

## Chapter 35 - LAND USE AND ZONING<sup>11</sup>

### Footnotes:

--- (1) ---

**Editor's note**— 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.

### ARTICLE I. - IN GENERAL

#### 35-100. - Purpose.

This Code is for the purpose of securing adequate light, pure air and safety from fire and other dangers; conserving the values of land and buildings through the City of Chandler; lessening or avoiding congestion in the public streets; and promoting the public health, safety, comfort, morals and welfare of the citizens of the City of Chandler, Arizona.

(Ord. No. 3063, § 3, 11-18-99)

#### 35-101. - Department of Planning and Development.

There is hereby established and created a Department of Planning and Development. The Planning and Development Department shall consist of a Director and such other personnel as may be required.

(Ord. No. 3063, § 3, 11-18-99)

#### 35-102. - Director of Planning and Development; duties.

The Director of the Department of Planning and Development shall be a salaried employee and shall be selected from candidates best qualified for the position after such requirements as may be specified by the City Manager have been met. The Director shall have the authority to exercise all duties referenced to in all ordinances, code sections and resolutions of the City of Chandler as duties of the Director of Planning and Development. The City Manager shall have the authority to assign additional duties as necessary and appropriate.

(Ord. No. 3063, § 3, 11-18-99)

### 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:* One (1) which is subordinate and customarily incidental to and on the same lot with a main building, including a private garage but not involving any activity used for commercial purposes. Greenhouses and/or hydroponic houses for hobby purposes shall be excluded for this definition.

*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
- (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.

*Amusement arcade*: Any building or portion thereof having its primary use devoted to mechanical amusement devices and/or vending machines.

*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.

*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")

*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.

*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 streets, alleys and other 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.

*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 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.

*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.

*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.

*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 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-Idn noise contour line developed by the application of the day-night average sound level methodology of sound measurement (Idn).

*Home occupation*: Any occupation or profession conducted entirely within a dwelling unit and carried on by a member of the family residing therein and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and in connection with which there are no employees other than a member of the immediate family residing in the dwelling unit; provided that no mechanical equipment is used except such that is normally used for domestic, hobby or household purposes; and provided that no commodity is sold upon the premises and provided that no inventory of saleable commodities are kept or stored upon the premises.

"Home occupation" includes the use of a dwelling unit by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his/her profession. "Home occupation" does not include clinic, hospital,

barbershop, beauty shop, animal hospital, advertising or public relations agency, interior decorator's office or workshop, real estate or insurance office, stockbroker's office or similar use.

*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 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.

*Large single use retail:* Any single use building, whether stand alone or within a multi-building development, wherein said single use building occupies at least one hundred fifty thousand (150,000) square feet of building coverage primarily devoted to, or intended for, the sale or display of goods and merchandise for consumption by the general public, including any outdoor sales and display area(s) and storage/stockroom area(s) but excluding any outdoor area for sale of cars, trucks, boats, recreational vehicles, or manufactured dwellings. For the purposes of this definition, calculation of such building coverage shall include all other indoor and outdoor sales areas or customer service area(s) that may be incidental to, but nevertheless share customer walking aisles or store entrances with the large single use retail operator, whether or not such area(s) are under the same management as the large single use retail operator.

*Ldn:* Means the day-night sound level.

*Loading space:* A permanently maintained space on the same lot as the main building accessible to a street or alley and not less than ten (10) feet in width, twenty (20) feet in length and fourteen (14) feet in height.

*Lodging house:* Any building or portion thereof, containing not more than five (5) guest rooms which are used by not more than five (5) guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all requirements of this Code for dwellings.

*Lot:* A piece or parcel of land separated from other pieces of parcels by description, as in a subdivision or on a record survey map or by metes and bounds, for purposes of sale, lease or separate use, and having frontage on at least one (1) street.

*Lot area:* The area of the lot, not including any area in a public way.

*Lot area, net:* Shall mean the area included within lot lines after all right-of-way dedications have been made as required by the Code of the City of Chandler.

*Lot, corner:* A lot with frontage on two (2) or more intersecting streets.

*Lot, depth of:* The mean horizontal distance between the front and rear lot lines.

*Lot, through (double frontage):* A lot having frontage of two (2) or more nonintersecting public streets.

*Lot, interior:* A lot other than a corner lot.

*Lot, key:* A lot adjacent to a corner lot, having its side lot line adjacent to the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot.

*Lot lines:* The lines bounding a lot.

*Lot of record:* A lot which is part of subdivision, the plat of which has been recorded in the Office of the Clerk of Maricopa County Recorder's Office, or parcel of land, the deed of which is recorded in the Office of the County Recorder.

*Lot width:* The lot width shall be measured along a line which is parallel or tangent to the front property line, connecting two (2) points on the side lot lines which are located thirty (30) feet from the front lot corners.

*Medical marijuana:* All parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant, used to treat or alleviate a debilitating medical condition or the symptoms associated with the debilitating medical condition of a person who is registered with and identified by the Arizona State Department of Health Services as a registered qualifying patient.

*Medical marijuana dispensary:* A not-for-profit entity registered with and approved to operate by the Arizona State Department of Health Services that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses medical marijuana or related supplies and educational materials to cardholders, as that term is defined in A.R.S. Section 36-2801.

*Medical marijuana facility:* The physical location from which a medical marijuana dispensary operates to acquire, possess, supply, sell, or dispense in any manner or form medical marijuana or related supplies and educational materials to cardholders, as that term is defined in A.R.S. Section 36-2801. A medical marijuana facility cannot serve as a medical marijuana cultivation site.

*Medical marijuana cultivation site:* The physical location from which a medical marijuana dispensary operates to grow, cultivate, manufacture, infuse, or store medical marijuana, or from which it delivers, transfers, transports, or supplies medical marijuana to another medical marijuana facility or cultivation site. A medical marijuana cultivation site cannot serve as a medical marijuana facility.

*Metal buildings:* Any premanufactured structure with exterior walls of corrugated or ribbed metal panels.

*Mid-rise development:* Any building(s) having a height greater than forty-five (45) feet as measured from grade, exclusive of any penthouse built on the roof for the sole purpose of housing the mechanical equipment used in the building, and which does not have a height exception under section 35-2202 of this Code.

*Mobile home:* A dwelling unit, factory-built and factory-assembled, designed for conveyance, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations such as locating on jacks or other foundation, or connection to utilities. A prefabricated home or structure shall not be included in [this] definition.

*Mobile home park:* Any lot, tract or parcel of land used or offered for use in whole or part with or without charge for parking of mobile homes used for living or sleeping purposes.

*Mobile home space:* A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

*Mobile home subdivision:* A subdivision designed and intended for residential use where residence is in mobile homes, exclusively.

*Modular housing:* Any type of dwelling unit, excluding mobile homes, which may or may not be partially fabricated off the site and delivered to the building site for final assembling and construction. The construction of dwelling units must comply with all applicable building codes and inspections.

*Motel:* See "hotel" as defined in this Code.

*Motor home:* Any motor vehicle designed as a self-contained mobile living unit. No such vehicle shall be occupied within the City of Chandler except as provided for by Article XI of this Code.

*Neighborhood Organizations, Registered:* An organization located within the corporate limits of the City of Chandler that is associated with a specific subdivision, and which may be tasked with the enforcement of Covenants, Conditions and Restrictions for the subdivision, or organized for other purposes, and which have registered with the Neighborhood Program Coordinator.

*Noise level reduction (NLR):* Means the difference in decibels of the noise level from outside to inside of a building, wherein such reduction depends primarily upon the construction and materials used in the walls, windows, ceilings, doors and vents of the building.

*Nonconforming use:* Any building or land lawfully occupied by a use at the time of adoption of this Code or amendment thereto which does not conform after the adoption of this Code or amendment thereto with the use regulations of the district in which located.

*Nude:* Without opaque non-flesh-colored fabric fully covering the cleft of the buttocks, anus, pubic region, male genitals, female genitals, and female breasts below the top of the areola.

*Open-air ramada:* A detached accessory building or structure open on the sides and supporting a roof or lattice-type cover, primarily for the purpose of providing shade in conjunction with a recreational activity, such as a swimming pool, jacuzzi, or sitting area, and not to exceed both ten (10) feet in height and one hundred fifty (150) square feet in area, and separated from the residential dwelling by a distance equal to at least one-half ( $\frac{1}{2}$ ) of the rear yard setback.

*Open dump:* Any land publicly or privately owned, other than an approved sanitary landfill, on which there is a deposit and accumulation, either temporary or permanent, or any kind of organic or inorganic refuse, including but not limited to waste materials, waste products, wastepaper, garbage,

empty cans, broken glass, rags, etc., but excluding scrap or materials for use in manufacturing processes on the premises.

*Open space:* Land provided in subdivisions and other developments which is necessary and desirable for recreational needs of residents of the neighborhood. Such space may be in the form of school-recreational centers, small parks, landscape areas, bikeways, stormwater retention areas, pathways or special street center islands.

Space which can be enjoyed by people. This could include landscape plazas, grass, trees, fountains, sitting areas, etc., and is meant to provide an open garden atmosphere. Open space does not include parking areas, vacant or undeveloped lots. Entrance and/or exit drives may penetrate the open space areas. Open space also provides a landscape setting for all buildings or structures on a lot.

*Outside display:* Any storage or display of merchandise, equipment, material, etc., which is located within a required setback area and not within or enclosed by a solid fence or masonry wall six (6) feet in height shall constitute an outside display.

*Owner:* Any person, agent, firm or corporation having a legal or equitable interest in the property.

*Parking lot, permanent:* A parcel of land improved in accordance with city standards and used for off-street parking purposes.

*Parking lot, temporary:* A parcel of land to be used for off-street parking purposes. Such use shall be temporary in nature as provided in Article XVIII, section 1801.

*Parking space (off-street):* A dust-free surfaced area, enclosed or unenclosed, providing for the storage and circulation of vehicles and for proper and safe ingress and egress thereto.

*Patron:* A person invited or permitted to enter and remain upon the premises of a sexually oriented business, whether or not for a consideration.

*Planning and Zoning Commission:* The duly appointed Commission authorized by this Code and appointed by the City Council.

*Porch:* A covered but unenclosed projection from the main wall of a building which may or may not utilize columns or other ground supports for structural purposes.

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

*Related supplies:* Any equipment, product, or material of any kind that is primarily intended or designed for the purpose of assisting a person who is registered with and identified by the Arizona State Department of Health Services as a registered qualifying patient in smoking or otherwise consuming medical marijuana.

*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.

*Riding stable:* A building and land where horses are boarded or kept for hire.

*Rooming house:* A dwelling, other than a hotel or motel, where two (2) or more rooms are rented.

*Runway:* Means a designated surface of land designated, paved and used at an airport for the landing and takeoff of aircraft.

*School or college:* Unless otherwise specified, any private or public place where general education instruction is offered on-site for any length of time, and does not include dancing schools, riding academies, or trade or specialized vocational schools.

*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.

*Spirituos 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, of a height no greater than seven (7) feet, and the total square footage of which does not exceed one hundred twenty (120) square feet.

*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.

*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)

### ARTICLE III. - DISTRICTS GENERALLY

35-300. - Districts established and enumerated.

