25 spaces per unit
Mobile home subdivision or park	*** 2 spaces/home or trailer
**2 spaces per unit shall be covered ***1 space per unit shall be covered (Note: The entire space nine (9) by nineteen (19) feet as defined in Section 35-1802(1) shall be covered.)	

A. *Guest parking for non-multifamily residential:* If on-street parking is not provided, guest spaces shall be provided evenly distributed throughout the development at the following rate:

0.5 per unit for developments with no driveways

0.25 per unit for developments with driveways; SAID DRIVEWAYS SHALL BE PAVED AND A MINIMUM OF TWENTY (20) FEET IN LENGTH

B. *Minimum assigned parking spaces for multifamily residential:*

1. A minimum of one covered parking space shall be assigned to each efficiency, studio, or one-bedroom unit. The assigned space must be made available for the exclusive use of the tenant leasing the unit and may not be made available for use by other tenants or visitors.

2. A minimum of two (2) parking spaces (at least one of which shall be covered) shall be assigned to each two- or more bedroom unit. The assigned spaces must be made available for the exclusive use of the tenant leasing the unit and may not be made available for use by other tenants or visitors.

(2) *Institutional:*

Elementary and junior high school	One (1) space/classroom Plus one (1) space for each two hundred (200) square feet of floor area in office use
High schools, colleges	One (1) space/two hundred (200) square feet gross floor space
Trade or business schools	One (1) space/two hundred (200) square feet
Library	One (1) space/two hundred fifty (250) square feet
Museum	One (1) space/two hundred fifty (250) square feet
Churches; PLACE OF WORSHIP	One (1) space/four (4) seats PLUS ONE (1) SPACE/ PER CLASSROOM
Hospitals	Three (3) space/bed
Convalescent homes	One (1) space/three (3) beds
Government offices	One (1) space/two hundred (200) square feet

Elderly care housing	0.75 spaces/unit Plus one (1) additional space per project employee/attendant

(3) *Commercial:*

Auditorium, theaters, stadium or similar place of assembly	One (1) space/two hundred (200) square feet or one (1) space/five (5) seats, whichever is greater
Private clubs, lodges (no overnight accommodations)	One (1) space/two hundred (200) square feet or one (1) space/five (5) seats, whichever is greater
Dance halls	One (1) space/two hundred (200) square feet
Health club or fitness club with multiple amenities (Gymnasium, fitness center and other recreational uses offering multiple amenities such as swimming pools, ball courts, and exercise equipment)	One (1) space/two hundred (200) square feet
Recreational community centers with multiple amenities (public or nonprofit facilities providing multiple amenities and recreational services such as swimming pools, ball courts, outdoor athletic fields, meeting rooms, classes, fitness center, day care, locker rooms, and lounge/snack area)	One (1) space/two hundred (200) square feet
Single use recreational facilities (athletic training, family recreational, or other recreational facilities specializing in a single use such as amusement centers, skating rinks, bounce gyms, party places, baseball/batting training facility, cheerleading training, dance studio, swimming, martial arts studio, yoga/pilates studio, personal training, fencing, laser tag, indoor paintball, boxing training) not hosting tournaments, exhibitions or other similar events	One (1) space/three hundred (300) square feet
Single use recreational facilities hosting tournaments, exhibitions or other similar regional events	To be determined by a parking demand study based on seating capacity prepared specifically for the subject use

Funeral homes	One (1) space/four (4) seats in main assembly area or one (1) space/three hundred (300) square feet, whichever is greater
Medical, dental offices, clinics	One (1) space/one hundred fifty (150) square feet
Out-patient surgery centers and other similar medical facilities	One (1) space/two hundred (200) square feet
General offices, nonretail, excluding call centers	One (1) space/two hundred fifty (250) square feet
Call Center	One (1) space/one hundred fifty (150) square feet
Hotels, motels, boarding homes	One (1) spaces for each sleeping room Plus one (1) space/one hundred (100) square feet of meeting, banquet and restaurant space not solely intended for hotel guests and/or staff
Restaurants, cafes, bars, cocktail lounges	One (1) space/fifty (50) square feet of public serving area Plus one (1) space/two hundred (200) square feet of preparation area
Shopping centers (less than ten (10) gross acres in size)	Five and one-half (5.5) spaces/one thousand (1,000) square feet
Shopping centers (ten (10) gross acres or larger in size)	One (1) space/two hundred fifty (250) square feet
Retail sales	One (1) space/two hundred fifty (250) square feet
Childcare or Child daycare	One (1) space/three hundred (300) square feet
Bulky merchandise sales, nurseries, building materials, equipment rental	One (1) space/three hundred (300) square feet
Banks and personal service	One (1) space/one hundred fifty (150) square feet
Bowling alleys	Four (4) spaces/lane
Tennis, handball courts	Three (3) spaces/court
Golf course	One (1) space/two hundred (200) square feet in main building Plus four (4) spaces per green
Motor vehicle repair	Three and one-half (3.5) spaces/vehicle service bay
Motor vehicle sales and rental	One (1) space/two hundred fifty (250) square feet of interior display space and office

	Plus three and one-half (3.5) spaces/vehicle service bay
Motor vehicle wash	Two (2) spaces minimum Plus other uses (Retail sales, motor vehicle repair, restaurant, office)

(4) *Industrial:*

Manufacturing	One (1) space/one thousand (1,000) square feet gross floor area (Ord. No. 1506, 8-11-85) Plus one (1) space/two hundred fifty (250) square feet of office space
Warehousing	One (1) space/five hundred (500) square feet for the first ten thousand (10,000) square feet Plus one (1) space/five thousand (5,000) square feet for remaining warehouse Plus one (1) space/two hundred and fifty (250) square feet of office space
Flex industrial	Two (2) spaces/one thousand (1,000) square feet of flex industrial
SELF-STORAGE FACILITY	ONE (1) SPACE/ FIVE-THOUSAND (5,000) SQUARE FEET OF BUILDING

. . .

(Ord. No. 1291, § I, 1-9-84; Ord. No. 1421, II, 1-10-85; Ord. No. 1506, 8-11-85; Ord. No. 3063, § 3, 11-18-99; Ord. No. 3262, § 1, 5-10-01; Ord. No. 4375, § I, 8-13-12; Ord. No. 5075, § 2(Exh.), 2-22-24)

ARTICLE XIX. DESIGN STANDARDS[4]

35-1900. Purpose.

The purpose of this article is to establish standards that function to guide development toward the highest attainable environmental quality at a time in which development and expansion are taking place in the City of Chandler, as such development once established provides the living and working environment for hundreds of thousands of families over numerous decades and generations.

The purpose of the objective design standards is to provide clarity and consistency and reduce subjectivity in the review process for developers and builders. This section complies with A.R.S. § 9-500.49, requiring objective design standards to authorize administrative review and approval of plans without a public hearing.

(Ord. No. 5142, § 2(Exh. A), 11-13-25)

35-1901. Applicability.

(1) Any of the following development activities for property located within a Planned Area Development (PAD), commercial, industrial, mobile homes, multiple-family, or single-family zoning designation, shall be subject to the requirements of this article for site development plan improvements:

(a) New construction of a building or buildings, irrespective of whether the property was previously developed;

(b) Altering an existing floor plan or site plan which intensifies a use in terms of additional parking, occupancy capacity, outdoor display area, outdoor storage area, or the like, irrespective of whether the building or use is physically expanded beyond existing confines;

(c) Initiating a new use on vacant or vacated property, or changing one use to another as determined under the Zoning Code;

(d) Expansion of a use that increases its land area, except that the improvements specified by this article shall be required only for the area of the expansion;

[4]Ord. No. 5142, § 2(Exh. A), adopted Nov. 13, 2025, repealed §§ 35-1900—35-1902, enacted new §§ 35-1900—35-1905, and renumbered §§ 35-1903, 35-1903.1, 35-1904 as §§ 35-1906, 35-1906.1, 35-1907. The former Art. XIX, §§ 35-1900—35-1902, pertained to site development plan and derived from Ord. No. 956, § 1, 6-11-81; Ord. No. 1251, § 1, 10-10-83; Ord. No. 1421, §§ III, IV, 1-10-85; Ord. No. 1506, 8-11-85; Ord. No. 1765, § 1, 1-22-87; Ord. No. 1768, § 1, 2-12-87; Ord. No. 2110, § 2.16, 12-7-89; Ord. No. 3063, § 3, 11-18-99; Ord. No. 3081, § 1, 1-13-00; Ord. No. 3262, § 1, 5-10-01; Ord. No. 3290, § 3, 8-9-01; Ord. No. 3997, 1-31-08; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24.

(e) Adding on to an existing building, except that an addition involving less than twenty (20) percent of the total existing floor area or two thousand five hundred (2,500) square feet, whichever is less, shall be exempt from the requirements of this article. However, the requirements of section 35-1902(3)(a)2.b., corner obstructions, and section 35-1906, "landscaping," shall be met with respect to the addition.

The repair of any building, such as its walls, roof, or other structural component, or the renovation of any building facade, including relocation of doors and window openings, or the repair of existing onsite improvements such as screen walls and fences, parking lot surfaces, landscape features and the like, none of which fall into the development activities described herein, shall be exempt from the requirements of this article.

(F) REPAINTING ANY BUILDING, UNLESS USING IDENTICAL OR SUBSTANTIALLY SIMILAR COLORS COMPARED TO THE PREVIOUSLY APPROVED COLORS

(2) Modifications to the approved site development plan shall be subject to amendments of the Zoning Code adopted since the approval date.

(3) Project design guidelines and specifications for developments with more than one building shall be developed by the applicant and submitted with any Planned Area Development zoning application for approval by the applicable approving authorities (Council, Planning Commission, and staff). These guidelines and specifications shall describe how the design guidelines shall be met in any particular project. Once approved by the approving authority, these guidelines and specifications shall become binding on all development and construction within the project. The Zoning Administrator may accept minor departures from such approved guidelines and specifications, provided the request is made in writing and the Zoning Administrator finds that:

1. The departure is minor in scope and does not alter the basic intent, function, or quality of the approved design; or

2. The proposed alternate design is equal to or superior in quality to the previously approved design.

Any other changes shall be approved only by the approving authority that issued the original approval. The above project design guidelines and specifications shall take into account adjoining existing or approved projects in order to avoid visual conflicts and to promote cohesive project identity. This shall be observed also by all developers at the intersections of arterial streets.

(Ord. No. 5142, § 2(Exh. A), 11-13-25)

35-1902. General requirements.

(1) These general requirements shall apply to all developments except for single-family dwellings, duplexes, triplexes, and fourplexes that occur on an individual isolated basis and are not part of a larger project.

(3) Site ~~organization~~ LAYOUT:

(a) *Setbacks:*

1. For parking lots:

a. In proximity to street intersections. See below 2.a.

b. Along arterial streets, NONARTERIAL STREETS, and collector streets, parking lots shall be set back at least twenty (20) feet from right-of-way lines.

c. Along ~~all other rights-of-way and~~ property lines, unless said property lines are of a smaller parcel (pad) within a larger planned development, all parking spaces and access drives shall be set back at least ten (10) feet.

2. For structures or any physical improvement in proximity to street intersections:

a. Intersections as described below are of value to the entire community. Land situated at the corner of such street intersections shall be landscaped, and remain open and free of buildings, parking areas, driveways, and walls taller than two (2) feet six (6) inches in height. Ingress and egress drives perpendicular to the street are expected. The dimensions of these open areas shall satisfy at a minimum, the following standards:

Type of Intersections	Setback From Right-of-Way	Setback Shall Apply for a Distance From the Intersection for
Arterial street with arterial street	50 feet	250 feet along both streets
Arterial street with any other street	50 feet	100 feet along arterial street
	30 feet	100 feet along other street
Collector street with collector street	30 feet	60 feet along both streets

~~b. No vehicle or other obstruction exceeding two (2) feet in height shall be parked at an intersection of two (2) right-of-way lines within triangular area formed by the right-of-way lines and the line connecting them between points located thirty (30) feet from the intersection of said lines.~~

B. IN ALL ZONING DISTRICTS, NO VEHICLE, STRUCTURE, LANDSCAPING OR OTHER OBSTRUCTION EXCEEDING TWO (2) FEET IN HEIGHT, EXCEPT TREES WITH BRANCHES NOT LESS THAN SIX (6) FEET ABOVE THE GROUND, SHALL BE ERECTED, CONSTRUCTED, PARKED, PLANTED OR MAINTAINED, ON ANY CORNER LOT WITHIN A TRIANGULAR AREA FORMED BY THE PROPERTY LINES AND A LINE CONNECTING POINTS THIRTY (30) FEET FROM THE INTERSECTION OF THE RIGHT-OF-WAY LINES WHICH COULD OBSTRUCT VISION TO MOTORISTS.

c. In order to accommodate, encourage, or promote infill development or redevelopment on properties located within the infill incentive district, the Zoning Administrator may reduce the landscape intersection setbacks by up to twenty-five (25) feet for arterial streets and up to fifteen (15) feet for collector streets after having made a finding in writing that all of the following criteria have been met:

1) Such deviation, on balance, will result in a superior environmental and design quality through items such as but not limited to:

i. Increased levels of architectural quality

ii. Greater material diversity

iii. Enhanced usable space and/or pedestrian connection

iv. Activation of street frontage

v. Higher level of landscape design

vi. Creative design solutions for back-of-house functions

2) The site is designed to ensure safe and adequate onsite traffic circulation and prevent drive-through queuing from backing onto main driveways or public streets;

3) Sufficient parking is provided on-site;

4) The development will enhance the quality of a neighborhood by developing a vacant lot or redeveloping an existing dilapidated commercial building or center; and

5) The development complies with required setbacks and landscape buffers from adjacent residential properties.

(b) *Retention basins:*

1. Retention basins located in the front yard of parking lots and buildings ALONG STREETS SHALL COMPLY WITH SECTION 35-1906(6)C(9)

~~a. Do not occupy more than one-half (½) of the landscaped area, when designed to maximum allowable engineering specifications. This requirement is only applicable to non-residential zoned properties that are ten (10) acres and larger.~~

(c) *Walkways:* Walkways shall be provided as required by ADA regulations and objective design standards provided herein.

(1) PEDESTRIAN CONNECTIVITY:

A. ON-SITE WALKWAYS SHALL PROVIDE SAFE AND CONVENIENT CONNECTION THROUGH THE SITE CONNECTING THE MAIN ENTRY OF EACH BUILDING OR EACH PRIMARY ENTRY TO PUBLIC SIDEWALK ON EACH STREET FRONTAGE OF THE SITE, AND TO ANY TRANSIT STOP ADJACENT TO THE SITE.

B. A SYSTEM OF PEDESTRIAN WALKWAYS SHALL CONNECT ALL BUILDINGS ON A SITE TO EACH OTHER, TO ON-SITE AUTOMOBILE AND BICYCLE PARKING AREAS, AND TO ANY ON-SITE RECREATIONAL OR OPEN SPACE AREAS OR PEDESTRIAN AMENITIES.

C. TEXTURED PAVING TREATMENTS SHALL BE PROVIDED AT ALL ON-SITE PEDESTRIAN CROSSWALKS, AND DRIVEWAY ENTRANCES FOR A MINIMUM OF THIRTY (30) FEET IN LENGTH ON-SITE.

D. BUS BAY LOCATIONS, WHERE APPLICABLE, SHALL BE INTEGRATED WITH PEDESTRIAN WALKWAYS THAT PROVIDE DIRECT ACCESS TO THE PROPERTY.

E. PUBLIC SIDEWALKS SHALL BE PROVIDED IN ONE OF THE FOLLOWING MANNERS:

A. DETACHED AND SEPARATED FROM THE CURB BY LANDSCAPING BARRIER;

B. ATTACHED TO THE CURB;

C. ENTIRELY OR PARTIALLY MEANDERING AND DETACHED AND SEPARATED FROM THE CURB BY LANDSCAPING BARRIER.

F. SIDEWALKS SHALL CONNECT TO EXISTING PERIMETER SIDEWALKS ON ABUTTING PROPERTIES.

(d) *Bike storage:* Bicycle storage and/or secure bicycle parking shall be provided adjacent to the primary entry of any building. A minimum of three (3) bicycle parking spaces shall be provided, or at least one (1) bicycle space per twenty-five (25) off-street parking spaces shall be provided, whichever is greater.

1. Design and location. Required bicycle parking spaces must:

a. Consist of racks or lockers anchored so that they cannot be easily removed and of solid construction, resistant to rust, corrosion, hammers, and saws;

b. Allow both the bicycle frame and the wheels to be locked using a standard U-lock;

c. Be designed so as not to cause damage to the bicycle;

d. Facilitate easy locking without interference from or to adjacent bicycles;

e. Be located in convenient, highly visible, active, well-lit areas without interfering with pedestrian movements; and

f. Have minimum dimensions of two (2) feet in width by six (6) feet in length, with a minimum overhead vertical clearance of seven (7) feet.

(e) *Screen walls:* Screen walls shall be decorative and reflect THE PREVAILING colorS, materialS and/or design of the structureS ON THE SITE. ~~which it prevails~~

1. *PARKING LOT SCREENING:* WHEN PARKING AREAS ABUT A FRONT YARD OR ROAD FRONTAGE LANDSCAPED AREA, SUCH PARKING AREA SHALL BE SCREENED WITH A DECORATIVE MASONRY WALL(S) OR EARTH BERM(S) RANGING BETWEEN THIRTY (30) AND FORTY-TWO (42) INCHES IN HEIGHT. HORIZONTAL AND VERTICAL VARIATION IN THE DESIGN OF SCREENING WALL IS REQUIRED WHENEVER LINEAR ALIGNMENTS EXCEED EIGHTY (80) FEET.

(F) ELECTRIC VEHICLE CHARGING STATIONS:

1. ALL ELECTRIC VEHICLE CHARGING (EVC) SPACES, CHARGING STATIONS, AND ASSOCIATED TRANSFORMERS OR OTHER MECHANICAL EQUIPMENT, SHALL BE PROVIDED ON SITE, AND SHALL NOT BE LOCATED WITHIN ANY REQUIRED SETBACK OR REQUIRED LANDSCAPE AREA.

2. ALL GROUND MOUNTED EQUIPMENT SHALL BE FULLY SCREENED BY SOLID MASONRY WALLS AND GATES BUILT TO A HEIGHT EQUAL TO, OR GREATER THAN, THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT. ENCLOSURE WALLS SHALL USE MATERIALS AND COLORS TO MATCH EXISTING MATERIALS AND COLORS ON THE SITE.

3. ALL TRANSFORMER BOXES AND ANY OTHER UTILITY EQUIPMENT NOT ABLE TO BE SCREENED BY WALLS SHALL BE PAINTED TO MATCH THE COLOR OF THE BUILDING(S) ON-SITE.

4. NO ADVERTISING SIGNAGE IS PERMITTED ON THE EVC SPACES OR ASSOCIATED EQUIPMENT.

5. LOCATIONS PERMITTED:

A. IN COMMERCIAL, OFFICE, AND INDUSTRIAL DEVELOPMENTS: EVC SPACES MAY BE COUNTED TOWARD A MAXIMUM OF TEN PERCENT OF THE REQUIRED PARKING.

B. IN MULTI-FAMILY RESIDENTIAL: EVC SPACES MAY BE COUNTED TOWARD PARKING REQUIREMENTS ONLY WHEN THE EVC SPACES ARE RESERVED FOR RESIDENTS.

C. INDEPENDENT CHARGING STATION (A STAND-ALONE USE THAT IS NOT ASSOCIATED WITH OTHER ON-SITE USES): THE EVC SPACES MAY NOT BE COUNTED TOWARD THE MINIMUM REQUIRED PARKING IN ANY LAND USE.

(4) Building architecture:

(a) Metal buildings:

1. Metal buildings will not be allowed on roads designated by the general plan as arterial roads except that:

a. A portion of a building may be constructed using an exterior metal finish as an accent material and/or where said portion does not exceed twenty-five (25) percent of each elevation.

b. Shipping containers may be used as a building material if the building is designed with additional materials and fenestration to enhance the quality of the architecture that together provide a creative and innovative architectural design. The character, scale, and massing of said design shall be compatible with the buildings of the surrounding area.

(b) Parking shade canopies:

1. Canopy covers shall meet all of the following requirements:

a. Painted to match existing/proposed building(s) on-site

b. If additional materials are used on the canopy, they shall be materials featured on the site's primary building

c. Provide a 6" minimum fascia on all sides

d. Provide landscaping islands between canopies

e. No wide flange beams (i.e. "I" or "H" beams) are permitted unless wide flange beams are used as a material on the existing/proposed building(s) on-site

2. Solar canopy covers shall meet the requirements in the above section, in addition to the following:

a. Any equipment attached to the canopy shall be painted to match the canopy.

b. Any ground-mounted equipment adjacent to the canopy shall be fully screened by solid masonry walls and gates equal to, or greater than, the highest point on the mechanical equipment. Eenclosure walls shall use materials and colors to match existing materials and colors on the site.

(c) Roof-mounted mechanical equipment screening: All mechanical equipment and appurtenances shall be concealed and/or screened from view in their entirety as an integral part of the building while meeting the following requirements, and subject to approval by the zoning administrator:

1. *New buildings:* All roof mounted mechanical equipment shall be fully screened by parapet walls equal to, or greater than, the highest point on the mechanical equipment.

2. *Existing buildings:* Existing buildings shall use a secondary roof screening method when mechanical equipment cannot be screened by top of parapet. Secondary screening methods shall meet the following requirements:

a. Buildings utilizing secondary screening shall screen all equipment within one enclosure. Meaning, there cannot be multiple, separate enclosures on one roof to screen individual pieces or groups of equipment.

b. Secondary screening methods shall utilize materials and colors found elsewhere on the building or one of the following methods:

i. Louver system with slats angled to ensure no equipment visibility; or,

ii. Mesh screen system that meets one of the following hole size and open area (O/A) measurements:

1) *Hole size:* 3/32"; O/A: 23%

2) *Hole size:* 1/8"; O/A: 23%

3. Parapet or roof screening shall be fully enclosed with no openings. If an opening is needed for maintenance access, a door shall be included in the parapet/roof screening rather than an opening. The door shall match the material(s) and color(s) used for the parapet/roof screening in which the door is located.

4. All mechanical equipment and appurtenances shall be indicated and shown on building sections and elevations indicating dimensions of equipment and screening.

The Zoning Administrator may reduce or waive screening requirements for roof-mounted equipment if:

i. The building is a mid-rise development and roof-mounted equipment will not be visible from any adjacent property as seen from a point six (6) feet above ground level at the property line or sidewalk on the opposite side of the street; or

ii. The building is located within an industrial center or business park and roof-mounted equipment will not be visible from any arterial street or residential property.

(d) Service entrance section (SES): Screening for the service entrance section (SES) shall be architecturally integrated into the building and shall appear as an integral part of the building. This shall be accomplished using one of the following methods:

a. Recess SES into building with building walls flush to edge of cabinet. A gap of no larger than three (3) inches is permitted between the sides and top of cabinet and the building wall. SES cabinet shall be painted to match the building.

b. Provide a room within the building where the ses is located. External doors shall be provided. Color of external doors shall match the building.

(e) All ground-mounted equipment shall be screened from public view by a concrete or masonry wall, equal to or greater in height than the height of the mechanical equipment. Screening of mechanical equipment shall be constructed of similar materials and painted colors similar to the building, and so arranged that the screening is perceived to be an integral part of the building mass.

(f) All transformer boxes, meter panels, back-flow devices and any other utility equipment (excluding the SES), not able to be screened by landscaping or walls, shall be painted to match the building color.

(g) Roof access ladders shall be located inside the building for new buildings. Exterior roof access ladders on existing buildings shall be painted to match the building only when changes to the existing building changes are limited to color and material changes. If more than fifty percent (50%) of the building exterior is modified, excluding color and material changes, then exterior roof ladders shall be relocated to inside the building.

(h) Roof drainage shall utilize interior roof drains for new buildings. Exterior roof drainage on existing buildings shall be painted to match the building only when changes to the existing building changes are limited to color and material changes. If more than fifty percent (50%) of the building exterior is modified, excluding color and material changes, then exterior roof drainage shall be relocated to inside the building.

(i) Trash collection areas:

1. All trash and/or ~~refuse~~ RECYCLING collection areas shall be enclosed by a six-foot masonry or concrete wall, excluding approved openings. The location of such area shall be approved by the department of public works.

2. Enclosures shall incorporate the same materials and colors as the primary building design.

3. Enclosures shall be located and positioned as to ensure that gate openings are not visible from any arterial road or residential property.

4. Enclosures shall be located and positioned as to ensure that no portion of the enclosure (walls, gates, curbing, etc.) overlaps with adjacent required drive aisle. this includes when the trash enclosure gates are open.

5. If the trash and/or refuse enclosure includes a trash compactor or other equipment, the trash enclosure walls and gate shall be a height equal to or greater than the maximum height of the trash compactor or equipment.

~~(j) Electric vehicle charging stations:~~

~~1. All electric vehicle charging (EVC) spaces, charging stations, and associated transformers or other mechanical equipment, shall be provided on site, shall not displace any required parking spaces, and shall not be located within any required landscape setback or required landscape area.~~

~~2. All ground mounted equipment shall be fully screened by solid masonry walls and gates built to a height equal to, or greater than, the highest point on the mechanical equipment. Enclosure walls shall use materials and colors to match existing materials and colors on the site.~~

~~3. All transformer boxes and any other utility equipment not able to be screened by walls shall be painted to match the color of the building(s) on site.~~

~~4. No advertising signage is permitted on the EVC spaces or associated equipment.~~

(~~k~~ J) All external lighting shall be so located and designed to prevent lighting rays from being directed off of the property upon which the lighting is located. A photometric study shall be provided to show zero (0) foot candles at the subject property lines

(Ord. No. 5142, § 2(Exh. A), 11-13-25)

35-1903. Residential design standards.

(1) *Applicability:*

(a) The following objective design standards shall be applied to i) all new single-family homes, duplexes, triplexes and fourplexes, developed individually or as part of a subdivision; and ii) multi-family residential developments.

(b) These standards are intended to ensure that new single-family residences, middle housing developments, and multi-family developments promote a high-quality living environment by identifying minimum aesthetic and functional requirements that align with policies in the Chandler General Plan. These include creating a sense of place, a desirable streetscape appearance, and walkable neighborhoods with access to parks, commercial areas, and community facilities.

(2) *Site layout:*

(a) Height and area regulation for individual lots: Height, building setbacks, minimum lot size, and maximum lot coverage are regulated by the zoning district in which the property is located. These standards can be found in the respective sections of the City of Chandler Land Use and Zoning Code as follows:

Zoning Districts	Code Section
Agricultural District (AG-1)	35-403
Single-Family District (SF-33)	35-503
Single-Family District (SF-18)	35-603
Single-Family District (SF-10)	35-603.1
Single-Family District (SF-8.5)	35-703

Medium-Density Residential District (MF-1)	35-803
Multiple-Family Residential District (MF-2)	35-903
High-Density Residential District (MF-3)	35-1003
Middle Housing Overlay District	35-3503

Height and area regulations for lots located in Planned Area Development (PAD) zoning districts are established by the ordinance that adopted the PAD, which can be found in the development's zoning file. Zoning files are kept at the City of Chandler's Development Services Department.

(b) Site layout design standards applicable for single-family lots, single-family subdivisions, duplex, triplex, fourplex, and multi-family (five (5) units or more) shall be as indicated in the following table with a "X."

Site Layout Design Standards	Single-Family (1—7 Lots)	Single-Family with 8 or More	Duplex, Triplex, and Four-Plex	Multi-Family (5—~~20~~ 19 Units)	Multi-Family (20 and Up)
1. Project arrival: The primary entrance where a street or driveway intersects an arterial or major collector shall include a minimum of three of the following: a. Monument sign b. Enhanced landscaping with 15% more landscaping than what is required c. Specialty pavement for a non-gated community for a minimum of 50 ft in length measured from the public right-of-way. d. Specialty pavement for a gated community shall be provided measured from the public right-of-way to 30 feet beyond the call box. e. Architectural tower or other similar architectural feature f. Boulevard style entry with a landscaped median for a minimum of 50 ft in length from the property line		X			X
2. Project theme: Each development shall provide a distinctive project theme consistently throughout the site, consisting of: a. Distinctly designed walls for the project theme wall b. Specialized fencing when fencing is proposed; details of accent walls with two or more		X		X	X

<table>
<tr><td>materials when accent walls are proposed
c. Specialized pedestrian and/or vehicular gates when such gates are proposed
d. A project specific plant palette</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>3. Provide a continuous pedestrian circulation system on at least one side of the primary drive aisle(s) and/or around the entire site connecting buildings, ground-floor residential units, amenities, parking, and adjacent streets. If there is an adjacent public amenity such as a park, then a pedestrian pathway shall connect the development to the park where permissible by the City.</td><td></td><td>X</td><td></td><td>X</td><td>X</td></tr>
<tr><td>4. Common open space areas in multi-family projects shall be provided as follows:
a. Usable common open space and recreation area at the rate of 150 square feet per bedroom. Such area must be at least 20 feet wide and shall not be encumbered by nonrecreational improvements. All open space area for community play shall be centrally located and not adjacent to refuse areas.</td><td></td><td></td><td></td><td>X</td><td>X</td></tr>
<tr><td>5. Each development shall provide amenities in accordance with the following schedule:
<table><tr><th>Unit Count</th><th>Amenity Count Required</th></tr><tr><td>Less than 20</td><td>One</td></tr><tr><td>20 to 50</td><td>Two or more</td></tr><tr><td>50 to 100</td><td>Three or more</td></tr><tr><td>100 to 150</td><td>Four or more</td></tr><tr><td>150 to 250</td><td>Five or more</td></tr><tr><td>250 or more</td><td>Six amenities plus second pool, ramada, etc.</td></tr></table><table><tr><th>UNIT COUNT</th><th>AMENITY COUNT REQUIRED</th></tr><tr><td>LESS THAN 20</td><td>ONE</td></tr><tr><td>20 TO 50</td><td>TWO OR MORE</td></tr><tr><td>51 TO 100</td><td>THREE OR MORE</td></tr><tr><td>101 TO 150</td><td>FOUR OR MORE</td></tr><tr><td>151 TO 250</td><td>FIVE OR MORE</td></tr><tr><td>251 OR MORE</td><td>SIX AMENITIES PLUS SECOND POOL</td></tr></table></td><td></td><td></td><td></td><td>X</td><td>X</td></tr>
<tr><td>6. Amenity options include but shall not be limited to:
a. Swimming pool, a portion of which shall be</td><td></td><td></td><td></td><td></td><td></td></tr>
</table>

a minimum 60-foot length, with cool deck perimeter and ramada. b. Jacuzzi area with ramada. c. Ramada with bbq and seating areas. d. Tot lot. e. Volleyball court. f. Concrete multi-use court. g. Tennis courts, pickleball and/or racquetball courts. h. Weight room. i. Dog park. j. Putting green. k. Walking path.					
7. Location: a. Any multi-person activated outdoor amenities shall not be located closer than 100 feet from any existing neighboring residential property.					
8. Excluded areas: The following shall not be counted towards common open space: a. Driveways or parking spaces. b. Required front, side, and rear yard setback areas. c. Non-functional landscaped areas such as street frontage landscaping, building foundation landscaping, and landscaping within the parking lot.					
9. Open space reductions: a. The Zoning Administrator may reduce or waive the open space requirements if: i. The subject site is located within the Infill Incentive District, Middle Housing Overlay District, or within ¼ mile (travel path) of publicly accessible park or public recreation facility.					
10. Private open space shall be provided for each unit. Such spaces shall have an unencumbered area that is a minimum of 65 square feet with a minimum width of 8 feet and a minimum depth of 5 feet and shall be entirely covered as required in subsection 3, building architecture.	X	X	X	X	X
11. View fencing shall be provided along arterial and collector streets in areas where private yards do not abut those streets, except for non-gated		X		X	X

subdivisions, which may provide view fencing or leave the aforementioned areas open with no wall or fence. View fencing may include a combination of masonry and view fencing providing that at least the top 60% of the fencing is view fencing					
12. ~~If a gate is provided to the main entrance of a single-family subdivision or a multi-family complex, the gates shall not be located further towards the street than the closest building wall and shall not be made of a solid or opaque material.~~ IF A GATE IS PROVIDED TO THE MAIN ENTRANCE OF A SINGLE-FAMILY SUBDIVISION OR A MULTI-FAMILY COMPLEX, THE LOCATION SHALL MEET THE REQUIREMENTS OF C-228 OR APPROVED BY THE CITY ENGINEER.	X	X	X	X	X
13. Parking garages fronting a street shall be placed next to each other on adjacent lots in order to maximize on-street parking, where applicable.	X	X			
14. For corner lots, parking garages shall be located on the interior lot side (not the street corner side).	X	X			
15. Garages fronting onto an internal driveway or street shall be setback: a. 3—5 feet from said driveway or street, or b. A minimum of 20 feet from said driveway or street	X	X	X	X	X
16. A one-car garage or shade structure is required to be 10 ft by 20 ft of unencumbered space. A two-car garage or shade structure is required to be 20 ft by 20 ft of unencumbered space. Parking requirements are regulated by section 35-1804.	X	X	X	X	X
17. The required covered parking spaces shall be located adjacent to units, and the guest parking spaces shall be evenly dispersed throughout the development.				X	X
18. Provide screening or other accommodation for trash containers, recycling bins, household tools and equipment.	X	X	X	X	X

(3) *Building architecture:*

(a) Building architecture design standards applicable for single-family lots, single-family subdivisions, lots with a single duplex, triplex, or fourplex, and multi-family (five (5) units and up) shall be as indicated in the following table with a "X."