In order to classify, regulate and restrict the location of businesses, trades, industries, residences and other land uses, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected, reconstructed or structurally altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts and other spaces

within and surrounding such buildings, the City of Chandler, Arizona, is hereby divided into fourteen (14) classes of "districts." The use, height and area regulations are uniform in each district and said districts shall be known as:

- AG-1 Agricultural District—Average lot size forty-three thousand (43,000) square feet
- SF-33 Single-Family District—Average lot size thirty-three thousand (33,000) square feet
- SF-18 Single-Family District—Average lot size eighteen thousand (18,000) square feet
- SF-10 Single-Family District—Average lot size ten thousand (10,000) square feet
- SF-8.5 Single-Family District—Average lot size eight thousand five hundred (8,500) square feet
- MF-1 Medium-Density Residential District
- MF-2 Multiple-Family Residential District
- MF-3 High-Density Residential District
- MH-1 Mobile Home District
- C-1 Neighborhood Commercial District
- C-2 Community Commercial District
- C-3 Regional Commercial District
- I-1 Planned Industrial District
- I-2 General Industrial District
- PAD Planned Area Development
- PCO Planned Commercial Office
- [AIO Airport Impact Overlay District]
- AP-1 Airport District

(Ord. No. 2551, § 1, 4-27-95; Ord. No. 3063, § 3, 11-18-99)

35-301. - Boundaries of districts; zoning map.

The boundaries of these districts are shown upon the map made a part of this Code, which map is designated as the "zoning map." The zoning map and all the notations, references and other information shown thereon are a part of this Code and have the same force and effect as if the zoning map and all the notations, references and other information shown thereon were all fully set forth or described herein, which zoning map is attached hereto and made a part of this Code by reference, and which zoning map was revised by the City Council as of September 23, 1976.

(Ord. No. 3063, § 3, 11-18-99)

35-302. - Zoning of annexed properties.

An area under consideration for annexation may be zoned at the time of annexation or within six (6) months after the annexation to a City zoning district comparable to, but not greater in intensity than, that

permitted in the County. In the event that City zoning is not established with annexation, the area shall be considered to be zoned as shown on the Official Zoning Map of the Maricopa County Planning and Zoning Commission. Council approval of the annexation constitutes authorization for the City to initiate action to establish the applicable City Zoning District for the newly annexed area within six (6) months after the annexation.

(Ord. No. 3063, § 3, 11-18-99)

35-303. - Vacation of roadway.

Whenever any portion of a roadway, including any public street, highway, alley, lane, parkway, avenue, road, sidewalk or other public way, is vacated by official action of the City Council, the vacated portion of roadway shall acquire the same zoning district classification as the land to which it vests and shall thereafter be subject to the appropriate regulations of that zoning district.

(Ord. No. 3063, § 3, 11-18-99)

35-304. - Compliance with use and yard regulations; maximum number of buildings on one (1) lot.

Except as hereinafter provided:

- (1) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except in conformity with use, height, area, density, sign, landscaping and parking regulations in the district in which the building or land is located.
- (2) The minimum yards and other open spaces, including lot area per family, required by this Code for each and every building existing at the time of adoption of this Code or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building; nor shall any lot area be reduced beyond the district regulations of this Code.
- (3) Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one (1) main building on one (1) lot, except as otherwise provided in Article XXII hereof.

(Ord. No. 3063, § 3, 11-18-99)

35-305. - Use permits.

(1) *General use permits*: Land uses permitted by use permit are identified under each zoning district established within this Code. Except as provided in subsections (2) and (3) below, approval of use permits shall be subject to the following standards and procedures:

- (a) *Application*: Application procedures for use permits shall be the same as applications for amendments to the Zoning Code as outlined in Article XXVI. The Planning and Zoning Commission shall make a recommendation to [the] City Council on applications after proper advertising of public notices and posting of property.
- (b) *Review*: Review and approval of use permits shall include but not be limited to examination of the following factors, where applicable:
  1. Consistency with the comprehensive plan.
  2. Ingress and egress to property and proposed structures, pedestrian and vehicular circulation with particular reference to fire protection.

3. Off-street parking and loading.
4. General compatibility of use with adjacent property and property in the district.
5. Impact on public services, including schools, recreation and utilities.
6. Screening and buffering of uses.
7. Signage.
8. Exterior lighting with reference to adjacent properties.
9. Stormwater retention and landscaping.
10. Site and building design for conformance with the comprehensive plan and policies and City standards.

(c) *Approval:* Use permits may be granted by the City Council upon a finding that the request:

1. Is in conformance with the comprehensive plan and its policies.
2. 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, and that the use will be in full conformity with the conditions, requirements or standards prescribed by this Code or higher as may be deemed necessary by City Council in any one (1) situation.

Minor changes to the approved plan may be approved by the Zoning Administrator. Any major deviations may be approved by the City Council.

(d) *Timing condition:* Use permits granted by the City Council shall be void if the use is not commenced or substantial construction has not taken place within one (1) year of such Council action or within a time period stipulated by the Council.

*Revocation or suspension:*

In addition to any other penalties or remedies provided by this Zoning Code, the Zoning Administrator may suspend or revoke a use permit upon a finding of:

A material change in the permitted use or the conditions prescribed upon issuance of the use permit has occurred without an amendment to the use permit having been obtained; or

Material noncompliance with the conditions prescribed upon issuance of the use permit or with the representations made by the permit holder in connection with the application for the use permit as to the nature of the conditional use to be conducted; or

Operation of the permitted use in such a manner as to cause a substantial detrimental impact on neighboring persons or property.

To suspend or revoke a use permit, the Zoning Administrator shall deliver or mail by certified mail to the address indicated on the use permit application and, if different from application address, the address of the property subject to the use permit, a written notice that the use permit is suspended or revoked and which states the grounds therefore.

Upon written request received by the Zoning Administrator within ten (10) days of the date of the notice by the permit holder, or any person whose use of the permitted 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 2503 of this Zoning Code. If an

appeal is not received within ten (10) days of the date of the notice, the suspension or revocation shall take effect on the eleventh day after the date of the notice.

The decision of the Board of Adjustment may be appealed as provided in section 2503 of this Zoning Code.

(2) *Adult use permits:* A use permit to operate a sexually oriented business shall be obtained pursuant to the provisions of this subsection. Approval of such an adult use permit shall be subject to the following standards and procedures:

(a) *Application:*

1. Application for an adult use permit shall be on a form prescribed and 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 for the permit, a letter shall accompany the application from the property owner authorizing the applicant to include the property in the application.

2. The application shall include as an attachment an accurate, to-scale, but not necessarily professionally drawn, floor plan or diagram of the business premises clearly showing the configuration of the premises, including a statement of total floor space occupied by the business. Each diagram should be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Zoning Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

3. The application for an adult use permit shall be deemed filed with the city when the required application fee and completed application form is received by the Zoning Administrator.

(b) *Review procedures:* The procedures for review of the application for adult use permit shall be the same as for any other type of use permit, except as follows:

1. No more than seventy (70) days shall elapse between the filing of the application for an adult use permit and a determination by the City Council to grant or deny the permit, unless such delay is caused by the applicant.

2. In all cases, the Planning and Zoning Commission shall hold a public hearing on the application in accordance with the requirements of section 2602 of this Zoning Code. A second public hearing pursuant to section 2602 of the Zoning Code may be held before the City Council only if such hearing will not delay the City Council's determination of the application within the time specified in subparagraph 1 above.

3. If the Planning and Zoning Commission recommends denial of the application, it shall state in the record:

a. A finding that the applicant's proposed business does not meet the location and distance requirements set forth in paragraph (c)1. below and the basis for such finding; or

b. Each of the categories of harm set forth in paragraph (c)2. below which it finds would be significantly increased by granting the application and the basis for such findings.

4. If the City Council denies the application, it shall state in the record:

a. Its finding that the applicant's proposed business does not meet the location and distance requirements set forth in paragraph (c)1. below and the basis for such finding; or

b. Each of the categories of harm set forth in paragraph (c)2. below which it finds would be significantly increased by granting the application and the basis for such findings.

(c) *Location and distance requirements; permit review criteria:*

1. A sexually oriented business shall meet location and distance requirements as follows:

a. A sexually oriented business shall be located only within the districts specified for such use in section 2100.

b. A sexually oriented business shall not be located within one thousand (1,000) feet of any other sexually oriented business, which distance shall be measured in a straight line, without regard to intervening structures, from the closest exterior actual wall of each sexually oriented business to be conducted.

c. A sexually oriented business shall not be located within five hundred (500) feet of a public or private school, preschool, nursery school, kindergarten or day care center; any church; any public park; any lot devoted wholly to a residential use; or any of the following residential zoning districts: AG-1, SF-33, SF-18, SF-10, SF-8.5, MF-1, MF-2, MF-3, MH-1; which distance shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the sexually oriented business to the closest property line of the nearest school, preschool, kindergarten, day care center, church, public park, or residential lot, or to the closest boundary line of the nearest residential zoning district listed above; but such measurement shall exclude any street.

2. The application for an adult use permit shall be granted if the sexually oriented business meets the location and distance requirements set forth above, unless the City Council has found in writing that the granting of such a use permit will endanger the public health, safety or welfare by significantly increasing the likelihood of one (1) or more of the following:

a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

b. Hazards to persons or property from possible explosion, contamination, fire or flood.

c. Hazards to the public health arising from the creation of a sanitary nuisance.

d. Disruptive or illegal conduct in the areas in which the premises are located.

e. Impact on surrounding property resulting from an unusual volume or character of traffic.

f. Substantial diminution of the market value of surrounding property.

g. Substantial diminution in the enjoyment of use of surrounding property.

h. Substantial deterioration of the quality and character of the surrounding neighborhood.

(d) *Issuance of permit:*

1. An adult use permit shall be valid for a period of one (1) year from the date of issuance, except as provided in paragraph (d)5. below. The date of issuance shall be deemed to be the date on which the City Council takes action to grant the application for adult use permit.

2. An adult use permit shall be valid only for the specific type of use granted.

3. The validity of an adult use permit 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.

4. An adult use permit is only valid for a sexually oriented business operated in accordance with the floor plan and diagram submitted with the application. Any modification, change, or alteration in the floor plan or expansion of the floor area of the establishment shall require the reapplication and issuance of a new adult use permit.

5. An adult use permit is automatically void 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 issuance of the permit.

(e) *Nontransferability of permit:* An adult use permit is not transferable to any other person or place, nor is it valid for any type of sexually oriented business not specifically identified in the permit.

(f) *Permit renewal:*

1. An adult use permit 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 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.

(g) *Other permits or regulations:* An adult use permit is in addition to any other permit required by this Zoning Code, or any other license or permit required by the City, the County, or the State to engage in the business or occupation.

(h) *Suspension or revocation:* The Zoning Administrator shall suspend an adult use permit for a period of thirty (30) days if a permit holder is convicted of violating a provision of this Zoning Code. The Zoning Administrator shall revoke an adult use permit if the permit holder is convicted of three (3) or more violations of this Zoning Code in any twelve-month period or gave false or misleading information in the permit application. The fact that a conviction is being appealed shall have no effect on the revocation of the permit.

(i) *Procedure for suspension or revocation:*

1. If the Zoning Administrator determines that grounds exist to suspend or revoke an adult use permit, the Zoning Administrator shall notify the permit holder (respondent) in writing of the intent to suspend or revoke, which notice shall include a summary of the grounds therefor. The notice shall be sent by registered or certified mail to the address of the permit holder listed in the most recent permit application; and the effective date of notice shall be the date the notice is actually received or five (5) days after the date the notice is mailed, whichever occurs first. Within ten (10) days after the effective date of notice, the respondent may provide to the Zoning Administrator in writing a response which shall include a statement of reasons why the permit should not be suspended or revoked and which may include a request for a hearing. If a timely response is not received by the Zoning Administrator, the suspension or revocation shall be final; and notice thereof shall be sent to the permit holder by registered or certified mail.

2. Within seven (7) days after receipt of a response, the Zoning Administrator shall either withdraw the intent to suspend or revoke, and so notify the respondent, or shall schedule a hearing and notify the respondent in writing by certified mail of the date, time and place of the hearing. The hearing shall be held not less than fifteen (15) nor more than twenty (20) days after receipt by the Zoning Administrator of the request for a hearing. The hearing shall be conducted in an informal manner. The respondent may be represented by counsel. The rules of evidence will not apply. The Zoning Administrator shall render a written decision within five (5) days after completion of the hearing and shall mail a copy of the decision by certified mail to the

address of the respondent listed in the current year's application. In the case of a decision to revoke or suspend a permit the permit holder may continue to function under the permit pending receipt of the final decision of the Zoning Administrator. The decision shall be deemed final five (5) days after it is mailed and shall constitute final administrative action.

3. A final administrative decision to suspend or revoke a permit may be appealed to the superior court by special action or other available procedure within thirty-five (35) days after service of written notice of the decision. Service shall be deemed to have occurred at the end of five (5) days after written notice of the decision is mailed.

(j) No deviation: The requirements set forth in subsection (2) of section 305 of the Zoning Code are not subject to deviation or variance by any City Administrator, the Planning and Zoning Commission, the Board of Adjustment or the City Council.

(k) A sexually oriented business lawfully operating is not rendered in violation of the Zoning Code by the location, subsequent to the granting or renewal of an adult use permit, of a school, preschool, kindergarten, nursery school, day care center, church, public park, residential lot, or residential district within five hundred (500) feet of the sexually oriented business. This provision applies only to the renewal of a valid license and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

(3) *Residential child care:* A use permit to operate residential child care, as defined in section 35-200 of this chapter, shall be required in any residential zoning designation, including Planned Area Development (PAD), in accordance with the provisions of this subsection. In Home Day Care, also as defined in Section 35-200 of this chapter, shall be exempt from these requirements. Approval of any use permit to operate residential child care shall be subject to the following standards and procedures:

(a) *Application.* Application procedures for a use permit to operate residential child care shall be the same as the application procedures for general use permits, as set forth in subsection 305(1), except that in addition to those requirements, an application shall also provide:

1. A site plan and floor plan of the residential dwelling in which the residential child care is proposed, illustrating: (i) lot dimensions with front, side, and rear setbacks; (ii) house square footage with a graphic indication of that portion proposed for the residential child care activity; (iii) garage/carport area, plus driveway length; (iv) patio areas, accessory structures, storage sheds, and swimming pools or jacuzzis including security provisions; and (v) outdoor play area(s) including fence heights along adjoining property lines;

2. A map depicting the location of any other residential child care location(s) known by the applicant to be within a quarter mile of the proposed location; and

3. License approval, or other evidence that the proposed residential child care use complies with the applicable standards and requirements specified by the State of Arizona Department of Health Services. Such licensure, or other evidence of compliance with State requirements, shall not be construed as guaranteed approval of a use permit by the City of Chandler.

(b) *Review.* Review and approval of an application for a use permit to operate residential child care shall consider all relevant land use factors, including those stated in Section 35-305(1)(b) of this chapter for consideration of general use permits, as well as the applicant's capability of meeting the criteria for said use permit, as set forth in subsection 305(3)(d) below, but excluding factors relating to the quality of the program to be provided, or the applicant's qualifications to provide such a program.

(c) *Approval.* An application for a use permit to operate residential child care may be approved or denied by the City Council, based upon the findings set forth in subsection 305(1)(c). Approval of such a use permit application shall not be construed as any endorsement or approval of the child

care program to be provided by the applicant, or of the licensing, training, or other qualifications of the applicant and its employees to provide such a program.

(d) *Use permit criteria.* Approval of any application for a use permit to operate residential child care, shall be subject to complete and continual compliance with each of the following criteria:

1. *Capacity.* The number of children being cared for, and the ratio of staff to children, shall be limited by the requirements set forth by the State of Arizona Department of Health Services, but in no event shall the number of children being cared for exceed ten (10) for compensation, nor shall the total number of children being cared for, whether or not for compensation, exceed fifteen (15).

2. *Location.* No new residential child care use not already licensed by the State of Arizona Department of Health Services and in full operation prior to the effective date of these regulations, shall be located on a lot within twelve hundred (1,200) feet, measured by a straight line in any direction, from the lot line of another residential child care provider or other group home.

3. *Signage.* The residential child care use shall have no identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted under Chapter 39, section 39-9 of the City Sign Code.

4. *Screening.* All outdoor play areas shall be completely screened and enclosed by a six-foot high solid masonry wall with solid gates.

5. *State licensure.* The residential child care use shall be subject to licensure by the State of Arizona Department of Health Services, with proof thereof from the applicant kept on file with the City of Chandler Current Planning Division.

6. *City Code Compliance.* The residential child care use shall comply with the standards and requirements of all applicable City Codes, including but not limited to, the Uniform Building Code, Uniform Fire Code, Zoning Code, Subdivision Regulations, and City Business Licensing.

7. *Parking.* No existing garage, carport structure, or driveway shall be expanded, enclosed, displaced, or otherwise modified for the purpose of accommodating the Residential Child Care use.

8. *Building expansion and remodeling.* Any expansion, remodeling, or other modification of a residential dwelling, whether planned or already existing for the purpose of accommodating a residential child care use, may be permitted, provided however, that such expansion, remodeling, or other modification is determined, either through plan review or on-site inspection, to be fully compliant with all applicable City Codes, without need for variance or relief from standard requirements.

(e) *Use permit effect.* Use permit approval for operating residential child care shall be valid for a period of one (1) year from the date of City Council approval, or for any longer period as may be specified by Council, but shall be deemed void if the use is not commenced by the applicant within nine (9) months after the date of approval for a one (1) year period, or if not commenced within one (1) year after the date of approval for any period greater than one (1) year.

1. Use permit approval for operating residential child care shall be applicable only to the applicant and location identified on the application, and shall not be transferable to any other person or location.

2. A use permit to operate residential child care may be renewed by filing an application for renewal, and upon approval by City Council. The application for renewal shall be filed with the Zoning Administrator not less than sixty (60) days prior to expiration of the current permit. Any

application for renewal shall be considered in accordance with the same standards and procedures as an original application.

(4) *[Reserved.]*

(Ord. No. 956, § 1, 6-11-81; Ord. No. 2413; § 2, 11-18-93; Ord. No. 2645, §§ 3, 4, 6-13-96; Ord. No. 3063, § 3, 11-18-99; Ord. No. 3240, § 2, 6-14-01; Ord. No. 3421, § 2, 1-23-03; Ord. No. 4278, § 2, 2-24-11; Ord. No. 4513, § II, 11-8-13; Ord. No. 4567, § II, 10-20-14; Ord. No. 4764, § I, 8-10-17)

35-306. - Administrative use permits.

(1) *Authority and process:*

(a) Upon written request and submission of information, the Zoning Administrator may authorize an administrative use permit for temporary uses with such conditions and modifications as may be necessary to comply with the Chandler General Plan.

(b) The applicant will be required to submit a site plan graphically portraying the request.

(c) The Zoning Administrator shall submit to the appropriate City Departments and other agencies the information supplied by the applicant for review and comment.

(d) The other City Departments and agencies shall have ten (10) working days to review and transmit comments.

(2) *Temporary buildings and uses:*

(a) The following temporary buildings and uses may be permitted, through approval of an administrative use permit:

1. Temporary trailers, in conjunction with expansion of nonresidential buildings, providing there is a bona fide time schedule of construction (such as development contract) or when construction is already in process.

2. Temporary buildings, mobile homes, travel trailer, vans or other facilities, including storage and sales areas when in conjunction with construction work.

(b) The administrative use permit for temporary buildings, trailers, mobile homes, etc., shall be subject to the following:

1. Approval shall be limited to the period of construction not to exceed two (2) years, except the Zoning Administrator may extend such use permit for like periods upon written request and submission of evidence a need exists. Upon completion of construction of a maximum of four (4) years, whichever is first, such facility and/or yard shall be removed within ten (10) days.

2. When used in conjunction with construction, all storage areas and/or buildings shall be located on the construction-site. Storage areas shall be enclosed by a fence. Effective screening shall be required when necessary to protect any existing residential area.

3. When in conjunction with expansion of nonresidential buildings, all site plan requirements shall apply unless specifically waived by the Zoning Administrator as being unreasonable in that specific situation.

(Ord. No. 1192, 5-9-83; Ord. No. 3063, § 3, 11-18-99)

ARTICLE IV. - AG-1—AGRICULTURAL DISTRICT

35-400. - Purpose.

The purpose of this district is to provide for agricultural areas within the City and to protect and conserve these areas within and adjacent to urban development. The regulations of this district are designed to protect, stabilize and enhance the development of agricultural resources and to prohibit those activities which would adversely affect the urban-rural characteristics of this district.

(Ord. No. 3063, § 3, 11-18-99)

35-401. - Uses permitted.

[The following are uses permitted in this district:]

- (1) Single-family dwellings.
- (2) Field crops such as cotton, grain, vegetables, fruit trees, flowers.
- (3) Raising and marketing of poultry, rabbits and other small animals. No slaughtering of animals for commercial purposes.
- (4) The grazing and raising of livestock provided that not more than one (1) hog, weighing more than fifty (50) pounds, may be kept per thirty-five thousand (35,000) square feet of lot area. No more than two (2) horses may be kept per thirty-five thousand (35,000) square feet of lot area, and a total of five (5) shall be the maximum number of livestock permitted per thirty-five thousand (35,000) square feet of lot area.
- (5) Farm roadside stand.
- (6) Riding stables (minimum area, ten (10) acres).
- (7) Home occupations as defined in Article II.
- (8) Fences, walls, landscape screens not exceeding seven (7) feet in height adjacent to rear and side property lines and not to exceed three (3) feet in height adjacent to front yard.
- (9) Swimming pools, private, in accordance with Article XXII, section 2204 [2205] of this Code.
- (10) One (1) accessory building as defined by Article II.
- (11) Signs are permitted in accordance with the Chandler Sign Code [Chapter 24].
- (12) Storage shed as defined by Article II.

(Ord. No. 3063, § 3, 11-18-99)

35-402. - Uses permitted by use permit.

(1) Any other use determined by the Council to be compatible with other uses in the area and consistent with the general plan [are permitted by use permit].

(Ord. No. 1251, § 1, 10-10-83; Ord. No. 3063, § 3, 11-18-99)

35-403. - 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 requirements shall be determined by the right-of-way width of the street the lot fronts. The following schedule indicates front yard requirements:

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

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

(3) *Side yard:*

(a) *Interior lots:* Each side yard shall not be less than thirty (30) feet.

(b) *Corner lots:* For street side, the minimum side yard shall be one-half ( $\frac{1}{2}$ ) as required for a front yard for the abutting street but in no case less than thirty (30) feet. Interior side yards shall be a minimum of thirty (30) feet.