Building Architecture Design Standards	Single-Family	Single-Family with 8 or More	Duplex, Triplex, and Four-Plex	Multi-Family (5—~~20~~19 Units)	Multi-Family (20 and Up)
PRIMARY ENTRY DESIGN					
1. The primary entrance shall be designed to include one of the following: a. Porch (a roof covered area attached to and projecting a minimum of six (6) feet from the front exterior wall of the structure covering the entrance and an extended area along the front for seating). b. Portico (a column supported roof over the entrance of the home that extends a minimum of 5 feet from the exterior wall to provide shelter from the elements). c. Awning (a roof covering that is not supported by columns and that is attached to and projects a minimum of 4 feet from the exterior wall and is located over the entrance to provide shelter from the elements. awnings shall be metal, roof tiles, shingles, or other hard non-flexible materials. d. Recess (a front door that is recessed a minimum of 4 feet from the exterior wall plane on which the door is located to create a covered landing area.)	X	X	X	X	X
2. Orient front doors toward the fronting street or a common courtyard that is shared with other dwelling units. The use of distinctive architectural elements and materials to denote prominent entrances is required.	X	X	X	X	X
3. Building orientation: Design the primary facade of the buildings with varied setbacks for a minimum of 5 feet in depth to create an interesting and attractive street edge while maintaining the required building setback.		X		X	X
GARAGE PLACEMENT & ORIENTATION					

4. Garages shall use colors and materials used on the primary building façade to blend the garage with the frontage of the dwelling.	X	X	X	X	X
5. When oriented as a side entry garage, a minimum of 25% of the surface area of the side of the garage facing the street shall include windows and architectural detailing to match the detailing on the primary portion of the structure and appear as a livable portion of the dwelling unit.	X	X	X		
MASSING & SCALE					
6. If the front elevation is longer than 30 feet, incorporate a minimum of 2 feet deep by 10 feet wide offset for each 30 feet of building wall length and extend to the full height of the building. Building entrances and front porches may count towards meeting this requirement.	X	X	X		
7. Horizontal off sets: Breaks in massing of at least 2 feet in depth shall be provided for a minimum of 25% of a single building elevation through the use of varying setbacks, building entries, building offset, or modulation of building facades.				X	X
8. Vertical variation: Change in rooflines of at least 2 feet in height shall be provided for a minimum of 25% of a single building elevation through change in height and form.					
9. The Zoning Administrator may accept minor departures from the horizontal off set and vertical variation requirements for the rear elevations of a building that are not visible from public rights-of-way and adjoining residential, commercial, or open spaces.					
10. Where the side façade at the end of a building is oriented to a street, driveway, or common Open space area, massing and level of detailing of the side façade shall be consistent with the front façade. articulation of the side façade may include windows, doors, and porches.				X	X
11. Side elevations shall provide a minimum of one horizontal plane break of at least 2 feet in depth.	X	X	X		
12. Provide single-story or combination one- and two-story homes on all corner lots, with the two-story portion encompassing a maximum 75% of the	X	X	X		

building footprint and oriented furthest away from the street side yard.					
13. For lots greater than 50 feet wide: No more than three detached two-story single-family homes shall be located next to each other along arterial and collector streets, except when: a. Rear yard setbacks are staggered a minimum depth of 10 feet every 150 feet or less, or b. Two-story homes have a single-story component that comprises at least 25% of the length of the building footprint and the two-story component is oriented furthest away from the arterial or collector street and which no more than three are located next to each other without staggering the rear yard setback a minimum of 10 feet or locating a two-story home that does not have a one-story component.		X			
14. Structures that are two stories or more shall comply with a minimum of two of the following strategies to reduce massing and diminish a box-on-box appearance: a. Include a single-story element on the rear or front elevation that is at least 25% of the length of the building footprint. b. At least 3 sides of the structure provide a minimum of one vertical break stepping back a minimum depth of 3 feet for at least 25% of the length of each side. c. Provide multiple roofs at different heights, or parapet heights varying a minimum of 2 feet. d. Provide at least 3 of the following features that break up the box-on-box effect: i. Covered rear patios (minimum 4 feet in depth) extending from the exterior wall of the structures. ii. Covered porches (minimum 6 feet in depth) shall run at least 50% of the front of the structure for homes that are 40 feet or wider. for homes 39 feet wide or less, the covered porch (minimum 6 feet in depth) shall run at least 30% of the front of the structure. iii. Bay windows	X	X	X		

iv. Cantilevers v. Projecting balconies (minimum 4 feet in depth) vi. Dormers vii. Awnings (minimum 4 feet in depth)					
ROOFLINES					
15. Variation of roof forms shall be used on buildings over 50 feet in length along the street frontage and accomplished through the use of differences in roof height (minimum 2 feet) and/or form.			X	X	X
16. Varied roof form shall be used as appropriate to the architectural style, including but not limited to the following: Hipped roofs, shed roofs, gabled roofs, varying pitches, roof dormers, and flat roofs.	X	X	X	X	X
17. Rooflines shall be designed with changes in ridgeline direction and configuration to ensure variation in rooflines between structures.	X	X	X	X	X
18. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.	X	X			
ARCHITECTURAL DIVERSITY & ARTICULATION					
19. New developments with 4 or more contiguous single-family detached lots shall offer multiple distinctly different architectural styles as follows: Total # of Dwelling Units / Minimum # of Distinct Architectural Styles per Floor Plan 1--7 / 1 8--15 / 2 16--30 / 3 >30 / 4 Each architectural style shall feature at least four (4) distinctive features on each elevation, such as but not limited to: a. Roof form and materials b. Masonry veneer (covering a minimum 20% of the elevation) c. Exterior materials d. Window and column detailing e. Arches f. Ornamental ironwork g. Eave details	X	X			

20. A multi-family development must have at least one clearly defined architectural style, and each architectural style shall feature at least four distinctive features on each elevation, such as but not limited to: a. Roof form and materials b. Masonry veneer (covering a minimum 20% of the elevation) c. Exterior materials d. Column detailing e. Arches f. Ornamental ironwork g. Eave details			X	X	X
21. A minimum of three different materials and at least five of the following architectural elements shall be provided on each building elevation: A ~~i~~. Covered porch B ~~ii~~. Bay windows C ~~iii~~. Cantilevers D ~~iv~~. Projecting balconies E ~~v~~. Dormers F ~~vi~~. Awnings G ~~vii~~. Trims around doors and windows that match the architectural style H ~~viii~~. Window mullions and muntins I ~~ix~~. Window shutters J ~~x~~. Accent materials (e.g., decorative tile, decorative metal accents) K ~~xi~~. Decorative brackets under roof eaves, projecting balconies, or other L ~~xii~~. Decorative downspouts				X	X
22. ~~Duplexes, triplexes, fourplexes~~ UNITS shall be designed to appear as separate units by the use of clearly identified entries.			X	X	
23. All primary entrances into residential buildings or individual units shall provide weather protection by having an overhead roof feature extending a minimum of four feet from the building façade and four feet in width.	X	X	X	X	X
24. The first floor shall provide pedestrian scaled elements by using two or more architectural features on the front elevations (e.g. arches, awnings,				X	X

fenestration, patios, columns, cornices, moldings, and trellises) that are not used in the same pattern on the upper stories.					
25. The same elevation shall not be built side-by-side or directly across the street from one another as defined by 60% or more of lot width.	X	X	X		
MATERIALS & COLORS					
26. All exterior materials shall be durable to withstand the elements such as but not limited to brick, masonry, stone, masonry veneers, concrete, composite wood products and stucco.	X	X	X	X	X
27. A unified palette (color, texture, sheen) of materials shall be used on all sides of buildings. Every building shall include no less than three colors appearing on the building exterior.	X	X	X	X	X
28. Natural materials such as stone, river rock, and slate, which are intended to be seen in their natural state shall not be painted.	X	X	X	X	X
29. Roofing materials shall consist of the following, EXCLUDING FLAT ROOFS: Dimensional composite shingles, ceramic tile, clay tile, concrete tile, and standing seam metal. Wood shingles are prohibited.	X	X	X	X	X
30. Untreated wood is not permitted.	X	X	X	X	X
31. When a material wraps around a corner it shall be terminated by an architectural element such as an offset, column, intersecting wall, or fence.	X	X	X	X	X
32. Balcony design shall match the building in terms of style, color, and materials.	X	X	X	X	X

(Ord. No. 5142, § 2(Exh. A), 11-13-25)

35-1904. Commercial design standards.

(1) *Applicability:*

(a) The following objective design standards shall be applied to all new commercial uses, developed individually or as part of a larger commercial center.

(b) These standards are intended to provide a clear set of architectural and site design requirements for new commercial development. These standards provide clear and quantifiable direction to ensure that future development maintains the unique character and high quality of design within the City of Chandler, while ensuring building form and scale are appropriate to the site.

(2) *Site layout:*

(a) Height, building setback, and lot coverage shall be regulated by the zoning district in which the property is located in. These regulations can be found in the City of Chandler Land Use and Zoning Code at the following links:

Commercial Zoning Districts	Code Section
Neighborhood Commercial District (C-1)	35-1203
Community Commercial District (C-2)	35-1303
Regional Commercial District (C-3)	35-1403

Height and area regulations for lots located in Planned Area Development (PAD) zoning districts are established by the ordinance that adopted the PAD, which can be found in the development's zoning file. Zoning files are kept at the City of Chandler's Development Services Department.

When commercial projects are adjacent to ~~a rear or side yard of~~ ANY single-family ZONED residential development, including those instances when separated by an alley, the following separation must be maintained on the site: Commerical buildings shall be no closer than twenty-five (25) feet, plus one (1) additional foot for each foot of height of the commercial building, from the residential property line.

(b) Stand-alone building PAD sites:

1. *Applicability:* For the purpose of this section, stand-alone building PAD sites are uses that stand apart from, and hence are not perceivable as, part of the main building complex. Stand-alone PAD sites may be developed as single freestanding uses, such as a restaurant or bank, or a cluster of uses sharing common architectural detail and materials, open spaces, and shaded areas and pedestrian connections. Freestanding building adjacent to the main complex structures will not be considered stand-alone building PAD sites if the freestanding building is not separated from the larger complex by vehicular movement, improved vehicular surfaces, or retention area.

2. *Number:* The number of PAD sites permissible in a shopping center shall be limited to one per arterial street frontage, with corner PAD sites to count as one of the frontage allowances. Multi-user PAD sites are permitted only when the uses are integrated and clustered within a common open space with seating areas and pedestrian walks, share common architectural details and materials (e.g., color, texture) portrayed by the main complex, and not separated by vehicular movement. More than two (2) freestanding PAD sites may be approved through the preliminary development plan (PDP) process.

Notwithstanding the foregoing, the Zoning Administrator may approve more than two (2) free-standing PAD sites per development administratively, upon determining that all of the following apply:

a. The PAD will enhance the quality of the overall development or revitalize an existing commercial center;

b. An additional PAD will make use of an area that is currently underutilized;

c. There is sufficient area on the site to accommodate safe and adequate on-site traffic circulation and the site has been designed to prevent drive-through queuing from backing onto main driveways or public streets;

d. No more than one high-turnover user per street frontage;

e. The PAD(s) and the overall commercial center in which it is located comply with Article XVIII parking and loading regulations;

f. The architectural design (i.e. building form and materials) of the PAD is compatible with and superior to existing buildings in the same center through the following but not limited to:

i. Increased levels of architectural quality;

ii. Greater material diversity;

iii. Enhanced usable space and/or pedestrian connection;

iv. Activation of street frontage;

v. Higher levels of landscape design;

vi. Creative design solutions for back-of-house functions.

3. *Location:* Any high-turnover uses (fast food, convenience stores, service stations, etc.) must be integrated within larger planned commercial and office centers. However, on sites where the contiguous area is generally insufficient to allow a larger planned center, relief may be considered through the provisions of the Planned Area Development (PAD) process, subject to approval by City Council.

4. *Construction:* Any stand-alone PAD site building(s) twelve thousand (12,000) square feet or greater in building area, located within any commercial site that is ten (10) acres or greater in size, shall be allowed to be constructed prior to the balance of the commercial center. Any PAD site buildings twenty-five thousand (25,000) square feet or less in building area, located within any commercial site that is less than ten (10) acres in size, shall be constructed concurrently or subsequently with at least twelve thousand (12,000) square feet of additional building area in the commercial center.

(c) Drive throughs and pick-up windows:

1. One drive-up or drive through user per street frontage is permissible as long as the drive-up does not conflict with parking maneuvering areas, main-stream vehicular movement, or in itself create an unsafe traffic situation.

2. All queuing lanes for fast food and similar high-turnover uses shall be a minimum of ~~fourteen (14)~~ TWELVE (12) feet in width.

3. Establishments with queuing lanes that offer on-site ordering shall meet all of the following requirements:

a. Provide at least one queuing lane meeting both of the following queuing length requirements:

i. Minimum one hundred fifty (150) feet in length measured from the drive-up window to the start of the lane;

ii. Minimum of one hundred twenty (120) feet from the start of the lane to the menu board.

b. Any additional queuing lanes shall not be counted towards the minimum queuing requirement for on-site ordering.

c. Any additional queuing lanes dedicated solely for picking up pre-ordered items and which do not have a menu board shall provide a minimum of sixty (60) feet in length measured from the pickup window to start of the lane. This queuing length standard is not intended for such uses as drug stores, banks, dry cleaners, etc.

D. DRUGSTORES, BANKS, DRY CLEANERS, ETC. ARE EXCEMPT FROM THE REQUIRED QUEUING REQUIREMENTS OF ONE-HUNDRED AND FIFTY (150) FEET IN LENGTH MEASURED FROM THE PICKUP WINDOW TO THE START OF THE LANE AND SHALL PROVIDE A MINIMUM OF SIXTY (60) FEET FROM PICK-UP WINDOW TO START OF LANE.

4. Drive through lane entry and exit shall be separated from vehicular parking areas~~, through curbing, landscaping, etc.~~ THROUGH THE USE OF CURBING AND LANDSCAPING THAT IS A MINIMUM OF 6FT

WIDE WITH NO OVERHANG PERMITTED, OR 9FT WIDE WITH OVERHANG PERMITTED; UNLESS REDUCED OR WAIVED BY THE ZONING ADMIINISTRATOR.

5. At each intersection of drive through lanes and sidewalks, a crosswalk with textured, decorative paving and pedestrian crossing signs shall be provided. Additionally, one of the following safety measures shall be provided:

a. Crosswalk with raised speed table;

b. Speed bump prior to pedestrian crosswalk.

6. All drive through facilities, including drive through lanes and queuing areas shall be adequately screened from street view by building orientation, or by a landscaped berm and retaining wall measuring four (4) feet from grade of the driving lane, and situated so as not to disrupt safe traffic flow.

7. Drive through speaker(s) shall not face property zoned for single-family residential uses.

8. Menu boards shall be screened from street view by building orientation or by a minimum 4-foot solid masonry wall.

9. ALL DRIVE THROUGH LANES LOCATED WITHIN 50 FEET OF AN ARTERIAL ROAD SHALL BE ADEQUATELY SCREENED FROM ANY PRIMARY DRIVEWAY LEADING INTO THE DEVELOPMENT~~d) Pedestrian connectivity:~~

~~1. An on-site walkway shall connect the main entry of each building or each primary entry to a public sidewalk on each street frontage of the site, and to any transit stop adjacent to the site.~~

~~2. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site recreational or open space areas or pedestrian amenities.~~

~~3. Textured paving treatments shall be provided at all on-site pedestrian crosswalks, and driveway entrances for a minimum of thirty (30) feet in length on-site.~~

~~4. Bus bay locations, where applicable, shall be integrated with pedestrian walkways that provide direct access to the property.~~

~~5. Perimeter sidewalks shall be provided in one of the following manners:~~

~~a. Detached and separated from the curb by landscaping barrier;~~

~~b. Attached to the curb;~~

~~c. Entirely or partially meandering and detached and separated from the curb by landscaping barrier.~~

~~6. Perimeter sidewalks shall connect to existing perimeter sidewalks on abutting properties.~~

~~7. Perimeter sidewalks shall be not less than six (6) feet in width except that, in locations anticipating heavier than normal pedestrian traffic, the zoning administrator may require these to be eight (8) feet in width.~~

(D) MOTOR VEHICLE WASH:

1. THE CARWASH MAY NOT CONFLICT WITH PARKING MANEUVERABILING AREAS, MAIN-STREAM VEHICULAR MOVEMENT, OR IN ITSELF CREATE AN UNSAFE TRAFFIC SITUATION.

2. DRIVE-UP AISLES SHALL BE AT LEAST 12 FEET WIDE.

3. WHEN A CAR WASH ENTRY OR EXIT FACES ANY ROADWAY, RESIDENTIAL, OR OPEN SPACE, A SCREEN WALL SHALL BE REQUIRED WITH A MINUMUM HEIGHT OF A 5.5 FEET. WHEN APPLICABLE, THE SCREEN

WALL SHALL BE INTEGRATED WITH THE PARKING SCREEN WALLS THROUGH GRADUAL INCREASE IN HEIGHT.

4. THE DRIVE-UP AISLE AND/OR QUEUING SPACE SHALL:

A. NOTENCROACH INTO REQUIRED LANDSCAPE AREAS OR BUILDING SETBACKSB. PROVIDE QUEUING FOR A MINIMUM OF FOUR (4) VEHICLES FOR EACH AUTOMATIC WASH BAY AND THREE (3) VEHCILES FOR EACH SELF-SERVE, COIN OPERATED AND/OR HAND WASH BAY.

5. MECHANICAL EQUIPMENT FOR CENTRALIZED VACCUUM EQUIPMENT SHALL BE HOUSED IN AN ENCLOSED ROOM.

6. THE EXIT OF THE TUNNEL SHALL BE REQUIRED TO BE EXTENDED A MINIMUM OF 3FT PAST THE DRYERS TO PROVIDE SCREENING FOR THE DRYER EQUIPMENT.

(3) *Building architecture:*

(a) *Massing and articulation:*

1. Horizontal off sets:

i. Buildings less than two thousand (2,000) square feet shall incorporate breaks in massing having a depth of at least six (6) inches for a minimum of twenty-five percent (25%) of each building elevation through the use of varying setbacks, building entries, exterior wall plane offset, or modulation of building facades.

ii. Buildings greater than two thousand (2,000) square feet shall incorporate breaks in massing having a depth of at least two (2) feet for a minimum of twenty-five percent (25%) of each building elevation through the use of varying setbacks, building entries, building offset, or modulation of building facades.

2. Vertical variation: Change in rooflines of at least two (2) feet in height shall be provided for a minimum of twenty-five percent (25%) of each building elevation through change in height and form.

3. The Zoning Administrator may accept minor departures from the horizontal off set and vertical variation requirements for the rear elevations of a building that are not visible from public rights-of-way or adjoining residential, commercial, or open spaces.

(b) *Architectural consistency:*

1. Building architecture shall promote consistent architectural character and detail on all sides of the structure, including the continued use of building materials on each side.

2. If a subject site is located within a larger existing center or development, then the subject site shall be architecturally integrated with the larger center or development. To be considered architecturally integrated, the proposal shall provide the following at minimum:

i. The predominant building color(s) (excluding accent colors) used on the proposed building shall match the predominant building color(s) found in the larger center.

ii. The predominant building materials used on the proposed building shall feature at least two (2) prominent building materials found in the larger center.

iii. The predominant roof form and roof materials on the proposed building shall use the same predominant roof form and roof materials found in the center.

3. Building features that are used for advertising or to promote a recognizable corporate image (corporate stylized architecture) shall be limited to a maximum of one accent color AND/ or material and shall meet one of the following:

i. When the color or material OR ANY COMBINATION THEREOF is not found within the approved color palate for the larger center, then the color or material shall be limited to ten percent (10%) of a single building elevation.

ii. When the color or material OR ANY COMBINATION THEREOF is found within the approved color palate for the larger center, then the color or material shall be limited twenty percent (20%) of a single building elevation. additional colors or materials may be considered if they are prominent building colors found within the approved color palate for the center.

(c) *Building materials and facade details:*

1. Building materials shall be of high quality and durable. they include, but are not limited to:

i. Brick

ii. Stone (natural or faux)

iii. Integral color, sand blasted or stain textured masonry

iv. Split-faced masonry units

v. Tilt-up concrete panels

vi. Stucco/EIFS

vii. Architectural pre-finished metal

viii. Concrete and clay tile roofs

ix. Treated or engineered wood product

2. At least three (3) materials shall be used in addition to glazing and accent features (e.g., fence panels, tile accents, trellises) unless dictated by an architectural style that prescribes a particular building material as the dominant feature (e.g., pueblo, santa fe style, etc.) as follows:

i. A predominant material (maximum sixty-five percent (65%)) and two (2) additional materials (minimum ten percent (10%) each) shall be provided on each building facade

3. Solid covered canopies shall be provided at all pedestrian building entries at a minimum depth of four (4) feet.

~~4. Where existing flush curbing is utilized, a combination of decorative bollards and landscape planters shall be provided with no more than six (6) consecutive bollards.~~

(d) *Screening:*

1. Any commercial development using outside storage area for equipment, vehicles, or materials shall screen such area from view with a 6-foot masonry or concrete wall excluding approved gated openings.

2. Dismantling, servicing, repairing, etc., of vehicles and/or equipment shall be within completely enclosed buildings or within an area enclosed by a solid concrete, masonry, or similar material wall except for openings for ingress and egress which shall be furnished with solid gates.

3. Service bays shall meet all of the following screening requirements:

i. Screening from adjacent properties zoned for residential uses shall meet the following requirements:

1) Bay doors located within one hundred (100) feet of an adjacent residential property line shall be oriented away from the adjacent use.

2) Bay doors located between one hundred (100) feet and six hundred (600) feet of an adjacent residential property line and oriented such that the bay doors would be visible from the adjacent use shall be screened with an intervening building or an 8-foot-tall screen wall. The 8-foot-tall screen wall shall not be located in the required building setback.

ii. Screening from adjacent streets shall be accomplished through the use of AN intervening building such that the bay doors are not visible from the street(s). Sites that are unable to screen service bays using an intervening building shall use at minimum one of the following methods:

1) Preferred method: Orient the building such that the bay doors are perpendicular to the abutting street. For corner lots, the bay doors shall be oriented perpendicular to the street with the highest functional street classification (i.e. arterial, collector, etc.) identified in the general plan. in the event that the street classifications are equivalent, the orientation creating the smallest noise impact on adjacent residential development shall be used.

2) Bay doors facing the street shall be setback at least two hundred (200) feet.

3) Bay doors less than two hundred (200) feet from an adjacent street and less than perpendicular to a street shall provide a solid 6-foot masonry screen wall. The 6-foot-tall screen wall shall not be located in the required building setback.

4) ALL STAIRWAYS TO UPPER LEVELS SHALL BE LOCATED WITHIN THE BUILDING OR CONCEALED IN SUCH A MANNER THAT APPEARS TO BE AN INTEGRAL PART OF THE BUILDING.

5) SCREEN WALLS EXCEEDING 80 FEET IN LENGTH THAT ARE VISIBLE FROM STREET VIEW, OPEN SPACE, OR PROPERTIES ZONED FOR COMMERCIAL OR RESIDENTIAL USES SHALL BE BROKEN UP THROUGH THE USE OF PILASTERS, AND/OR OFFSETS IN THE ALIGNMENT OF THE WALL OR FENCE.

4. Provide long-term storage of shopping carts either within the tenant space or adjacent to it, behind a decorative screen wall exceeding the height of the carts. Shopping cart storage shall not encroach into accessible pathways.

(e) *Gas stations:*

1. Design of gas canopies shall be integrated with adjacent building architecture through the use of similar materials, colors, and roof forms.

2. Gas canopy lights shall be flush with the bottom of canopy.

3. Gas canopy bottom edge shall be a maximum of fifteen (15) feet six (6) inches above finish grade, unless canopy is integrated into convenience store building.

4. All venting and mechanical equipment shall be screened from arterial streets and public view, this includes gas vent stacks. Gas vents shall be integrated into the canopy or mounted directly adjacent to the convenience store and shall not be a separate structure. The canopy shall incorporate alternative materials (such as louvers or mesh screening) to allow for sufficient ventilation while fully screening any gas vents or mechanical equipment.

5. No outside vending is permitted, including ice machines.

6. WHERE FLUSH CURBING IS UTILIZED AROUND CONVENIENCE STORES, A COMBINATION OF DECORATIVE BOLLARDS AND LANDSCAPE PLANTERS SHALL BE PROVIDED WITH NO MORE THAN SIX (6) CONSECUTIVE BOLLARDS.

(f) *Interface with single-family residential area:* When commercial projects are next to or across an alley from a rear or side yard of single-family residential development:

1. Second-story window balconies and other openings are allowed only when demonstrated to and approved by the zoning administrator that back yards of adjacent residences will not be visible from such balconies or openings by persons sitting or standing in the commercial buildings.

(G) MOTOR VEHICLE WASH:

1. A SHADE STRUCTURE IS REQUIRED OVER SELF-SERVICE VACCUUM AREAS AS WELL AS OVER PAYMENT KIOSK(S).

2. THE DESIGN OF THE SHADE CANOPIES SHALL BE INTEGRATED WITH THE ADJACENT BUILDING ARCHITECTURE THROUGH THE USE OF SIMILAR MATERIALS, COLORS, AND ROOF FORMS. THE USE OF SHADE SAIL CAN BE CONSIDERED MATERIAL IF MAINTAINED TO A LEVEL AT THE TIME OF INSTALLING AND A COMPLEMENTARY COLOR USED, WHICH IS NOT CONSIDERED A CORPORATE COLOR.

3. A SHADED PEDESTRIAN WAITING AREA IS REQUIRED FOR CAR WASHES THAT OFFER HAND WASHING OR DETAILING SERVICES.

4. NO VACCUUM HOSE, SIGNAGE, OR ANY EQUIPMENT, EXCEPT AIR DRY-OFF HOSES, SHALL HANG FROM THE UNDERSIDE OF THE VACCUUM AND DRY-OFF CANOPY.

6. CORPORATE STYLIZED ARCHITECTURE BEYOND COLORS AND MATERIALS SHALL BE PROHIBITED, CORPORATE COLORS WILL NOT BE PERMITTED ON THE SHADE STRUCTURES OVER SELF-SERVICE VACCUUM AREAS OR PAYMENT KIOSK(S).

7. THE ARCHITECTURE OF THE BUILDING IS REQUIRED TO MEET THE REQUIREMENTS IN SECTIONS 35-1904(3)(C).

(4) *Locational criteria and site development standards for large single use retail development:*

(a) *Locational criteria:* Large single use retail, as defined in section 35-200 of this Code, shall only be permitted on property zoned as Planned Area Development (PAD) for such use, in accordance with the requirements and provisions of Chapter 35, Article XVII of this Code, and further subject to all of the following location criteria. Any proposal to expand an existing retail use, which subsequently brings the total building coverage of that use to one hundred fifty thousand (150,000) square feet or more, shall also require conformance with all of the following standards, for the entire site development. Council may approve departure from these standards upon finding that such departure is warranted, based upon consideration of mitigating circumstances, design innovation, or other meritorious feature(s), as provided for in Chapter 35, Article XVII of this Code.

1. Any parcel proposed for a large single use retail development shall be adjacent to a freeway interchange, or shall front along two (2) major arterials forming an intersection designated by the Chandler General Plan as "commercial node," or as "regional major commercial development," or other successor designation specified in the general plan, or in an area plan approved by the Mayor and City Council, that expressly provides for such large single use retail development.

2. A minimum distance of one thousand five hundred (1,500) feet, as measured on a straight line, shall be required from the nearest property line of any parcel currently zoned for low density single-family residential use, to the nearest exterior wall of the large single use retail building.

a. For purposes of this measurement, the phrase "low density single-family residential use" shall mean a subdivision of land, as defined in section 35-200 of this Code, located within the City jurisdiction, with a net overall density in the range of zero to four and one-half dwelling units/acre. For purposes of this measurement, neither the AG-1 (agriculture) nor the MH-1

(mobile home) zoning district shall be considered as a low density single-family zoning designation.

b. The one thousand five hundred (1,500) foot distance may be reduced or waived altogether by Council if based upon a finding that other mitigating circumstances already exist on, or adjacent to, the site proposed for large single use retail development. Such mitigating circumstances may involve existing non-single-family land uses or zoning designations, or other physical barriers such as a major arterial right-of-way, freeway right-of-way, railroad or canal right-of-way, which Council may find achieves an effective separation and buffer from the land use impacts of the large single use retail development.

c. The one thousand five hundred (1,500) foot distance may be reduced, or waived altogether, by Council if based upon a finding that the large single use retail development proposal demonstrates a combination of superior architectural or site design techniques, such as, without limitation, i) attaching other accessory retail shop space and storefronts to displace at least a portion of what would otherwise be a lengthy exterior front wall plane of the large single use retail building; ii) extensive greenbelts not less than one hundred (100) feet in width that feature mature landscaping, architectural theme walls, and terraces that cause the finished grade of the large single use retail building to be at least six (6) feet lower than the finished lot grade of the nearest low density single-family residential use; iii) relocation of loading docks and overhead bay doors to another side of the building which does not face any adjacent residential use, and which in turn causes elimination of any rear service drive or other means of access to the rear of the building other than pedestrian doors; iv) completely separating the large single use retail building with smaller scale buildings accommodating less intensive land use(s), which provides an effective transition to any adjoining residential use.

The requirements of this subsection 35-1904(4)(a)2. shall not apply if the developer of such low density single-family residential use was required by condition of zoning as approved by the Chandler City Council to give full and adequate disclosure that said residential subdivision was within one thousand five hundred (1,500) feet to another site currently designated for regional commercial use, as shown on the Chandler General Plan, wherein such designation may permit large single use retail development.

3. An application requesting zoning approval for a large single use retail component may also request zoning for a single-family use as a component of a mixed use project only when each of the following conditions are met:

a. The large single use retail parcel shall be expressly identified for such use as part of a mixed use Planned Area Development (PAD) zoning application, wherein such application as approved by City Council also depicts the single-family residential parcel(s), and any transitional land use parcels and buffers adjoining the large single use retail parcel.

b. Full and adequate disclosure of such large single use retail location shall be given by the developer or homebuilder of the single-family residential use within one thousand five hundred (1,500) feet, to any prospective homebuyer in the manner specified as a condition of City Council approval, for the Planned Area Development (PAD) zoning application.

c. Preliminary development plan approval for the large single use retail parcel, in the manner set forth in section 35-1706 of this Code, shall be required either prior to, or concurrent with, preliminary development plan approval for one or more single-family residential parcels within said mixed use development proposal.

d. The required Planned Area Development (PAD) zoning application, wherein such mixed uses are identified, shall also demonstrate sufficient buffer separations using such elements as street right-of-way, stormwater retention area(s), landscaping techniques, and masonry walls, in

combination to achieve complete separation. In no event shall any parcel proposed for large single use retail, share a property line with any parcel proposed for low density single-family use.

4. Any parcel proposed for large single use retail development shall be a minimum distance of one thousand three hundred (1,300) feet from any site currently zoned, or built, as a public or private elementary school, middle school, junior high, or high school.

a. In no event shall any development site containing a large single use retail parcel gain vehicular access from a local street, collector street, or private drive, that also provides vehicular access or frontage to a public or private elementary school, middle school, junior high, or high school.

b. The minimum distances required by this subsection 35-1904(3)(a)4., between the large single use retail building and any given school, shall be the shortest straight line measurement from the school property line to the nearest exterior wall of the large single use retail building.

The requirements of this subsection 35-1904(4)(a)4. shall not apply to any elementary school, middle school, junior high, or high school located on property zoned for uses other than low density single-family residential use.

Notwithstanding conformance with all of the above locational criteria, City Council may deny an application for the Planned Area Development (PAD) zoning designation, in accordance with the provisions set forth in section 35-1706(4) of this Code.

(b) *Site development standards:* In addition to the site development and landscaping standards set forth in Article XIX of this Code, large single use retail shall also be subject to conformance with the following additional standards. Council may approve departure from these standards upon finding that such departure is warranted, based upon design innovation or other meritorious feature(s) as provided for in Chapter 35, Article XVII of this Code:

1. Maximum total site coverage of all buildings shall not exceed twenty-four percent (24%) of the net site area.

2. Minimum front, side, and rear setbacks for all large single use retail building(s) and parking, as otherwise specified in section 35-1902 of this Code, shall be increased at the rate of two (2) additional feet for each ten thousand (10,000) square feet of building coverage over one hundred fifty thousand (150,000) square feet. Such setbacks from any public street shall be measured from the future right-of-way line, wherein such right-of-way width is determined in accordance with the circulation element of the Chandler General Plan.

3. The architecture of the large single use retail building, together with any PAD building(s) or in-line shops, shall demonstrate visual interest on all exterior sides through the use of such techniques, without limitation, as wall plane changes, color and material changes, pop-outs, reveal lines, scoring, varied roof lines and slopes, recessed features, articulated customer entrances, canopies, colonnades, and other elements, all of which effectively integrate the building mass with its surroundings, and bring proportion to its horizontal and vertical dimensions.

4. Entry drives shall be aligned with any point of access to an arterial street that provides full turning movements, as approved by the City Transportation Engineer. Said entry drive(s) shall be defined as a boulevard, thereby separating entry/exiting movements from parking space search maneuvers.

5. Sidewalks not less than six (6) feet in width shall be provided within the site development, providing direct pedestrian access from the arterial sidewalks to primary customer entry doors. Such on-site sidewalks shall be separate and distinct by use of landscaping, color, and material changes. In addition, a minimum ten (10) foot wide sidewalk shall be provided parallel to the front elevation of the large single use retail building for its entire length, and separate from any parking space overhang, driving aisle or landscaping as required in section 35-1906 of this Code.

6. Any outdoor display areas for merchandise shall be enclosed by fence walls integrated with the architecture, color, and materials of the primary building, and may include wrought iron for visibility. Such fence wall enclosures shall be a minimum four (4) feet or greater in height.

7. Any areas used for shopping cart containment as may be provided adjacent to the building, shall be fully enclosed and screened by a minimum four (4) foot high masonry wall, with berming and landscaping in the quantities set forth in section 35-1906 of this Code.

8. Outdoor storage of merchandise or other miscellaneous material, including containment in metal bins, shall not displace any portion of the site development intended for parking, access, landscaping, or loading, and shall be screened in the manner specified in section 35-1904(3)(d)1. and 35-1905(3)(e)1v. of this Code.

9. A traffic study shall be submitted for approval by the City Transportation Engineer, in conjunction with the preliminary development plan submittal requirements set forth in section 35-1706 of this Code. Recommended measures and improvements to mitigate traffic impacts shall be the responsibility of the project developer.