(4) *Rear yard:* No rear yard shall be less than forty (40) feet.

(5) *Intensity of lot use:* For residential purposes, dwelling units shall not exceed one (1) unit per net acre (forty-three thousand (43,000) square feet). In no event shall all buildings cover more than forty (40) percent of the net lot area.

(Ord. No. 3063, § 3, 11-18-99)

35-404. - 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 V. - SF-33—SINGLE-FAMILY DISTRICT

35-500. - Purpose.

This district is intended to promote and preserve residential development associated with large- to single-family residences. Such large lots are required to maintain a low density of dwelling units. The principal land use permitted is single-family residences and uses incidental or accessory thereto. By use permit, other uses are permitted such as recreational, religious, and educational facilities.

(Ord. No. 3063, § 3, 11-18-99)

35-501. - Uses permitted.

[The following uses are permitted in this district:]

- (1) Single-family dwellings.
- (2) One (1) accessory building as defined by Article II.
- (3) Home occupations as defined by Article II.
- (4) Storage shed as defined by Article II.
- (5) Signs in accordance with the Chandler Sign Code [Chapter 24].
- (6) Fences, walls, landscape screens not exceeding seven (7) feet in height adjacent to rear and side property lines and not to exceed three (3) feet in height adjacent to front yard.
- (7) Swimming pools, private, in accordance with Article XXII, section 2204 [2205] of this Code.
- (8) Agrarian subdivisions, subject to:
  - (a) Livestock raising and grazing, excluding hogs, pigs, burros, donkeys or roosters, is permitted for a maximum of one (1) animal per ten thousand (10,000) square feet of lot area.
  - (b) Excluding household pets, the raising of poultry, rabbits and other small domesticated animals provided they are contained within a fence or cage.
  - (c) All animals must be contained in a stock-tight fence and/or corral. Such fence or corral shall not be permitted closer than one hundred (100) feet to the front property line. For corner lots, no such fence or corral shall be located closer to the side right-of-way line than the principal building.
  - (d) Field crops, including vegetables and fruit trees.
  - (e) Accessory buildings used specifically for animals and fowl authorized under paragraphs a. and b. above, provided they are located within the area fenced for animals and maintain the same front, side and rear yard requirements as provided for the principal building.

(Ord. No. 955, § 1, 5-28-81; Ord. No. 3063, § 3, 11-18-99)

35-502. - Uses permitted by use permit.

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

- (1) Churches, schools, public buildings and uses, golf courses.
- (2) Airport, airstrips, heliport pads.

(3) Golf driving range.

(4) Any other uses the City Council determines are compatible may be permitted in the best interests of the community.

(5) Trailers.

(Ord. No. 1042, § 1, 3-11-82; Ord. No. 3063, § 3, 11-18-99)

35-503. - Height and area regulations.

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

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

(3) *Side yard:*

(a) *Interior lots:* For residential purposes, no side yard shall be less than fifteen (15) feet. For nonresidential uses, no side yard shall be less than twenty-five (25) feet.

(b) *Corner lots:* For residential purposes, the street side minimum side yard shall be one-half (½) as required for a front yard for the abutting street, but in no case less than fifteen (15) feet. The interior side yard shall be a minimum of fifteen (15) feet. For nonresidential uses, no side yard shall be less than twenty-five (25) feet.

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

(5) *Intensity of lot use:* Minimum area per lot shall be thirty-three thousand (33,000) square feet and minimum lot width shall be one hundred fifteen (115) feet. Gross building(s) area shall not exceed forty (40) percent of the lot area.

(Ord. No. 3063, § 3, 11-18-99)

35-504. - 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 VI. - SF-18—SINGLE-FAMILY DISTRICT

35-600. - Purpose.

This district is intended to promote and preserve residential developments associated with a landscape more urban in appearance than the SF-33 District and permits a higher density of dwelling units. Uses permitted are largely single-family dwellings. This district does not permit the raising or keeping of livestock, excluding household pets. By use permit, other uses may be permitted, such as recreational, religious, and education facilities as a basic element for a balanced neighborhood.

(Ord. No. 3063, § 3, 11-18-99)

35-601. - Uses permitted.

[The following uses are permitted in this district:]

- (1) Single-family dwellings.
- (2) One (1) accessory building as defined by Article II.
- (3) Home occupations as defined by Article II.
- (4) Storage shed as defined by Article II.
- (5) Signs in accordance with Chandler Sign Code [Chapter 24].
- (6) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to rear and side yard lines and not to exceed three (3) feet in height adjacent or contiguous to the front yard lines.
- (7) Swimming pool, private, in accordance with Article XXII, section 2204 [2205] of this Code.

(Ord. No. 3063, § 3, 11-18-99)

35-602. - Uses permitted by use permit.

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

Same as SF-33 District.

(Ord. No. 3063, § 3, 11-18-99)

35-603. - Height and area regulations.

- (1) *Height regulations:* Same as AG-1 District.
- (2) *Front yard:* Same as AG-1 District.
- (3) *Side yard:*
  - (a) *Interior lots:* For residential purposes, no side yard shall be less than ten (10) feet. The total of both side yards shall not be less than twenty-five (25) feet. For nonresidential uses, 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 ( $\frac{1}{2}$ ) as required for a front yard for the abutting street. The interior side yard shall be a minimum of ten (10) feet.

The total of both side yards shall not be less than twenty-five (25) feet. For nonresidential uses, no side yard shall be less than twenty-five (25) feet.
- (4) *Rear yard:* No rear yard shall be less than twenty (20) feet.
- (5) *Intensity of lot use:* Minimum area per lot shall be eighteen thousand (18,000) square feet, and minimum lot width shall be one hundred fifteen (115) feet. Gross building(s) area shall not exceed forty (40) percent of the lot area.

(Ord. No. 3063, § 3, 11-18-99)

35-604. - 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 VI.1. - SF-10—SINGLE-FAMILY DISTRICT

35-600.1. - Purpose.

This district is intended to promote and preserve residential developments associated with a landscape more urban in appearance than the SF-18 District and permit a higher density of dwelling units. Uses permitted are largely individual single-family dwellings. By use permit, other uses may be permitted, such as recreational, religious and educational facilities as a basic element for a balanced neighborhood.

(Ord. No. 3063, § 3, 11-18-99)

35-601.1. - Uses permitted.

[The following uses are permitted in this district:]

- (1) Single-family dwellings.
- (2) One (1) accessory building as defined by Article II.
- (3) Home occupations as defined by Article II.
- (4) Storage shed as defined by Article II.
- (5) Signs in accordance with the Chandler Sign Code [Chapter 24].
- (6) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to rear and side yard lines and not to exceed three (3) feet in height adjacent or contiguous to the front yard lines.
- (7) Swimming pool, private, in accordance with Article XXII, section 2204 [2205] of this Code.

(Ord. No. 3063, § 3, 11-18-99)

35-602.1. - Uses permitted by use permit.

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

Same as SF-33 District.

(Ord. No. 3063, § 3, 11-18-99)

35-603.1. - Height and area regulations.

- (1) *Height regulations:* Same as AG-1 District.
- (2) *Front yard:* Same as AG-1 District.

(3) *Side yard:*

(a) 1. *Interior lots (having alley access):* For dwellings, no side yard shall be less than five (5) feet, and the total of both side yards shall not be less than fifteen (15) feet. For other principal buildings, no side yard shall be less than twenty-five (25) feet.

2. *Interior lots (without alley access):* For dwellings, no side yard shall be less than five (5) feet. One (1) side yard shall not be less than ten (10) feet, and said ten (10) feet shall be clear from any projections from the dwelling or other appurtenances attached thereto. The total of both side yards shall not be less than fifteen (15) feet. For other principal buildings, 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 ( $\frac{1}{2}$ ) 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.

(4) *Rear yard:* No rear yard shall be less than fifteen (15) feet.

(5) *Intensity of lot use:* Minimum area per lot shall be ten thousand (10,000) square feet, and minimum lot width shall be ninety (90) feet. Gross building(s) area shall not exceed forty (40) percent of the lot area.

(Ord. No. 3063, § 3, 11-18-99)

35-604.1. - 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 VII. - SF-8.5—SINGLE-FAMILY DISTRICT

35-700. - Purpose.

This district is intended to promote and preserve urban single-family residential developments as provided for in the Chandler General Plan. The principal land use is single-family dwellings with customary accessory buildings and uses. By use permit, certain compatible nonresidential uses may be permitted.

(Ord. No. 2551, § 3, 4-27-95; Ord. No. 3063, § 3, 11-18-99)

35-701. - Uses permitted.

The following uses are permitted in this district:

Same as SF-10 District.

(Ord. No. 2551, § 3, 4-27-95; Ord. No. 3063, § 3, 11-18-99)

35-702. - Uses permitted by use permit.

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

Same as SF-33 District.

(Ord. No. 2551, § 3, 4-27-95; Ord. No. 3063, § 3, 11-18-99)

35-703. - Height and area regulations.

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

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

(3) *Side yards*:

(a) 1. *Interior lots (having alley access)*: For dwellings, no side yard shall be less than five (5) feet, and the total of both side yards shall not be less than fifteen (15) feet. For other principal buildings, no side yard shall be less than twenty-five (25) feet.

2. *Interior lots (without alley access)*: For dwellings, no side yard shall be less than five (5) feet. One (1) side yard shall not be less than ten (10) feet, and said ten (10) feet shall be clear from any projections from the dwelling or other appurtenances attached thereto. The total of both side yards shall not be less than fifteen (15) feet. For other principal buildings, 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.

(4) *Rear yard*: No rear yard shall be less than ten (10) feet.

(5) *Intensity of lot use*: Minimum area per lot shall be eight thousand five hundred (8,500) square feet, and minimum lot width shall be seventy (70) feet. Gross building(s) area shall not exceed forty (40) percent of the lot area.

(6) *Existing lots of record*: Any lot previously zoned SF-7 and subsequently redesignated to the SF-8.5 District, shall still be considered conforming with respect to minimum lot size, provided however, that it was a designated lot identified within an existing subdivision plat recorded with Maricopa County at the time of redesignation from the SF-7 District to the SF-8.5 District. Hence any uses, expansions, or other modifications that would have been permitted under the SF-7 District shall also be permitted under the SF-8.5 District, subject to conformance with the other applicable development standards set forth in this article.

(Ord. No. 2551, § 3, 4-27-95; Ord. No. 3063, § 3, 11-18-99)

35-704. - Parking regulations.

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

(Ord. No. 2551, § 3, 4-27-95; Ord. No. 3063, § 3, 11-18-99)

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.

[The following uses are permitted in this district:]

- (1) Two-family dwellings.
- (2) Multi-family dwellings (subject to site development plan).
- (3) Home occupations as defined in Article II.
- (4) Signs in accordance with the Chandler Sign Code [Chapter 24].
- (5) Storage shed as defined by Article II.
- (6) One (1) accessory building as defined by Article II.
- (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 pool, private, in accordance with Article XXII [section 2205] of this Code.

(Ord. No. 3063, § 3, 11-18-99)

35-802. - Uses permitted by use permit.

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

- (1) Single-family dwellings.
- (2) Condominiums, new and conversions.
- (3) Townhouses.
- (4) Churches, schools, public buildings and facilities.
- (5) Elderly care housing.
- (6) 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)

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 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 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 as defined by Article II.
- (3) Signs in accordance with the Chandler Sign Code [Chapter 24].
- (4) Storage shed as defined by Article II.
- (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 side or rear yard lines and not exceeding three (3) feet in height where adjacent or contiguous to front yard lines.
- (6) Swimming pool, private, in accordance with Article XXII [section 2205] of this Code.
- (7) One (1) accessory building as defined by Article II.
- (8) Churches, schools, public buildings and facilities.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3320, § 1, 12-10-01)

35-902. - Uses permitted by use permit.

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

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Condominiums, new and conversions.
- (4) Townhouses.
- (5) Elevator multiple-family structures, including accessory business uses which are primarily for the convenience of the tenants.
- (6) Offices and office buildings.
- (7) Elderly care housing.
- (8) 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)

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 as defined by Article II. (6) Signs in accordance with the Chandler Sign Code [Chapter 24].

(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 pool, private, in accordance with Article XXII [section 2205] of this Code.

(9) Accessory building as defined by Article II.

(Ord. No. 3063, § 3, 11-18-99)

35-1002. - Uses permitted by use permit.

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

(1) Single-family dwellings.

(2) Two-family dwellings.

(3) Condominiums, new and conversions.

(4) Townhouses.

(5) Elderly care housing.

(6) 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)

35-1003. - Height and area regulations.

(1) *Height regulations:* Same as MF-1 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)

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)

ARTICLE XI. - MH-1—MOBILE HOME DISTRICT

35-1100. - Purpose.

This district is intended to promote and preserve mobile home subdivision and park developments which are compatible with all surrounding areas. These developments shall provide adequate recreational, storage and services facilities within the development.

(Ord. No. 3063, § 3, 11-18-99)

35-1101. - Uses permitted.

All uses are subject to either an approved subdivision plat in accordance with the Subdivision Code [appendix B] or site development plan in accordance with Article XIX of this Code.

- (1) Mobile home subdivision.
- (2) Mobile home park.
- (3) Home occupations as defined by Article II.
- (4) Signs in accordance with the Chandler Sign Code [Chapter 24].
- (5) Fences, walls, landscape screens not to exceed seven (7) feet in height when adjacent or contiguous to side and rear yard lines and not to exceed three (3) feet in height when adjacent or contiguous to front yard lines.
- (6) Swimming pool, private, in accordance with Article XXII [section 2205] of this Code.
- (7) One (1) accessory building as defined by Article II.
- (8) Storage shed as defined by Article II.

(Ord. No. 3063, § 3, 11-18-99)

35-1102. - Uses permitted by use permit.

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

- (1) Churches, schools, public buildings and facilities, etc.
- (2) Any other use determined by the City Council to be compatible and in the best interests of the community.

(Ord. No. 3063, § 3, 11-18-99)

35-1103. - Height and area regulations.

- (1) *Height regulations:* For mobile homes, no unit shall exceed fifteen (15) feet in height. For other principal buildings, same as MF-1 District.
- (2) *Front yard:* For subdivisions, same as MF-1 District. For mobile home park, no mobile home shall be located closer than twenty (20) feet to a drive or parking court.
- (3) *Side yard:* For subdivisions and other principal buildings, same as MF-1 District.
- (4) *Rear yard:* For mobile homes, ten (10) feet. All other principal buildings shall have a minimum thirty-foot rear yard.

(5) *Intensity of lot use:*

(a) For subdivisions, the property shall not be platted or developed in such a manner that would permit more than eight (8) units per net acre. Average net lot area shall contain five thousand four hundred forty-five (5,445) square feet. Building(s) shall not occupy more than forty (40) percent of the net lot area.

(b) For mobile home parks, the property shall not be developed in such a manner that would permit more than twelve (12) units per net acre. Average space size, three thousand six hundred thirty (3,630) square feet. Building(s) shall not occupy more than forty (40) percent of the net lot area.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 4567, § III, 10-20-14)

35-1104. - Other requirements for mobile home subdivisions.

- (1) No mobile home subdivision shall contain less than ten (10) gross acres.
- (2) Approval of all subdivisions shall be subject to the provisions of the Subdivision Code [Appendix B].
- (3) No mobile home containing less than four hundred (400) square feet shall be used as a dwelling.
- (4) All mobile homes shall be mounted and anchored to a continuous masonry foundation in accordance with approved standards.
- (5) A six-foot masonry wall shall be constructed around the perimeter of the subdivision excluding approved driveways and other openings.

(Ord. No. 3063, § 3, 11-18-99)

35-1105. - Other requirements for mobile home parks.

- (1) All mobile homes shall be skirted in a uniform manner if located within a park for thirty (30) days or more.
- (2) A masonry wall six (6) feet in height shall be constructed around the perimeter of the mobile home park, excluding approved driveway openings.
- (3) No mobile home space shall be located within fifty (50) feet to [of] a property line. Such area shall be maintained as a landscaped buffer area which can be used for recreation, water retention, etc.
- (4) Minimum area for a mobile home park shall be ten (10) gross acres.
- (5) All interior drives shall be improved to a minimum of twenty-four (24) feet.
- (6) An area of four hundred (400) square feet for each rental space shall be provided and improved for recreation, laundry and service purposes.
- (7) No boat, camper, travel trailer, etc., shall be permitted to be stored on rental space. Such a storage area shall be provided by the park at a ratio of fifty (50) square feet for each rental space.
- (8) No mobile home shall be located closer than ten (10) feet to another or closer than twenty-five (25) feet to a building, storage or service area.

(Ord. No. 3063, § 3, 11-18-99)

35-1106. - 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 XII. - C-1—NEIGHBORHOOD COMMERCIAL DISTRICT

35-1200. - Purpose.

The uses permitted in this district are intended primarily to serve the needs of the surrounding residential neighborhood by providing goods and services that are day-to-day needs generally classed by merchants as "convenience goods and services." Businesses which tend to be a nuisance to the immediately surrounding residential area are excluded even though the goods and services offered might be in the convenience classification.

(Ord. No. 3063, § 3, 11-18-99)

35-1201. - Uses permitted.

All uses are subject to approval of a site development plan in accordance with Article XIX of this Code. Any use or a similar use indicated by an "X" under the C-1 District on the "Table of Permitted Uses for Commercial and Industrial Areas [Nonresidential District," Article XXI] shall be permitted.

(Ord. No. 3063, § 3, 11-18-99)

35-1202. - Uses permitted by use permit.

Any use or similar use indicated by "UP" under this district's column on the "Table of Permitted Uses for Nonresidential Districts" [Article XXI] or any other use the City Council determines is compatible and in the best interest of the community may be permitted by a use permit.

(Ord. No. 3063, § 3, 11-18-99)

35-1203. - Height and area regulations.

(1) *Height Regulations:* No building shall exceed thirty (30) feet in height or twenty (20) feet adjacent to residential uses. At the thirty-foot building setback line, a building may exceed such height provided that at no point it projects above a line sloping inward and upward at a forty-five-degree angle at the required height and setback line to a maximum height of forty-five (45) feet.

(2) *Front Yard:* Buildings shall be set back at least fifty (50) feet from the right-of-way line along arterial streets and at least thirty (30) feet from the right-of-way line along all other streets. In the proximity of street intersections, see section 1902(4).

(3) *Side Yard:* A minimum side yard of twelve (12) feet shall be required on one (1) side of any lot or parcel not having rear or alley access. On multi-building projects with on-site drives suitable for fire lanes, the required side yard setbacks may be waived upon approval of the site development plan by the Planning Director and the Fire Chief. In all instances, a minimum twenty-foot side yard setback shall be required for commercial development when abutting residentially zoned property.

(4) *Rear Yard*: None required where solid masonry building wall and/or six-foot masonry wall is constructed along rear property line and provided also no access or servicing is permitted to rear of property. Twenty-five-foot setback is required in all other instances.

(5) *Intensity of lot use*: No building(s) shall occupy more than fifty-five (55) percent of the lot area.

(Ord. No. 1518, § I, 8-1-85; Ord. No. 1421, 1-10-85; Ord. No. 3063, § 3, 11-18-99)

35-1204. - 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 XIII. - C-2—COMMUNITY COMMERCIAL DISTRICT

35-1300. - Purpose.

This district is intended to serve several functions by providing central concentrations of uses offering goods and/or services for larger areas of Chandler. Establishments in this district offer comparison shopper goods, convenience goods and services, specialty items, amusements and numerous other services catering to less than a City-wide market. This district will also provide locations for small businesses serving a City-wide market which cannot locate in the Central Business District. The predominant uses of this district are retail trade and service.

(Ord. No. 3063, § 3, 11-18-99)

35-1301. - Uses permitted.

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

Any use or a similar use indicated by an "X" under the C-2 District on the "Table of Permitted Uses for Commercial and Industrial Areas [Nonresidential Districts," Article XXI] shall be permitted.

(Ord. No. 3063, § 3, 11-18-99)

35-1302. - Uses permitted by use permit.

Any use or similar use indicated by "UP" under this district's column on the "Table of Permitted Uses for Nonresidential Districts" [Article XXI] or any other use the City Council determines is compatible and in the best interest of the community may be permitted by a use permit.

(Ord. No. 3063, § 3, 11-18-99)

35-1303. - Height and area regulations.

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

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

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

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

(5) *Intensity of lot use*: No building shall occupy more than fifty-five (55) percent of the lot area.

(Ord. No. 3063, § 3, 11-18-99)

35-1304. - 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 XIV. - C-3—REGIONAL COMMERCIAL DISTRICT

35-1400. - Purpose.

This district is intended to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments or servicing a regional segment of population. Principal activities located in this district are retail and wholesale sales, servicing and repairing of equipment, light warehousing, transportation facilities, distribution and some incidental processing. Such uses are generally located in such an area that they can support the Central Business District and at the same time concentrate their heavy traffic demand on major arteries, railroads and air facilities.

(Ord. No. 3063, § 3, 11-18-99)

35-1401. - Uses permitted.

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

Any use or a similar use indicated by an "X" under the C-3 District on the "Table of Permitted Uses for Nonresidential Districts," [Article XXI] shall be permitted.

(Ord. No. 3063, § 3, 11-18-99)

35-1402. - Uses permitted by use permit.

Any use or similar use indicated by "UP" under this district's column on the "Table of Permitted Uses for Nonresidential Districts" [Article XXI] or any other use the City Council determines is compatible and in the best interest of the community may be permitted by a use permit.

(Ord. No. 3063, § 3, 11-18-99)

35-1403. - Height and area regulations.

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

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

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

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

(5) *Intensity of lot use:* Same as C-2 District.

(Ord. No. 3063, § 3, 11-18-99)

35-1404. - 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 XV. - I-1—PLANNED INDUSTRIAL DISTRICT

35-1500. - Purpose.

This district is intended to accommodate those light industrial uses which are not offensive to nearby agricultural, residential, commercial or other uses and for business uses which generally support and are integrated with these industrial uses. Residential uses shall not be permitted in this district.

(Ord. No. 3063, § 3, 11-18-99)

35-1501. - Uses permitted.

All uses are subject to approval of a site development plan in accordance with the provisions of this chapter. Any use or a similar use indicated by an "X" under the I-1 District on the "Table of Permitted Uses for Nonresidential Districts," shall be permitted.

(Ord. No. 3063, § 3, 11-18-99)

35-1502. - Uses permitted by use permit.