10. A photometric plan shall be submitted for approval by the Zoning Administrator, in conjunction with the preliminary development plan requirements set forth in section 35-1706 of this Code. Said plan shall demonstrate an illumination level in the range of 1.5 to 2.0 footcandles, for approval by the Chief of Police or designee. Such submittal shall include catalogue cuts of all lighting fixtures with shields to ensure down lighting only, concealed point sources of light, and prevent overspill onto adjoining properties.

11. Overnight parking of recreational vehicles anywhere within the site development shall be prohibited.

(Ord. No. 5142, § 2(Exh. A), 11-13-25)

35-1905. Industrial design standards.

(1) *Applicability:*

(a) The following objective design standards shall be applied to all new industrial uses, developed individually or as part of a larger industrial project.

(b) These standards are intended to provide a clear set of architectural and site design requirements for new industrial development. these standards provide clear and quantifiable direction to ensure that future development maintains the unique character and high quality of design within the City of Chandler, while ensuring building form and scale are appropriate to the site.

(2) *Site layout:*

(a) Height, building setback, and lot coverage shall be regulated by the zoning district in which the property is located in. These regulations can be found in the City of Chandler Land Use and Zoning Code at the following links:

Industrial Zoning Districts	Code Section
Planned Industrial District (I-1)	35-1503
General Industrial District (I-2)	35-1603

Height and area regulations for lots located in Planned Area Development (PAD) zoning districts are established by the ordinance that adopted the PAD, which can be found in the development's zoning file. Zoning files are kept at the City of Chandler's Development Services Department.

When industrial projects are next to or across an alley from a ~~rear or side yard of~~ single-family residential development: Industrial buildings shall be no closer than FIFTY (50) ~~twenty-five (25)~~ feet~~, plus one additional foot for each foot of height of the industrial building,~~ from the residential property line.

(b) Building orientation:

1. The building front shall be oriented to a public roadway or an internal primary drive for multi-building developments.

2. The office, showroom or other publicly accessible portions of the building shall be located or oriented in the building so as to be highly visible from a public roadway or the public realm.

3. A building located on a corner site shall be oriented to address both street frontages, and shall have enhanced landscaping and architectural design features such as street-facing windows and doors.

4. Warehouses shall be located to the side or rear of the building to minimize the visual impacts of warehousing/distribution activities, vehicle maneuvering areas, and back-of-house functions from the pedestrian and visitor experience.

(c) Vehicular access and connectivity:

1. Public/visitor areas shall be separated from truck delivery and maneuvering areas. On multi-building projects, the primary driveway for the public and/or visitors shall provide the following:

a. Variety of materials (e.g., texturized paving, colored pavement)

b. Enhanced landscape palate compared to the balance of the site.

2. PARKING LOTS THAT ARE FULLY GATED FOR SECURITY PURPOSES ARE REQUIRED TO PROVIDE A VEHICULAR TURN-AROUND AT THE MAIN ENTRANCE.

(d) Pedestrian connectivity:

1. ON-SITE WALKWAYS SHALL PROVIDE SAFE AND CONVENIENT CONNECTION THROUGH THE SITE CONNECTING THE MAIN ENTRY OF EACH BUILDING OR EACH PRIMARY ENTRY TO PUBLIC SIDEWALK ON EACH STREET FRONTAGE OF THE SITE, AND TO ANY TRANSIT STOP ADJACENT TO THE SITE.

2. A SYSTEM OF PEDESTRIAN WALKWAYS SHALL CONNECT ALL BUILDINGS ON A SITE TO EACH OTHER, TO ON-SITE AUTOMOBILE AND BICYCLE PARKING AREAS, AND TO ANY ON-SITE RECREATIONAL OR OPEN SPACE AREAS OR PEDESTRIAN AMENITIES.

3. TEXTURED PAVING TREATMENTS SHALL BE PROVIDED AT ALL ON-SITE PEDESTRIAN CROSSWALKS, AND DRIVEWAY ENTRANCES FOR A MINIMUM OF THIRTY (30) FEET IN LENGTH ON-SITE.

4. BUS BAY LOCATIONS, WHERE APPLICABLE, SHALL BE INTEGRATED WITH PEDESTRIAN WALKWAYS THAT PROVIDE DIRECT ACCESS TO THE PROPERTY.

5. PUBLIC SIDEWALKS SHALL BE PROVIDED IN ONE OF THE FOLLOWING MANNERS:

A. DETACHED AND SEPARATED FROM THE CURB BY LANDSCAPING BARRIER;

B. ATTACHED TO THE CURB;

C. ENTIRELY OR PARTIALLY MEANDERING AND DETACHED AND SEPARATED FROM THE CURB BY LANDSCAPING BARRIER.

6. SIDEWALKS SHALL CONNECT TO EXISTING PERIMETER SIDEWALKS ON ABUTTING PROPERTIES.

~~1. An on-site walkway shall connect the main entry of each building or each primary entry to a public sidewalk on each street frontage of the site, and to any transit stop adjacent to the site. ,~~

~~2. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site recreational or open-space areas or pedestrian amenities.~~

~~3. Textured paving treatments shall be provided at all on-site pedestrian crosswalks, and driveway entrances for a minimum of thirty (30) feet in length on-site.~~

~~4. Bus bay locations, where applicable, shall be integrated with pedestrian walkways that provide direct access to the property.~~

~~5. Perimeter sidewalks shall be provided in one of the following manners:~~

~~a. Detached and separated from the curb by landscaping barrier;~~

~~b. Attached to the curb;~~

~~c. Entirely or partially meandering and detached and separated from the curb by landscaping barrier.~~

~~6. Perimeter sidewalks shall connect to existing perimeter sidewalks on abutting properties.~~

~~7. Perimeter sidewalks shall be not less than six (6) feet in width except that, in locations with anticipated heavier-than-normal pedestrian traffic, the zoning administrator may require these to be eight (8) feet in width.~~

7 ~~8~~. Multi-building projects with three (3) or more buildings shall provide a minimum of two (2) functional outdoor amenities and/or communal areas for employees. Such amenities shall be located near building entrances or other focal points within the development where they will be convenient and comfortable for users. Outdoor amenities and communal area include, but are not limited to:

a. Active recreational spaces such as sport courts, putting greens, etc. Active recreational spaces shall be located no closer than one hundred (100) feet to the property line of any property zoned for residential uses;

b. Outdoor seating areas shaded by trees and/or structures such as trellises, pergolas, and canopies.

(3) *Building architecture:*

(a) *Massing and articulation:*

1. *Horizontal off sets*: Breaks in massing of at least two (2) feet in depth shall be provided for a minimum of twenty-five percent (25%) of a single building elevation through the use of varying setbacks, building entries, building face off set, or modulation of building facades.

2. *Vertical variation*: Change in rooflines of at least two (2) feet in height shall be provided for a minimum of twenty-five percent (25%) of a single building elevation through change in height and form.

3. The Zoning Administrator may accept minor departures from the horizontal off set and vertical variation requirements for the rear elevations of a building that are not visible from public rights-of-way and adjoining residential, commercial, or open spaces.

(b) *Architectural consistency:*

1. Building architecture shall promote consistent architectural character and detail on all sides of the structure, including the continued use of building materials on each side.

2. If a subject site is located within a larger existing center or development, then the subject site shall be architecturally integrated with the larger center or development. To be considered architecturally integrated, the proposal shall provide the following at minimum:

a. The predominant building color(s) (excluding accent colors) used on the proposed building shall match the predominant building color(s) found in the larger center.

b. The predominant building materials used on the proposed building shall feature at least two (2) prominent building materials found in the larger center.

c. The predominant roof form and roof materials on the proposed building shall use the same predominant roof form and roof materials found in the center.

3. Building features that are used for advertising or national image (corporate stylized architecture) shall be limited to a maximum of one accent color or material and shall meet one of the following:

a. When the color or material is not found within the approved color palate for the larger center, then the color or material shall be limited to ten percent (10%) of a single building elevation.

b. When the color or material is found within the approved color palate for the larger center, then the color or material shall be limited twenty percent (20%) of a single building elevation. Additional colors or materials may be considered if they are prominent building colors found within the approved color palate for the center.

(c) *Building materials:*

1. Building materials shall be of high quality and durable. they include, but are not limited to:

a. Brick

b. Stone (natural or faux)

c. Integral color, sand blasted or stain textured masonry

d. Split-faced masonry units

e. Tilt-up concrete panels

f. Stucco/EIFS

g. Architectural pre-finished metal

2. A generous amount of glazing shall be incorporated into the design of the buildings. Glazing shall be provided at the following percentages for each individual building elevation:

a. Front elevations and other elevations that directly face a public roadway, freeway, or internal primary drive: Minimum 20%

b. Side elevations that are visible from a public roadway, freeway, or an internal drive but not directly facing the roadway or drive: Minimum 10%

c. Rear elevations that are visible from the public roadway, freeway or internal drive: Minimum 5%

3. At least three (3) facade materials shall be used in addition to glazing and accent features (e.g., fence panels, tile accents, trellises) as follows:

a. Front elevation and other elevations that directly face a public roadway: A predominant material (maximum sixty percent (60%)) and two (2) additional materials (minimum forty percent (40%) combined)

b. Side elevation: A predominant material (maximum 80%) and two (2) additional materials (minimum twenty percent (20%) combined)

(d) *Facade details:*

1. Building entrances:

a. Each principal building shall have clearly defined, highly visible primary entrances for occupants and patrons. Every primary entrance shall have a special emphasis when compared to the other portions of the building. This shall be accomplished by providing the three below enhanced design elements near the entrances:

1. Increased use and height of glazing, encompassing a minimum of seventy-five percent (75%) of the height of the building;

2. Raised parapets with a minimum increase in height of two (2) feet;

3. Canopies or porticos.

b. In addition to the above required design elements, a minimum of two (2) additional enhanced design elements shall be provided near the entrances, including but not limited to:

1. Recesses/projections

2. Peaked roof forms

3. Arches

4. Integral planters or wing walls

5. Enhanced pedestrian surfaces

c. When a building entrance is located at the corner of a building, the design elements incorporated into the entry shall wrap around the corner of the building. Design elements on each side of the corner entry shall span the same length of the building.

d. Building entries shall be oriented toward the predominant public view, usually the street frontage. This allows the public to more easily determine where the front entrance is located and provides a more attractive street frontage.

e. Large buildings which front multiple streets shall provide multiple entrances.

2. Solid covered canopies shall be provided at all pedestrian building entries at a minimum depth of four (4) feet.

(e) *Screening:*

1. Any industrial development using outside storage area for equipment, vehicles or materials shall screen such area from view with a minimum six (6) foot masonry or concrete wall excluding approved gated openings.

2. Dismantling, servicing, repairing, etc., of vehicles and/or equipment shall be within completely enclosed buildings or within an area enclosed by a solid concrete, masonry, or similar material wall except for openings for ingress and egress which shall be furnished with solid gates.

3. Service bays shall meet all of the following screening requirements:

a. Screening from adjacent properties zoned for residential uses shall meet the following requirements:

1. Bay doors located within one hundred (100) feet of an adjacent residential property line shall be oriented away from the adjacent use.

2. Bay doors located between one hundred (100) feet and six hundred (600) feet of an adjacent residential property line and oriented such that the bay doors would be visible from the adjacent use shall be screened with an intervening building or an eight (8) foot tall screen wall. The eight (8) foot tall screen wall shall not be located in the required building setback.

b. Screening from adjacent streets shall be accomplished through the use of intervening building such that the bay doors are not visible from the street(s). Sites that are unable to screen service bays using an intervening building shall use at minimum one of the following methods:

1. Preferred method: Orient the building such that the bay doors are perpendicular to the abutting street. For corner lots, the bay doors shall be oriented perpendicular to the street with the highest functional street classification (i.e. arterial, collector, etc.) identified in the general plan. In the event that the street classifications are equivalent, the orientation creating the smallest noise impact on adjacent residential development shall be used.

2. Bay doors facing the street shall be setback at least two hundred (200) feet.

3. Bay doors less than two hundred (200) feet from an adjacent street and less than perpendicular to a street shall provide a solid six (6) foot masonry screen wall. The six (6) foot tall screen wall shall not be located in the required building setback.

c. All stairways to upper levels shall be located within the building.

d. Screen walls exceeding eighty (80) feet in length that are visible from street view, open space, or properties zoned for commercial or residential uses shall be broken up through the use of pilasters, and/or offsets in the alignment of the wall or fence.

4. ~~e.~~ Truck courts shall be fully screened from street view, open space, and any surrounding properties zoned for commercial or residential uses through the use of at least one of the following methods:

A. ~~1.~~ Use of intervening buildings such that the entirety of the truck courts are not visible;

B. ~~2.~~ Use of solid eight (8) foot tall masonry or concrete screen wall(s) and opaque gate(s).

5. ~~f.~~ When security fencing is required, it shall be provided as view fencing. View fencing may include a combination of masonry and view fencing, provided that at least the top sixty percent (60%) of the fencing is view fencing.

6. ~~g.~~ The use of concertina wire or barbed wire is prohibited unless not visible from public view.

(f) *Interface with single-family area:* When industrial projects are next to or across an alley from a rear or side yard of single-family residential development:

1. Second-story window balconies and other openings are allowed only when demonstrated to and approved by the Zoning Administrator that back yards of adjacent residences will not be visible from such balconies or openings by persons sitting or standing in the ~~commercial~~ INDUSTRIAL buildings.

(Ord. No. 5142, § 2(Exh. A), 11-13-25)

35-1906. Landscaping.

(1) *Purpose:* The purpose of this section is to provide minimum landscape development standards which will promote the general welfare of Chandler residents through the provision of an outdoor environment which will:

(a) Create aesthetically pleasing views and vistas along public streets.

(b) Complement and enhance the functional and aesthetic design of new building and site development projects.

(c) Provide visual screening of parking, service and storage areas.

(d) Mitigate the adverse impacts of higher intensity land uses upon lower intensity uses through the provision of needed "landscape buffers."

(e) Promote water conservation by restricting the use of turf and ornamental water features and requiring the use of low-water-use plant materials.

(f) Promote climate modifications for enhancement of pedestrian environments at street frontages, parking lots and building facades.

(g) Provide maximum shade on ground surfaces to reduce the "urban heat island effect."

(2) *Applicability:* These landscape standards shall apply to all new developments, except for single-family, duplex, triplex, and fourplex dwellings, which require the approval of a site development plan or subdivision plat by the City of Chandler.

(3) *Definitions:*

(a) *Director:* The Development and Community Services Director or his/her designated representative.

(b) *Landscaping:* Shall include all living plants such as trees, shrubs, vines, vegetative ground cover, organic or inorganic materials, earthen berms, walls, walkways, plazas, courtyards, lighting, benches, trash containers, sculptures and other site furnishings creating an attractive environment.

(c) *Landscape plan:* A graphic representation of the development of a site which illustrates the nature, design and location of all landscaping elements and materials.

(d) *Interior open space:* That open space encompassed by line extensions of the exterior walls of one (1) or more buildings constructed on a common building site.

(e) *Non-functional turfgrass:*

- Any narrow strips of grass especially areas with any single dimension of ten (10) feet or less.
- Grass areas exceeding a 4:1, or twenty-five percent (25%), slope.
- Grass areas that are not accessible by paved pathways and/or are restricted by physical barriers that prohibit accessibility.
- Grass areas installed closer than ten (10) feet to a street and/or in front entryways to residential neighborhoods or subdivisions where other recreational amenities do not exist.
- Grass areas that are dedicated to drainage conveyances, storm basins, erosion control, or operational discharge and are not historically utilized for active programmed recreational purposes.
- Any grass area not historically used for recreational purposes and are primarily aesthetic or ornamental.

(f) *Salvaged/harvested water:* Collected stormwater for landscape use.

(4) *Landscape design plan:* All landscape plans shall be drawn at a minimum scale of one (1) inch equals thirty (30) feet (maximum sheet size thirty-inch by forty-two-inch) and contain the following information:

(a) Building footprints and roof overhangs, walkways, parking surfaces and vehicular overhang lines, property lines, right-of-way lines, easement lines and sight angle clearance lines.

(b) Calculations of the square footage and percent of total site of all site elements, including building footprints, parking, and landscape area. Landscape area shall also be further subdivided into subcategories of turf, shrubs/ground cover, and inorganic materials.

(c) The location of existing and proposed plant materials.

(d) Plant schedule, including botanical and common names, planting size, number of plants, and on-center spacing of massed shrubs and ground cover plants on each landscape sheet.

(e) Plant graphic symbol legend or key on each landscape sheet. (Items (d) and (e) may be combined.)

(f) Planting details, specifications and required guaranty.

(g) Proposed treatment (type and depth) of all added inorganic ground surface materials.

(h) Inorganic materials schedule including type of material (i.e. decomposed granite, river rock, screened rock, etc.) and quantities.

(i) Irrigation plan showing location of controller, existing or proposed meters, backflow preventor, water lines, heads, and materials schedule on each sheet.

(j) Irrigation details and pressure loss calculations.

(5) *Landscape design guidelines:* Landscaping shall be designed, installed and maintained in general accordance with the following guidelines:

(a) *Xeriscape principles:* Landscape developments shall be designed, installed and maintained in accordance with the following seven (7) basic principles of xeriscape.

1. *Planning and design:* Use a water conservation design. Implement a "mini-oasis" concept. Water-using plants and turf should be concentrated in small areas near buildings where they may be enjoyed at the pedestrian level.

2. *Limited turf areas:* Limit the use of turf to small areas where it will be actively used and efficiently watered.

3. *Efficient irrigation:* Utilize the most efficient irrigation system for the area being served. Drip individual plants rather than flood larger areas. Group plantings together with common water requirements to be watered on the same control zone.

4. *Soil improvements:* Add soil amendments (improvements) within planted areas to increase the water-holding capacity of the soil and improve the health and vigor of plants.

5. *Mulching:* Cover final soil surfaces with organic or inorganic mulches to insulate soil temperature extremes and conserve moisture.

6. *Lower-water-demand plants:* Utilize only those plants listed on an officially approved low-water-use plant list.

7. *Appropriate maintenance:* Maintain irrigation systems so they operate at peak efficiency. Lessen water demand by keeping weed growth down and by thinning unwanted wood from trees rather than cropping them.

(b) *Unity and continuity:* Landscape unity and continuity may be significantly enhanced through the selection of a dominant tree and shrub species. Such dominance shall be established by making the selected species clearly in the majority (sixty (60) percent plus).

Note: Plant palettes, except for turf areas in excess of the limitations established by these landscape standards, partially implemented through the construction of one (1) or more phases of a previously approved master planned project shall be continued throughout the development of that project.

(c) *Plant massing:* The massing of trees and shrubs into groups containing three (3) or more plants is required unless standards elsewhere within these regulations only require a single element, e.g. single trees within parking lot planter islands. Planting of single-shrub specimens, unless used to repeat an element already established within a massed planting within the same visual area, is prohibited. Shrub and ground cover spacing within massed beds shall be spaced in accordance with the spacing standards contained within appendix C [to this section].

(d) *Plant associations:* The grouping of plant species commonly found together in natural associations or of common environmental requirements (soil type, water, sun exposure, temperature limitations, etc.) is required.

(e) *Plant spacing:* In order to foster a more natural look, an uneven spacing of plants; unless such plants are being used to create a massed shrub or ground cover bed, is required. Unless dense massing is needed for screening or other specific design purposes, shrub spacing should be sufficient to allow plants to reach their natural mature size and form.

(f) *Consistency with adopted streetscape standards:* Street frontage landscaping shall be consistent with previously adopted specific streetscape standards (i.e., Ray Road Streetscape Standards).

(6) *Standards:* All new developments and modifications to existing developments shall be landscaped in accordance with the following minimum standards.

(a) *Plant material:*

1. *Low-water-use plants required:* Plant material species (trees, shrubs, ground cover, vines, etc.) shall be limited to those which are included within the latest amended edition of the "Low-Water-Using Plant List" approved by the Director of the Phoenix Active Management Area of the Arizona Department of Water Resources (appendix A).

2. *Arizona Nursery Association-Tree specifications:* All trees shall comply with the latest amended edition of the "Arizona Nursery Association — Recommended Tree Specifications" (appendix D).

3. *Minimum planting size:* Unless specified elsewhere, all plant material shall be of the following minimum sizes:

Plant Type	Minimum Planting Size
Trees (for office, industrial, and commercial development adjoining arterial streets)	24-inch box (50% of required trees) 36-inch box (25% of required trees)* 48-inch box (25% of required trees)*
Trees (interior of office, industrial, and commercial development)	24-inch box
Trees (for non-commercial development common open space adjoining arterial streets)	24-inch box (50% of required trees) 36-inch box (50% of required trees)*

Trees (for non-commercial interior common open space)	24-inch box
Trees (quantities that exceed minimum standards under Section 35-1906(6)(c))	24-inch box
Shrubs	5-gallon
Ground Cover	1-gallon
Vines	1-gallon
Annuals	4-inch pots or flats

*Date palm or fan palm trees in excess of fifteen (15) feet in trunk height may qualify as a required thirty-six-inch box or forty-eight-inch box planting size.

(b) *Landscape area requirements:* All portions of a development site not utilized for building development, service areas, paved or improved storage areas, parking driveways, etc., shall be landscaped. Minimum areas of landscaping are as follows:

1. *Front yard/street right-of-way areas:* All front yard areas and street right-of-way areas located between developed on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.

All street frontage landscaping located adjacent to driveway exits and street intersections shall be designed, installed and maintained in accordance with the height, location and sight visibility requirements of the City of Chandler Standard Details (detail C-246, C-247, and C-248).

2. *Parking lot area:* A minimum of ten (10) percent of the interior surface area of all parking lots shall be landscaped. Planter islands, uniformly distributed throughout the interior parking area, a minimum of nine (9) feet in width (measured from outside face of curb to outside face of curb) and protected by raised curbs. Diamond planters shall be installed in commercial and office development and uniformly distributed between planter islands. Such planters shall be a minimum of five (5) feet square in size, oriented in a diagonal fashion, and shall occur at the following minimum frequencies:

Frequency	Type of Development
One (1) planter/ten (10) spaces	Multi-family Residential
One (1) planter and two (2) diamond planters/twelve (12) spaces	Commercial
One (1) planter and two (2) diamond planters/twelve (12) spaces	Office
One (1) planter/twenty (20) spaces	Industrial

Note: Planters, as required above, may not meet the ten (10) percent planting requirement. The deficiency shall be made up by increasing the size of the planter islands and/or increasing the width of perimeter landscape areas created by building and parking setback requirements.

3. *Landscape buffers/perimeter landscape strips:* A landscape strip a minimum of ten (10) feet in width shall be provided along all site boundary lines.

4. *Building structures:* Foundation planting shall be provided at walkways adjacent to buildings and planters up to building edge, ~~where appropriate.~~ A MINIMUM OF FOUR (4) FEET FOR AREAS ACCESSED BY THE PUBLIC. THE ZONING ADMINISTRATOR MAY WAIVE REQUIREMENT, IF ABOVE GROUND PLANTERS ARE USED.

(c) *Landscape improvement requirements:* the following minimum landscape improvements are required within the following several different landscape areas:

1. *Single- and multi-family residential developments:*

a. Common open space/retention basins: A minimum of one (1) tree and six (6) shrubs per one thousand (1,000) square feet of open space plus such additional vegetative ground cover, including turf subject to the limitations established within subsection (6)(e) of these standards, needed to cover a minimum of fifty (50) percent of the total landscaped area with shrubs and ground cover.

b. Arterial and collector street rights-of-way: Arterial and collector street rights-of-way adjacent to and within single- and multi-family residential developments shall be landscaped at a rate of one (1) tree and six (6) shrubs per thirty (30) lineal feet plus such additional shrubs and vegetative ground cover, excluding turf which is prohibited within street rights-of-way ~~(unless reclaimed water is utilized)~~, necessary to cover a minimum of fifty (50) percent of the total landscaped area with shrubs and ground cover.

2. *Commercial/office/institutional developments:* One (1) tree and six (6) shrubs per one thousand (1,000) square feet of open space plus such additional ground cover, including turf subject to the limitations established within subsection (6)(e) of these standards, that upon maturity a minimum of fifty (50) percent of all interior "nonhardscape" open space surfaces shall be covered with shrubs and ground cover.

3. *Industrial developments:* One (1) tree and six (6) shrubs per one thousand (1,000) square feet of interior open space plus such additional vegetative ground cover, including turf subject to the limitations established within subsection (6)(e) of these standards, that upon maturity a minimum of fifty (50) percent of all interior open space surfaces shall be covered with shrubs and ground cover.

4. *Parking areas:* Single-row planter islands (nine (9) by nineteen (19) feet) shall contain a minimum of one (1) single-trunk tree and five (5) shrubs. Doublerow planter islands (nine (9) by thirty-eight (38) feet) shall contain a minimum of two (2) single-trunk trees and ten (10) shrubs. Planter island larger than those described above shall contain one (1) additional shrub per each additional twenty-five (25) square feet of area. Trees shall have a minimum clear canopy distance of seven (7) feet and achieve a minimum mature canopy width of twenty (20) feet. Diamond planters (five (5) feet square and oriented diagonally) shall contain a minimum of one (1) single-trunk tree. Angled parking shall include diamond planters (five (5) feet by seven (7) feet and oriented diagonally) and shall contain a minimum of one (1) single-trunk tree.

5. *Front yard/street right-of-way areas:*

a. Twenty-foot setback areas: Landscaping shall be provided at a minimum rate of one (1) tree and six (6) shrubs per thirty (30) lineal feet of frontage plus sufficient ground cover, to provide a combined shrub and ground cover coverage of half of the total landscaped area.

b. Intersection setback areas (section 35-1902(3)(a)2.). Landscaping shall be provided at a minimum rate of one (1) tree and six (6) shrubs per eight hundred (800) square feet plus sufficient ground cover plantings to provide a combined shrub and ground cover coverage of half of the total landscaped area.

6. *Landscape buffer areas/dissimilar land uses:*

a. A six-foot masonry wall reflecting the design, material and/or color of the primary structures within the project, excluding approved gated openings; and

b. Evergreen trees a minimum of seven (7) feet in height; twelve (12) feet in height if abutting existing or planned residential development, planted at a maximum spacing of twenty (20) feet on center and shrubs planted at a rate of four (4) per twenty (20) lineal feet.

7. *Other perimeter landscape strips:* All other perimeter landscape strips shall be landscaped at a rate of one (1) tree and six (6) shrubs per thirty (30) lineal feet.

8. *Parking lot screening:* When parking areas abut a front yard or road frontage landscaped area, such parking area shall be screened with a decorative masonry wall(s) or earth berm(s) ranging between thirty (30) and forty-two (42) inches in height. Horizontal and vertical variation in the design of screening wall is required whenever linear alignments exceed eighty (80) feet.

Tree, shrub and ground cover planting shall be as required in paragraph 5., "Front yard/street right-of-way areas," listed above.

9. *Front yard/setback grading:* Front yard areas shall be graded in a manner which creates natural and pleasing ground forms in accordance with the following guidelines:

a. ~~A maximum of fifty (50) percent of the front yard setback area (that area which is behind the street frontage) may be used for stormwater retention.~~STORMWATER RETENTION BASINS SHALL NOT OCCUPY MORE THAN ONE-HALF (½) OF THE LANDSCAPED FRONT YARD SETBACK AREA, WHEN DESIGNED TO MAXIMUM ALLOWABLE ENGINEERING SPECIFICATIONS. THIS REQUIREMENT IS ONLY APPLICABLE TO NON-RESIDENTIAL ZONED PROPERTIES THAT ARE TEN (10) ACRES OR GREATER.

b. Soil excavation to create needed retention basins shall, within the slope limitations established below, be used to create complimentary earth mounds elsewhere within the same front yard/setback area. Height of earth berms shall be measured from adjacent street curb elevation.

c. Earth mounds, natural and pleasing in size and shape, with a maximum slope ratio of 4 to 1 (horizontal/vertical) shall be located and designed to minimize street views into retention basins.

d. Rain and/or irrigation water run-off from landscaped surfaces onto paved surfaces is prohibited.

F. e. Stormwater retention is prohibited against retaining walls when adjacent to a street/right-of-way. Retention basins shall be designed to appear natural and pleasing, avoiding rectangular shapes or straight side slopes. Retention basins may be allowed to immediately adjoin retaining walls where they are located along side or rear property lines, only if they are not visible from any street frontage.

10. *Protection of landscaped areas:* Landscaped areas adjacent to vehicular drives or parking areas shall be protected by a six-inch vertical curb. Areas surfaced with different materials (i.e. lawn and decomposed granite) shall be separated by masonry, wood or steel headers. Steel headers shall not be used to edge turf areas within residential or recreational projects and developments.

11. *Finished grade surfaces:* All landscape areas shall be graded so that finished grade surfaces of all nonliving materials (i.e. decomposed granite, crushed rock, mulch, etc.) are one and one-half (1½) inches below concrete or other paved surfaces.

12. *Irrigation systems:* All landscaping shall be serviced with a permanent underground automated irrigation system designed per current industry standards.

(d) *[Reserved.]*

(e) *Limitations on use of turf:* Use of turf shall be limited to the following:

Land Use/Area	Turf Permitted as a Percent of Total Landscape Area
*Street rights-of-way	0%
Commercial/Office/ Institutional	10%
Industrial	10%
**Multi-family residential	40%
**Common open space/retention basins	40%
Within SF residential developments	Limitations based on ADWR Fifth Management Plan
Parks, schools, golf course and cemeteries	Limitations based on ADWR Fifth Management Plan

*Landscape extensions of residential lots are excepted from the turf limitations. Turf is prohibited in all rights-of-way.

**Non-functional turfgrass shall be prohibited.

(f) *Limitations on use of decorative water/water features:* Shall be allowed only within small-scale pedestrian/oriented places. Water feature design which reduces evaporation, e.g. cascading rather than vertical sprays, is required. Entrance water features placed to be seen and enjoyed primarily from moving vehicles are prohibited.

(g) *Model home complexes:* Model home complexes shall be landscaped in accordance with xeriscape landscape principles and shall meet the following minimum requirements:

1. *Plant materials:* Plant materials shall be limited to those contained within the "Low-Water-Use Plant List" referred to in these standards (app. A).

2. *Turf and water surfaces/features:* Combined turf* and water surfaces of all water features, except for swimming pools which shall be exempt from these calculations, shall not occupy more than twenty (20) percent of the landscapable area within each lot in the model home complex. All water intensive landscaped areas shall be located immediately adjacent to the model homes.

*Does not apply to turf which has been officially recognized by the Director of the Phoenix Active Management Area of the Arizona Department of Water Resources and included on the latest amended edition of the "Low Water Using Plant List."

(h) *Landscape maintenance:* All installed landscaping shall be maintained (watering, fertilizing, weeding, mowing, trash pickup, and pruning) by the landowner or the lessor in accordance with the following:

1. Sites shall be kept clean and attractive at all times. Weeds and trash shall not be allowed to accumulate on the site.

2. Living plant material shall receive sufficient water and fertilization to maintain health and vigor and shall, to the maximum extent possible, be allowed to attain its natural size and shape.

3. Pruning shall be used to maintain plant health and vigor while enhancing its form and structure. Cropping of trees, unless necessary to protect traffic safety or overhead power lines is prohibited. All pruning shall be in accordance with the adopted pruning standards of the Western Chapter of the International Society of Arboriculture (see appendix B).

4. All dead or obviously unhealthy plant materials shall be replaced with material equal to that which was originally specified on the approved landscape plan.

(i) *Landscape guaranty:* The owner shall, prior to building permit approval, provide evidence that all plant materials are guaranteed for a minimum period of sixty (60) days from the date of final approval by the City. Terms of the guarantee shall also specify that any plant materials which are not approved by the City prior to October 1 of the calendar year in which they are installed shall be further guaranteed until May 20 of the following calendar year. Trees, shrubs, vines, ground cover, and turf which have to be replaced under terms of the guarantee shall be guaranteed for an additional 60 days from the date of replacement.

All plant materials requiring replacement under the conditions of the contractor's guarantee shall be replaced within ten (10) working days from the date of written notification from the owner or the City of Chandler.

(j) *Miscellaneous provisions:*

1. *Restrictions on tree and shrub placement:* Trees measured from trunk center shall be placed a minimum of six (6) feet from sidewalks, OR public accessways~~, or rear of fire hydrants. Shrubs as measured from their mature perimeter shall be located a minimum of five (5) feet from the rear of a fire hydrant. In no case shall any material other than ground cover be placed between the street or roadway and fifteen (15) feet either side of a fire hydrant.~~ TREES, BUSHES, FENCES, WALLS, OR RIVER ROCK SHALL MAINTAIN A THREE (3) FOOT CLEARANCE AROUND FIRE HYDRANTS, EXCEPT CACTUS SHALL MAINTAIN A TEN (10) FOOT CLEARANCE.

2. *Spacing of massed shrubs/ground cover plantings:* The spacing of all massed shrubs and living ground cover plant materials shall be in accordance with appendix C, Recommended Spacing of Massed Shrubs and Ground Covers.

3. *Paving against building and screening walls prohibited:* Paving of sidewalk, access driveways and parking surfaces adjacent to building or screen walls, unless part of a screened service area, is prohibited.

4. *Plastic under ground cover areas prohibited:* Use of plastic under ground cover materials is prohibited.

5. *Inorganic ground cover:* Inorganic ground covers (decomposed granite, crushed stone, etc.) shall be of a natural color harmonious with other site and architectural materials and shall be installed to a minimum depth of two (2) inches.

6. *Plant cover/dust control:* All portions of a development site (including future building PAD sites) not occupied by buildings, structures, paved improvements, and required landscape areas shall be temporarily landscaped with plant materials in accordance with these standards or treated with an appropriate inorganic ground cover and maintained in a weed-free condition.

7. *Cacti and succulents:* Cacti and succulents, while being low-water users, shall be limited to a maximum of fifty (50) percent of the required shrub material.

8. *Energy conservation:* The development shall incorporate those energy conservation measures that can only be provided at the time of land development or initial construction, such as:

A) Shading of south and west sides of building by overhangs and/or trees.

B) Provision of shade trees on the south and west side of streets.