Any use or similar use indicated by "UP" under this district's column on the "Table of Permitted Uses for Nonresidential Districts" [Article XXI] or any other use the City Council determines is compatible and in the best interest of the community may be permitted by a use permit.

(Ord. No. 3063, § 3, 11-18-99)

35-1503. - Height and area regulations.

(1) *Height regulations:* No building shall exceed thirty (30) feet in height at a thirty-foot front building setback line, except a building may exceed such height provided that at no point it projects above a line sloping inward and upward at a forty-five-degree angle at the required height and setback line.

(2) *Front yard:* Buildings shall be set back at least fifty (50) feet from the right-of-way line along arterial streets and at least thirty (30) feet from the right-of-way line along all other streets. In the proximity of street intersections, see section 1902(4).

(3) *Side yard:* A minimum side yard of twelve (12) feet shall be required on one (1) side of any lot or parcel not having rear or alley access. On multi-building projects with on-site drives suitable for fire lanes, the required side yard setbacks may be waived upon approval of the site development plan by the Planning Director and the Fire Chief. In all instances, a minimum fifty-foot side yard setback shall be required for industrial development when abutting residentially zoned property.

(4) *Rear yard*: Fifty (50) feet when abutting or adjacent to residential zoned property. No rear yard is required when a minimum six-foot solid masonry wall and/or building wall is constructed along the rear property line and provided also no access or servicing is permitted to the rear of the property. A rear yard of twenty-five (25) feet is required in all other instances.

(5) *Intensity of lot use*: No building(s) shall occupy more than fifty-five (55) percent of the lot area.

(Ord. No. 1518, § II, 8-1-85; Ord. No. 3063, § 3, 11-18-99)

35-1504. - 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 XVI. - I-2—GENERAL INDUSTRIAL DISTRICT

35-1600. - Purpose.

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

(Ord. No. 3063, § 3, 11-18-99)

35-1601. - Uses permitted.

This district is primarily intended to accommodate industries involving manufacturing, assembling, warehousing, etc., of medium intensity and including supporting commercial uses. Residential uses shall be by use permit when determined essential to the primary use of the property.

Any use or similar use indicated by an "X" under the I-2 District on the "Table of Permitted Uses for Nonresidential Districts" [Article XXI] shall be permitted.

(Ord. No. 3063, § 3, 11-18-99)

35-1602. - Uses permitted by use permit.

Any use or similar use indicated by "UP" under this district's column on the "Table of Permitted Uses for Nonresidential Districts" [Article XXI] or any other use the City Council determines is compatible and in the best interest of the community may be permitted by a use permit.

(Ord. No. 3063, § 3, 11-18-99)

35-1603. - Height and area regulations.

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

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

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

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

(5) *Intensity of lot use*: Same as I-1 District.

(Ord. No. 3063, § 3, 11-18-99)

35-1604. - 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 XVII. - PLANNED AREA DEVELOPMENTS

35-1700. - Purpose.

The Planned Area Development (PAD) zoning designation is intended to accommodate, encourage and promote innovatively 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 dissimilar 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.

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

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 1706 shall be filed as part of the application and approved prior to and in conjunction with Planning Commission and City Council 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 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 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.

(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 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 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 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) The Planning and Zoning Commission shall review the Preliminary Development Plan, together with a written report and recommendations from the Zoning Administrator or designee. Commission recommendation shall be transmitted to the City Council for review.

(4) The City Council shall review the Preliminary Development Plan, together with Commission and staff reports. The City Council may approve the PAD 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)

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 final 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)

35-1708. - Extension of premises to serve or consume liquor within a public right-of-way (Planned Area Development zoning district).

Any extension of premises to serve or consume liquor outdoors within an adjoining public right-of-way shall require approval of a use permit by the City Council as provided for in Section 35-305(1). The use permit required for this purpose shall be known herein as an "extension of premises permit" and shall be subject to the following requirements:

A. Such requests shall be consistent with the Chandler General Plan and located within the boundaries of a specific area plan adopted by the City Council that expressly encourages outdoor dining within the public sidewalk to create or maintain pedestrian activity and aid in the revitalization of the area.

B. The use allowed under an extension of premises permit shall be an accessory use to the building or suite in which food or spirituous beverages are lawfully sold or served, and all services to the designated sidewalk area identified in the extension of premises permit shall originate from such building or suite. If such sidewalk area is detached from said building or suite, then the sidewalk area shall be located directly in front of the said building or suite frontage unless otherwise approved by City Council, and in no event shall the sidewalk area be separated by more than thirty (30) feet from the building or suite.

C. No portion of a public right-of-way devoted to use as a parking lane or parking space(s), loading zone, bus stop, or moving lane of traffic, shall be considered eligible for such consideration.

D. The area of the sidewalk within the public right-of-way in which spirituous beverages are to be served shall be enclosed on all sides by a barrier measuring at least thirty-two (32) inches in height from sidewalk grade, that cannot be removed, relocated, or otherwise altered by a patron or passerby. The quality and design of the barrier's materials shall be commensurate to that of the building from which the services to the extension of premises originate.

E. A minimum eight (8) foot clearance shall be maintained within an arterial street right-of-way between the enclosure required in subsection 35-1708.D. herein, and the inside face of any column, street light, street sign, traffic signal pole, curb line, utility equipment box, or other street fixture, to allow unobstructed pedestrian use of the remaining public sidewalk. Said clearance may be reduced within an arterial street right-of-way to a minimum of six (6) feet by City Council only upon finding that such reduction is necessary to accommodate a special circumstance that is not self-imposed by the applicant and the length of such reduction along the building frontage constitutes a minimal portion of the building frontage or is not extended more than necessary to address said special circumstance. A minimum six (6) foot clearance shall be maintained within all other rights-of-way. In cases where a right-of-way is being reconstructed or otherwise modified by City approval, said minimum clearance may be reduced to as little as five (5) feet. Compliance with the applicable provisions of the Americans with Disabilities Act (ADA) shall be maintained at all times within the adjoining public right-of-way outside of the enclosure.

F. Except for signs hanging from or otherwise attached to a colonnade, canopy, awning, or the exterior wall off the building, no signage is allowed in the public right-of-way, including those portions of the right-of-way affected by an extension of premises use permit.

G. Site plan details including but not necessarily limited to such items as vehicular parking; signage; colors and materials of all elements to be placed in the right-of-way; the location, style, and

construction method for the enclosure required in Subsection 35-1708.D. above; and any requirements as may be necessary to insure compatibility with adjoining buildings and uses, whether public or private, shall be addressed as part of the use permit approval process in accordance with the requirements set forth in Section 35-305(1) of the City Code. Issues pertaining to light, noise, music, live entertainment, amusement devices, hours of operation, and any other characteristics related to the particular application being considered shall be addressed as part of the use permit process and stipulated as necessary.

H. The operator for which an extension of premises permit is granted shall be responsible for maintaining the enclosure barrier required in Subsection 35-1708.D. and the affected area of the sidewalk right-of-way, both within and immediately outside the enclosure, in a clean and orderly manner, free of any and all litter and stains as may otherwise be generated from the serving area.

I. After receiving use permit approval by the Mayor and Council to allow an extension of liquor premises into the right-of-way, the operator shall then be required to obtain an encroachment permit in accordance with the requirements of Chapter 46 of the City Code. The method of constructing the enclosure as required in Subsection 35-1708.D. above, the method of affixing the enclosure to the ground, and the means of restoring the affected right-of-way to its previous condition at such time as the extension of premises ceases operation, shall also be subject to review and approval in obtaining the encroachment permit.

J. The sidewalk area designated in an extension of premises permit shall not be separated or detached from its associated building or suite by any part of a public right-of-way devoted to use as an alley, parking lane or parking space, loading zone, bus stop, or moving lane of traffic.

(Ord. No. 4206, § 6-10-10; Ord. No. 4280, § 1, 2-24-11)

#### ARTICLE XVIII. - PARKING AND LOADING REGULATIONS<sup>[2]</sup>

Footnotes:

--- (2) ---

**Editor's note**— 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**— Parking generally, § 16-10 et seq.

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,

(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.

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

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.

(3) Minimum parking lot aisle widths:

Parking Angle	30°	40°	60°	90 °
Aisle Width	13'	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 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) leading to required off-street parking.

(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.

(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)

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 and two-family residences fronting on a local street or a primary or secondary 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 1903 for details.

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

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
Two-family	** 2 spaces/unit
Townhouse, patio home	** 2 spaces/unit

Multi-family: Efficiency or studio One-bedroom Two-bedroom Each additional bedroom	*** 1 space/unit *** 1.5 spaces/unit *** 2 spaces/unit *** 0.25 spaces
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 1802(1) shall be covered.)

(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	One (1) space/four (4) seats
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
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)
(Ord. No. 1421, II, 1-10-85)	

(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

(5) *City Center District*: All required off-street parking within the City Center District shall be in accordance with Section 35-3204(F).

(6) *Parking Districts*: Any use which participates in a parking district shall be subject to the requirements of said parking district.

(7) *Unlisted uses*: In cases of unlisted uses or unusual circumstances, the Zoning Administrator may determine specific parking requirements based on the unique needs of the individual case, the requirements for the most comparable use, and any other relevant data regarding parking demand. In order to make this determination, the Zoning Administrator may require the applicant to submit a parking demand study pursuant to Section 35-1807(3) Parking Demand Studies.

(8) *Maximum Parking Spaces*: The number of parking spaces provided by any development shall not exceed one hundred twenty-five (125) percent of the minimum required spaces in the parking schedule, except as follows:

(a) Parking within the building footprint of a structure (e.g. rooftop parking, below grade parking, multi-level parking structure);

(b) When a change in use to an existing development causes a lower parking requirement;

(c) Parking spaces managed for shared parking;

(d) Phased projects do not need to comply with the maximum space requirement until the final phase is constructed;

(e) A site specific parking demand study justifies the need to exceed the maximum parking and a minimum fifty (50) percent of the site's parking area (including parking spaces, driveways, and sidewalks) is provided with one (1) or any combination of the following options to help mitigate the heat island effect:

1. Paving materials shall have a minimum solar reflectance index as required by the latest amended edition of the "International Green Construction Code" approved by the International Code Council;

2. Shade is provided by architectural devices or structures that have a minimum Solar Reflectance Index as required by the latest amended edition of the "International Green Construction Code", except for solar photovoltaic systems which shall not be required to comply with said minimum Solar Reflectance Index;

3. Shade is provided by open trellis-type structures that are designed to be covered with plant material and achieve mature coverage within five (5) years from the date of occupancy;

4. Shade is provided by trees. Hardscape areas located directly beneath trees shall be measured based on anticipated five-year canopy growth beginning from the date of occupancy. Duplicate shading credit shall not be granted for those areas where multiple trees shade the same hardscape;

5. Open-grid pavers and/or other permeable paving materials approved by the City Engineer that are less than fifty (50) percent impervious are utilized.

(Ord. No. 1291, § I, 1-9-84; 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)

35-1805. - Temporary parking lots.