(7) The following documents, on file with the City Clerk, are hereby adopted by reference and made a part if hereof as if set forth at length herein: Phoenix Active Management Area (AMA) Fifth Management Plan and Arizona Department of Water Resources - Phoenix AMA Low Water Use Plant List.

(Ord. No. 2119, § 2.4, 2-22-90; Ord. No. 2276, § 1, 6-25-92; Ord. No. 2961, §§ 1—4, 4-22-99; Ord. No. 3063, § 3, 11-18-99; Ord. No. 3262, § 1, 5-10-01; Ord. No. 4567, § IV, 10-20-14; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5142, § 2(Exh. A), 11-13-25)

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ARTICLE XXI. TABLE OF PERMITTED USES FOR NONRESIDENTIAL DISTRICTS

35-2100. Purpose.

The following table indicates uses permitted by zoning districts with "X" and uses permitted with a use permit with "UP."

TABLE OF PERMITTED USES FOR NONRESIDENTIAL DISTRICTS					
Uses	Districts				
	C-1	C-2	C-3	I-1	I-2
Agriculture					
Community Garden	X	X	UP	UP	UP
Dairy products, processing, bottling and distribution, cream manufacturing, all on a wholesale basis			X	X	X
Farm equipment sale and rental, with inventory and repair			X	UP	UP
Farm machinery repair			X	UP	UP
Feed and grain sales and storage			X	X	X
Greenhouse and nursery, commercial	UP	X	X	X	X
Hatcheries					X
Nursery and greenhouse, commercial	UP	X	X	X	X
Aviation					
Airport			UP	UP	UP
Hanger, with taxiway access				X	X
Helipad—Ancillary use	X	X	X	X	X
Heliport	UP	UP	UP	UP	UP
Quasi-Public / Institutional					
Cemeteries, mausoleums			UP	UP	UP
Charitable and philanthropic organizations	X	X	X	UP	UP
Churches and other places of worship Including Sunday School buildings, assembly halls, parish houses, rectories and other residences of clergy)	X	X	X	UP	UP

Clubs, membership (not operated for profit), excluding adult service business		X	X		
Penal and correctional institutions	UP	UP	UP	UP	UP
Community centers Defined as a building or group of buildings in which members of the community may gather for social, educational, recreational, and or cultural activities	X	X	X	UP	
Crematoriums					UP
Funeral homes, funeral parlors, mortuaries		X	X		
Libraries	X	X	X	UP	
Lodges, fraternal and social organizations, headquarters for scout and other youth organizations		X	X		
Lodges, fraternal and social organizations, headquarters for scout and other youth organizations (Entertainment activity pursuant to section 35-305(4)		UP	UP		
Rescue service		X	X	X	X
Transient service facilities Defined as an establishment where the principal function involves providing on-site food, clothing, shelter, employment or other related services primarily intended for transient populations with limited ability for self-care, or those persons in need of counseling for employment, or those persons with personal or behavioral disabilities. The term shall include the principal assistance or service facility and all appurtenant or related establishments intended for use by the patrons of the principal facility. The term shall include homeless shelters, charity dining facilities, plasma centers, rescue missions, day labor hiring centers, and similar facilities, but shall not include State licensed care facilities such as homes for the developmentally disabled, child crisis, and domestic violence centers.	UP	UP	UP	UP	UP
Cultural & Entertainment					
Artistic programs or events	UP	UP	UP	UP	UP
Assembly halls		X	X	UP	UP

Coliseums and stadiums Entertainment activity pursuant to section 35-305(4)		UP	UP	UP	UP
Museums, art galleries	X	X	X	UP	
Wedding reception and event facilities		X	X	UP	
Wedding reception and event facilities Entertainment activity pursuant to section 35-305(4)		UP	UP	UP	
Day Care Services					
Adults with developmental disabilities, including life skills training, specialized teaching and support and/or therapy	X	X	X		
Adults with developmental disabilities, including life skills training, specialized teaching and support and/or therapy—With vocational training services	X	X	X	UP	
Animal day care indoors only, with or without overnight boarding	X	X	X		
Animal day care with outdoor play areas, with or without overnight boarding		UP	UP		
Childcare, child daycare	X	X	UP		
Kindergartens and day nurseries—Meeting all requirements of appropriate State and local regulations and standards	X	X	UP		
Senior care, adult day care	X	X	X		
Dwellings					
Hotels, motels, tourist homes on-site manager's quarters		X	X	UP	UP
Self-storage on-site manager's quarters		UP	X	X	X
Eating, Drinking & Lounge Establishments					
Bar, cocktail lounge Excluding adult service business	UP	UP	UP	UP	UP
Breweries, distilleries and wineries where the primary use is a restaurant. For breweries that primarily produce and distribute, see Industrial Services, Manufacturing & Production category.	X	X	X	UP	UP
Commercial, cloud, or ghost kitchen, food prep—With customer seating	X	X	X	UP	
Commercial, cloud, or ghost kitchen, food prep—No customer seating		X	X	X	

Entertainment activities, pursuant to section 35-305(4)	UP	UP	UP	UP	UP
Hookah lounge		X	X		
Restaurant or drive-through Food or drink sales for immediate consumption within principal building and all types of drive-in establishments serving food or drink outside of a building or catering to takeout trade, but not featuring adult service	X	X	X	UP	UP
Educational Facilities					
Alternative schools and higher education (college, business college, beauty school)		X	X	UP	
Educational facilities and industrial research (technical)		X	X	X	X
Elementary school (kindergarten through 8th grade)	X	X			
High school (9th through 12th grade)		X	X		
Music or dancing school	X	X	X		
Trade/vocational schools (industrial, HVAC, plumbing, motor vehicle)			X	X	UP
Tutoring services	X	X	X		
Industrial Services, Manufacturing & Production *Ancillary uses are permitted provided they do not exceed 15% of the net floor area AND BE LOCATED WITHIN THE PARCEL OF PRIMARY USER. **Ancillary office space is permitted provided it does not exceed 40% of the net floor area, and all required parking is provided					
Alcoholic beverage package store		X	X	UP	UP
Alcoholic production (brewery, distillery, winery) Ancillary tasting rooms are permitted provided they do not exceed 15% of the net floor area.			UP	X	X
Bakery, wholesale Ancillary sales area is permitted provided it does not exceed 15% of the net floor area			UP	X	X
Bottling works for soft drinks			X	X	X
Brick, tile, and terra cotta manufacturing					X
Building contractors, building maintenance services—Fully enclosed in building(s) Including electrical, plumbing, and roofing contractors with all storage of goods, materials and equipment and all processing and		X	X	X	X

manufacturing kept within a completely enclosed building or buildings.					
Building contractors, building maintenance services—Utilizing outside storage Including electrical, plumbing, and roofing contractors with all storage of goods, materials and equipment and all processing and manufacturing utilizing outside storage.			UP	X	X
Candy manufacture			X	X	X
Cleaning of building exteriors, disinfecting, or exterminating establishments with all materials and equipment completely enclosed within the principal building and the entire establishment occupying no more than two thousand (2,000) square feet of net floor space		X	X	X	X
Clothing manufacturer	X	X	X		
Cold storage facility			X	X	X
Dry cleaning, laundering (industrial)			X	X	X
Dyeing plant			UP	UP	UP
Electrical and industrial equipment repair			X	X	X
Electrical equipment assembly			UP	X	X
Film production studio			UP	X	X
Food processing in wholesale quantities, except meat, fish, poultry, vinegar, and yeast			X	X	X
Foundries (producing iron and steel products)					UP
Furniture manufacturing (cabinets and household furniture)				X	X
Gasoline dispensing (other than service station) Fuel shall not be located closer than twenty (20) feet to a right-of-way line or ten (10) feet to a property line	UP	UP	UP	UP	UP
Gasoline, compressed gases, or chemical bulk terminal plants for wholesale storage Receiving, storage, handling and distribution areas shall not be located closer than one hundred (100) feet to the front property line and no closer than fifty (50) feet to side rear property lines. Storage areas for containerized liquids shall be covered and screened from public view. Setback areas may be used for parking retention, or nonhazardous uses as defined by the UBC					UP

consistent with the I-2 Zone setback regulations, but a minimum of one thousand (1,000) feet from any existing or planned residential area.					
General contractor or workman with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings		X	X	X	X
Home improvement company, upholsterer, general contractor or workman, building materials company, sign-making company with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings and the entire establishment occupying no more than five thousand (5,000) square feet of net floor area		X	X	UP	UP
Ice manufacturer (excluding ice machines)			UP	X	X
Industrial Light operations or light mechanical, not offensive, obnoxious or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor, or effluents			UP	X	X
Industrial equipment machinery repair and service			UP	X	X
Laboratories Serving professional requirements, dentist, medical, etc.		X	X	X	UP
Laundering plant, dry cleaning, diaper service (industrial)			X	X	X
Leather goods manufacturer			UP	X	X
Machine shops			UP	X	X
Machine tool manufacturing				UP	X
Magazine or newspaper distribution, excluding adult bookstores		X	X	UP	UP
Manufacturing uses not otherwise named herein upon the approval of Zoning Administrator Provided that no use shall be permitted in this section which is likely to be dangerous, offensive or detrimental to the health, safety, welfare or general character of this zoning district or of the community by reason of the emission of dust,				UP	UP

gas, smoke, noise, fumes, odors, vibration, glare or otherwise					
Meat processing and packing				UP	UP
Mechanical (light) Light industrial operation, not offensive, obnoxious or detrimental to neighboring uses by reason of dust, smoke, vibrations, noise, odor, or effluents			UP	X	X
Medical supplies, manufacturing and distributing				X	X
Newspaper publishing			X	UP	UP
Optical and scientific instrument manufacturer		UP	X	X	X
Pharmaceutical manufacturer			UP	X	X
Plastics manufacturing				UP	X
Pottery and porcelain manufacturer				X	X
Pottery, porcelain, and vitreous china manufacturing					X
Prefabricated homes, mobile homes, camper manufacture				UP	X
Research and development				X	X
Sheet metal products, tin smithing—No outside storage Light, such as ventilating ducts and eaves, with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building			X	X	X
Sheet metal products, tin smithing—With outside storage Light, such as ventilating ducts and eaves, with all storage of goods, materials and equipment and processing and manufacturing, utilizing outside storage			UP	X	X
Showrooms, ancillary display and/or sales area is permitted provided it does not exceed 15% of the net floor area				X	X
Sign-making company With all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings and the entire establishment occupying no more than four thousand (4,000) square feet of net floor area		X	X	UP	UP

Sign manufacturer				X	X
Storage of commercial vehicles Where not an accessory use to another use which is permitted			UP	X	X
Storage (outside) of materials and equipment (ancillary use) Not allowed as a stand-alone use. Outside storage is only allowed as an accessory use to another use permitted in I-1 and I-2 districts, only when fully screened by a wall/gate on all sides				X	X
Storage (outside) of materials and equipment (stand-alone use)				UP	UP
Textile manufacturer				X	X
Tobacco products manufacture and storage				X	X
Trailers, modular buildings (for laboratory, educational, office or storage), when it is not the primary/only building and is located in an area that is completely screened from view	UP	UP	UP	UP	UP
Welding shops			UP	X	X
Marijuana Facilities (see footnote #3 and #4 at end of table)					
~~Medical marijuana—Cultivation site[3]~~ MEDICAL MARIJUANA—FACILITY[3]		X	X		
~~Medical marijuana—Facility[3]~~ MEDICAL MARIJUANA—CULTIVATION SITE[3]				X	X
Medical marijuana—Infusion food establishment[3]				X	X
Medical / Health Care					
Convalescence homes, nursing homes, homes for the aged and residential care homes		X	UP		
Hospitals (excluding animal hospitals)	X	X	X		
Medical office uses for out-patient care Includes such uses as health care clinics, urgent care, primary care provider offices, medical specialist offices, surgery centers, dental offices, optometrist offices, rehab services, occupational therapy, physical therapy, speech therapy, psychologist offices, psychiatrist offices, plastic surgery, and other similar uses. Medical office uses can offer ancillary inpatient services.	X	X	X	UP	UP
SPECIALTY MEDICAL	X	X	X		

AN ESTABLISHMENT PRIMARILY PROVIDING SPECIALIZED OUTPATIENT MEDICAL SERVICES INVOLVING DIAGNOSTIC TESTING, THERAPEUTIC TREATMENTS, SURGICAL PROCEDURES, OR OTHER ADVANCED MEDICAL SERVICES THAT EXTEND BEYOND ROUTINE MEDICAL EXAMINATIONS, CONSULTATIONS, AND GENERAL OFFICE-BASED HEALTHCARE. SUCH ESTABLISHMENTS MAY INCLUDE, BUT ARE NOT LIMITED TO, AMBULATORY SURGICAL CENTERS, DIALYSIS CENTERS, INFUSION THERAPY CENTERS, ONCOLOGY TREATMENT FACILITIES, SPECIALIZED DIAGNOSTIC IMAGING CENTERS, AND SIMILAR OUTPATIENT TREATMENT FACILITIES.					
Veterinarian hospital or clinic All equipment, storage of animals and services are wholly contained within the principal building		X	X		
Office and Financial					
Bank	X	X	X	UP	UP
Broker, investments, loans	X	X	X		
Call center		X	X	UP	
Coworking office space		X	X	UP	
Credit bureaus		X	X		
Express office			X	X	X
Government buildings Used exclusively by the Federal, State, County or City Government purposes except for garages, repair or storage yards, warehouses and buildings used for industrial type operations, or for operations requiring heavy and frequent movement of trucks	X	X	X	X	X
Insurance company or agency	X	X	X		
Letters, duplicating and mailing		X	X	UP	UP
Office, Primary use Professional, business, administrative, executive, and other offices having no storage of stock-in-trade (other than samples) or heavy equipment and no sale of commodities on the premises	X	X	X	UP	UP

Patrol system and burglar alarm watching service		X	X	X	X
Travel agencies	X	X	X	UP	
Play & Recreational					
Amusement park		UP	UP		
Aquariums		UP	X		
Billiard or pool hall		X	X		
Bowling alley		X	X		
Dance hall, club, excluding adult service business		X	X		
Dance hall, club, excluding adult service business Entertainment activity pursuant to section 35-305(4)		UP	UP		
Drive-in theater Excluding the showing of films involving specified sexual activities and specified anatomical areas, defined in section 35-200		X	X	UP	UP
Entertainment venues such as but not limited to bowling, laser tag, arcades, billiards, ziplines, virtual reality		X	X	UP	
Go-kart racing		X	X	UP	
Golf courses, miniature golf and driving ranges	X	X	X	UP	UP
Gymnasium, fitness center, personal training, martial arts studio, yoga/pilates studio	X	X	X		
Playgrounds	UP	UP	UP	UP	UP
Recreational assembly uses offering one or more of the following: trampolines, wall climbing, ziplines, parkouring, skateboarding, ninja warrior courses, party places, baseball/batting training, cheerleading training, gymnastics training, dance studio training, swimming, sport courts, and other similar uses	X	X	X	UP	
Shooting range indoors only		X	X	UP	UP
Skating rink		X	X		
Theaters, cinema, excluding drive-in and adult video facilities		X	X		
Theaters, performing arts programs or events		X	X	UP	
Retail Sales & Service					
Animal rescue shelter (see kennel)					
Appliance repairer With all storage of goods, materials and equipment and all processing and manufacturing	UP	X	X	UP	UP

kept within a completely enclosed building or buildings and the entire establishment					
~~Automobile accessories (sales)~~		~~X~~	~~X~~	~~UP~~	
~~Automobile and truck sales~~ ~~With inventory, rental with inventory and repair when carried on entirely within the principal building and incidental to the principal use~~			~~X~~	~~UP~~	~~UP~~
Bakery (goods baked and sold on premises)	X	X	X	UP	
Barbershops	X	X	X	UP	
Beauty shops	X	X	X	UP	
Beauty and barbershop supplies	X	X	X	UP	
Bicycle sales, rental, service and storage	X	X	X		
Boat building, repair, service and storage			X	X	X
Boat sales With inventory, rental with inventory and repair when carried on entirely within the principal building and incidental to the principal use		X	X	UP	
Building materials companies With all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings		X	X	UP	UP
Building supplies and materials, glass sales, and installation—With outside storage yard for lumber, bricks, cement blocks or other materials			X	X	X
Building supplies and materials, glass sales, and installation—No outside storage of lumber, brick cement blocks or other materials (see footnote #2 at end of table)		X	X	X	X
Candy (manufactured and sold on the premises)	X	X	X		
Caterers		X	X	X	X
Cleaners, dryers, clothing storage establishments (all including pickup station) or self-service laundromat, all performing services entirely for retail trade on the premises	X	X	X	UP	
Clothing and apparel store (see footnote #2 at end of table)	X	X	X		
Compounding pharmacy	X	X	X	X	
Cosmetic services uses—Med spas, day spas, botox, laser skin treatments, massage establishments, tanning services, tattoo services	X	X	X		

Cosmetic store, including sale of goods and services customarily incidental thereto	X	X	X		
Dental supplies, retail		X	X	UP	
Department store (see footnote #2 at end of table) Including sale of items shown elsewhere in this table if customarily sold in such a store.	X	X	X		
Diaper service			X	X	X
Donation center (clothing and household goods)		X	X		
Dressmaker	X	X	X	UP	
Drive-through, drive-up, and all fast-turnover establishments Defined as businesses that include in their design and function the use of drive-in windows, curb service, express lines and/or layout of retail stock and checkout facilities to facilitate the rapid delivery of goods and services to customers, such as but not limited to cleaners, banks, liquor stores, fast-food restaurants, service stations, convenience markets and similar uses (see footnote #1 at end of table)	X	X	X	UP	UP
Driving school		X	X		
Drugstore or cosmetic store Including sale of goods and services customarily incidental thereto	X	X	X		
Electric vehicle chargers	X	X	X	X	X
Electric vehicle charging lots	X	X	X	X	X
Exterminating establishment, pest control With materials and equipment completely enclosed within the principal building and the entire establishment occupying no more than four thousand (4,000) square feet of net floor space			X	X	X
Florist	X	X	X		
Food specialty store Including but not limited to the following lines: meat (excluding slaughtering and eviscerating), fish, eggs, poultry (excluding slaughtering), fruit, vegetables, candy, nuts, coffee, tea, confection, dairy products, health foods, retail bakery)	X	X	X	UP	
Furniture and appliance repairer		X	X	UP	UP

Garden shop	X	X	X		
Gift shop	X	X	X		
Grocery, delicatessen, supermarket, or other store carrying a variety of food and related goods (see footnote #2 at end of table)	X	X	X	UP	UP
Handicrafts Manufacture and sale of, at retail or wholesale which are manufactured predominantly by hand and involve the application of artistic skills			X	X	X
Hobby shop	X	X	X		
Home improvement retailer (see footnote #2 at end of table)	X	X	X		
Household appliance store (see footnote #2 at end of table)	X	X	X		
Interior decorator	X	X	X		
Jewelry store	X	X	X		
Kennel, commercial Or other establishment where the care, breeding or sale of animals is the principal purpose of the enterprise, with no animals to be located within five hundred (500) feet from any residentially zoned property or one hundred (100) feet from any property line			UP		
Laundromat, self-service Performing services entirely for retail trade	X	X	X	UP	
Liquor, wine, beer sales—Retail (excluding bars and cocktail lounges)	X	X	X		
Laboratory supplies, Retail		X	X	UP	UP
Medical / laboratory supplies, retail		X	X	UP	
Mobile home sales and rental, not including occupancy on the site			X	UP	UP
Monument sales establishment, headstones With incidental processing to order but excluding the shaping of stones and similar processes		X	X	UP	
Orthopedic braces, artificial limbs, etc., (sales)		X	X		
Outside displays Shall be limited to boats, trailers, trucks, and other vehicles, products and materials such as grills, storage sheds and plants not normally or in limited numbers found exhibited in stores within	X	X	X	X	X

retail and wholesale establishments. Items such as food, furniture, tools, appliances, bag materials such as cement, fertilizer, etc., shall not be displayed outside. Outside displays shall not be located within fifteen (15) feet to any property line					
Pawn shop		X	X		
Personal service establishments Providing but not limited to barber and beauty shops, shoe repair shop, travel agencies, photographers, reducing salons, tailors, dressmaker, massage, tattoo shops, beauty/day spa	X	X	X	UP	
Photographers	X	X	X	UP	
Prefabricated home sales			X	X	X
Printing, blueprinting, engraving Or other reproduction services with no limit as to floor area			X	X	X
Repair shop for repairs or adjustments to bicycles, small appliances, watches, locks, musical instruments, guns and similar items conducted wholly within a building with no outside storage of materials or equipment	X	X	X		
Restaurant supplies		X	X	UP	
Retail stores selling or renting goods predominantly at retail on the premises, including but not limited to the following: (see footnote #2 at end of table)					
1. Hardware, paint, wallpaper, fabrics, supplies, curtains, linens, knitting supplies, china, glass, pottery, firearms	X	X	X		
2. Furniture, floor covering, appliances		X	X		
3. Farm and garden supplies, including nursery stock, feed, and grain	UP	X	X		
4. Antiques and secondhand goods, excluding materials held only for discard or repossessing		X	X		
Shoe repair shop	X	X	X	UP	
Signs conforming to requirements of sign code [Ch. 39]	X	X	X	X	X
Specialty stores (see footnote #2 at end of table) Selling or renting goods predominantly at retail	X	X	X		

on the premises, including but not limited to the following lines: tobacco, newspapers, books, stationary, gifts, cards, novelties, jewelry, luggage, optical goods, sporting goods, bicycles, pets, hobby supplies, toys, coins, stamps, photo supplies, art supplies, works of art, music, musical instruments, sewing machines, radio and TV sales and service, but excluding adult bookstores					
Tailors	X	X	X	UP	
Uniforms sales or renting	X	X	X		
Upholsterer With all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings and the entire establishment occupying no more than two thousand (2,000) square feet of net floor area		X	X	UP	UP
Temporary Uses					
Carnival, fair, rodeo, etc.		UP	UP	UP	UP
Farmer's Market		X	X		
Flea market / swap meet		X	X		
Tourism / Visitor Accommodations					
Conference / convention facilities		X	X		
Hotels, motels, tourist homes		X	X	UP	UP
Transportation					
Ambulance service		X	X	UP	
Bus passenger station (inter-City)			X	X	X
Parking lot On-site or off-site or parking structure for employees, customers, or visitors for any business or industrial use or commercial or public parking lot or parking structure	X	X	X	X	X
Railroad passenger station			X	X	X
Taxi dispatching station		X	X	X	X
Taxi terminal			X	X	X
Truck or rail freight yard or terminal				X	X
Utility					
Radio and television stations and transmitting towers			UP	X	X

Radio and television stations excluding transmitting towers		X	X	X	X
Solar energy system (ancillary)	X	X	X	X	X
Solar energy system (utility scale)	UP	UP	UP	UP	UP
Utility company offices, including exchanges	X	X	X	X	UP
Utility (public) Distribution lines, transformer stations, transmission lines and towers, water tanks and towers, and telephone exchanges but not service or storage yards	UP	UP	UP	UP	UP
Utility (public) storage yards			UP	X	X
Motor Vehicle Services					
Fuel dispensing equipment Pumps shall not be located closer than twenty (20) feet to a right-of-way or ten (10) feet to a property line	UP	UP	UP	UP	UP
Gas station and/or service station (gasoline) complying with the following conditions:					
1. Does not perform body work, painting or dismantling and/or salvage work					
2. Does not store any vehicle for more than five (5) days					
3. Provides amenities and safeguards of such dimensions that occupants in adjoining or adjacent structures are not unreasonably disturbed, either day or night, by the movement of vehicles and lighting facilities					
4. Has at least one (1) street frontage having a minimum width of one hundred fifty (150) feet		UP	UP	UP	UP
5. No pump island or part of a canopy shall be located or extended within twenty (20) feet of a right-of-way, or ten (10) feet to a property line					
6. Any service station which remains vacant for a period of ninety (90) consecutive days shall be considered "abandoned." In the event of abandonment, all tanks shall be removed or safeguarded in accordance with the Uniform Fire Code					
Gas station and/or service station (gasoline, self-service) complying with the following conditions:	UP	UP	UP	UP	UP

1. Limited to the dispensing of fuels, oil, antifreeze and other minor accessories					
2. Does not rent or sell motor vehicles, trailers or general replacement parts, nor do any type of vehicle repair or maintenance work				1	
3. Does not provide for the storage or parking of vehicles for a period in excess of twenty-four (24) hours				1	
4. Provides amenities and safeguards of such dimensions that occupants in adjoining or adjacent structures are not unreasonably disturbed, either day or night, by the movement of vehicles and lighting facilities				1	
5. Has at least one (1) street frontage having a minimum width of one hundred fifty (150) feet				1	
6. No pump island or part of a canopy shall be located or extended within twenty (20) feet of a right-of-way line				1	
7. Any service station which remains vacant for a period of ninety (90) consecutive days shall be considered "abandoned." In the event of abandonment, all tanks shall be removed or safeguarded in accordance with the Uniform Fire Code				1	
Motor vehicle impound yard				UP	UP
Motor vehicle rentals		X	X		
Motor vehicle repairs~~, wholesale and retail~~ Including CUSTOMIZATION AND DETAILING WITH full body paint spraying and body and fender work carried on within a structure with storage of wrecked vehicles or parts permitted only behind the principal building. Such storage of vehicles or their parts will be incidental to the principal business and will not constitute a junkyard as defined in section 35-200 of this Code			X	UP	UP
Motor vehicle repairs, ~~wholesale and retail,~~ including ~~accessories,~~ customization and detailing Excluding full body paint spraying and body and fender work except replacement, carried on completely within a structure and having no outside storage of vehicles or parts of vehicles		X	X	UP	UP

except those to be serviced or repaired for retail customers. Such storage shall be clearly incidental to the principal business and time of such outside storage shall not exceed 1 week for each vehicle					
MOTOR VEHICLE ACCESSORIES SALES		X	X	UP	
MOTOR VEHICLE SALES WITH INVENTORY, RENTAL WITH INVENTORY AND REPAIR WHEN CARRIED ON ENTIRELY WITHIN THE PRINCIPAL BUILDING AND INCIDENTAL TO THE PRINCIPAL USE			X	UP	UP
Motor vehicle wash May have incidental detailing, minor vehicle maintenance, and windshield repair within the primary building	UP	X	X	UP	UP
Motorcycle sales, rental and repair When repair is carried on within the principal building			X	UP	
Tire recapping and retreading (in accordance with Fire Code)			UP	X	X
Warehousing / Storage					
Garage condominiums, luxury storage units		UP	X	X	X
Moving, storage or warehousing establishments			UP	X	X
Recreational vehicle storage (RV's, boats, etc.)			UP	X	X
Self-storage, mini-warehousing and moving establishment consisting of individual storage units which are independently accessed and locked and provided such units are used solely for dead storage purposes. The facility may contain as an accessory uses, storage for recreational vehicles and boats, and allow for on-site manager's quarters		UP	X	X	X
Warehousing, storage establishment			UP	X	X
Wholesaling or distribution Including the handling of stock and incidental retail			UP	X	X
Waste Related					
Incinerators; landfill	UP	UP	UP	UP	UP
Junk yards—Providing all conditions set forth below are met:					

1. No material which fails to meet the conditions set forth in the definition of a junk yard in section 35-200 of this Code.					
2. No material shall be placed in any junk yard in such a manner that it is capable of being transferred out of the junk yard by wind, water, or other causes.					
3. Any land or structure which has not been used as a junk yard and has been abandoned for a period of at least 3 months shall not be used as a junk yard except by use permit.					UP
4. All paper, rags, cloth and other fibers and activities involving the same, other than loading or unloading, shall be fully within enclosed buildings.					
5. In order to lessen the adverse effect on adjoining property, reduce wind-blown trash, prevent hazards to children and create a more healthful environment, suitable screening such as a masonry wall or solid fencing shall be required as a condition set in approving a junk yard by use permit.					
Recycling collection facility and transfer only facility Conducted on a small scale for individual residents to deposit aluminum cans or similar, not including outdoor storage or large truck deliveries				X	X
Recycling collection, transfer, and processing facility					UP

Footnotes:

[1] Drive-in, drive-up, and all fast-turnover establishments may be located at the intersection of a major arterial road and any other road when it is an integral part of larger planned commercial project and providing the driveway is at least one hundred fifty (150) feet from the intersection when approaching the intersection and at least one hundred fifty (150) feet from the intersection when leaving the intersection.

[2] Large single use retail, as defined in section 35-200 of this Code, shall only be permitted at permitted at locations specified, and when developed in accordance with section 35-1904(3) of this Code.

[3] Medical marijuana facilities, medical marijuana cultivation sites and infusion food establishments shall be permitted in the specified districts only upon obtaining a zoning clearance or use permit, as required by section 35-2100 Table of Permitted Uses for Nonresidential Uses, in accordance with section 35-2213 of this Code.

[4] A medical marijuana facility located in the I-1 District or the I-2 District must be incidental to a cultivation site and/or infusion food establishment and: (1) Shall be located within one thousand three hundred twenty (1,320) feet of an arterial roadway measured in a straight line from the closest exterior wall of the cultivation site and/or infusion food establishment to the centerline of the arterial roadway and within five hundred (500) feet of the C-2 or C-3 District, or pad district where C-2 or C-3 uses are allowed measured in a straight line from the nearest property line of the medical marijuana cultivation site and/or infusion food establishment to a zoning district boundary line; and (2) Shall have frontage and access from public right-of-way. A medical marijuana facility incidental to a medical marijuana cultivation site and/or infusion food establishment shall comply with Article XVIII of this Code.

[5] A medical marijuana facility located in the I-1 District or the I-2 District shall not exceed two thousand five hundred (2,500) gross square feet or twenty-five percent (25%) of the gross building square-footage, whichever is less.

This requirement is not intended to preclude access to any subdivided lot of record, previously zoned for commercial use, but in all cases to require the maximum possible distance within the above limits for the location of access and egress driveways, consistent with the spirit of the ordinance.

The Council, by minute action, may further modify this requirement in cases of hardship.

(Ord. No. 1353, § II, 8-25-84; Ord. No. 1506, 8-11-85; Ord. No. 1942, 3-10-88; Ord. No. 1995, § I, 7-25-88; Ord. No. 2413, §§ 4.A—F, 11-18-93; Ord. No. 2549, § 2, 5-25-95; Ord. No. 3063, § 3, 11-18-99; Ord. No. 3290, § 2, 8-9-01; Ord. No. 4278, § 3, 2-24-11; Ord. No. 4311, § 1, 6-23-11; Ord. No. 4764, § II, 8-10-17; Ord. No. 4846, § 2(Exh.), 12-10-18; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5044, § 2(Exh.), 2-9-23; Ord. No. 5075, § 2(Exh.), 2-22-24; Ord. No. 5142, § 2(Exh. A), 11-13-25)

ARTICLE XXII. ADDITIONAL HEIGHT AND AREA REGULATIONS

35-2200. Purpose.

The purpose of these regulations is to supplement and/or clarify district regulations appearing elsewhere in this Code.

(Ord. No. 3063, § 3, 11-18-99)

35-2201. Height exceptions.

(1) The height regulations in this Code shall not apply to barns, silos, church spires, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, radio or television aerials (except satellite antennae), ornamental towers, ~~or~~ necessary mechanical appurtenances, ~~or similar structures,~~ water tanks , OR SIMILAR STRUCTURES provided they do not exceed one hundred (100) feet in height from ground level and do not occupy a horizontal area in excess of twenty-five (25) percent of the roof area of the building on which it is attached.

(2) No building or structure shall be constructed within the clear zone for any existing airstrip or runway. Additionally, no building or structure shall exceed a height in the approach zone of an airstrip or runway which would result in a hazard as determined by the Federal Aviation Agency standards.

(Ord. No. 1506, 8-11-85; Ord. No. 3063, § 3, 11-18-99)

. . .

35-2202.1. Open-air ramadas.

(1) Open-air ramadas are permitted within the side yard or rear yard of the property.

(2) The maximum height shall not exceed ten (10) feet as measured to the top of roof or lattice.

(3) More than one ramada is permitted on the property subject to the provisions of this section. The total square footage of all ramadas shall not occupy more than thirty (30) percent of the rear area and shall be counted toward the zoning district's maximum lot coverage.

(4) Ramadas shall not be located closer than five (5) feet to the side and rear property lines as measured from the edge of the roof or cover. If an alley, or common open space public or private open space, other than a street, adjoins the rear yard along one (1) or more of the property lines, the five (5) foot setback from that property line to such ramada may be eliminated. EACH RAMADA SHALL BE SEPARATED FROM OTHER STRUCTURE BY NO LESS THAN ONE (1) FOOT AS MEASURED FROM THE EDGE OF THE ROOF OR COVER TO ROOF EDGE.

(5) Ramadas shall be open on all sides except one, which may have a solid wall up to a maximum of seven (7) feet in height, excluding chimneys.

(Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5075, § 2(Exh.), 2-22-24)

. . .

35-2204. General.

(1) Every dwelling shall be located and maintained on a lot as defined by this Code [in section 35-200].

(2) No space of land required to meet width, yard, area, intensity, parking or other regulations of this Code for a lot or building may be sold or leased to another building or lot.

(3) No lot shall be subdivided in such a manner that will result in a lot containing more dwelling units than permitted by the regulations of the district in which it is located.

(4) For lots occupied by two (2) or more related principal buildings, used for institutional or residential purposes, there shall be an open space between buildings whose major exterior walls are parallel or within forty-five (45) degrees of being parallel to one (1) another, equal to the height of the taller building. Minor projections such as patio or balcony walls shall be allowed to intrude two (2) feet into this separation for each additional foot of building separation.

(5) In all zoning districts, no obstruction to view exceeding two (2) feet in height shall be erected, constructed, parked, planted or maintained, on any corner lot within a triangular area formed by the property lines and a line connecting points thirty (30) feet from the intersection of the right-of-way lines. One (1) tree pruned high enough to permit unobstructed vision to motorists and/or one (1) pedestal-type identification sign may be permitted.

(6) The space for any required yard area shall be open and unobstructed except for ordinary projections for windows, belt courses, cornices, eaves and other architectural features provided such features shall not project more than twenty-four (24) inches into the required yard area and further provided in no case shall such projection be closer than three (3) feet to a property line.

(7) Where two (2) or more lots are used as one (1) building site and where a principal building crosses lot lines, the entire area shall be considered as one (1) lot and the front lot line shall be as originally platted.

(8) The following development standards for walls and fences within any residential or nonresidential zoning district shall not apply to any lot, parcel, subdivision or other development for which the construction of fencing has either begun or been completed prior to the effective date of these requirements:

(a) No fence or wall shall be constructed in the front yard of a lot in a residential district exceeding a height of three (3) feet, and such fence or wall located in the rear and/or side yard(s) shall not exceed a height of seven (7) feet; except open wire fence shall be permitted in front yards of schools, public and quasi-public buildings when needed for the safety or restraint of the occupants thereof.

1. No fence along the street side or alley frontage of any new residential lot, parcel or subdivision shall feature wood as its primary structural building element; except that total fencing shall be permitted for agrarian subdivisions and uses.

2. Fences along interior property lines or within yards not visible from any street or alley may feature total wood construction.

(b) No fence or wall shall be constructed within the front yard of any nonresidential lot, parcel or subdivision exceeding a height of three (3) feet; and such fence or wall located in the side or rear yard(s) shall not exceed a height of eight (8) feet, except that:

1. A wrought-iron fence or a combination three-foot masonry wall topped by wrought iron or other similar fencing, either of which not to exceed a height of six (6) feet to achieve security for those uses featuring display of merchandise or equipment, may be permitted along the street property line or within the front yard setback. Chain-link fencing for this purpose shall be prohibited.

2. Any wall or fence exceeding six (6) feet in height shall not feature fence block unless sufficiently reinforced to avoid toppling. The means of reinforcement shall be subject to approval by the City of Chandler Building Division.

Wood fencing within any nonresidential zoning district shall be prohibited except for fences constructed inside the property boundaries and not visible from any street, alley or adjoining property.

(c) New developments shall require a minimum six (6) foot tall perimeter fence or wall when adjacent to residential properties. The minimum height required for the fence or wall shall be measured from the highest point of grade within five (5) feet of the proposed fence.

(d) Double fences or walls shall be prohibited, AND SHALL PROVIDE A MINIMUM SEPARATION OF TEN (10) FEET, unless waived by the Zoning Administrator.

(Ord. No. 1421, § VI, 1-10-85; Ord. No. 1735, § 2, 1-22-87; Ord. No. 3063, § 3, 11-18-99; Ord. No. 4567, § V, 10-20-14; Ord. No. 5075, § 2(Exh.), 2-22-24)

. . .

35-2213. Medical marijuana facility, medical marijuana cultivation site, and infusion food establishment.

The operation of a medical marijuana facility, a medical marijuana cultivation site, or an infusion food establishment shall only be allowed in accordance with the provisions, procedures and standards set forth in this Section.

1. *Eligible Zoning Districts.*

A. The operation of a medical marijuana facility is allowed only in a C-2 or C-3 District or in that portion of a PAD District where C-2 and/or C-3 uses are allowed and only upon obtaining a zoning clearance for such use, or in an I-1 or I-2 District or in a portion of a PAD District where I-1 and/or I-2 uses are allowed and only upon obtaining a use permit as required by section 35-2100 Table of Permitted Uses for Nonresidential Districts, in accordance with section 35-2213 of this Code.

B. The operation of a medical marijuana cultivation site or an infusion food establishment is allowed only in an I-1 or I-2 District or in that portion of a PAD District where I-1 or I-2 uses are allowed and only upon obtaining a zoning clearance for such use.

2(A). *Zoning clearance application.* In accordance with section 35-2100—Table of Permitted Uses for Nonresidential Districts, medical marijuana facilities, medical marijuana cultivation sites and infusion food establishments shall submit a completed zoning clearance application with supplemental materials as required by the Planning Division. The application shall contain the following information:

1) The location of the premises at which the medical marijuana facility, the medical marijuana cultivation site, or infusion food establishment will be operated.

2) The identity of the medical marijuana dispensary that will operate the medical marijuana facility or the medical marijuana cultivation site, and, for an infusion food establishment, the identity of the operator of the establishment.

3) If the premises identified in the application is not owned by the medical marijuana dispensary making application for the zoning clearance, a written statement signed by the property owner authorizing the applicant to apply for the zoning clearance for the premises and consenting to the use being requested in the application.

4) A site plan for the property on which the premises is located showing lot dimensions with front, sides and rear setbacks, and, where applicable, its location within the larger development in which the property may be situated.

5) An accurate, to-scale, floor plan clearly showing the configuration of the premises and stating the total floor space of the premises or portion thereof to be used for the purpose for which the zoning clearance is requested. In addition to any other information, the floor plan shall specifically identify and provide as applicable: (i) the location of the enclosed, locked facility in which cultivation or storage of medical marijuana will take place; (ii) the total floor space for the enclosed, locked facility; (iii) the location within the premises where infusion will take place; (iv) all entrances and exits to and from the premises, indicating which such entrances are secured and which, if any, are not secured; (v) the location of any windows from which a member of the public can view activities occurring inside the premises; (vi) any additional security measures or devices to be installed in or upon the premises, including without limitation any on-site alarm system or security lighting; and (vii) additional protections, if any, against medical marijuana diversion and theft.

6) Other pertinent information as needed to determine compliance with the provisions of this Section (35-2213) as required by the Planning Division.

2(B). *Zoning clearance approval criteria.* The Zoning Administrator may approve a zoning clearance application to operate a medical marijuana facility, a medical marijuana cultivation site, or an infusion food establishment upon finding that the request complies with the following criteria:

1) The request is in conformance with the General Plan and its policies.

2) The request is in full conformance with the provisions of this Section (35-2213).

3) The request is in full compliance with Chapter 29 Building Regulations of the City Code, all development standards and other land use regulations stated in the Zoning Code or any other ordinance or code adopted by the City of Chandler.

4) The request will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

5) The medical marijuana facility, a medical marijuana cultivation site, or an infusion food establishment:

I) Is located in a permanent building and is not located in a temporary structure, trailer, cargo container, motor vehicle, or other similar non-permanent enclosure.

II) Is not larger than five thousand (5,000) gross square feet for a medical marijuana facility; five thousand (5,000) gross square feet for a medical marijuana cultivation site; and five thousand (5,000) gross square feet for an infusion food establishment.

III) Does not have or operate drive-through facilities or take-out windows.

IV) Will not emit dust, fumes, vapors or odors into the environment.

V) Is operated only by a medical marijuana dispensary, dual license, or, in the case of an infusion food establishment, a person or entity authorized by State law to infuse edible food products, who does:

A. Comply with all registration and recordkeeping required by the City of Chandler, Maricopa County and Arizona Law.

B. Obtain, maintain and display a valid City of Chandler business registration or license as may be required by City Code.

C. Prohibit consumption of medical marijuana on the premises.

D. Not permit outdoor seating anywhere on the premises. Where the premises is located within a larger commercial or industrial development having walkways or other common area containing already existing outdoor seating required as a condition of the zoning for the development, then no new outdoor seating shall be located immediately adjacent to the premises.

E. Allow annual fire inspections pursuant to the City of Chandler Code.

F. Have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m. for a medical marijuana facility.

6) Separation requirements. A medical marijuana facility or a medical marijuana cultivation site shall be located a minimum distance from the uses set forth in Table 2213.2(B)(6) Separation Requirements. Measurements shall be made in a straight line in any direction from the closest exterior wall of the medical marijuana facility or medical marijuana cultivation site to the nearest property line of any parcel containing uses identified in the table. No separation is required when a medical marijuana facility or a medical marijuana cultivation site is separated from another such facility or site by a freeway. The separation requirements set forth in Table 2213.2(B)(6) shall not be reduced through a variance, Planned Area Development (PAD), or any other manner.

Table 2213.2(B)(6)
Separation Requirements

Use or Use Classification	Separation Requirement (feet)
Another medical marijuana facility, cultivation site, or infusion food establishment*	5,280
Day care center, public or private	1,320
Public or private park	1,320
Place of worship	1,320

Charter school, public or private school or college	1,320
Residential zoning district boundary	1,320
Public library	1,320
Hospital, public or private	1,320
*No separation shall be required when a medical marijuana facility and its affiliated medical marijuana cultivation site and/or infusion food establishment are located on the same premises or within the same building.	

2(C). *Issuance of zoning clearance.*

1) Approval of such a zoning clearance application shall not be construed as any endorsement by the City of the use or operation for which the zoning clearance has been requested by the applicant. The review time for said zoning clearance application shall conform to the time frames adopted by the City as required by Arizona Revised Statutes which are posted on the City's website.

2) A zoning clearance issued under this section (35-2213) shall be deemed void and to have automatically expired if the permitted use is not commenced by the zoning clearance holder or substantial construction has not taken place within nine (9) months after the date of approval.

2(D). *Nontransferability of zoning clearance.* A zoning clearance issued under this section (35-2213) is not transferable to any other location or premises, nor is it valid for any other use or business associated with a medical marijuana dispensary that is not specifically identified in the zoning clearance.

2(E). *Zoning clearance denial and appeal process.*

1) The Zoning Administrator, upon finding that the information presented in a zoning clearance application for a medical marijuana facility, medical marijuana cultivation site, or an infusion food establishment does not comply with the requirements set forth in this section (35-2213) shall issue a notice of denial that specifies the grounds therefore.

2) The applicant may appeal the Zoning Administrator's decision to deny the issuance of a zoning clearance to the Board of Adjustment pursuant to the appeal procedures provided under section 35-2503 of this Zoning Code.

2(F). *Revocation or suspension of zoning clearance.*

1) The Zoning Administrator may suspend or revoke a zoning clearance upon finding:

I) Material noncompliance with the requirements prescribed in this Section (35-2213); and/or

II) Operation of the permitted use in such a manner as to cause a substantial detrimental impact on neighboring persons or property.

2) To suspend or revoke a zoning clearance, the Zoning Administrator shall deliver or mail by certified mail to the address indicated on the zoning clearance and, if different from application address, the address of the property subject to the zoning clearance, a written notice that the zoning clearance is suspended or revoked and which states the grounds therefore.

3) Upon written request received by the Zoning Administrator within ten (10) days of the date of the notice by the zoning clearance holder, or any person whose use of the subject property will be adversely affected by the suspension or revocation, the matter will be referred to the Board of Adjustment on an appeal pursuant to the appeal procedures provided under section 35-2503 of this Zoning Code. If an appeal is not received within ten (10) days of the notice, the suspension or revocation shall take effect on the eleventh day after the date of notice.

4) The decision of the Board of Adjustment may be appealed as provided in section 35-2503 of this Zoning Code.

3(A). *Use permit application.* In accordance with section 35-2100—Table of Permitted Uses for Nonresidential Districts, the application procedures for a use permit to operate a medical marijuana facility at a specified premises shall be the same as the application procedures stated in section 35-305(1)(A) for general use permits, except that in addition to any other required submittals, an applicant shall provide:

1) The location of the premises at which the medical marijuana facility will be operated.

2) The identity of the medical marijuana dispensary that will operate the medical marijuana facility.

3) If the premises identified in the application is not owned by the medical marijuana dispensary making the application for the use permit, a written statement signed by the property owner authorizing the applicant to apply for the use permit for the premises and consenting to the use being requested in the application.

4) A site plan for the property on which the premises is located showing lot dimensions with front, side, and rear yard setbacks, and, where applicable, its location within the larger development in which the property may be situated.

5) An accurate to-scale floor plan clearly showing the configuration of the premises and stating the total floor space of the premises or portion thereof to be used for the purpose for which the use permit is required. In addition to any other information, the floor plan shall specifically identify and provide as applicable: (i) the location of the enclosed locked facility in which storage of medical marijuana will take place; (ii) the total floor space for the enclosed, locked facility; (iii) all entrances and exits to and from the premises, indicating which such entrances are secured and which, if any, are not secured; (iv) the location of any windows from which a member of the public can view activities occurring inside the premises; (v) any additional security measures or devices to be installed in or upon the premises, including without limitation any on-site alarm system or security lighting; and (vi) additional protections, if any, against medical marijuana diversion and theft.

3(B). *Use permit review.* The review and approval of an application for a use permit to operate a medical marijuana facility shall consider all relevant land use factors, including those stated in section 35-305(1)(B) for general use permits, as well as the use permit criteria and location requirements stated in sections 35-2213.3(D) and 35-2213.3(E).

3(C). *Use permit approval.* An application for a use permit under subsection 3(F) may be approved or denied by the City Council based upon the findings set forth in section 35-305(1)(B). Approval of such a use permit application shall not be construed as any endorsement by the City of the use or operation for which the use permit has been requested by the applicant.

3(D). *Use permit criteria.* The premises in or upon which a medical marijuana facility is operated shall:

1) Be located in a permanent building and shall not be located in a temporary structure, trailer, cargo container, motor vehicle, or other similar non-permanent enclosure.

2) Not be larger than two thousand five hundred (2,500) gross square feet or twenty-five percent (25%) of the gross building square-footage, whichever is less, for a medical marijuana facility.

3) Be operated only by a medical marijuana dispensary which must:

I) Comply with all registration and recordkeeping required by the City of Chandler, Maricopa County, and Arizona law.

II) Obtain, maintain, and display a valid City of Chandler business registration or license as may be required by City Code.

III) Not have or operate drive through facilities or take out windows.

IV) Not emit dust, fumes, vapors, or odors into the environment.

V) Prohibit consumption of medical marijuana on the premises.

VI) Not permit outdoor seating anywhere on the premises. Where the premises is located within a larger commercial or industrial development having walkways or other common area containing already existing outdoor seating required as a condition of the zoning for the development, then no new outdoor seating shall be located immediately adjacent to the premises.

VII) Allow annual fire inspections pursuant to the City of Chandler Code.

VIII) Have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m.

3(E). *Separation requirement.* A medical marijuana facility shall be located a minimum distance from the uses set forth in Table 2213.2(B)(6).

3(F). *Issuance of use permit.*

1. A use permit issued under this subsection shall be valid for any period of time as approved by Council, except as provided in paragraph 3(F)(2) below.

2. A use permit issued under this subsection 3(F) shall be deemed void and to have automatically expired if the permitted use is not commenced by the permit holder or substantial construction has not taken place within nine (9) months after the date of City Council approval.

3. The validity of a use permit under this subsection 3(F) is further conditioned upon the permit holder and the permitted premises being at all times in compliance with applicable City building codes, development standards and other land use regulations stated in the Zoning Code or any other ordinance or code adopted by the City of Chandler.

3(G). *Nontransferability of use permit.* A use permit issued under this subsection is not transferable to any other location or premises, nor is it valid for any other use or business associated with a medical marijuana dispensary that is not specifically identified in the use permit.

3(H). *Use permit renewal:*

1. A use permit under subsection 3(F) may be renewed by filing an application for renewal on a form provided by the Zoning Administrator. The application for renewal shall be received by the Zoning Administrator not less than seventy (70) days before the expiration of the permit. When the application for renewal is received less than seventy (70) days before the expiration date, the expiration of the use permit shall not be delayed, postponed or otherwise affected.

2. An application for renewal shall be considered following the same procedures as an original application. The application for renewal may be denied for any reason that an original application may be denied or revoked.

3. A medical marijuana facility lawfully operating is not rendered in violation of the distance requirements set forth in Table 2213.2(B)(6) if, subsequent to the initial granting of the use permit under subsection 3(F), any of the uses identified in Table 2213.2(B)(6) are constructed or located within the required separation area. This provision applies only to the renewal of a valid use permit and does not apply when an application for a use permit is submitted after a use permit has expired or has been revoked.

(Ord. No. 4764, § IV, 8-10-17; Ord. No. 4855, § 1, 1-10-19; Ord. No. 5044, § 2(Exh.), 2-9-23; Ord. No. 5127, § 1, 7-14-25)

35-2214. Data centers.

(1) Data centers are not permitted to operate in the City of Chandler unless explicitly approved as part of a Planned Area Development zoning district. Data centers that are ancillary to another primary use are permitted if they a) occupy no more than ten (10) percent of the building footprint, b) are used to serve the enterprise functions of the on-site property owner and are not used to lease data storage and processing services to third parties, and c) are not housed in a separate stand-alone structure on the parcel.

(2) Before a data center is constructed within a Planned Area Development zoning district, the property owner proposing to build a data center must comply with the following:

a. The data center operator or property owner must notify residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating within the half-mile radius, that the property owner intends to build and operate a data center on the property. The notice required in this section must be mailed to all postal addresses and homeowners' association addresses contained within a half-mile radius extending from the property line where the proposed data center will be built.

b. The data center operator must schedule and attend two (2) neighborhood meetings with residents to describe the project and the proposed sound-mitigation aspects of the project design. Notice of the neighborhood meetings must be mailed to all residents and homeowners associations within a half-mile radius of the parcel. A representative of the developer or owner with decision-making authority on the design of the data center must attend the neighborhood meetings. The data center operator or property owner must also post a sign on the subject property, at least fifteen (15) days before each neighborhood meeting, in accordance with design standards specified in Section 35-2601.1. The sign must be located along an arterial street or other high-visibility location as reasonably determined by the Zoning Administrator. The content of the sign shall (i) be consistent with the City's generally applicable sign guidelines for posting signs for notification of neighborhood meetings, (ii) include the applicant name and contact information, a brief description of the data center project, and the date, time, and location of the neighborhood meeting, and (iii) must be reviewed and approved by the Zoning Administrator before installation. The applicant must remove the sign at the conclusion of the citizen review process.

(3) Upon request by City staff after issuance of a certificate of occupancy and commencement of the operation of the data center, the operator of a data center must provide an on-site neighborhood liaison between the hours of 8:00 a.m. and 10:00 p.m. MST each day to respond to complaints about noise emanating from the data center.

(4) Before the first neighborhood meeting is held, the property owner proposing to build a data center must conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed data center, including noise levels measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator. The property owner must provide a copy of the results of the study to the City before the first neighborhood meeting.

(5) The data center must be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the data center (as determined by a third-party acoustic engineer) from exceeding the ambient noise levels that were observed in the baseline study. Design specifications for such sound mitigation must be provided to the City before building permit approval.

(6) Upon issuance of a certificate of occupancy or certificate of completion, whichever occurs first, the data center operator must conduct a noise study performed by a third-party acoustical engineer to document noise levels emanating from the data center measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator during peak operation of the data center mechanical equipment. The data center operator must also conduct an additional noise study, as measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator, annually during peak operation of the data center mechanical equipment for five (5) years after completion of the initial post-construction noise study. The data center operator must

provide the results of the noise study to the City within thirty (30) days of the anniversary of the date on which the certificate of occupancy or certificate of completion was issued by the City.

(7) If the data center operator intends to use backup power generators on the parcel, the operator must maintain a public website announcing the times when the generators will be in operation. Any routine operation of the backup generators, including for testing purposes, must be announced on the website at least twenty-four (24) hours in advance. The operator shall also notify the City of Chandler Communications and Public Affairs Department at least twenty-four (24) hours in advance of a test. Unless the generators are supplying backup electrical supply during a power outage, backup generators may operate between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. Upon request by City staff, the data center operator must provide the address of the website where the notices required by this section are published.

(Ord. No. 5033, § 2, 12-8-22)

35-2215. Home occupation.

Home occupations are permitted within a residence provided that in addition to all of the use limitations applicable in the zoning district in which the residence is located, home occupations shall comply with the following:

(1) Permitted uses shall be those that are clearly incidental to and subordinate to the use of the property for dwelling purposes and do not change the residential character thereof. Such uses may include but are not limited to: Photography, personal services, therapy, consulting, law office, real estate, insurance, professional office, professional design services, musical instrument lessons, swim lessons, IN-HOME DAYCARE FOR UP TO 4 CHILDREN, and small-scale E-commerce. The following uses shall be prohibited except if approved through a use permit application pursuant to Section 35-305: Medical, dental, restaurant, veterinary, kennel, dog grooming, motor vehicle services, massage establishments, and other uses that are more likely to alter the residential character of the neighborhood or negatively impact surrounding residential properties pursuant to Section 35-2215.6;

(2) The primary business operator shall be a member of the family residing therein;

(3) Business activities shall be conducted within the principal dwelling unit or a permitted accessory structure, or a residential backyard pool in the case of swim lessons; business activities may take place in a garage so long as no permanent modifications are made to the garage thus maintaining the ability to park vehicles;

(4) Employee and customer visits shall be limited to the hours of 8:00 a.m. to 7:00 p.m. One employee and one customer appointment, each consisting of no more than one vehicle may occur at a time;

(5) There shall be no signs, no exterior display, no exterior storage of materials, and no other indication of the home business or variation from the residential character of the principal dwelling unit;

(6) No home occupation shall be permitted that is noxious, offensive, or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions;

(7) Activity associated with the home occupation shall not generate vehicular or pedestrian traffic that alters the neighborhood character. All business-related vehicles shall park on-site to the greatest extent possible;

(8) External modifications to the residence intended solely for the home occupation, including construction features, equipment, or machinery that are not customary in residential areas shall be prohibited.

(Ord. No. 5075, § 2(Exh.), 2-22-24)

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ARTICLE XXVI. AMENDMENTS

35-2600. Authority of City Council; initiation of amendments.

The City Council, from time to time, upon the recommendation of the Planning and Zoning Commission, may amend, supplement or change the zoning district boundaries or the regulations herein or subsequently established. Recommendations of such amendment may be initiated by the Council or Commission on their own motion, or by petition as hereinafter set forth. No amendment affecting zoning district boundaries shall be passed, however, until completion of the citizen review process required in section 35-2601.1 of this Article XXVI and after a public hearing held in accordance with the requirements of section 35-2602 of this Article XXVI relating to applications.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3139, § 1, 5-27-00)

35-2601. Application for amendments.

Applications for amending this Code shall be made on a form provided by the Zoning Administrator and shall be signed by the property owner. In the event the application includes property other than that owned by the applicant, a letter shall accompany the application from the property owner authorizing the applicant to include said property in the application. In the case of an application for rezoning for more than one (1) property, such property shall be contiguous.

(Ord. No. 1450, § I, 4-11-85; Ord. No. 1488, § I, 5-23-85; Ord. No. 3063, § 3, 11-18-99)

35-2601.1. Citizen review process.

A. Prior to any public hearing, as required under section 35-2602 of this Article XXVII, on any area plan application, on any preliminary development plan application, or on any application for any zoning ordinance that changes any property from one zoning district to another, that imposes any regulation not previously imposed, or that removes or modifies any such regulation previously imposed, the applicant shall provide notice of a neighborhood meeting. Notification shall include mailing a written notice, and at the discretion of the Zoning Administrator, may include posting a sign on the development site, and electronic/digital outreach.

(1) *Written notice.*

i. A written notice of the neighborhood meeting shall be mailed to all landowners of property located within six hundred (600) feet of the subject property, and the address of any registered neighborhood organizations located within one-quarter (¼) mile of the subject property, and to such other persons as the Zoning Administrator reasonably determines to be other potentially affected citizens.

For any Zoning Ordinance or Preliminary Development Plan pertaining to a mid-rise development, and to any area plan application, the distance shall be expanded to one-quarter (¼) mile for adjacent property owners, and to a one-half (½) mile for registered neighborhood organizations.

FOR DEVELOPMENT OF DATA CENTERS UNDER SECTION 35-2214, THE DISTANCE SHALL BE EXPANDED TO ONE-HALF (1/2) MILE FOR ADJACENT PROPERTY OWNERS, REGISTERED NEIGHBORHOOD ORGANIZATIONS, AND TO SUCH PERSONS AS THE ZONING ADMINISTRATOR REASONABLY DETERMINES TO BE OTHER POTENTIALLY AFFECTED CITIZENS.

All distances shall be measured from the property lines of the development site.

ii. The written notice shall also include a general explanation of the substance of the proposed area plan application, preliminary development plan application or zoning ordinance application and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner or those other potentially affected citizens, as determined under section 35-2601.1A., will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed application before the public hearing required under section 35-2602. The content of said written notice shall be reviewed and approved by the Zoning Administrator prior to mailing.

For any area plan, preliminary development plan, or any zoning ordinance pertaining to a mid-rise development, at least two (2) neighborhood meetings shall be held by the applicant, prior to the applicant being scheduled for public hearings by the Planning and Zoning Commission and City Council.

iii. The written notice required by [section] 35-2601.1A. shall be mailed by first class mail at least fifteen (15) days prior to the neighborhood meeting.

(2) *Sign posting.* The applicant shall post a sign on the subject property, at least fifteen (15) days prior to the neighborhood meeting, in accordance with design standards specified by the City of Chandler. The sign shall be located along an arterial street, neighborhood entry, or other high visibility location. The content of the sign shall be reviewed and approved by the Zoning Administrator prior to installation. The applicant shall remove the sign at the conclusion of the citizen review process.

(3) *Electronic/digital outreach.* The applicant shall implement one electronic/digital method of outreach at least fifteen (15) days prior to the neighborhood meeting in accordance with standards specified by the City of Chandler. The method and content shall be reviewed and approved by the Zoning Administrator prior to implementation. The content of the selected method shall be updated to reflect citizen input and any other revisions and remain until the conclusion of the final council decision. The Zoning Administrator or designee shall post the notice on one or more social media platforms as deemed necessary.

If the Zoning Administrator determines that special circumstances warrant additional notification, the Zoning Administrator may require one or more of the following additional means of notification to be provided at least fifteen (15) days prior to the neighborhood meeting:

1. Written notice shall be personally delivered to each property within three hundred (300) feet which contains an inhabited building; such notice shall be in the form of a door hanger in accordance with the design standards prescribed by the City of Chandler. The deliverer shall provide written certification to the City that such notices were delivered in this manner on a particular date or dates.

2. Notice shall be provided in such other manner as deemed necessary or desirable by the Zoning Administrator.

After providing the required notifications, the applicant shall submit to the Zoning Administrator a copy of the mailing list, a photograph of the sign, a copy of the electronic/digital methodology and a notarized affidavit of notification; said affidavit shall be in a form prescribed by the City of Chandler.

B. The applicant, upon consultation with the Zoning Administrator, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for potentially affected citizens, as determined under section 35-2601.1A. to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or rezoning ordinance, the preliminary development plan, and/or the area plan that may proposed in the application. Within five (5) business days following the neighborhood meeting, the applicant shall submit to the Zoning Administrator a neighborhood meeting summary that identifies the people in attendance and the issues that were discussed. The applicant shall also submit comments received through the electronic/digital outreach method to the Zoning Administrator. The Zoning Administrator or planning staff shall report the results of the neighborhood meeting and of the electronic/digital outreach to the Planning and Zoning Commission and City Council at such time as they take action on the application.

C. At the discretion of the Zoning Administrator, an alternative citizen review process may be used that does not involve a neighborhood meeting. The alternative process shall consist of the following:

1. The written notice described in this section 35-2601.1, except that the notice shall only indicate the name, address and phone number of the member of the planning staff to whom an adjacent landowner or other potentially affected citizen, as determined under section 35-2601.1A., may contact to express any issues or concerns that the landowner or citizen may have with the proposed rezoning.

2. A staff report summarizing any issues or concerns so expressed, which shall be presented to the Planning and Zoning Commission and City Council at such time as they take action on the application, and the applicant at a reasonable period of time prior to the public hearing.

(Ord. No. 3139, § 2, 5-27-00; Ord. No. 3640, § 3, 1-13-05; Ord. No. 3802, § 2, 6-8-06; Ord. No. 4567, § VI, 10-20-14; Ord. No. 4931, § 2(Exh.), 8-13-20)

35-2602. Public hearing.

A. The Planning and Zoning Commission shall hold a public hearing on any zoning ordinance which changes any property from one (1) zoning district to another, imposes any regulation not previously imposed, or which removes or modifies any other regulation previously imposed. Notice of the date, time and place of the hearing, including a general explanation of the matter to be considered and including a general description of the area affected, shall be given fifteen (15) days before the hearing, in the following manner:

(1) The City shall prepare and publish the notice once in a newspaper of general circulation published or circulated in the City of Chandler, or if there is none, it shall be posted on the affected property in such a manner as to be legible from the public right-of-way and in at least ten (10) places in the City of Chandler. A posted notice shall be printed so that the following are visible from a distance of one hundred (100) feet: the word "zoning," the present zoning district classification, the proposed zoning district classification, the date and time of the hearing.

(2) In addition to publication, copies of the notice shall be mailed to owners of any property, in whole or part, within six hundred (600) feet of the boundary of the subject property, and the address of any Registered Neighborhood Organization within one-quarter (¼) mile of the boundary of the property being considered for rezoning. A listing of property owners within six hundred (600) feet of the subject property, consistent with current records of the Maricopa County Assessor's Office at the time of application and complete with their mailing addresses, and a list of Registered Neighborhood Organizations within one-quarter (¼) mile, shall be provided to the City by the applicant for use in such mailing. Failure of the applicant to complete an accurate list of property owners, and Registered Neighborhood Organizations may, in the opinion of the Zoning Administrator, invalidate the application. Failure of a property owner, or minority of property owners, or Registered Neighborhood Organizations to receive this notice, however, shall not invalidate the application if, in the opinion of the Zoning Administrator, a reasonable effort to notify all parties has been made. These requirements may be waived by the Zoning Administrator if circumstances so warrant.

(a) The six hundred (600) foot notice to adjacent property owners and the one-quarter (¼) mile notice to registered neighborhood organizations as specified herein shall be expanded to one-quarter (¼) mile for adjacent property owners, and to one-half (½) mile for registered neighborhood organizations, for any preliminary development plan, or any zoning ordinance pertaining to a mid-rise development, and to any area plan application.

(b) The one-quarter (¼) mile and the one-half (½) mile distances shall be measured from the property boundary lines of the parcel for which the mid-rise development is being proposed.

(C) FOR DEVELOPMENT OF DATA CENTERS UNDER SECTION 35-2214, THE DISTANCE SHALL BE EXPANDED TO ONE-HALF (1/2) MILE FOR ADJACENT PROPERTY OWNERS, REGISTERED NEIGHBORHOOD ORGANIZATIONS, AND TO SUCH PERSONS AS THE ZONING ADMINISTRATOR REASONABLY DETERMINES TO BE OTHER POTENTIALLY AFFECTED CITIZENS.

(3) In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the County or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land.

(4) In addition to publication, the following additional notifications shall be required unless waived by the Zoning Administrator:

(a) The applicant shall post a minimum four-foot by eight-foot wooden sign on the subject property, in accordance with design standards specified by the City of Chandler. The sign must be located along an arterial street, neighborhood entry, or other high visibility location. The applicant shall remove the sign at the conclusion of the public hearing process.

(b) The applicant shall personally deliver notice to each property within three hundred (300) feet that contains an inhabited building; the notice shall be in the form of a door hanger in accordance with design standards prescribed by the City of Chandler. The deliverer shall provide written certification to the City that such notices were delivered in this manner on a particular date or dates.

(5) In addition to publication, the City of Chandler may give notice of the hearing in such other manner as it may deem necessary or desirable.

B. After the hearing, the Commission shall render its decision in the form of a written recommendation to the City Council. The recommendation shall include the reasons for the recommendation and be transmitted to the City Council in such form and manner as may be specified by the City Council.

C. If the Commission has held a public hearing, the City Council may adopt the recommendations without holding a second public hearing if there is no objection, request for public hearing or other protest. The City Council shall hold a public hearing if requested by the party aggrieved or any member of the public or of the City Council or, in any case, if no public hearing has been held by the Commission. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Commission as specified in subsection A. In addition, the City of Chandler may give notice of the hearing in such other manner as it may deem necessary or desirable.

(Ord. No. 1331, 4-9-84; Ord. No. 1784, § 1, 3-12-87; Ord. No. 3063, § 3, 11-18-99; Ord. No. 3640, § 4, 1-13-05; Ord. No. 3802, § 2, 6-8-06; Ord. No. 4567, § VII, 10-20-14; Ord. No. 4931, § 2(Exh.), 8-13-20)

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ARTICLE XXXI. AP-1—AIRPORT DISTRICT[5]

35-3100. Purpose and intent.

The purpose of this district is to provide for aircraft operations, air services, and related commercial uses for all portions of land comprising the Chandler Municipal Airport as owned or leased by the City of Chandler. The development regulations of this district are intended to establish building heights, setbacks, and other site development standards in the interests of safety and compatibility with airport operations, and to ensure the development quality of a public land use. Since the boundaries of this district are intended to coincide exactly with the property lines of those parcels owned or leased by the City for operation of the airport, it is not intended as a

[5]Editor's note(s)—Article XXXI, §§ 3100—3103, is derived from § 1 of Ord. No. 2293, adopted July 23, 1992.

rezoning classification to be sought by, or to be applicable to, private interests for off-airport parcels or uses. Off-airport uses shall be considered under other zoning designations, such as Planned Area Development (PAD), as appropriate to particular needs and circumstances.

(Ord. No. 3063, § 3, 11-18-99)

35-3101. Uses permitted.

The following uses shall be permitted within the AP-1 zoning district as principal uses:

(1) Airport structures and facilities that are necessary for the operation of the airport and for the control of air traffic therefrom, such as the following:

(a) Runways, taxiways, and parking aprons, including lighting.

(b) Aircraft hangars, tie-down areas, and maintenance buildings.

(c) Air traffic control tower and facilities; navigational aid equipment and structures.

(d) Terminal buildings; pilot quarters.

(e) Administrative offices for operation of the airport and its facilities.

(f) Aviation fuel farms.

(g) Off-street parking lots and garages; loading docks; storage yards and warehouses housing the equipment necessary to the maintenance, safety, and security of the airport.

(2) Fixed base operators (FBO's), as defined in section 35-200 of the Zoning Code.

(3) General aviation specialty shop, as defined in section 35-200 of the Zoning Code.

(4) Heliports.

(5) Office space clearly accessory to another principal use or uses as permitted herein.

(6) Notwithstanding the prohibitions of the airport noise overlay district as set forth in Article XXX of the Zoning Code, commercial retail and service uses aimed primarily at the customary convenience needs of airport employees, patrons, and other users, and accommodated within the same building(s) as the principal uses to which they relate, such as meeting rooms for aviation related facilities; eating and drinking establishments, but excluding liquor sales for off-site consumption; card and gift shops; newsstands; physical fitness facilities; automobile rentals; travel agencies; branch bank services; and similar uses.