(1) A site development plan shall be submitted to and approved by the Transportation and Development Department for any lot prior to the lot being used for parking purposes. Said site plan shall include the following:

- (a) Boundary of property.
- (b) Width of existing right-of-way, existing improvements and name of all adjoining streets and/or alleys.
- (c) Current zoning of adjacent properties.
- (d) Proposed parking layout (minimum space size nine (9) feet by nineteen (19) feet). No space shall be located closer than six (6) feet to the right-of-way line. Said six (6) feet will be maintained as landscape-water retention area.
- (e) Driveways minimum twenty (20) feet for one-way traffic and forty (40) feet for two-way traffic.
- (f) Screening when located adjacent to or adjoining any residential zoning district.
- (g) Directional arrows indicating proposed surface drainage pattern.
- (h) Typical cross-section indicating proper subgrading, four (4) inches of A.B.C. or other suitable material and type of dust palliative approved by the City.
- (i) All construction to be in accordance with City of Chandler's specifications.

(2) All temporary parking lots shall be properly maintained in accordance with the approved plan.

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

35-1806. - Fire lanes.

- (a) All drives, lanes and access ways designated as fire lanes shall be constructed and marked in accordance with City of Chandler specifications to a minimum unobstructed width of twenty (20) feet.
- (b) Nothing in this Article shall be construed as diminishing construction requirements, placement, access to or marking of designated fire lanes.

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

35-1807. - Parking reductions.

(1) *Purpose:* The intent of the parking reduction provisions included in this section is to provide flexibility in responding to land uses with atypical parking needs and to encourage mixed use developments, infill development, redevelopment, and adaptive reuse of existing buildings by allowing parking reductions and more efficient use of parking.

(2) *Shared Parking:*

- (a) *Applicability.* Shared parking may be applied to mixed use developments or two (2) or more nonresidential uses in which the uses operate at different peak times from one another.
- (b) *Procedure.*

1. A shared parking report shall be submitted that demonstrates compliance with criteria set forth in subsection (c), Approval Criteria, below.

2. Shared parking reports shall be reviewed by and are subject to approval of the Zoning Administrator.

3. The property owners involved in an approved shared parking request shall submit a written 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. Such written agreement shall be recorded by the property owners 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.

4. For mixed use developments, the owner or manager of the property approved for shared parking shall maintain an accurate up-to-date record of the uses, both occupied and vacant, according to the type of use. The Zoning Administrator may require this record be provided when the owner applies for a new land use or development approval for the subject property.

(c) *Approval Criteria.* Shared parking approval shall be subject to compliance with the following criteria:

1. The Shared Parking Calculations Table set forth in subsection (d) of this section shall be used to calculate the required number of parking spaces for a particular mix of uses. The Zoning Administrator may require the applicant to submit sufficient data to demonstrate compliance with the general land use classifications and/or the time of use distribution indicated in the Shared Parking Calculations Table. If one (1) or more of the land uses proposing to utilize shared parking spaces do not conform to one (1) of the general land use classifications and/or the time of use distribution in the Shared Parking Calculations Table, the applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses and that the various uses sharing parking have peak parking demands at different periods of the day or week. The Zoning Administrator may require said data to include information from a professional publication such as those published by the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI), or by a professionally prepared parking study.

2. The combined shared parking requirement shall not exceed the available parking supply.

3. A parking plan graphically describing the location and size of all parking stalls, driveways, walkways, landscaped areas, building footprints, retention basins, lighting, and all other improvements shall be submitted for review and approval. Said parking plan shall demonstrate reasonable pedestrian access from off-site parking spaces to the uses being served.

4. Shared parking rights shall be protected through a written agreement as set forth in Section 35-1807.2(b)3.

5. Shared parking spaces shall be generally located within six hundred sixty (660) feet of the use, measured from the entrance of the use to the nearest parking space within the shared parking lot.

(d) *Shared Parking Calculations Table.*

General Land	Time of Use
--------------	-------------

Use Classification	Weekdays			Weekends		
	12:00 a.m.—7:00 a.m.	7:00 a.m.—6:00 p.m.	6:00 p.m.—12:00 a.m.	12:00 a.m.—7:00 a.m.	7:00 a.m.—6:00 p.m.	6:00 p.m.—12:00 a.m.
Office and industrial	5%	100%	5%	0%	60%	10%
Retail	0%	100%	80%	0%	100%	60%
Residential	100%	55%	85%	100%	65%	75%
Restaurant and bars	50%	70%	100%	45%	70%	100%
Hotel	100%	65%	90%	100%	65%	80%
Churches and places of worship	0%	10%	30%	0%	100%	30%
Cinema/theater, and live entertainment	0%	70%	100%	5%	70%	100%

How to use the Shared Parking Calculations Table. Calculate the number of parking spaces required by Section 35-1804 Parking Schedule for each use as if the uses were not requesting shared parking approval. Calculate the number of spaces required for each time period (six (6) time periods per use) by applying the percentages in the Time of Use columns for the corresponding general land use category to the total number of parking spaces required for each proposed use. Add the number of parking spaces for all of the proposed land uses for each time period. Select the time period with the highest total parking requirement. The selected total number of parking spaces shall be the shared parking requirement.

(3) *Parking Demand Studies:*

(a) *Applicability.* Parking demand studies may be utilized to modify the required number of parking spaces for new developments, reuse of existing buildings, and as an alternative to Shared Parking provided for in this article.

(b) *Procedure.*

1. A parking demand study that provides a quantitative analysis justifying any proposed reduction or increase in parking shall be submitted. In order to determine compliance with criteria set forth in subsection (c), Approval Criteria, below, the Zoning Administrator may require the parking demand study to include any or all of the following:

- a. A site plan graphically describing the location and size of all existing and/or proposed parking stalls, driveways, walkways, landscaped areas, building footprints, retention basins, lighting, and all other improvements.
- b. Total square footage of all uses within existing and proposed developments and the square footage devoted to each type of use.
- c. Number of parking spaces required pursuant to Section 35-1804.
- d. Parking demand estimates using parking generation studies from the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI) or other professionally recognized, and/or accredited sources.
- e. Parking lot counts of development(s) similar to the proposed use(s).
- f. Comparison of proposed parking supply with parking requirements.
- g. A description of other characteristics of the proposal or measures being undertaken that could result in reduced or increased parking demand, such as staggered work shifts, telecommuting, shuttles to transit stations, employee per square foot compared to the accepted industry standard for that use, customer or visitor trips compared to industry standards for that use.
- h. Such other information as determined by the Zoning Administrator to be necessary to determine compliance with the approval criteria.
- i. A parking contingency plan shall be provided for new developments requesting a parking reduction in accordance with subsection (c), Approval Criteria, below.

2. The Zoning Administrator may approve a request to reduce up to forty (40) percent of the required number of parking spaces or to exceed the maximum requirement upon determining that the data presented in the parking demand study demonstrates compliance with approval criteria.

3. For proposals in which parking is shared by more than one (1) property, the property owners shall submit a written 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. Such written agreement shall be recorded by the property owners 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.

4. The Zoning Administrator may require a written agreement that said exceptions to the normal parking requirements shall remain in effect only as long as the unique circumstances on which the exceptions are based.

(c) *Approval Criteria.*

1. *Parking Reductions.* Reductions to the required number of parking spaces may be approved upon finding compliance with all of the following criteria:

a. Sufficient evidence is provided demonstrating how the unique circumstances of the proposed use(s) do not generate the traffic and/or parking demand met by normal code standards.

b. The quantitative analysis provided demonstrates that the use(s) will be adequately served by the proposed parking (the reduction in parking will not cause fewer off-street parking spaces to be provided for the proposed use[s] than the number of such spaces necessary to accommodate all vehicles attributable to said use[s] under the normal and reasonably foreseeable conditions of operation of said use[s]).

c. The reduction in parking will not increase the demand for parking spaces upon public streets in the immediate vicinity of the proposed use.

d. The reduction in parking will not increase the demand for parking spaces upon private properties in the immediate vicinity of the proposed use, unless approved as shared parking in accordance with Section 35-1807(2).

e. For new developments, a contingency parking plan shall be submitted that graphically illustrates where additional parking spaces can be constructed in the event that parking demand for the proposed use increases or a new user with typical parking demands requiring more parking spaces occupies the site. The total number of additional parking spaces in said parking contingency plan and the proposed number of parking spaces shall equal the number of parking spaces required pursuant to Section 35-1804. The design and layout of said parking contingency plan shall comply with all applicable development standards.

f. The reduction in parking shall not be contrary to the purpose of this Code as set forth in Sections 35-100 and 35-1800.

2. *Parking Increases.* Requests to exceed the maximum parking allowed may be approved upon finding compliance with all of the following criteria:

a. The proposed increase in parking is the least possible increase to accommodate all vehicles attributable to such use(s) under the normal and foreseeable conditions of operations of such uses(s).

b. The increase in parking will not negatively impact the aesthetics of the site from the perspective of adjacent streets and properties.

c. The increase in parking will not negatively affect the pedestrian usability of the site.

d. The proposed development provides measures to help mitigate the heat island effect in accordance with Section 35-1804(7).

(4) *Credit for On-Street Parking Spaces:*

(a) On-street parking spaces located immediately adjacent to the frontage of properties may be counted toward the required off-street parking requirement for non-residential uses. This provision applies only where on-street parking is allowed and constructed as part of the development.

(Ord. No. 4375, § I, 8-13-12)

ARTICLE XIX. - SITE DEVELOPMENT PLAN

35-1900. - General requirements.

(1) Any of the following development activities for property located within a Planned Area Development (PAD), Commercial, Industrial, Mobile Homes, or Multiple-Family zoning designation, except as provided in section 1902.2, 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 (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 1902(4)(a)2.b., [relating to] corner obstructions, and section 1903, "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 article.

(2) Five (5) copies of a site development plan and three (3) copies of building plans shall be submitted to the City of Chandler Building Division to meet the requirements of this article. All construction, including landscaping shall be completed in accordance with approved plans prior to the issuance of a certificate of occupancy.

(3) The approved site development plan shall be effective for a period of one (1) year from the date of approval by the building division. Resubmittal thereafter shall be subject to any amendments of the Zoning Code or development policies adopted since the approval date.

(Ord. No. 956, § 1, 6-11-81; Ord. No. 1251, § 1, 10-10-83; Ord. No. 1768, § 1, 2-12-87; Ord. No. 3063, § 3, 11-18-99)

35-1901. - Site development plan information.

The site development plan shall graphically and verbally indicate the following information:

*Existing data:*

- (1) Name, address of owner, engineer and/or architect.
- (2) Legal description of property.
- (3) Boundary of property (dimensioned).
- (4) Scale of drawing and north point.
- (5) Area of property (square feet).

- (6) Zoning of adjoining property.
- (7) Existing street(s), right-of-way, name and improvements (curb, gutter, sidewalk, paving and driveways).
- (8) Existing alley(s) right-of-way and type of improvement.
- (9) Existing buildings on property.
- (10) Location of existing utilities serving property.
- (11) Location of existing ditches, canals, fences, easements (width and use) or other physical structures on or adjacent to the property.
- (12) Location of fire hydrants within three hundred (300) feet of property.
- (13) Existing elevation of all property corners and at midpoints along all property lines.

*Proposed improvements:*

- (1) Location, width and type of required improvements to all existing street(s) and/or alley(s).
- (2) Location, width of right-of-way and type of improvement for proposed street(s) and/or alley(s).
- (3) Location, size and type of all proposed utility lines, gas, telephone, electric, water and sewer.
- (4) Location and width of proposed driveways.
- (5) Location and extent of parking area (spaces and aisle dimensioned).
- (6) Location, size, finish floor elevation area and use of proposed building(s).
- (7) Designation of refuse service area.
- (8) Location and area of all landscape and/or stormwater retention areas.
- (9) Proposed finished elevations for paved areas, retention areas and landscape areas.
- (10) Two (2) sets of stormwater retention calculations; arrows shall indicate direction of surface water flow.
- (11) Location and size of detached sign(s).
- (12) Location of light poles with arrows indicating direction of light rays.
- (13) Location, height and type of material for fences, walls, etc.
- (14) Construction drawings and specifications for all off-site improvements.