(Ord. No. 3063, § 3, 11-18-99)

35-3102. Uses permitted by use permit.

The following uses shall be subject to approval of a use permit by City Council, upon recommendation by the Planning and Zoning Commission, as provided in section 35-305 of the Zoning Code:

(1) Training and educational facilities for purposes unrelated to aviation.

(2) Watchman's quarters.

(Ord. No. 3063, § 3, 11-18-99)

35-3103. Site development standards.

(1) Any application for a building permit within the AP-1 zoning district under any of the following circumstances shall be accompanied by a site development plan which demonstrates conformance with the site plan data and development standards set forth in this section:

(a) New construction of a building or buildings, irrespective of whether the site was previously developed.

(b) Altering an existing floor plan or site plan which intensifies a use in terms of additional parking, occupancy capacity, outdoor display area, outdoor storage area, or the like, irrespective of whether the building or use is physically expanded beyond existing confines.

(c) Initiating a new use on a vacant or vacated site, or changing one (1) use to another as determined under the Zoning Code.

(d) Expansion of a use which increases its land area, except that the improvements specified by this article shall be required only for that site area of the expansion.

(e) Adding on to an existing building except that an addition involving less than twenty (20) percent of the total existing floor area or two thousand five hundred (2,500) square feet, whichever is less, shall be exempt from the requirements of this article; however, the requirements of section 35-1902(3)(a)2.b., relating to corner obstructions, and section 35-1906, "Landscaping," shall be met with respect to the addition.

The repair of any building, such as its walls, roof or other structural component, or the renovation of any building facade, including relocation of doors and window openings, or the repair of existing on-site improvements such as screen walls and fences, parking lot surfaces, landscape features and the like, none of which fall into the development activities described herein, shall be exempt from the requirements of this section.

(2) *Required plan data:* The following items shall be shown on the site development plan:

(a) Name and address of business owner, project engineer and/or architect.

(b) Boundaries of the building site, whether property lines or lease lines.

(c) Scale of drawing and north arrow.

(d) Existing and proposed streets, drives, curblines and curb cuts.

(e) Location, site, height, and use of existing and proposed buildings and building additions.

(f) Location of existing ditches, canals, fences, and easements.

(g) Location and extent of existing and proposed parking areas, with stall and aisle widths dimensions.

(h) Location of existing and/or proposed trash pickup area.

(i) Location and extent of existing and proposed stormwater retention areas, with landscaping.

(j) Location, height, and type of material for existing and proposed walls and fences.

(k) Location and extent of existing and proposed landscaping, including the type, size, and number of plants, with irrigation details.

(l) Any existing or proposed civil engineering improvements as may be applicable, such as the location of existing and proposed water and sewer mains, service lines, meters, street lights, and overhead power lines.

(3) *Development standards and regulations:*

(a) *Height regulations:*

1. No building or structure shall exceed ~~two (2) stories or thirty-five (35) feet in height, whichever is the lesser; except those buildings or structures located not less than one hundred (100) feet from any site~~

~~boundary line and~~ OR BE ~~not~~ contrary to any Federal Aviation Administration (FAA) restriction may achieve a maximum height not to exceed fifty (50) feet.

2. In no event shall any structure, parked vehicle, or other obstruction to traffic visibility exceeding two (2) feet in height be located within a triangular area formed by two (2) site boundary lines, and a line connecting points thirty (30) feet from the intersection of the boundary lines. With regard to driveway locations, the perpendicular sides of said triangular area may be reduced to fifteen (15) feet.

(b) *Setback regulations:*

1. *Street yard:* No building, structure, or vehicular parking shall be located less than twenty (20) feet from any site boundary line abutting a public or private street, nor less than ten (10) feet from any site boundary line abutting a ramp access drive.

2. *Interior yards:* No building, structure, or vehicular parking shall be located less than ten (10) feet from any interior site boundary line not abutting a public or private street; and in no event shall any building, structure, or vehicular parking be located between the building restriction line (BRL) as established by the current Chandler Municipal Airport Layout Plan, and the centerline of a runway. Setbacks from any taxiway shall be in accordance with Federal Aviation Administration (FAA) standards.

(c) *Fence regulations:*

1. No fence or wall, other than the airport security fence, shall be constructed within the street yard setback as prescribed for this district exceeding a height of three (3) feet, and no fence or wall shall be constructed along an interior site boundary line exceeding a height of eight (8) feet.

2. No fence or wall shall feature wood as an element, except for gate openings. Chain link fencing may be used for security purposes; however, no form of chain link fencing shall be used for screening.

3. Although prohibited as a primary means of fencing, barbed wire may be utilized as an accessory feature in conjunction with a masonry or chain link fence to achieve security.

(d) *Parking regulations:* Off-street parking provisions for all uses permitted herein shall be required in conformance with the standards and requirements of Article XVIII of the Zoning Code. In the case of determining the amount of off-street parking to be required for a use not listed therein, the following supplemental parking schedule may be utilized:

Hangar storage	One-half (½) space/one thousand (1,000) sq. ft.
"T" - shade hangars	One-quarter (¼) space/"T" - hangar space
Aircraft tiedowns	One (1) space/seven thousand (7,000) sq. ft. of tiedown area
Miscellaneous hangar activities, directly related to aviation use e.g., aircraft servicing	One (1) space/one thousand (1,000) sq. ft. up to five thousand (5,000) sq. ft., and one-half (½) space/one thousand (1,000) sq. ft. thereafter
Commercial office, retail, and service uses related primarily to convenience needs of airport patrons and employees, whether conducted as primary or accessory uses	Three (3) spaces/one thousand (1,000) sq. ft.
Eating and drinking establishments	One (1) space/sixty (60) sq. ft. of public serving area
Pilot quarters	One (1) space/room

(e) *Landscaping regulations:* Landscaping shall be provided in conformance with the standards and requirements of section 35-1903 of the Zoning Code. Where such standards differentiate between industrial and all other zoning districts, the AP-1 district shall be subject to the requirements of the industrial districts. In cases of conflict between the required height or location of landscaping as specified by this Code, and the

applicable restrictions of the Federal Aviation Administration (FAA), the FAA regulations shall govern. For example, tree-planting requirements shall not be applicable to the aviation side of on-airport uses, and in no event shall any shrubs or ground cover be planted to exceed a maximum height of four (4) feet.

(f) *Screening regulations:*

1. Storage of airframe components, supplies, equipment, or materials, shall be confined within a completely enclosed building or within an area enclosed by a minimum six-foot-high solid masonry wall, or solid metal fence integrated with a metal building, if said metal building houses the primary use(s) of the site. In no event shall objects be stacked higher than the wall enclosure.

2. All trash collection dumpsters shall be screened by a six-foot-high solid masonry wall, with openings for access not visible from street view.

3. Mechanical equipment screening: All mechanical equipment and appurtenances shall be concealed and/or screened from view in their entirety as an integral part of the building in one (1) of the following manners, and subject to approval by the Zoning Administrator:

a. Parapets are acceptable for screening provided the height shall be equal to, or higher than, the highest point on the mechanical equipment; or

b. Screening of mechanical equipment shall be constructed of similar materials and painted colors similar to the building, and so arranged that the screening is perceived to be an integral part of the building mass.

All mechanical equipment and appurtenances shall be indicated and shown on building sections and elevations indicating dimensions of equipment and screening.

(g) *Metal buildings:* Metal buildings for any use permitted within the AP-1 district shall be eligible for approval by the Zoning Administrator, upon recommendation by the airport Commission. Approval shall be subject to a finding that the facades of the buildings are architecturally treated to assure mitigation of stark metal construction. T-shades, hangars, and metal utility buildings not exceeding two hundred (200) square feet and accessory to the primary building(s) on the site, shall be exempt from this requirement.

(h) *Sign regulations:* All signing as may be erected within the AP-1 district shall be subject to the requirements of the City of Chandler Sign Code [Chapter 39] as adopted by Council Ordinance No. 674 and as subsequently amended. The following design standards shall constitute a supplement to the Sign Code, for signing within the AP-1 district only:

1. Identification signs may designate the name and address of the occupant, as well as the product or service offered from the premises, subject to the following standards:

a. *Wall-Mounted:* A maximum of two (2) single-faced signs mounted on and parallel to the wall of the building, and not to protrude more than sixteen (16) inches from the face of the wall; one (1) such sign may be directed to the aviation area of the airport and the other to be visible from the nonaviation areas, in accordance with the following:

	Aviation Side	Nonaviation Side
Single- or multi-user building	Two (2) sq. ft./L.F. of business frontage; two hundred forty (240) sq. ft.	Two (2) sq. ft./L.F. of business frontage; sixty (60) sq. ft. maximum

b. *Freestanding:* For either a single user building or a multi-tenant building, one (1) freestanding monument sign shall be permitted for each street from subject to a maximum sign face area of sixty (60) square feet, a maximum sign height of six (6) feet, and a minimum setback of ten (10) feet from any site boundary line.

c. Identification signs with three (3) or more tenants on a single face, whether freestanding or wall-mounted, shall be prohibited on the nonaviation side.

2. Directional signs may designate by arrow the locations for three (3) or fewer occupancies on a single sign face, subject to a maximum eight (8) square feet in total sign face area, a maximum of six (6) feet in height, and a minimum ten (10) feet in setback from any site boundary line.

3. Safety signs as may be necessary to alert the public to potential dangers shall be permitted in accordance with the standards and requirements of the Manual of Uniform Traffic Control Devices (MUTCD), current edition.

4. Roof-mounted signs shall be prohibited; except that for roof slopes not exceeding forty-five (45) degrees from horizontal, and not visible from street view, an identification sign or directional sign may be painted directly onto, or mounted flush with, said roof slope. Such signing shall be equal to and in lieu of the amount of wall-mounted identification signing otherwise allowed for an aviation side [site].

5. The design of all signing, including, but not limited to, its size, shape, colors, letters, and other graphics, shall be integrated with the architectural design of the building(s) to which they relate, for approval by the Zoning Administrator upon recommendation by the Airport Commission. Pole-mounted signing shall be prohibited.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 4931, § 2(Exh.), 8-13-20; Ord. No. 5142, § 2(Exh. A), 11-13-25)

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Chapter 46 Encroachments and Other Uses in Public Right-of-Way

46-1.6. - Right-of-way temporary use management program.

A. *Purpose.* There is hereby established a right-of-way temporary use management program to promote public health, safety, and welfare in right-of-way and to manage temporary roadway restrictions to minimize delays and inconvenience to the traveling public. This right-of-way temporary use management program is intended to enhance the planning, administration, and oversight of traffic control management in roadways, sidewalks, and other facilities related to the transport or movement of the public.

B. *Temporary traffic control devices.* No person, organization, public utility, or other entity may erect or place any barrier or device in right-of-way unless this temporary use is approved by the City Transportation Engineer or their designee.

C. *Permit required.*

1. Except for an emergency, a person must first obtain a traffic control permit to temporarily, whether partially or fully, use for any purpose, any City street, highway, freeway, alley, bicyclist-way or pedestrian-way. For an emergency, a person must obtain a traffic control permit as soon as reasonably practicable.

2. All temporary traffic control devices within the City must be installed under a traffic control permit as provided in this division and must comply with: (i) The latest edition of the MUTCD, as amended by the Arizona Supplement to the MUTCD; (ii) The City Engineering & Design Standards Manual, as amended; and (iii) NCHRP 350 Guidelines. Temporary use of the right-of-way will not be permitted during major holidays or near large commercial areas or holiday events during a holiday restriction unless approved by the City's Transportation Engineer or designee. Similarly, unless otherwise approved by the City Transportation Engineer, temporary use of right-of-way during peak travel times will solely be permitted if the person maintains two (2) lanes of travel in each direction and all turn lanes remain unrestricted. The City's Transportation Engineer or designee may allow right-of-way temporary use under off-peak conditions during peak travel times in their sole discretion. The temporary use of right-of-way is not permitted when there is no active work.

D. *Traffic control permit application, application fees; ~~refundable deposit~~; time extension*. When a person seeks the temporary use of right-of-way the person must: (i) File a complete application as required by the City Transportation Engineer; (ii) Pay a non-refundable application fee as approved by the City Council; and (iii) Pay a refundable deposit as approved by the City Council.

1. *Traffic control permit application fee.* The non-refundable traffic control permit application fee will be collected in the amount approved by the City Council. For a complex traffic control permit application, an applicant must pay an application fee in an amount established by the City Transportation Engineer or designee as necessary to recover the City's reasonably related costs to review the application including, but not limited to, the costs for review by outside consultants incurred by the City to review the application and process the permit. The permit application fee must be paid before any traffic control permit may be issued. An applicant must pay application fees twice the customary amount if: (i) The applicant files an application and seeks temporary right-of-way use within three (3) business days of filing a complete application; or (ii) The applicant seeks continual closure (for a full twenty-four (24) hours).

~~2. *Refundable deposit.* Before a traffic control permit may be issued, an applicant must pay an amount approved by the City Council as a refundable deposit for the temporary use of right-of-way. The City Council may, but is not required to, determine the deposit amount based on project valuation as defined in this division. The deposit amount is fully refundable to a holder if all permitted temporary use is completed as required by the traffic control permit terms and conditions. The deposit amount refunded to holder will be reduced by five (5) percent of the original amount per day for every calendar day after the traffic control permit expiration date, not to exceed twenty (20) calendar days, for which the holder has not complied with the traffic control permit terms and conditions. No amount of the deposit will be refunded to a holder if the temporary use (including, but not limited to, traffic control devices and equipment) remains in right-of-way twenty (20) days or more after the permit expires.~~

~~3~~**2**. *Time extension.* The City Transportation Engineer or designee may grant a time extension for a traffic control permit. A holder that seeks an extension must pay an additional permit application fee before a permit extension may be issued to the holder.

~~E. *City-owned project*. A person who uses the right-of-way for a City-owned project must comply with this division and obtain all necessary permits and certifications. Provided; however, a traffic~~

~~control permit application fee and traffic control permit deposit do not apply to a City-owned project.~~

Section 3. Existing Chandler City Code, Chapter 46 (Encroachments and Other Uses in the Public Right-of-Way), Division V (Cable System and Video Services Licenses Class 6), is hereby repealed in its entirety and replaced by the following amendments. Chandler City Code, Chapter 46 (Encroachments and Other Uses in the Public Right-of-Way), Division V (Cable System and Video Services Licenses Class 6) is hereby amended by adding the following (additions in **ALL CAPS**, deletions in ~~strikeout~~):

DIVISION V. - ~~CABLE SYSTEM AND~~ VIDEO SERVICES LICENSES CLASS 6~~[3]~~

ARTICLE I. PROVISIONS APPLICABLE TO ~~ALL~~ **VIDEO SERVICES** LICENSES

46-8. - ~~Cable system, video,~~ ***VIDEO*** *and related services*.

46-8.1. *Definitions*. ~~For a cable system license granted on or before December 31, 2019, the terms, phrases, words, abbreviations, and their derivations shall have the meaning given in City of Chandler Ordinance No. 4228 and Section 46-1, as amended~~. For a video services license granted on or after January 1, 2020, the words, terms, phrases, abbreviations, and their derivations shall have the same meaning ascribed in A.R.S. § 9-1401, as amended, and Section 46-1, as amended. For all definitions, when not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory - not merely directory.

~~A. For purposes of applying the definitions in City of Chandler Ordinance No. 4228 and Section 46-1, as amended, to a cable system, "license" as used therein means cable license.~~

~~B. For purposes of this Division V, cable licensee means the person to which a cable license is issued.~~

~~C.~~ When not otherwise prescribed herein, all materials that these licensing requirements require to be filed with the City will be filed with the Office of the City Clerk.

46-8.2. ~~Cable system or video~~ ***VIDEO*** *services license required*.

A. No person shall construct, install, maintain or operate a ~~cable or~~ video services system within, along or under any street and public way in the City, or any other public property in the City, unless a ~~cable system or~~ video services license has first been granted by the City Council pursuant to the provisions of these licensing requirements. Nothing in these licensing requirements shall be deemed to require the granting of any ~~cable system or~~ video services license when in the opinion of the City it would not be in the public interest to do so.

B. All provisions of these licensing requirements and any ~~cable system or~~ video services license shall be binding upon the licensee, its successors, lessees, or assignees.

C. The granting of any ~~cable system or~~ video services license pursuant to these licensing requirements shall be a privilege and shall not impart to the licensee any right of property in any City rights-of-way or other City property.

~~D. City of Chandler Ordinance No. 4228 applies to cable television system licenses granted on or before December 31, 2019 and on or after May 1, 2010. City of Chandler Ordinance No. 2539 applies to cable system licenses granted before May 1, 2010.~~

~~E.~~ **D.** For video services licenses granted on or after January 1, 2020, the following provisions apply and are made a part of the uniform video services license granted by this City: (i) Chandler City Code Chapter 46, Divisions I and V as amended; and (ii) Standard Terms and Conditions applicable to all franchises, licenses, and encroachment permits; and (iii) any special conditions set forth in this Division V.

46-8.3. *Conflict among laws*. The provisions of a ~~cable system license or a~~ video service license, Chandler City Code Chapter 46, Divisions I and V, and the standard terms and conditions applicable to all franchises, licenses, and encroachment permits must be construed to be harmonious and consistent whenever possible. If a conflict arises among or an ambiguity is created by these laws and provisions, the laws and provisions in the following order prevail and control: (1) ~~Cable system license or~~ video service license; (2) Chandler City Code Chapter 46, Division V; (3) Chandler City Code Chapter 46, Division I; and (4) The standard conditions applicable to all franchises, licenses, and encroachment permits.

~~ARTICLE II. SPECIAL CONDITIONS FOR CABLE SYSTEM LICENSE GRANTED ON OR BEFORE DECEMBER 31, 2019.~~

~~In addition to the provisions of Chandler City Code Chapter 46 Division I and the standard conditions applicable to all franchises, licenses, and encroachment permits, the following special conditions set out in this Article II (Sections 46-8.4 through 46-8.26) are incorporated and made a part of a cable system license granted by this City on or before December 31, 2019.~~

~~46-8.4. Limitations of license.~~

~~A. Any cable license granted by City of Chandler shall be nonexclusive. The City specifically reserves the right to grant other cable licenses to any persons or to authorize it to provide cable services without a cable license at any time and in any area of the City if the City determines that it is in the public interest to do so.~~

~~B. In addition to the limitations of this chapter, a cable license is subject to the limits established by A.R.S. § 9-506, et seq., and the Communications Act of 1934, as amended, and the Cable Act, as amended, and all other applicable federal law or regulation and all applicable state law.~~

~~C. Any privilege claimed under any cable license by the licensee in any street and public way or other public property pursuant to a cable license granted under the terms of these licensing requirements shall be subordinate to any prior or subsequent lawful occupancy or use thereof by the City or any other governmental entity, and shall be subordinate to any prior easements therein; provided, however, that nothing shall extinguish or otherwise interfere with property rights established independently of any cable license issued pursuant to these licensing requirements.~~

D. A cable licensee shall be subject to all requirements of City's laws, regulations, specifications and the terms of any cable license

E. The City reserves the right to require additional or greater standards of construction, operation, maintenance or otherwise as necessary for public safety or as required by law.

F. The granting of a cable license by the City does not relieve the licensee of any legal obligation involved in obtaining pole space from any department of the City, utility, or from others maintaining poles in streets and public ways.

G. Any cable license granted under these licensing requirements shall be deemed to be an executory contract under the provisions of 11 U.S.C. Section 365.

46-8.5. Application process.

A. A person wanting to operate a cable system in the City rights-of-way must apply for a cable license prior to being issued encroachment permits.

B. Authority to use experts. The City may hire outside experts as it deems necessary to assist in the review of an encroachment permit or a cable license.

C. Initial applications. Each application for a cable license shall be filed with the Office of the City Clerk and in a form prescribed by the City. Said forms shall require, but shall not be limited to the following information:

1. The name, address, and telephone number of the applicant;

2. A detailed statement of the corporation or business entity organization of the applicant, including but not limited to, the following and to whatever extent required by the City:

(a) the names, residence and business addresses of all officers, directors, and associates of the applicant,

(b) the names, residence and business addresses of all officers, persons and entities having a one (1) percent or larger share of the ownership of the applicant and the respective ownership share of each such person,

(c) the names and addresses of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including but not limited to cable systems owned or controlled by the applicant, its parent and subsidiary and the areas served thereby,

(d) a detailed and complete financial statement of the applicant, certified by an independent certified public accountant, for the fiscal year next preceding the date of the application hereunder, and a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the City Council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed cable system in the City, or a statement from an independent certified public accountant, certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed cable system in this City,

(e) a detailed financial plan (pro forma) describing for each year of the initial license, projected number of subscribers, rates, all revenues, operating expenses, capital expenditures, depreciation schedules, income statements and a sources and uses of funds statement. All information is to be presented in the format approved by the City, and

~~(f) a statement identifying, by place and date, and other cable system license(s) awarded to the applicant, its parent or subsidiary; the status of said license(s) with respect to completion thereof; the total cost of completion of such licensed cable system(s); and the amount of applicant's and its parent's or subsidiary's resources committed to thereof;~~

~~3. A detailed description of the proposed plan of operation of the applicant that shall include, but not be limited to, the following:~~

~~(a) a detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be serviced,~~

~~(b) a statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of said classifications, including installation charges and cable service charges,~~

~~(c) a detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant,~~

~~(d) a copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber, and~~

~~(e) a detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any person which materially relate or pertain to or depend upon the application and the granting of the license;~~

~~4. A copy of any agreement covering the cable license area, if existing between the applicant and the local telephone and/or electric utilities providing for the use of any facilities of the utility including but not limited to poles, lines or conduits;~~

~~5. Any other details, statements, information or references, pertinent to the subject matter of such application which shall be required or requested by the City Council, or by any other provision of law; and~~

~~6. A description of proposed cable system design and a description of the initial programming and cable services to be offered, a description of facilities proposed for local programming, and facilities to be offered to various community institutions.~~

~~D. Renewal applications.~~

~~1. During the six-month period which begins with the thirty-sixth (36th) month before the cable license expiration, the City may on its own initiative, and shall at the request of the licensee, commence proceedings which afford the public appropriate notice and participation for the purpose of:~~

~~(a) Identifying the future cable-related community needs and interests; and~~

~~(b) Reviewing the performance of the licensee under the cable license during the then current cable license term.~~

~~2. (a) The licensee seeking renewal of a cable license may, on its own initiative or at the request of the City, submit a proposal for renewal.~~

~~(b) The licensee shall submit items listed for an initial application if such information on record with the City is not current or has changed significantly.~~

~~(c) Subject to Section 624 of the Cable Act, proposals shall contain such material as the City may require, including proposals for an upgrade of the cable system.~~

~~(d) The City may establish a date by which such proposal shall be submitted.~~

3. Upon submittal by the licensee of a proposal to the City for the renewal of the license, the City shall provide prompt notice of such proposal and issue a preliminary assessment that the cable license should not be renewed and, at the request of the licensee or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, to consider whether;

(a) The licensee has substantially complied with the material terms of the existing cable license and with applicable law;

(b) The quality of the licensee's service, including signal quality, response to subscriber complaints, and billing practices, but without regard to the mix, quality, or level of cable services or other services provided over the cable services or other services provided over the cable system, has been reasonable in light of community needs;

(c) The licensee has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the licensee's proposal; and

(d) The licensee's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

E. Public hearing. Prior to the issuance of a license, the City shall provide for the holding of a public hearing within the proposed service area, following reasonable notice to the public, at which the applicant and its proposals shall be examined and the public and all interested parties afforded a reasonable opportunity to be heard. Reasonable notice to the public shall include causing notice of the time and place of such hearing to be published in a newspaper of general circulation in the proposed service area once a week for two (2) consecutive weeks. The first publication shall be not less than fourteen (14) days before the day of such hearing. If there is no such newspaper in the proposed service area, then notice shall be posted in a conspicuous place in the City as routinely practiced for official postings by the City Clerk, or other suitable location determined by the City for a period of not less than fourteen (14) days before the day of such hearing.

46-8.6. Transfers.

A. A transfer is any transaction in which (1) an ownership or other interest in a licensee, its cable system, or any person that is an operator of the cable system is transferred from one (1) person or group of persons to another person or group of persons so that control of a licensee is transferred; or (2) the rights or obligations held by a licensee under a cable license are transferred or assigned to another person or group of persons. Control for these purposes means working control, in whatever manner exercised. By way of illustration and not limitation, the addition, deletion, or other change of any general partner of a licensee, any person who owns or controls a licensee, or an operator of a cable system is such a change of control.

B. No transfer shall occur without prior approval of the City. The City shall act upon any request for approval of a sale or transfer within one hundred twenty (120) days after such request if such request contains or is accompanied by such information as is required by FCC regulations and by these licensing requirements.

C. An application for a transfer shall provide complete information on the proposed transaction, including details on the legal, financial, technical, and other qualifications of the proposed transferee, and on the potential impact of the transfer on subscriber rates and service. At a minimum, the information required under federal law shall be provided with respect to the proposed transfer. The City may require additional information related to its determination in subsection (D) regarding the proposed transfer.

D. In making a determination as to whether to grant, deny, or grant subject to conditions an application for a transfer of a license, the City shall consider as appropriate the following: the legal, financial, including the purchase price of the cable system, technical and other

qualifications of the proposed transferee to operate the cable system; whether the licensee is in compliance with its cable license and this chapter and, if not, the proposed transferee's commitment to cure such noncompliance; whether operation by the proposed transferee affects competition in the delivery of cable service in the City including whether the proposed transferee owns or controls any other cable system in the City; and whether operation by the proposed transferee or approval of the transfer would affect subscribers, the City's interest under these licensing requirements, the license, or other applicable law, and whether the future cable-related needs and interests of the community as provided in the cable license would be satisfied at a reasonable cost.

E. No application for a transfer of a cable license shall be granted unless the proposed transferee agrees in writing that it will abide by and accept all terms of this chapter and the license, and that it will assume all obligations, liabilities, and responsibility for all acts and omissions, known and unknown, of the previous licensee under these licensing requirements and the cable license for all purposes, including renewal.

F. Approval by the City of a transfer of a cable license does not constitute a waiver or release of any of the rights of the City under this chapter or the license, whether arising before or after the date of the transfer.

G. 1. Notwithstanding the foregoing, prior consent shall not be required for one (1) transfer to any company which is owned or controlled or under common control and with the same direct parent as licensee, and which is intended after such transfer to remain under the ownership or control of that parent or an entity under common control or with the same direct parent, provided that, no such transfer shall be valid unless licensee and the proposed transferee submit a binding agreement and warranty to the City stating that:

(a) The proposed transferee has read, accepts and agrees to be bound by the cable license and this chapter;

(b) The proposed transferee assumes all obligations, liabilities and responsibility under the cable license and this chapter for the acts and omissions of licensee known and unknown, for all purposes, including renewal, and agrees that the transfer shall not permit it to take any position or exercise any right which licensee could not have exercised, and (c) The transfer will not substantially increase the financial burdens upon or substantially diminish the financial resources available to the operator of the cable system.

2. Licensee and the proposed transferee shall describe the nature of the transfer, and submit complete information regarding the effect of the transfer on the direct and indirect ownership and control of the cable system.

H. Notwithstanding the foregoing, pledges in trust or mortgages of the assets of the system to secure the construction, operation or repair of the cable system may be made without the City's prior consent; except that no such arrangement may be made which would in any respect under any condition prevent the licensee or any successor from complying with the cable license and this chapter and any other applicable laws and regulations, nor may any such arrangement permit a third party to succeed to the interest of licensee, or to own or control the cable system without the prior consent of the City.

I. A non-rebuttable presumption that transfer of control has occurred shall arise upon the acquisition or accumulation by any person, or group of persons who did not previously hold such interest, of more than fifty (50) percent of the voting interest of the licensee or of the person exercising management authority over the licensee. A change in the general partner or managing partner is a change of control. A change in the managing corporation is also a change in control.

J. Subject to the exceptions specified in Section 617 of the Cable Act, no licensee may sell or otherwise transfer ownership in a cable system within a thirty-six-month period following the acquisition or initial construction of such system as the case may be by such licensee.

K. To the extent permitted by the Cable Act, the licensee is authorized to lease channels or provide leased access channels in accordance with Section 612 of the Cable Act for commercial use by persons unaffiliated with the licensee.

46-8.7. Acquisition by City.

A. If the cable license is revoked or not renewed the City shall have the right to purchase the cable system at a price not to exceed its fair market value as defined in this section.

B. In the event that the City elects to purchase the cable system upon expiration or termination of the term of any cable license as provided herein, the current licensee shall sell the cable system to the City or its designee. The price for such sale shall be the fair market value of the cable system, as defined in this section.

C. In accordance with Section 627 of the Cable Act, if a renewal of a cable license is denied and the City acquires ownership of the cable system or effects a transfer of ownership of a cable system to another person, any such acquisition or transfer shall be at fair market value, determined on the basis of the cable system valued as a going concern but with no value allocated to the cable license itself.

D. If a cable license held by a licensee is revoked for cause and the City acquires ownership of the cable system or effects a transfer of ownership of the cable system to another person, any such acquisition or transfer shall be at fair market value, determined on the basis of the cable system valued as a going concern but with no value allocated to the cable license itself.

46-8.8. Rights reserved to the City.

A. Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the City to acquire the property of the licensee, by purchase, at fair market value, which shall not include any amount for the cable license itself or for any of the rights or privileges granted. And nothing herein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain at fair market value.

B. There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any provision of the City Code, and a licensee shall comply with any action or requirements of the City in its exercise of such rights or power heretofore or hereafter enacted or established.

C. Neither the granting of any cable license hereunder nor any of the provisions contained herein shall be construed to prevent the City from granting any identical, or similar, cable license to any other person within the City.

D. Neither the granting of any cable license nor the enactment of any provision in these licensing requirements shall constitute a waiver or bar to the exercise of any governmental right or power of the City, now existing or hereafter granted.

E. The City Council may do all things which are necessary and convenient in the exercise of its jurisdiction under these licensing requirements and may, through the City Manager or through its own action, adjust, settle, compromise or otherwise resolve any controversy or charge arising from the operations of any licensee under these requirements.

46-8.9. Fees, costs and payments.

A. For the reasons that the public street, road, alley, and other public rights-of-way which are used by the licensee in the operation of its cable system within the boundaries of the City are

~~valuable public properties acquired and maintained by the City at great expense to its taxpayers, and that the grant to the licensee for the use of said streets and public ways is a valuable property right without which the licensee would be required to invest substantial capital in right-of-way costs and acquisitions, and because the City will incur costs in regulating and administering the cable license, the licensee shall pay to the City an amount no less than five (5) percent of licensee's gross revenues ("the license fee").~~

~~B. If a cable licensee offers subscribers a price discount if they obtain a bundle of cable service and one (1) or more non-cable service goods or services, then beginning on the effective date of this license for the purpose of computing gross revenues, the discount shall be allocated either (1) consistent with the prices published in licensee's marketing materials or rate card for separate cable service or one (1) or more non-cable services or (2) in proportion to the value of those cable services and non-cable service goods and services for which individual prices are not published. It is the intent of this subsection that a licensee not bundle cable services with non-cable services in such a manner that the amount of gross revenues attributed to the cable services will unreasonably or significantly reduce the license fees payable under the license.~~

~~Allocation under (2) shall be in accordance with the following examples:~~

~~1. The amount of any discount on a bundle of services shall be determined from the sum of the lowest stand-alone rates available to a subscriber or class of subscribers for each of the goods and services which are offered at the combined rate, as follows. Assume a subscriber's charges for a given month for cable services alone would be forty dollars ($40.00), for local telephone service alone thirty dollars ($30.00), and for cable modem service alone thirty dollars ($30.00), for a total of one hundred dollars ($100.00). If a licensee offers the three (3) services at a combined rate of eighty dollars ($80.00) (i.e., the Subscriber in effect receives a twenty (20) percent discount from the regular retail rates that would apply to the services if purchased individually), for license fee computation gross revenues from cable services would be deemed to be thirty-two dollars ($32.00) (forty dollars ($40.00), less twenty (20) percent of forty dollars ($40.00)).~~

~~2. Assume the same facts as the preceding example, except that the subscriber also purchases a cable service such as HBO at a fixed fee of fifteen dollars ($15.00) a month that is not included in the bundled service offering the discount (i.e. the discount does not apply to the this service), for a total of ninety-five dollars ($95.00) (eighty dollars ($80.00) bundle offer, plus fifteen dollars ($15.00)). Gross revenues would be forty-seven dollars ($47.00) (thirty-two dollars ($32.00) from the prior example of bundled services plus the undiscounted fifteen dollars ($15.00)).~~

~~3. Nothing herein shall be construed to require a licensee to offer any service at a price, where the price for that service is otherwise established by law or regulation.~~

~~C. A licensee is entitled to offset against license fees due to the City as provided in Title 9 of Arizona Revised Statutes unless provided otherwise in the license agreement.~~

~~D. If Federal or State laws are amended to allow fee payments greater than those specified in Section 46-8.9(A) or to include internet, dial tone, or other services or activities on the cable system, the fee payment shall thereafter include the charges allowed by Federal or State law.~~

~~E. The application fee shall be in an amount necessary to recover all reasonably related costs incurred by the City to review and process the application, with the minimum amount ten thousand dollars ($10,000.00). Licensee may offset any application fees paid against future license fees paid to the City. Any person applying for a cable license renewal who or which has an established record of paying license fees in a timely manner is not required to pay an application fee. If no license fees have paid to the City at the time of application, then person shall also pay such permit fees prescribed for a Division VII other street excavation permit with the understanding that all such fees will later be offset by future license fee payments.~~

~~F. Licensee and the City are subject to the requirements of state law, including but not limited to A.R.S. § 9-506.~~

~~G. In accordance with A.R.S. § 9-506(C) City may require that a licensee:~~

~~1. bear reasonable costs that are associated with damage caused to public streets, roads and alleys by construction, maintenance and operation of its facilities in the public streets, roads and alleys and that are imposed on a competitively neutral and nondiscriminatory basis in relation to costs borne by telecommunications corporations pursuant to A.R.S. § 9-582, subsection C.~~

~~2. pay fines, fees, charges or damages for breach of the terms and conditions of the license.~~

~~H. Licensee will bear all costs of installing, constructing, operating or removing cable facilities for its system.~~

~~I. In addition to the license fees specified in an agreement between the City and licensee, licensee will also compensate the owner of the property for any damages resulting from the installation, construction, operation, and/or removal of cable facilities.~~

~~J. Licensee is required to pay the license fee to the City quarterly together with an itemized report to the Management Services Director of the City of Chandler. License fees and report shall be due and payable monthly on or before the twentieth day of the month next succeeding the month in which the fee accrues with a ten-day grace period. The City may impose interest at a rate of one and one-half (1½) percent per month commencing from the date payment should have been made and continuing until the payment is made. Fractions of a month shall be considered to constitute a full month for the purpose of computing interest.~~

~~K. At the time license fees are due, licensee will provide to the City an itemized report that includes the following information:~~

~~1. The amount of license fees due to the City,~~

~~2. A detailed report of all costs incurred by licensee and the portion of such costs that are being offset in accordance with subsection (C),~~

~~3. The amount of license fees, if any, being paid to the City after accounting for any offset, and~~

~~4. A current revenue statement showing the gross revenues by the licensee during the preceding quarter.~~

~~L. In addition to interest that may be assessed under this subsection (J), if licensee fails to pay any license fee, before the end of such grace period, licensee shall be subject to the following civil penalties:~~

~~1. A licensee who fails to timely file a report for a license fee imposed by these licensing requirements shall pay a penalty of five (5) percent of the license fee for each month or fraction of a month elapsing between the delinquency date of the report and the date on which it is filed, unless the licensee shows that the failure to timely file is due to reasonable cause and not due to willful neglect. This penalty shall not exceed twenty-five (25) percent of the license fee due.~~

~~2. A licensee who fails to pay the license fee within the time imposed by these licensing requirements shall pay a penalty of ten (10) percent of the unpaid license fee, unless the licensee shows that the failure to timely pay is due to reasonable cause and not due to willful neglect. If the licensee is also subject to a penalty under paragraph (1) above for the same license fee period, the total penalties under paragraph (1) and this paragraph shall not exceed twenty-five (25) percent of the license fee due.~~

~~3. A licensee who fails or refuses to file a report within thirty (30) days after having received a written notice and demand from the City shall pay a penalty of twenty-five (25) percent of the~~

~~license fee, unless the licensee shows that the failure is due to reasonable cause and not due to willful neglect or the City agrees to a longer time period.~~

~~4. If the cause of a license fee deficiency is determined by the City to be due to negligence, but without regard for intent to defraud, the licensee shall pay a penalty of ten (10) percent of the amount of deficiency. If the licensee is also subject to a penalty under paragraph (1) or (2) above for the same license fee period, the total penalties imposed under paragraph (1), paragraph (2) and this paragraph shall not exceed twenty-five (25) percent of the license fee due.~~

~~5. If the cause of a license fee deficiency is determined by the City to be due to civil fraud or evasion of the license fee, the license shall pay a penalty of fifty (50) percent of the amount of deficiency.~~

~~M. Audits. The City shall have the right to inspect the licensee's income records to determine the accuracy of licensee's license fees. Such audit shall take place within thirty-six (36) months following the close of each of the licensee's fiscal years. Any underpayment by licensee and additional amount due or overpayment by licensee shall be paid within thirty (30) days after written notice to the licensee by the City. Notice of underpayment and overpayment shall include a copy of the audit report.~~

~~46-8.10. Programming and access channels.~~

~~A. City shall not directly or indirectly control the content of any of the programming on the cable system except those channels dedicated to government access.~~

~~B. Licensee will provide the City the channel capacity for two (2) channels of public, educational or governmental access programming as required by federal and state law in the basic service tier of the cable system and two (2) channels of noncommercial governmental programming in the digital programming tier of the cable system. City may require one (1) or more of such channels to be secured/scrambled, meaning that the programming is not transmitted to or available at locations other than those designed by City. If channel capacity is required, the programming shall be specified in the cable license and licensee may require that the channels regularly display an unobtrusive logo or other suitable identifier as set forth in the license.~~

~~C. The value of any channel capacity provided pursuant to subsection (B), the costs and expenses incurred pursuant to paragraph 1 of this subsection and the value of basic service provided pursuant to paragraph 2 of this subsection may not be offset against the license fee levied or assessed under this section.~~

~~1. A cable license may require the licensee to incur costs and expenses to provide, maintain and operate facilities and equipment of the cable television system, including facilities and equipment for signal carriage, processing, reformatting and interconnection:~~

~~(a) To connect the cable system, as it may be relocated from time to time, to transmit programming to and from existing locations of public, educational or governmental access facilities and to allow monitoring of access programming at the facilities.~~

~~(b) To transmit public, educational and governmental access channels to subscribers with the same prevailing quality, functionality and identification as other channels.~~

~~2. A cable license may require the licensee to provide basic service to City buildings at no charge to the City.~~

~~46-8.11. Reports.~~

~~A. Each year the cable licensee shall brief the offices of the City Manager, no later than one hundred twenty (120) days after the end of the licensee's fiscal year. The briefing shall include a description of all major activities applicable to its operation during the preceding twelve (12) month period. At the briefing, licensee shall submit a written report that includes the following~~

~~information, specific to the City: number of homes passed, number of cable plant miles, number of subscribers for each type of cable service offered, a summary of complaints received and handled, the total number of subscribers and gross revenues for each category of cable service authorized by the license, and any significant technological changes occurring in the cable system. This report shall be verified as being correct by an officer of the cable licensee. There shall be submitted along with this report such other information reasonably related to license compliance as the City shall reasonably request.~~

~~B. No later than April 30 of each year, the licensee shall provide a written report of any performance tests performed for the cable system. The City may establish a performance testing process to supplement the FCC standards if there are no FCC standards. Upon request, a licensee shall provide to the city copies of any communications and reports submitted by licensee to the FCC or any other federal or state regulatory commission or agency having jurisdiction in respect to any manners affecting construction or operation of a cable system in the City.~~

~~C. Electronic mapping. At intervals specified in the cable license and in an electronic mapping format compatible with the current City electronic mapping format, the licensee shall provide the City, up-to-date route maps of a suitable scale showing all transmitting and receiving pickup locations, cable route, and pedestal locations. Upon request, the cable license may provide that each shall provide the other with route maps or sets of maps drawn to scale, showing the location of their respective underground and above ground facilities.~~

~~D. Misrepresentation, material variances between the actual situation and the contents of the reports, and/or significant tardiness in complying with this section shall be grounds for the City's use of appropriate remedies under this chapter.~~

~~46-8.12. Customer service standards.~~

~~A. Licensee shall provide subscriber service levels and standards of service to the subscribers it serves under its cable license consistent with the highest levels and standards of service that licensee provides to subscribers within the State of Arizona.~~

~~B. Normal business hours shall be a minimum of fifty (50) hours Monday through Friday, and four (4) hours on Saturday.~~

~~C. Normal operating conditions include those service conditions that are within the control of the licensee. These include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system. Conditions that are not within the control of the licensee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe weather out of the ordinary for the area.~~

~~D. Office and phone service will follow the following practices:~~

~~1. Licensee shall have a locally listed telephone number and be so operated that complaints and requests for repairs or adjustments may be received twenty-four (24) hours per day, each day of the year.~~

~~2. Trained licensee representatives will be available to respond to telephone inquiries from 7:00 a.m. to 8:00 p.m., Monday through Saturday. Between 8:00 p.m. and 7:00 a.m., Monday through Saturday, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received by licensee's answering service or automated response system must be responded to by a trained licensee representative no later than the next business day.~~

~~3. Under normal operating conditions, telephone answer time by a subscriber representative, including wait time, shall not exceed thirty (30) seconds from when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. Callers will~~

~~receive a busy signal less than three (3) percent of the time. Calls will be lost or abandoned less than three (3) percent of the time. These standards shall be met no less than ninety (90) percent of the time, measured on a quarterly basis. Failure to meet these standards shall subject licensee to appropriate enforcement actions.~~

~~4. Subscriber service center and bill payment locations will be open at least during normal business hours and will be conveniently located. A licensee may use an agent such as a bank or other business to receive bill payment from cable subscribers during and outside of normal business hours. Such an arrangement, however, will not relieve the licensee of its obligation to have its own bill payment location open at least during normal business hours.~~

~~5. Licensee shall notify the City Manager or his designee as promptly as possible, by any available means including accessing telephones away from licensee's premises, whenever a total interruption of telephone service affects licensee's subscriber service phone lines.~~

~~E. Notification requirements.~~

~~1. The licensee shall provide written information on each of the following areas at the time of installation of service at least annually to all subscribers and at any time upon request of a subscriber or potential subscriber. A current version of the information will be provided to the City upon request, and without request whenever the material provided to subscribers or potential subscribers changes. The notice provided must provide information that applies to subscribers in the City. However, nothing prevents the licensee from complying with this subsection by sending a national notice and a separate notice that provides detail concerning procedures in the City, so long as the two (2) are consistent.~~

~~(a) Products and services offered;~~

~~(b) Prices and options for programming services and conditions of subscription to programming and other services. In order that subscribers are fully apprised of the charges they may incur, licensee shall note that advertised rates are subject to additional taxes and fees;~~

~~(c) Installation and service maintenance policies, including, when applicable, information regarding the subscriber's home wiring rights and information describing ownership of internal wiring during the period service is provided;~~

~~(d) Instructions on how to use the cable service;~~

~~(e) Channel positions of programming carried on the system;~~

~~(f) Billing and complaint procedures, including address and telephone number of the City's cable office. Such notification shall be either a separate document which may be included with a billing statement or included on the portion of the monthly bill that is to be retained by the subscriber;~~

~~(g) The availability of a parental control device;~~

~~(h) Licensee's practices and procedures for protecting against invasions of privacy;~~

~~(i) The address and telephone number of licensee's office to which complaints may be reported;~~

~~(j) When applicable, licensee's community unit identifier as specified by the FCC;~~

~~(k) The manner in which the licensee will provide notice of any rate or service changes; and,~~

~~(l) Subscribers' rights to obtain refunds or credits from the licensee and the steps that must be taken to obtain the refunds and credits.~~

~~2. At any time a subscriber's services are changed due to action by licensee, licensee shall send the following notice:~~

~~(a) Products and services offered;~~

~~(b) Prices and options for programming services and conditions of subscription to programming and other services. In order that subscribers are fully apprised of the charges they may incur, licensee shall note that advertised rates are subject to additional taxes and fees;~~

~~(c) Channel positions of programming carried on the system;~~

~~(d) Subscribers' rights to downgrade or to disconnect.~~

~~3. Subscribers will be notified in writing of any changes in rates, programming services, or channel positions as provided by federal law. Specifically, notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the licensee. In addition, the licensee shall notify subscribers in writing thirty (30) days in advance of any significant changes in the other information required by the preceding paragraph. Notices of changes of programming services and/or channel locations shall include a concise description of the new programming service and the specific channel position of that programming service. In addition, should the channel position be affected by the introduction of a new service, such information must also be included in the notice.~~

~~4. The City shall be notified of any change in rates, programming services, channel position or policy at least thirty (30) days in advance of such change by letter delivered to the telecommunications administrator, except where such notification is impossible because the change is beyond the control of licensee or any affiliate, in which case the notice must be given as quickly as possible. As part of this notice, licensee will tell the City how notice will be provided to subscribers and provide a copy of the notice that will be given to subscribers, or if the precise notice is not available, licensee will provide the text of the notice.~~

~~5. Notice to subscribers must be reasonable.~~

~~6. Notice of termination. Every notice of termination of service shall include all of the following information:~~

~~(a) The name and address of the subscriber whose account is delinquent;~~

~~(b) Current account balance;~~

~~(c) The date by which payment is required in order to avoid termination of service; and,~~

~~(d) The telephone number of a representative of licensee who can provide additional information and handle complaints or initiate an investigation concerning the service and charges in question.~~

~~7. Special notice procedures.~~

~~(a) At any time a person subscribes to any cable service, the person must be specifically informed whether there will be a charge to drop the cable service.~~

~~(b) If there is any charge for terminating a promotional or free product or cable service, the charge must be disclosed in writing prior to connection of the service or provision of the product.~~

~~F. Service calls and response time. Under normal operating conditions, each of the following standards will be met no less than ninety-five (95) percent of the time, as measured on a quarterly basis:~~

~~1. Installations to locations that require no more than a standard drop will be performed within seven (7) business days after an order has been placed. Installations to locations that require more than a standard drop but are within three hundred (300) feet of the nearest technically feasible point of connection on the cable system from which an individual subscriber can be connected to the cable system will be performed within fourteen (14) days after an order has been placed.~~

2. Where a request for service can be satisfied without a service call, the request must be satisfied within three (3) business days from the date of request.

3. For installations to locations that are more than three hundred (300) feet from the nearest technically feasible point of connection on the cable system from which an individual subscriber can be connected to the cable system, service must be provided within thirty (30) days after the date the person requesting service agrees to pay the charges associated with the installation. Nothing in this permits a licensee to charge for extending service in an area where the licensee is required to provide service. Installations on new construction entitled to service under a cable license or this ordinance shall be completed within ninety (90) days after the date of occupancy.

4. The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. The licensee may schedule service calls and other installation activities outside of normal business hours for the express convenience of the subscriber.

5. Licensee may not cancel an appointment with a person after the close of business on the business day prior to the scheduled appointment without the person's consent.

6. If licensee's representative is running late for an appointment with a subscriber and will not be able to keep the appointment as scheduled, licensee will make an effort to contact the person directly. The appointment will be rescheduled, as necessary, at a time, which is convenient for the subscriber.

7. Excluding conditions beyond the control of the licensee, the licensee will begin working to correct service interruptions promptly after the interruption becomes known to the licensee and in no event later than twenty-four (24) hours after the interruption becomes known to the licensee. The licensee must begin working to correct other service problems the next business day after notification of the service problem. Acknowledging the existence of the problem is not working to correct an interruption.

8. Service interruptions must be corrected within thirty-six (36) hours of the time that the interruption becomes known to the licensee.

9. Other problems must be solved within ninety-six (96) hours of the time that the problem becomes known to the licensee.

G. Disconnect charges; time for disconnection. Licensee shall only disconnect or terminate a subscriber's cable for good and just cause. In no event shall licensee disconnect said cable service for nonpayment without the prior written notification to the affected subscriber at least seven (7) days prior to such disconnection or termination. In no event shall such disconnection or termination for nonpayment occur in less than thirty (30) days after a subscriber's failure to pay a bill due. Where the licensee has improperly discontinued cable system service to any such subscriber, it shall provide free reconnection to the cable system to such subscriber.

H. Unscheduled service interruptions and refund.

1. Licensee shall render efficient cable services, make repairs promptly, and interrupt cable services only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall occur during periods of minimum cable system use.

2. Any subscriber shall be entitled, upon request, oral or written, to licensee to a refund equal to one (1) day's service for each subscriber's loss of service caused by licensee: (1) for a continuous twenty-four-hour period or (2) or a period of two (2) or more hours of any four (4) days within a monthly billing period.

I. Bills and billing disputes.

1. Bills for cable service will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, and any rebates and credits. If, on bills, licensee chooses to itemize as a separate line item license fees and/or other governmentally imposed fees attributable to the total bill, such fees must be shown in accordance with any applicable law concerning licensee's authority to itemize such fees.

2. Refund checks or rebates will be issued promptly, but no later than either (i) the subscriber's next billing cycle following resolution of the request or thirty (30) days whichever is earlier, or (ii) a return of the equipment supplied by the cable licensee if service is terminated. Credits for service will be issued no later than the subscriber's next billing cycle following the determination that a credit is warranted.

3. Licensee shall bill all subscribers in a uniform manner, regardless of subscriber's level of service. In no case shall any subscriber be billed for services in excess of thirty (30) days prior to receipt of such service. Payment shall be due no sooner than the fifteenth day of each billing period, and due date shall be listed on each bill. Bills shall be mailed no later than the first day of the billing period.

4. In case of a subscriber dispute, the licensee must respond to a written complaint from a subscriber within thirty (30) days. The licensee shall follow a written internal appeal procedure for resolution of subscriber disputes. Any subscriber who, in good faith, disputes all or part of any bill has the option of withholding the disputed amount without disconnection or imposition of late fees until licensee has investigated the dispute and has made a determination that the amount is owed provided that:

(a) The subscriber pays all undisputed charges;

(b) The subscriber provides written notification of the dispute to the licensee in a timely manner and includes identifying information; and

(c) The subscriber cooperates in determining the appropriateness of the charges in dispute.

5. Subscriber bills from licensee shall include the name, address, and telephone number of the City's telecommunications administrator. The telecommunications administrator will provide the required information to licensee on an annual basis by January 1, or as needed.

6. Licensee shall forward all regulatory billing inserts affecting rates, policies and procedures and copies of all other mailings to subscribers required by law or license to the telecommunications administrator no later than when they are provided to subscribers. Copies of notices to subscribers must be forwarded to the telecommunications administrator to determine compliance pursuant to applicable law.

7. It is licensee's obligation to pick up any equipment upon termination of any service if licensee initially delivered the equipment to the subscriber. Any charges imposed for pick-up of such equipment shall not exceed the charge for delivering the equipment, provided that the subscriber honors the equipment pick-up appointment agreed to with the licensee.

J. Complaints. If a complaint to a licensee cannot be resolved to a subscriber's satisfaction, the City may consider individual cases brought to its attention and may seek that information necessary to investigate the dispute and to exercise any authority the City may have to resolve the dispute.

K. Disconnection or denial of service.

1. Licensee shall only disconnect or terminate a subscriber's cable service for good and just cause. In no event shall licensee disconnect said cable service for nonpayment without prior written notification to the affected subscriber at least seven (7) days prior to such disconnection

~~or termination. In no event shall such disconnection or termination for nonpayment occur in less than thirty (30) days after a subscriber's failure to pay a bill due. Where the licensee has improperly discontinued cable system service to any such subscriber, it shall provide free reconnection to the cable system to such subscriber.~~

~~2. Subject to provisions of the cable license, licensee shall furnish and maintain cable services to each person in the cable license area who makes a request to receive any programming service and meet the requirements for extension of cable service under the cable license. Nothing in this chapter shall limit the right of licensee to deny service to any household or individual which has a negative credit or service history with licensee, which may include nonpayment of bills or theft or damage to licensee's equipment, or who has threatened or assaulted employees of licensee in the course of their employment, or for other good cause, which must be documented.~~

~~L. Deposits, refunds, and credits. Licensee may require refundable deposits for service or equipment. Upon termination of service for any reason, subscribers will be entitled to receive a refund or credit against amounts owed to licensee equal to the deposit.~~

~~M. Employee and vehicle identification. All personnel and service vehicles of licensee or its subcontractors contacting subscribers or potential subscribers outside the office of licensee or performing any work within City rights-of-way must be clearly identified as associated with licensee through visible uniform insignia, photo identification devices, or signs affixed to the vehicle.~~

~~46-8.13. Construction standards.~~

~~A. All work on the system will be performed substantially in compliance with the Uniform Standard Specifications for public works construction sponsored and distributed by the Maricopa Association of Governments as amended (hereinafter referred to as "MAG"), the City supplements to MAG and the City Utility Manual and will follow good practices for the industry.~~

~~B. When using City right-of-way and easements, licensee will ensure that the construction of the system and facilities does not impair the safety, functioning and appearance of the property, and the safety and convenience of other persons.~~

~~C. The licensee shall provide reasonable advance notice to all affected residents prior to system construction or upgrade crews entering the right-of-way in front of, or in the alley behind, a resident's property. If a resident is not available for personal contact, then a door hanger or other such printed notification will be left at the residence with contact information. Licensee shall not be required to provide such notice in emergencies or for normal system repair and maintenance work.~~

~~D. Notwithstanding any other provision in these licensing requirements or any cable license granted pursuant hereto, all facilities of a licensee in any street and public way or in any public or private easement, and cable service lines to subscribers off the main lines, shall be located underground as per City Code and the City Utility Manual and at such depths and locations as shall be approved by the City Engineer.~~

~~E. Except as provided in the license, upon the undergrounding of other utility lines or shared overhead facilities, licensee shall concurrently (or earlier) place its facilities underground, at its own expense, at depths and locations approved by the City Engineer.~~

~~F. All new underground wires or cable of licensee placed after the effective date of the issuance of a cable license shall be placed in conduit or duct except for service drop lines.~~

~~G. As required by the City Engineer or other appropriate departments, the licensee or its authorized contractors will obtain permits, prior to any physical work being performed in the City's rights-of-way, or on City-owned property. All work will be done in accordance with the~~

City's technical and permitting specifications, and in accordance to a timed schedule approved by the City.

H. A licensee shall make maps of the applicable portion of the cable system showing amplifier and power supply locations available for inspection and review at the office where Licensee maintains such records. The licensee shall provide the City with up-to-date route maps of a suitable scale showing all transmitting and receiving pickup locations, cable route and pedestal locations.

I. To prevent unnecessary disruption and damage to streets and public ways, rights-of-way, and other property, the installation of cable system shall be accomplished in new subdivisions at the same time, and in the same trench as other communications, electric and other permanent services to structures. Except as federal law may grant them other rights, developers of new residential buildings or mobile homes within a new or undeveloped subdivision, new residential units within new multiple occupancy residential developments, and new commercial and industrial buildings and structures shall treat cable facilities as they treat other communication facilities, utilities and other underground facilities, in regards to availability and cost of trenching for under-groundings.

J. Emergency work. The City reserves the right to move any portion of the licensee's equipment and facilities as may be required in any emergency as determined by the City without liability for interruption of cable service. However, prior to taking any actions pursuant to this subsection, the City shall provide, if feasible, reasonable notice to licensee of the emergency to allow licensee the opportunity to protect or repair licensee's facilities involved in the emergency.

K. Removal and abandonment of property of licensee.

1. In the event that the use of substantial part of the cable system is discontinued for any reason for a continuous period of twelve (12) months, or in the event such cable system or property has been installed in any street and public way without complying with the requirements of the licensee's cable license or these licensing requirements, or the cable license has been terminated or canceled or has expired without renewal, the licensee shall promptly, upon being given ten (10) days' notice from the City Engineer, remove from the streets and public ways all such property and poles of such Cable System other than any underground cable or any other underground property which the City Engineer may permit to be abandoned in place. In the event of such removal, the licensee shall promptly restore the street and public way or other area from which such property has been removed to a condition satisfactory to the city engineer.

2. Any property of the licensee remaining in place one hundred eighty (180) days after the termination or expiration of the cable license shall be at the option of the City Council considered permanently abandoned. The City Council may extend such time.

3. Any property of the licensee permitted to be abandoned in place shall be abandoned in such manner as the City Engineer shall prescribe. Upon permanent abandonment of the property of the licensee in place, the property shall become that of the City, and the licensee shall submit to the City an instrument in writing, to be approved by the City Attorney, transferring to the City the ownership of such property.

L. Temporary removal of wire for building improvements. The licensee, on the request of any person holding a building moving permit issued by the City, shall temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid to the licensee by the person requesting the same, and the licensee shall have the authority to require such payment in advance. The licensee shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes.

M. Changes required by public improvements. The licensee shall from time to time protect, support, temporarily dislocate, temporarily or permanently as may be required, remove or

relocate, without expense to the City any facilities installed, used or maintained under the license, if and when made necessary by any lawful change of grade, alignment, or width of any street and public way, by the City or any other governmental entity, or made necessary by any other public improvement or alteration in, under, on, upon or about any street and public way or other public property, whether such public improvement or alteration is at the instance of the City or another governmental entity, and whether such improvement or alteration is for a governmental or proprietary function, or made necessary by traffic conditions, public safety, street and public way vacation or any other public project or purpose of City or any other governmental entity.

N. Trimming of trees. Any trimming of trees by the licensee in the streets and public ways shall be subject to such regulation as the City Manager or other authorized official may establish in order to protect the public health, safety and convenience.

O. Methods and materials of street construction. The City shall have the right to specify the methods and materials of street construction, together with the horizontal and vertical location of any underground facility proposed by licensee within any public property or right-of-way. The City shall also have the right to limit the work of the licensee to assure a minimum of inconvenience to the traveling public, as specified in Chapter 48 of the Chandler City Code as well as the City Utility Manual. Licensee will be required to obtain permits from the City, allowing Licensee to work in the public right-of-way.

P. Failure to perform street work.

1. In the event that a licensee during construction, installation or repair of its facilities causes damage to pavement, sidewalks, driveways, landscaping or other property, the licensee or the authorized agent shall, at its own expense and in a manner approved by the City, replace and restore such places to satisfactory condition which existed before said work was commenced. The licensee shall further maintain all such restoration related to licensee's activities in the condition approved by the City for a period of one (1) year following such restoration and of five (5) years for road patches.

2. Upon failure of the licensee to complete any work required by this chapter, applicable state or federal law, or by its cable license within thirty (30) days after due notice and to the satisfaction of the City Engineer, the City may, at its option, cause such work to be done and the licensee shall pay to the City the cost thereof in the itemized amounts reported by the City Engineer to the Licensee within thirty (30) days after receipt of such itemized report. Or, at City's option, City may demand of licensee the estimated cost of such work as estimated by the City Engineer, and such shall be paid by licensee to City within thirty (30) days after such demand. Upon award of any contract or contracts therefor, licensee shall pay to City, within thirty (30) days after demand, any additional amount necessary to provide for cost of such work. Upon completion of such work, licensee shall pay to City or City shall refund to licensee such sums so that the total received and retained by City shall equal the direct cost to the City of such work. "Cost" as used herein shall include fifteen (15) percent of other costs for City's overhead.

Q. Initial construction or rebuilds.

1. If the licensee is to conduct an initial build of a cable system or do a rebuild or significant technical change to their existing system, then the cable license shall include a construction or reconstruction time schedule and a specific construction plan or reconstruction plan, which shall be incorporated as an exhibit in the license. The plan shall include an overall plant mileage schedule of any construction or reconstruction effort and a time schedule of said work.

2. Within sixty (60) days after acceptance of any initial license, the licensee shall proceed with due diligence to apply for necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses, and any other permits, licenses and authorizations to

~~be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable systems, or their associated microwave transmission facilities.~~

~~3. Within ninety (90) days after obtaining necessary permits, licenses, and authorizations, an initial licensee shall commence construction and installation of the cable system.~~

~~(a) Licensee shall comply with the time schedule for construction submitted to the City.~~

~~(b) Installation and operation of the new or rebuilt cable system by licensee shall proceed on a nondiscriminatory basis, without regard for subscriber affluence or other discriminatory factors.~~

~~(c) Immediately following commencement of construction and installation of a new cable system under and initial license, licensee shall diligently proceed to deliver cable services, as described in the license.~~

~~4. Failure on the part of the licensee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein, shall be grounds for liquidated damages and/or termination of such cable license pursuant to this chapter of the City Code, however, that the Council in its discretion may extend the time for the commencement and completion of construction and installation for additional periods if the licensee acting in good faith experiences delays by reason of circumstances beyond its control.~~

~~R. Line extension.~~

~~1. Residential service. Licensee shall make cable services available to dwelling units within the City and shall extend its cable communications system as required under this subsection as follows except that licensee shall not be required to make service available to residents of multiple dwelling units where the owner of the property has not granted licensee reasonable access to the property:~~

~~(a) When requested by a resident or developer of the City, licensee shall, at licensee's sole expense, extend cable services to any single family residence or dwelling within the City, provided that such extension involves existing density of forty (40) homes per mile as measured in linear trench or aerial strand footage from the nearest technically feasible point on the system. Such extension(s) shall include cutting in one (1) or more taps and extending cable as necessary.~~

~~(b) When a resident or developer of the City requests an extension of service to an area that does not meet the minimum forty (40) homes per mile density as described above in paragraph (1), Licensee shall be required to comply with such request only if the resident or developer agrees to pay to the licensee an amount equal to all incremental costs incurred beyond those for an extension otherwise involving forty (40) homes per mile, as described in paragraph (1).~~

~~(c) To prevent unnecessary disruption and damage to streets and public ways, rights-of-way, and other property, the installation of cable system shall be done in new subdivisions at the same time, and in the same trench as other communications, electric and other permanent services to structures. Except as federal law may grant developers other rights, developers of (i) new residential buildings or mobile homes within a new or undeveloped subdivision, (ii) new residential units within new multiple occupancy residential developments, and (iii) new commercial and industrial buildings and structures shall treat cable television facilities as such developers treat all other communication facilities, utilities and other underground facilities, in regards to availability and cost of trenching for under groundings.~~

~~(d) Absent a showing by licensee to the City Manager of circumstances beyond licensee's reasonable control, an extension of service pursuant to paragraphs (1), (2), or (3) of this subsection shall be accomplished within one hundred twenty (120) days after the developer or resident's request.~~

2. Commercial service. Licensee shall make cable services available to commercial establishments as follows except that licensee shall not be required to make service available to commercial establishments where the owner of the property has not granted licensee reasonable access to the property:

(a) When requested by the owner of a commercial establishment, provided that no plant extension and nothing more than a standard drop is required to make such cable services available.

(b) When the owner of a commercial establishment within the City requests an extension of service that does not meet a minimum one hundred (100) hook ups per cable plant mile, licensee shall be required to comply with such request only if such owner pays to licensee an amount equal to the reasonable actual labor and material costs incurred by licensee over and above the cost of a standard drop in making cable services available to such owner's commercial establishment.

(c) Absent a showing by licensee to the City Manager of unusual circumstances, including without limitation street and public way crossings, an extension of service pursuant to paragraph (2) shall be accomplished within one hundred twenty (120) days after owner's execution of any necessary easement documents and capital contribution agreements.

3. City building service. If making service available to a City building requires no more than a standard drop, licensee shall make service available without charge to City buildings.

(a) If making service available to a City building requires more than a standard drop, licensee will not be required to make such service available unless the City entity requesting such service pays to licensee an amount equal to the actual, reasonable labor and material costs incurred by licensee for the additional facilities and work, less licensee's cost for a standard drop.

(b) Absent a showing by licensee to the City Manager of unusual circumstances, which include without limitation street crossings or plant extensions, any standard drop to any City buildings shall be accomplished within ten (10) days after the written request for service or, if later in the case of a City building not owned by the City, after owner's execution of any necessary easement documents.

4. Service drops.

(a) Licensee shall make service available to any single-family residence or any commercial establishment within the City at the standard connection charge if the connection requires a standard drop.

(b) If making service available requires more than a standard drop, licensee shall not be required to make such service available unless the person requesting such service pays to licensee (i) the standard connection charge and (ii) an amount equal to the reasonable actual labor and material costs incurred by licensee for the additional facilities and work.

(c) Licensee may offer bulk billing service, but shall not require a bulk billing agreement as a condition of providing service, if the person requesting service pays to licensee the applicable amount(s) set forth in subparagraphs (a) or (b) of this paragraph.

(d) Absent a showing by licensee to the City Manager of unusual circumstances, including without limitation street and public way crossings, (i) any standard drop to a single family residence or dwelling shall be accomplished within ten (10) days after the request for service, and (ii) any drop that is not a standard drop shall be accomplished within twenty (20) days after such request. Line extensions shall be done as provided in Section 46-8.13(R)(1)(d).

(e) Absent a showing by licensee to the City Manager of unusual circumstances, including without limitation street and public way crossings, (i) any standard drop to a commercial establishment shall be accomplished within ten (10) days after the owner of such commercial

~~establishment executes any necessary easement documents and capital contribution agreements, and (ii) any commercial drop that is not a standard drop shall be accomplished within twenty (20) days after the owner's execution of such documents and agreements.~~

~~5. Discrimination prohibited. No person in the existing cable service area of the licensee shall be arbitrarily refused cable services; provided, however, that the licensee shall not be required to provide cable services to any subscriber who does not pay the applicable line extension connection fee and/or cable service charge(s).~~

~~6. Annexed territory. Newly annexed territory shall be subject to the terms of these licensing requirements and specifically this section.~~

~~S. Placement of transmission facilities. Except as provided in the license, facilities shall be placed in accordance with Chapter 46 of the Chandler City Code and with the Chandler Utility Permit Manual.~~

~~T. Compliance with construction and technical standards.~~

~~1. As provided in the license, licensee shall construct, install, operate and maintain its system in a manner such that it operates at all times consistent with all this chapter, state and federal laws, the requirements of any licensing agreement, construction standards of the City, the Federal Communications Commission (FCC) Rules and Regulations, Part 76 Sub-Part K (Technical Standards), as amended from time to time, and detailed standards submitted by an initial licensee as part of its application, which standards are to be incorporated by reference in license. In addition, the City may at any time conduct independent measurements of the system. In the event that inaccurate proof of performance reports are shown to have been the result of licensee's willful neglect, licensee shall pay the costs reasonably incurred by the City in obtaining independent verification of technical compliance with all standards.~~

~~2. When there have been multiple, similar complaints by subscribers, or when there exists other evidence which suggests that licensee is not in substantial compliance with the technical standards, the City Manager shall have the right and authority to compel Licensee to test, analyze and report on the performance of the cable system under the supervision of the City Engineer. Such report shall be delivered to the City Manager no later than thirty (30) days after the City Manager requests such test(s) in writing and shall include the following information: the nature of the complaints that precipitated the test(s), which cable system component(s) was/were tested, the equipment used and procedure(s) employed in such testing, the result(s) of such test(s) and the manner in which such complaints were resolved. If such report indicates licensee is in substantial compliance with the technical standards, but there exists evidence suggesting that licensee is nonetheless not in substantial compliance, the City Manager may require that the test(s) be repeated within thirty (30) days after the delivery of such report, under the supervision of a professional engineer, not on the permanent staff of licensee. Such engineer shall sign all records of such repeated test(s) and shall forward to the City Manager (i) such records, (ii) a report interpreting the results, and (iii) recommended corrective actions, if any. The fees of such engineer shall be paid by licensee if the repeated test(s) show(s) licensee is not in substantial compliance with the technical standards of this chapter, or the City, if the repeated test(s) show(s) licensee is in substantial compliance with said standards.~~

~~46-8.14. Protection of City against liability.~~

~~A. Indemnification.~~

~~1. Licensee shall fully indemnify, defend and hold harmless the City, its officers, boards, commissions, elected officials, agents, attorneys, representatives, servants and employees against any and all costs, damages, expenses, claims, suits, actions, liabilities and judgments for damages, including but not limited to, expenses for legal fees, whether suit be brought or not, and disbursements and liabilities incurred or assumed by City in connection with:~~

~~(a) Damage to persons or property, in any way arising out of or through the acts or omissions of licensee, its servants, officials, agents, attorneys, representatives or employees;~~

~~(b) Requests for relief arising out of any licensee action or inaction which results in a claim for invasion of right of privacy, for defamation of any person; for the violation or infringement of any copyright, trademark, trade name, service mark or patent; or of any other right of any person;~~

~~(c) Any and all claims arising out of licensee's failure to comply with the provisions of these licensing requirements or a cable license or any federal, state or local law, or regulation applicable to licensee or the cable system.~~

~~(d) Any and all disputes arising out of a claim by any party other than City wherein damages or other relief is sought (i) as a result of the City's cable system licensing of licensee or (ii) as a result of the renewal or non-renewal of licensee's cable system license.~~

~~2. If a lawsuit covered by the provisions of subsection (A)(1) be brought against City, either independently or jointly with a licensee, or with any other person or municipality; the licensee, upon notice given by City, shall defend City at the cost of the licensee. If final judgment is obtained against City, either independently or jointly with licensee or any other defendants, the licensee shall indemnify City and pay such judgment with all costs and satisfy and discharge the same.~~

~~3. City shall cooperate with the licensee and reserves the right to participate in the defense of any litigation.~~

~~4. The City is in no manner or means waiving any governmental immunity it may enjoy or any immunity for its agents, officials, servants, attorneys, representatives and/or employees.~~

~~5. A licensee shall make no settlement in any matter identified above without the City's written consent which shall not be unreasonably withheld. Failure to inform the City of settlement shall constitute a breach of the cable license and the City may seek any redress available to it against the licensee whether set forth in these licensing requirements or under any other municipal, state or federal laws.~~

~~6. All rights of City, pursuant to indemnification, insurance, letter of credit or performance bond(s), as provided for by these licensing requirements, are in addition to all other rights the City may have under these licensing requirements or any other rule, regulation or law.~~

~~7. The City's exercise of or failure to exercise all rights pursuant to any section of these licensing requirements shall not affect in any way the right of the City subsequently to exercise any such rights or any other right of City under these licensing requirements or any other licensing requirements, rule, regulation or law.~~

~~8. It is the purpose of this subsection to provide maximum indemnification to the City under the terms and conditions expressed and, in the event of a dispute. This subsection shall be construed (to the greatest extent permitted by law) to provide for the indemnification of the City by the licensee.~~

~~9. The provisions of this Section 46-8.14(A) shall not be dependent or conditioned upon the validity of these licensing requirements or the validity of any of the procedures or agreements involved in the award or renewal of a license, but shall be and remain a binding right and obligation of the City and a licensee even if part or all of these licensing requirements, or the grant or renewal of a license, is declared null and void in a legal or administrative proceeding. A cable license shall state that it is the intent of the licensee and City that, upon the effective date of any license, the provisions of this Section 46-8.14(A) shall be and are a binding obligation of and inure to the benefit of the licensee and the City and their respective successors and assigns, if any.~~

B.Insurance. Licensee shall maintain in full force and effect, at no cost and expense to the City, during the term of this license, commercial general liability insurance in the amount of five million dollars ($5,000,000.00) combined single limit for bodily injury and property damage. The City shall be designated as an additional insured. Such insurance will not be cancelable except upon thirty (30) days prior written notice to the City. No cable license granted under these licensing requirements shall be effective until evidence of insurance coverage is delivered to the City Clerk, and thereafter upon written request, licensee shall provide a certificate of insurance showing evidence of the coverage required by this subsection. Upon notice to the City, licensee may self-insure the above-described coverages if licensee or its parent is of sufficient financial standing to provide such insurance.

46-8.15. Letter of credit.

A. Within thirty (30) days after the award or renewal of a cable license a licensee shall deposit with the City an irrevocable letter of credit in the minimum amount determined by the City and issued by a federally insured commercial lending institution. This form and substance of said letter of credit shall be used to assure the faithful performance by a licensee of all provisions of this and resulting license; and compliance with all orders, permits and directions of any agency, commission, board, department, division or office of the City having jurisdiction over its acts or defaults under a Cable license and the payment by the licensee of any penalties, liquidated damages, claims, liens and taxes due to the City which arise by reason of the construction, operation or maintenance of the cable system, including cost of removal or abandonment of any property of the licensee.

B. The letter of credit may be drawn upon by the City by presentation of a draft at sight on the lending institution, accompanied by a written certificate signed by the City Manager certifying that the licensee has been found, pursuant to Section 46-8.15 to have failed to comply with, its cable license or cable license, stating the nature of noncompliance, and stating the amount being drawn. Examples of the nature of the noncompliance for drawing upon the letter of credit include, but are not limited to, the following:

1. Failure of the licensee to pay to the City any license fees or taxes after ten (10) days' written notice of delinquency,

2. Failure of the licensee to pay to the City, after ten (10) days' written notice, after all judicial remedies have been exhausted, any amounts due and owing the City by reason of the indemnity provisions of sections 46-8.14, 46-8.15 and 46-8.16, or

3. Failure of the licensee to pay to the City any liquidated damages due and owing to the City pursuant to the license.

C. The letter of credit shall be structured in such a manner so that if the City at any time draws upon the letter of credit, upon notice to the licensee by the issuing ending institution, licensee shall increase immediately the amount of available credit to the extent necessary to replenish that portion of the available credit exhausted by the honoring of the City's draft. The lending institution shall notify the City of the replenishment by licensee. The intent of this subsection is to make available to the City at all times a letter of credit in the minimum amount determined by the City.

D. The rights reserved to the City with respect to the letter of credit are in addition to all other rights of the City, whether reserved by a cable license or authorized by law, and no action proceeding against a letter of credit shall affect any other right the City may have.

46-8.16. Construction bond.

A. Within thirty (30) days after the award or renewal of a cable license that involves initial construction of a system or a reconstruction/rebuild or an existing system, a licensee shall obtain and maintain throughout the period of system construction, at its cost and expense, and file

~~with the City Clerk, a corporate surety bond issued by a licensee authorized to do business in the State of Arizona, and found acceptable by the City Attorney, in an amount established in a cable license solely for the purpose of guaranteeing the timely construction and/or reconstruction of the cable system and the safeguarding of private property during construction and/or reconstruction.~~

~~The bond shall provide, but not be limited to, the following condition: There shall be recoverable by the City, jointly and severally from the principal and surety, any and all damages, losses or costs suffered by the City resulting from the failure of a licensee to satisfactorily complete construction and/or reconstruction of its cable system throughout the cable license area pursuant to the terms and conditions of these licensing requirements and such licensee's license.~~

~~B. Any extension of the prescribed construction or reconstruction time limit must be authorized by the City Council. The construction bond shall be available throughout any such extension period.~~

~~C. The construction bond shall be terminated only after the City Council finds that a licensee has satisfactorily completed initial construction and initial activation or reconstruction of its cable system pursuant to the terms and conditions of these licensing requirements and such licensee's license.~~

~~D. The rights reserved to the City with respect to the construction bond are in addition to all other rights of the City, whether reserved by these licensing requirements or authorized by law, and no action, proceeding or exercise of a right with respect to such construction bond shall affect any other rights the City may have.~~

~~E. The construction bond shall contain the following endorsement: It is hereby understood and agreed that this bond may not be canceled by the surety nor the intention not to renew be stated by the surety until sixty (60) days after receipt by the City, by registered mail, or written notice of such intent to cancel or not to renew.~~

~~46-8.17. Liquidated damages.~~

~~A. Each cable license granted by the City shall state that a licensee understands and shall agree that failure to comply with any time and performance requirements as stipulated in these licensing requirements and the cable license will result in damage to the City, and that it is and will be impracticable to determine the actual amount of such damage in the event of delay or nonperformance; the cable license shall include provisions for liquidated damages to be paid by the licensee, in amounts set forth in the cable license and chargeable to the letter of credit for the following concerns:~~

~~1. Failure to complete system construction or reconstruction in accordance with these licensing requirements and/or the license, unless the City Council specifically approves the delay by motion or resolution;~~

~~2. Failure to provide a cable connection within the time(s) set forth in Section 46-8.13(R).~~

~~3. Failure to properly restore the public right-of-way or to correct related violations of specifications, code, or standards after having been notified by the City to correct such defects.~~

~~4. Failure to comply with subscriber service standards of these licensing requirements.~~

~~5. Failure to test, analyze and report on the performance of the cable system following a written request.~~

~~6. Failure to provide in a continuing manner the type of services proposed in the accepted application, renewal proposal, or license, unless the City Council specifically approves modification of a licensee's obligation;~~

~~7. Failure to cure any violation of customer service standards in Section 46-8.12, following notice and an opportunity to cure pursuant to the provisions of that section; and~~

~~8. Any other action or non-action by the licensee, as agreed upon between the City and licensee, and set forth in the license.~~

~~B. If the City Manager or designee concludes that a licensee is in fact liable for liquidated damaged pursuant to this section, he/she shall issue to licensee by certified mail a notice of intention to assess liquidated damages. The notice shall set forth the nature of the violation and the amount of the proposed assessment. The licensee shall, within thirty (30) days after receipt of such notice:~~

~~1. Respond to the City in writing, contesting the City's assertion of violation and providing such information or documentation as may be necessary to support licensee's position, or:~~

~~2. Cure any such violation (and provide written evidence of the same), or, in the event that, by the nature of the violation, such violation cannot be cured within such thirty (30) day period, take reasonable steps to cure said violation and diligently continue such efforts until said violation is cured. Licensee shall report to the City, in writing, at thirty (30) day intervals as to licensee's efforts, indicating the steps taken by licensee to cure said violation and reporting licensee's progress until such violation is cured.~~

~~C. In the event that licensee contests the City's assertion of violation or fails to respond to the City's notice of intent to assess liquidated damages, within fifteen (15) days the City shall schedule a hearing in accordance with the procedures set forth in Section 46-8.18.~~

~~46-8.18. Administrative hearing.~~

~~A. Within fifteen (15) days after:~~

~~1. Receipt of notice of contest pursuant to Section 46-8.17(B), or~~

~~2. Expiration of the response time referred to in Section 46-8.17(B)(1).~~

~~An administrative hearing shall be scheduled by the City Manager or designee. This shall be a public hearing, and licensee shall be afforded full due process, including, without limitation, an opportunity to be heard, to present evidence and to cross-examine witnesses. Within fifteen (15) days after the conclusion of such hearing, the City Manager or designee shall issue a determination. In that determination the City Manager or designee may:~~

~~(a) Find that licensee is not in violation of the terms of the license;~~

~~(b) Find that the licensee is in violation, but that such violation was with just cause and waive any liquidated damages that might otherwise be imposed;~~

~~(c) Find that licensee is in violation of the terms of the license, take corrective action and foreclose on all or any appropriate part of the letter of credit provided pursuant to Section 46-8.15;~~

~~(d) Find that licensee is in violation of the terms of the cable license and impose liquidated damages;~~

~~(e) In the case of a material violation recommend that the City Council terminate the license, provided that the City Council may take action on any such recommendation only after a public hearing as set forth in Section 46-8.19.~~

~~B. If the City Manager or designee determines that licensee has committed a violation, the determination shall be accompanied by a detailed statement of reasons for the determination, including findings of fact.~~

~~C. The decision of the City Manager or designee shall become final unless licensee requests a public hearing before the City Council within fifteen (15) days after its receipt of the statement of reasons and findings of fact by the City Manager or designee.~~

~~46-8.19. Hearing by City Council.~~

~~A. If a public hearing before the City Council is requested by licensee or is held pursuant to Section 46-8.18(A)(2)(e) or Section 46-8.18(C), it shall be de novo and it shall convene within thirty (30) days after the request therefor. All witnesses shall be sworn and shall be subject to cross- examination; however, formal rules of evidence shall not apply. The City Council's decision, which shall include findings of fact, shall be made not later than forty-five (45) days after the conclusion of the hearing. In that decision, the City Council may:~~

~~1. Find that licensee is not in violation of the terms of the license;~~

~~2. Find that licensee is in violation but that such violation was with just cause and waive any liquidated damages or penalty that may otherwise to imposed;~~

~~3. Find that licensee is in violation of the terms of the license, take corrective action and foreclose on all of any appropriate part of the letter of credit provided pursuant to Section 46-8.15 to pay the cost thereof;~~

~~4. Find that licensee is in violation of the terms of the cable license and impose liquidated damages; or~~

~~5. In the case of a material violation of the cable license within the meaning of Section 46-8.21, declare the licensee in violation and revoke the license.~~

~~B. The decision of the City Council is subject to all review and appeal provided by applicable law.~~

~~46-8.20. Violations by non-licensed persons.~~

~~A. From and after the effective date of these licensing requirements, it shall be unlawful for any person to establish, operate or to carry on the business of distributing to any persons, in this City any television signals or radio signals by means of a cable system unless a cable license therefor has first been obtained pursuant to the provisions of these licensing requirements, and unless such cable license is in full force and effect.~~

~~B. From and after the effective date of these licensing requirements, it shall be unlawful for any person to construct, install or maintain within any street and public way in the City, or within any other public property of the City, or within any privately-owned area within the City which has not yet become a street and public way but is designated or delineated as a proposed street and public way on any tentative subdivision map approved by the City, any equipment or facilities for distributing any television signals or radio signals through a cable system, unless a cable license authorizing such use of such street and public way or property or area has first been obtained pursuant to the provisions of these licensing requirements, and unless such cable license is in full force and effect.~~

~~C. It shall be unlawful for any person to make any unauthorized connections, whether physically, electrically, acoustically, inductively or otherwise, with any part of a licensed cable system within this City for the purpose of enabling himself or herself or others to receive any television signal, radio signal, picture, program, sound or any other signals transmitted on the cable system, without the permission of the licensee.~~

~~D. It shall be unlawful for any person, without the consent of the licensee, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs, sounds or any other signals transmitted on the cable system.~~

E. Any person violating any part of Section 46-8.20 shall be guilty of a class one misdemeanor. Fines levied against individuals for theft of cable service are defined in the Federal Communications Act.

46-8.21. Revocation.

A. In addition to all other rights and powers retained by the City Council under this chapter or otherwise, the Council shall have the right to revoke the cable license and all rights and privileges of the licensee thereunder in the event of a recurring or protracted substantial breach of the cable license terms and conditions, or these licensing requirements, which substantially affects the provision or quality of cable services, the ability of the City of Chandler to effectively regulate the licensee, or Chandler's collection of all fees and charges. The power of revocation shall not be used if the breach is a result of force majeure. The breaches appearing on the list set forth below in this section shall be considered substantial breaches. The list is not exhaustive:

1. Willful or grossly negligent repeated violations of these licensing requirements, the license, or the representations made in the application process, or any rule, order or regulation of the City of Chandler made pursuant to these licensing requirements;

2. An attempt to dispose of any of the facilities or property of the system authorized by the cable license to prevent Chandler from acquiring it, as provided for herein;

3. Attempt to evade any material provision of the cable license or practice any fraud or deceit upon the City or its subscribers or subscribers;

4. Failure to begin or complete cable system construction, reconstruction or cable system extension as provided under the license;

5. Failure to provide the types of categories of programming and cable services promised;

6. Recurrent failures to restore service on the entire or a substantial portion of the cable system after ninety-six (96) consecutive hours of interrupted service except cable services promised;

7. Recurrent service outages of the entire cable system or a substantial portion thereof which, in the aggregate, exceed ten (10) days in any thirty-day period;

8. Recurrent failures after notice by the City Manager, or a designee, to provide service to any part of the licensee service area, consistent with Section 46-8.13(R).

9. Unlawful acts or omissions by licensee or its servants, officials, agents, representatives or employees, which result in the City's refusal to award a cable license to any other person.

B. Notice. Before proceeding with a revocation hearing, the City Manager or a designee shall make a written demand that the licensee comply. If a violation by the licensee continues for a period beyond that set forth in the written demand without written proof that the corrective action has been taken or is being actively and expeditiously pursued, the City Council may revoke the cable license as provided in Section 46-8.21.

46-8.22. Continuity of service mandatory.

A. It shall be the right of all subscribers to continue receiving cable service insofar as their financial and other obligations to a licensee are honored.

B. In the event of the termination of the license, the licensee shall cooperate with the City, to ensure continuity of cable service to all subscribers for a period not to exceed ninety (90) days. Said period may be extended by mutual agreement between the City and licensee. During such period, licensee shall be entitled to the revenues for any period during which it operates the cable system.

C. In the event licensee fails to operate the cable system for ninety-six (96) consecutive hours without prior approval of the City or without just cause, the City may, at its option, operate the

~~cable system or designate an operator until such time as licensee restores cable services under conditions acceptable to the City or a new permanent operator is selected. If the City is required to fulfill this obligation for a licensee, the licensee shall reimburse the City for all reasonable costs or damages that are the result of the licensee's failure to perform.~~

~~46-8.23. Failure of City to enforce a license no waiver of the terms thereof. A licensee shall not be excused from complying with any of the terms and conditions of a cable license or these licensing requirements by any failure of the City upon any one (1) or more occasions to insist upon or to seek compliance with any such terms or conditions.~~

~~46-8.24. Waivers.~~

~~A. Except provisions required by state or federal law, the City Council has the authority to waive provisions of these licensing requirements by resolution where the interests of the City would justify such waiver as required by federal or state law.~~

~~B. Licensee may submit a request for waiver to the City Council at any time during the cable license term. Such request for waiver may, at the sole discretion of the City Council, be set for public hearing and a decision shall be made within one hundred twenty (120) days after its submission.~~

~~C. The City Council may authorize the economic, technical or legal evaluation of such licensee's waiver request and the licensee shall be required to reimburse the City for all expenditures incurred by the City in connection with such evaluation.~~

~~D. This section is enacted solely for the convenience and benefit of the City and shall not be construed in such a manner as to create any right or entitlement for the licensee.~~

~~46-8.25. Validity of license. Licensee shall acknowledge as a condition of acceptance of a license, that licensee was represented throughout the negotiations of any cable license award or renewal by its own attorneys and had opportunity to consult with its own attorneys about its rights and obligations regarding the license.~~

~~46-8.26. Article II Sunset. Unless otherwise adopted or changed by the Chandler City Council, the terms, conditions, and provisions of this Article II shall sunset and expire when the last license granted under this Article II expires or is terminated.~~

ARTICLE ~~III~~. **II.** SPECIAL CONDITIONS FOR VIDEO SERVICES LICENSE GRANTED ON OR AFTER JANUARY 1, 2020

In addition to the provisions of the Arizona Uniform Video Services License, Chandler City Code Chapter 46 Division I, the standard conditions applicable to all franchises, licenses, and encroachment permits, and unless otherwise modified by a court of final determination, the following special conditions in this Article ~~III~~ **II** are incorporated and made a part of a video service license granted by this City on or after January 1, 2020.

~~*46-8.27.*~~ ***46-8.4*** *Video services license special conditions effective January 1, 2020.*

A. *License grant.*

1. *License area report.* A provider that is not an incumbent cable operator and that holds a license with a license area within City corporate boundaries must comply with A.R.S. § 9-1432

to prepare and submit to the City a semiannual report that identifies the locations within City corporate boundaries that may receive video service from the provider. This reporting requirement applies until the provider has constructed all of the facilities provider intends to construct within City corporate boundaries. Provider must file the report with the City as required by the City Manager not later than twenty (20) days after the last day of the second and fourth calendar quarters of each year.

2. *Confidentiality.* The information contained in the report under this section: (i) constitutes provider's confidential proprietary information; (ii) is not a public record; (iii) will be maintained by City to preserve any critical infrastructure information contained in the report as provided by law; and (iv) may not be disclosed to any person who is not a City officer or employee unless the provider furnishes written consent to disclose it.

B. *License fees.*

1. *License fee.* During the term of this license, provider must pay City within thirty (30) days after the end of each calendar quarter (March 31, June 30, September 30, December 31) license fees in an amount equal to five (5) percent of provider's gross revenues for the prior calendar quarter. Payment must be made payable to the "City of Chandler" and directed to: Development Services Department, P.O. Box 4008, MS405, Chandler, AZ 85244-4008, or as otherwise approved by the City.

2. *License fee reduction, offset, or credit.* Provider may seek a reduction, offset, or credit against the amount of license fees paid to City as allowed by State and Federal law. Provider must submit written notice for reduction, offset, or credit to the City as part of provider's payment of the license fees. Provider's reduction, offset, or credit must include a complete inventory and list by name, quantity, and unit price for all goods and services for which provider seeks a reduction, offset, or credit. The amount of provider's reduction, offset, or credit must be calculated using the lesser amount of provider's actual cost or provider's lowest and best pricing for similar goods and services offered by provider to provider's best and largest customers.

3. *License fees audit; underpayment, overpayment.* The City may inspect and audit provider's records as authorized by A.R.S. § 9-1445, as amended, related to all video service offered by provider, all video service networks, this license, any related permits, and all of provider's use of the streets, highways, and public ways. If a city audit shows overpayment by provider, City will pay provider the overpaid amount as provided in C.C.C. Chapter 46. If a City audit or a provider internal audit shows any underpayment of license fees to the City, provider must pay any underpayment within thirty (30) days of learning of under payment and interest will apply at one percent per month from the date the amount was due and continue to accrue until payment is received by the City. The City or provider may dispute any claims or defense related to license fees and the reduction, offset, or credit of license fees as provided in this section.

4. *Dispute resolution process for license fee claims and violation use fees appeal.* The dispute resolution process prescribed by A.R.S. Title 9, Chapter 13, Article 5 applies to enforcement of a party's claims and defenses related to license fees and the reduction, offset, or credit of license fees (collectively "license fee claims"). In addition, the dispute resolution process applies to an appeal of violation use fees as provided in Chapter 46, Division I. A party must exhaust the

party's administrative remedies under A.R.S. Title 9, Chapter 13, Article 5 before the party may bring an action in a court of proper jurisdiction related to license fee claims or a violation use fee appeal. The dispute resolution process prescribed in A.R.S. Title 9, Chapter 13, Article 5 does not apply to subscriber video service complaints, revocation or termination of this license, or enforcement of public safety violations as provided in Chapter 46, Division I.

5. *Payment due date.* The City must receive all required information and payment on or before the last business day of the month when due. Payment will be deemed late on the first business day following the month when due ("late payment date"). Provider must pay interest at a rate of one and one-half percent (1½%) per month beginning on the late payment date and continuing until paid. Fractions of a month will constitute a full month for the purpose of computing interest. Each payment must be accompanied by a report that shows how license fees are calculated.

6. *Partial payment; release of claim.* The City's acceptance of payment must not be construed as an accord that provider's payment is the correct amount, nor will the City's acceptance of payment be construed as a release of any City claim for additional sums payable under this license. All amounts paid are subject to audit and recomputation by the City.

7. *Taxes.* Provider must pay any applicable City, County, and State transaction privilege and use tax. The Chandler City Tax Code applies to determine if provider's activities are taxable.

C. *City channels.*

1. *City channels.* Provider must furnish City with channels of public, educational, or governmental access programming in the basic service tier and channels of public, educational, or governmental access programming in the high definition (HD) format on the digital tier as required by Federal and State law (collectively "city channels").

2. *Education channel operation.* The Educational Access Governing Board ("EAGB") or an educational institution designated by the City will operate the educational access channel. The EAGB will establish the general policy on use of the educational access channel. Consistent with the rules and policies adopted by the EAGB, the EAGB may at no cost utilize provider's available facilities, equipment, and personnel for community programming to produce and program the educational access channel.

3. *Converters.* Any additional specially-equipped converters or additional secured transmission equipment that provider elects to provide for the existing secured public safety channel or for any additional secured government or public safety channel will be provided for in a separate agreement between the City and provider for in-kind video service or payments.

4. *Point of origin.* The City channels will each originate from a studio designated by the City within the corporate limits of the City. Provider must establish the connection to the video service network necessary for each of the City channels to originate from this location at no cost to the City. Provider will incur costs and expenses to provide, maintain, and operate facilities

and equipment of the video service network, including facilities and equipment for signal carriage, processing, reformatting, and interconnection: (i) To connect the cable television system, as it may be relocated from time to time, to transmit programming to and from existing locations of public, educational, or governmental access facilities and to allow monitoring of access programming at the facilities; and (ii) To transmit public, educational, and governmental access channels to subscribers with the same prevailing quality, functionality, and identification as other channels.

[5. *Reserved.*]

6. *Maintenance of equipment.* Provider must furnish at no charge to the City prompt and regular periodic maintenance and replacement of any cables, amplifiers, and other distribution equipment owned by provider and used for the City channels. The City must provide and operate and maintain at its expense all other equipment and facilities necessary for operation of the City channels.

7. *Downstream programming from another City or Town.* If the City elects to receive downstream programming from another City or Town in addition to the programming set forth in this license, the City must pay all costs incurred by provider to provide this additional downstream programming. The City must obtain the necessary prior approvals for this downstream programming from the originator of the programming.

8. *Location of channels.* Provider may, in its sole discretion, but only after consulting with the City, determine the tier and channel location of the City channels and the method to deliver these channels over the video service network. Provider must give the City written notice not less than ninety (90) days before a change of the City channels' location or position. Provider will provide at no cost to the City written notice of the changed location channel in its printed or online materials as designated in the subscriber service standards.

9. *Unused capacity.* Provider may utilize unused capacity for any purpose the City accepts and approves. Provider and the City may annually review the use of the City channels and, upon mutual agreement, the City may relinquish in the City's sole discretion one or more of the City channels to provider for provider's use. The City retains its right to reclaim any unused channel capacity relinquished under this section upon reasonable notice to provider.

10. *On demand content.* Upon the City's written request, provider may place reasonable amounts of educational or governmental content (as determined by provider) on provider's network in the form of "on demand" programming. This "on demand" programming will be made available only during the time as one or more City channels is inactive and may contain programming suitable for display on inactive City channel(s).

D. *Subscriber video service.*

1. *Offer video service in nondiscriminatory manner.* A provider must activate and offer video service in a nondiscriminatory manner within the license area and may not deny access to video

service to any group of potential subscribers within a license area because of the person's income.

2. *Subscriber rights.* Provider must not deny video service, deny access, or otherwise discriminate against subscribers, channel users, or City residents on the basis of race, color, religion, national origin, sex, age, or disability. Provider must comply at all times with all other applicable Federal, State, and local laws and regulations, as amended, related to nondiscrimination. Provided, however, provider may deny video service to any person who fails to make timely payment to provider for video service.

3. *Video service standards.* Provider must comply with all of the following video service standards: (i) Protection of subscriber privacy as prescribed in 47 United States Code ("U.S.C.") § 551, as amended; (ii) All engineering and safety codes applicable to the provider's construction practices and installation of equipment as required by this license; (iii) Any technical standards governing the design, construction, and operation of a video service network required by Federal law; (iv) 47 Code of Federal regulations ("C.F.R.") Part 11, As adopted and as may be amended by the FCC to the extent these provisions require a provider to participate in the emergency alert system; (v) Subscriber service obligations—As prescribed 47 C.F.R. § 76.309, as amended; (vi) Deletion or repositioning of broadcast signals as prescribed in 47 C.F.R. § 76.1601, as amended; (vii) Subscriber service—General information as prescribed 47 C.F.R. § 76.1602, as amended; (viii) Subscriber service—Rate and service changes as prescribed in 47 C.F.R. § 76.1603, as amended; (ix) Charges for subscriber service changes as prescribed in 47 C.F.R. § 76.1604, as amended; (x) Basic tier availability as prescribed in 47 C.F.R. § 76.1618, as amended; (xi) Information on subscriber bills as prescribed in 47 C.F.R. § 76.1619 as amended; (xii) Availability of signals as prescribed in 47 C.F.R. § 76.1620, as amended; (xiii) 47 C.F.R. § 76.1621, 47 C.F.R. § 76.1622, and any other regulation or rule as adopted and amended by the FCC related to standards governing the quality of video service and subscriber service.

4. *Provider solicitation procedures.* When contacting a subscriber in person, all provider personnel, agents, contractors, and representatives must wear a uniform and plainly display a photo-identification badge to identify the person as authorized to act on provider's behalf.

5. *Subscriber complaints.* A subscriber may submit complaints related to provider's video service to any of the following: (i) The Office of the Arizona Attorney General; (ii) The FCC; or (iii) Other authorities as provided by law.

E. *Transfer of license.*

1. *License transfer.* Except as otherwise provided in this section or otherwise required by Federal law, including FCC rules and regulations, provider's interests, rights, duties, and obligations set forth in this license may be transferred to any person if the transfer arises through merger, sale, assignment, restructuring of provider's business organization, or change of control of provider's business organization. A transfer may include the rights and interests to a license area less than provider's entire video service network within the license area. Provided, however, provider's

interests, rights, duties, and obligations as set forth in this license may not be transferred if the purpose of the transfer is to secure provider's indebtedness or if the transfer will have the legal effect to separate or sever provider's obligations and duties to maintain and operate a video service network within the license area from the rights and interests to receive payment for video services under this license.

2. *Instrument of transfer.* Provider, and the person who receives provider's legal rights, interests, and privileges, and who will assume provider's duties and obligations ("new provider") must file with the City as provided in **THE LICENSE** ~~Section 14.2~~ notarized written notice of the license transfer. The written notice must show: both provider's and new provider's full legal name; business organization; primary place of business; the name, address, email address, and telephone number of legal statutory agent who is authorized to receive legal notice under the license; the effective date of the transfer; and the name, address, email address, title, and telephone number of the person who oversees, administers, and manages the license for provider and new provider. The written notice must contain a notarized certification from new provider that new provider agrees to assume all of provider's legal duties and obligations to operate and maintain the assigned video services network as required under the license. The transfer is legally effective on the date the City receives written notice as required under ~~Section 14.2~~ **THE LICENSE** and which includes all information required by this subsection.

3. *Transfer void.* Any transfer to secure provider's indebtedness, or for which the City does not receive written notice as required in ~~Section 10.2~~, **THE LICENSE** whether voluntary or involuntary, will be void and of no legal effect.

F. *Letter of credit.*

1. *Amount; purpose.* Within thirty (30) days after the effective date of this license, provider must deposit with the City an irrevocable letter of credit in the amount of one hundred thousand dollars ($100,000.00) (replenishable as specified in **THE LICENSE** ~~Section 13.3 below~~) issued by a federally insured commercial lending institution. The form and substance of said letter of credit will be used to assure (i) The faithful performance by provider of all provisions of this license; (ii) Compliance with all orders, permits, and directions of any Department of the City having jurisdiction over provider's acts or defaults under this license; and (iii) Provider's payment of any penalties, liquidated damages, claims, liens, and taxes due to the City that arise by reason of the construction, operation, or maintenance of the video service network, including cost of removal or abandonment of any of provider's property.

2. *Drawing on letter of credit.* The letter of credit may be drawn upon by the City by presentation of a draft at sight on the lending institution, accompanied by a written certificate signed by the City Manager certifying that provider has failed to comply with this license, stating the nature of noncompliance, and stating the amount being drawn. The rights reserved to the City with respect to the letter of credit are in addition to all other rights of the City, whether reserved by this license or authorized by law, and no action proceeding against a letter of credit will affect any other right the City may have.

3. *Replenish.* The letter of credit must be structured in such a manner so that if the City at any time draws upon the letter of credit, upon notice to provider by the issuing lending institution, provider must immediately increase the amount of available credit by the amount necessary to

replenish that portion of the available credit exhausted by the honoring of the City's draft; provided, however the maximum amount available to be drawn on this letter of credit for any one event may not exceed one hundred thousand dollars ($100,000.00). The intent of this section is to make available to the City at all times a letter of credit in the amount of one hundred thousand dollars ($100,000.00).

G. *Construction standards.*

1. All work related to the video service network must substantially comply with the uniform standard specifications for public works construction sponsored and distributed by the Maricopa Association of Governments as amended (hereinafter referred to as "MAG"), the City supplements to MAG and the City utility manual and must follow industry best practices.

2. When using City right-of-way and easements, provider will ensure that the construction of the video service network does not impair the safety, functioning and appearance of the property, and the safety and convenience of other persons.

3. Provider must provide reasonable advance notice to all affected residents prior to video service network construction or upgrade crews entering the right-of-way in front of, or in the alley behind, a resident's property. If a resident is not available for personal contact, then a door hanger or other such printed notification must be left at the residence with contact information. Provider is not required to provide such notice in emergencies or for normal system repair and maintenance work.

4. Notwithstanding any other provision in these licensing requirements or any video service license granted pursuant hereto, all facilities of a provider in any street and public way or in any public or private easement, and video service lines to subscribers off the main lines, must be located underground as per City Code and the City utility manual and at such depths and locations as may be approved by the City Manager or the City Manager's designee.

5. Except as provided in the license, upon the undergrounding of other utility lines or shared overhead facilities, provider must concurrently (or earlier) place its facilities underground, at its own expense, at depths and locations approved by the City Manager or the City Manager's designee.

6. All new underground wires or cable of provider placed after the effective date of the issuance of a video service license must be placed in conduit or duct except for service drop lines.

7. As required by the City Manager or other appropriate departments, the provider or its authorized contractors must obtain permits, prior to any work performed in the City's rights-of-way, or on City-owned property. All work must comply with the City's technical and permitting specifications, and in accordance to a timed schedule approved by the City.

8. A provider must prepare maps of the applicable portion of the video service network that show amplifier and power supply locations available for inspection and review at the office

where licensee maintains such records. Provider must provide the City with up-to-date route maps of a suitable scale showing all transmitting and receiving pickup locations, cable route and pedestal locations.

9. To prevent unnecessary disruption and damage to streets and public ways, rights-of-way, and other property, the installation of a video service network in new subdivisions must be accomplished, to the extent reasonably necessary, at the same time and in the same trench as other communications, electric and other permanent services to the new development.

10. Emergency work. The City reserves the right to relocate provider's video services network as necessary and as may be required in an emergency as determined by the City in its sole discretion. Nonetheless, the City will provide reasonable notice of the emergency to provider as is reasonably practicable under the circumstances.