(Ord. No. 3063, § 3, 11-18-99)

35-1902. - Site development plan design standards.

(1) *Purpose:* These standards shall function to guide development toward the highest attainable environmental quality at a time in which development and expansion are taking place at a rapid rate; as such development once established provides the living and working environment for hundreds of thousands of families over numerous decades and generations.

(2) *Applicability:*

- (a) It is not the intent of the Council that these guidelines be strictly applied to existing developments on Arizona Avenue, downtown, and any other developed areas.
- (b) These standards shall apply to all development except two-family dwellings which occur on an individual isolated basis and are not part of some large project; and single-family dwellings.
- (c) In order to accommodate, encourage or promote unusual, unique or experimental methods of development or environmental design, the approving authority (Council, Commission or staff) may depart from standards prescribed herein after having made a finding in writing that such deviation, on balance, will result in environmental quality superior to that otherwise attainable without such deviation.

(3) *Relative to streets:*

- (a) All street and alley rights-of-way shall be dedicated in accordance with current City standards.
- (b) Driveways onto major arterials must be consistent with City policy allowing breaks in street medians at one-quarter ( $\frac{1}{4}$ ) and one-half ( $\frac{1}{2}$ ) mile intervals. All driveways shall be situated at least thirty (30) feet from an intersection and at least ten (10) feet from an interior lot line.

(4) *Site organization:*

(a) *Setbacks:*

1. For parking lots:

- a. In proximity to street intersections. See below 2.a.
- b. Along arterial streets, parking lots shall be set back at least twenty (20) feet from right-of-way lines.
- c. Along nonarterial streets, parking lots shall be set back at least twenty (20) feet from right-of-way lines.
- d. 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 in excess of 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) *Retention basins:*

1. Retention basins may be located in the front yard of parking lots and buildings when they:

a. Do not occupy more than one-half (½) of the landscaped area, when designed to maximum allowable engineering specifications.

b. Are shaped to a pleasing and natural configuration and landscaped in a manner consistent with its location and immediate area.

(c) *Walkways:* Safe, convenient and pleasant pedestrian circulation shall be facilitated and provided for with walkways, special pavings, bridges, shade, rest area, and other features appropriate to any one (1) specific development.

(d) *Bikeways:* Provision shall be made for safe, meandering, convenient and pleasant bikeways, minimum eight-foot-wide concrete surface or equivalent, and bicycle storage as appropriate to any specific development.

(e) *Screen walls:* Screen walls shall be decorative and reflect color, material and/or design of the structure to which it prevails.

(5) *Building design:*

(a) *Quality:* Architectural style is not prescribed; the design, however, shall convey a high degree of quality commensurate with the neighborhood and as prescribed in the Chandler Comprehensive Plan. A standard building design for some other location, climate, environment or set of circumstances may not necessarily fit in a given location in Chandler and shall be modified to be harmonious with the immediate environment and meet the intent set forth in this paragraph.

(b) *Building mass:* Large building facades are deemed inconsistent with the low-key small-town character of Chandler and are discouraged.

(c) *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:

1. Parapets are acceptable for screening, provided the height shall be equal to, or higher than, the highest point on the mechanical equipment; or

2. 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.

(d) *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 where said portion is not visible from the arterial road upon which the building fronts.

2. Metal buildings may be allowed within industrial parks and at other locations not visible from an arterial street upon the Planning and Zoning Commission finding that the facade of the building is architecturally treated so as to assure mitigation of the starkness of metal construction and environmental compatibility with the surroundings.

(6) *Miscellaneous:*

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

(b) All trash and/or refuse 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.

(c) Dismantling, servicing, repairing, etc., of vehicles and/or equipment shall be within completely enclosed buildings or within an area enclosed by a concrete, masonry, or similar material solid wall except openings for ingress and egress which shall be furnished with solid gates. In addition, all service bays shall be oriented or screened in such a manner so as not to be visible from any public street or adjoining residential area.

(d) 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.

(7) *Additional requirements for multiple-family residential developments:*

(a) *Common facilities:* The project shall provide both passive recreation areas with facilities such as barbecue grills and sun decks, and active recreation areas with facilities such as swimming pools, tennis courts, exercise trail.

(b) *Open space areas in multi-family projects:* Private and common open space areas shall be provided as follows:

1. Usable common open space and recreation area at the rate of one hundred fifty (150) square feet per bedroom. Such area must be at least twenty (20) feet wide; shall not be encumbered by nonrecreational improvements. All open space area for community play shall be designed into and flow throughout the project.

2. Private open space shall be provided for each unit. Such spaces shall have an unencumbered area at least twelve (12) feet in diameter when located on the ground floor and at least eight (8) feet in diameter when provided by a balcony on upper floors.

(c) It is the intent that all on-site amenities shall provide an equal and balanced distribution of recreation for users within a development. The type and quantity of amenities may vary, depending upon the environmental quality proposed. However, the developer shall encourage and promote interaction and play by creative design.

The following amenity options shall encourage and enhance development within the City, such as but not limited to:

1. Swimming pool, a portion of which shall be a minimum sixty-foot length, with cool deck perimeter and ramada.
2. Jacuzzi area with ramada.
3. Ramada with BBQ and seating areas.
4. Tot lot minimum three thousand (3,000) square feet with three (3) pieces of play equipment.
5. Regulation size volleyball court.
6. Concrete multi-use court sixty (60) feet by sixty (60) feet minimum.
7. Lighted regulation size tennis courts and/or lighted regulation size racquetball courts.
8. Weight room.
9. Par course.
10. Putting green.

Multi-family residential development, as well as patio home development, shall provide these amenity options in accordance with the following schedule:

Less than twenty (20) units:

One (1) amenity

Twenty (20) to one hundred (100) units:

Three (3) or more amenities

One hundred (100) to one hundred eighty (180) units:

Four (4) or more amenities

One hundred eighty (180) to two hundred sixty (260) units:

Five (5) or more amenities

Two hundred sixty (260) units or larger:

Six (6) amenities plus second pool, ramada, etc.

All development of recreation/open space areas in accordance with these standards shall meet approval of details by the Planning and Development Director.

(d) *Interface with single-family areas:* Where abutting single-family residential developments, the projects shall be so designed as to minimize impact upon the privacy of the single-family residential area. This may include considerations such as limiting building height to one (1) story, windows orientation, decorative walls, and the use of trees.

(e) *Specific design attention areas:* The design of all courtyards and pedestrian areas shall relate to "human scale." Large unvaried building facades shall be avoided. Common open spaces, rather than parking lots, shall be used as central features. Lighting shall be provided for both convenience and security. Living units and windows shall be arranged to provide privacy. Parking shall be in a location that is convenient to the occupants of the units.

(f) *Convenience goods and personal services:* In order to minimize the need for travel, when feasible, projects of three hundred (300) units or more shall provide such facilities to the residents within the project. In cases where convenience goods and personal services are located in areas in the vicinity or adjacent to the multi-family projects, safe, convenient and attractive pedestrian access shall be provided to such facilities.

(g) *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:

1. Shading of south and west sides of building by overhangs and/or trees.
2. Provision of shade trees on the south and west side of streets.
3. Alternate sources of energy, such as solar heating offered as standard equipment, or at least as an option.

(h) *Condominiums:* There are additional requirements for condominiums because the dwelling units in such developments are individually owned. There shall be: additional soundproofing between dwelling units; adequate indoor and outdoor storage; dwelling units shall have distinctive entryways to avoid the monotony frequently found where a row of doors line a corridor. The number of units in a project shall be sufficient, as so demonstrated, to support the provision of management and maintenance services.

(i) *Landscaping:* The amount of landscaping shall be of sufficient intensity to create a pleasant and comfortable living environment with the amount of plant material dependent on the size of the vegetation as well as the shape and size of areas to be landscaped.

(j) *Security:* All of the open spaces shall be observable to minimize the opportunity for unruly conduct and to create the feeling of "ownership" by the occupants of the projects.

(k) *Elderly care housing-occupancy:* A deed restriction shall be recorded limiting use to elderly care housing. Change or conversion to other uses or family residential is subject to Council approval to remove said deed restriction by meeting all requirements for such use.

(8) *Additional requirements for shopping centers, office and commercial complexes:*

(a) *Adjacent to residential development:* When such projects are next to or across an alley from a rear or side yard of single-family residential development:

1. Commercial 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.
2. 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.

3. Building elevations facing and visible from the adjoining residences and back yards shall be designed to be in harmony with the residential environment through the use of color, material, texture and varied treatment of segments of the commercial building.

(b) *Pedestrian circulation:*

1. It is deemed appropriate that walkways required in section 1902(4) be provided in all shopping centers, offices and other commercial complexes. Such walkways shall be A.D.A. (Americans with Disability Act) accessible and designed and provided to serve internal pedestrian circulation needs, and be integrated with pedestrian access to and from surrounding land uses, sidewalks and walkways.

2. Bus bay locations, where applicable, shall be integrated with pedestrian walkways that provide direct access to the adjacent commercial center.

3. All perimeter sidewalks shall be at least partially meandering and removed and separated from the curb by landscaping barrier or other decorative material. These sidewalks shall be not less than six (6) feet in width except that, in locations anticipated heavier than normal pedestrian traffic, the Zoning Administrator may require these to be eight (8) feet in width.

4. There shall be at least one (1) other special feature that is pedestrian oriented for each fifty thousand (50,000) square feet of gross floor area such as but not limited to fountains, sculpture, mural, or other generally accepted forms of art.

(c) *Independent building PADs:* For the purpose of this section, commercial PADs are uses that stand apart from, and hence not perceivable as, part of the main building complex. PADs 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. The number of PADs permissible in a shopping center shall be limited to one (1) per arterial street frontage, with corner PADs to count as one (1) of the frontage allowances. Multi-user PADs 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 (i.e., color, texture) portrayed by the main complex, and not separated by vehicular movement. The number of uses on one (1) PAD shall not exceed two (2) although the Commission may consider a larger number through the PAD process when environmentally commensurate with the size and scale of the shopping center.

1. *Circulation:* One (1) drive-up or drive through window per PAD 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. Drive through lane entry and exit shall be separated from vehicular parking areas, through curbing, landscaping, etc. Textured paving treatments shall be provided at all crosswalks, driveway entrances, and on-site pedestrian crosswalks. All drive-up facilities, including drive-up 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. Queuing lanes for fast food and similar high turnover uses shall be a minimum of fourteen (14) feet in width and at least one hundred fifty (150) feet in length from drive-up window to start of lane with queuing. Queuing shall be provided to accommodate a minimum of six (6) vehicles from the start of lane to the menu board This queuing length standard is not intended for such uses as drug stores, banks, dry cleaners, etc.

2. *General design:* All PADs, though isolated from the main complex, shall be designed to provide a landscape and architectural setting to the larger complex. Any PAD 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 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.

Freestanding building adjacent to the main complex structures will not be considered PADs if the freestanding building is not separated from the larger complex by vehicular movement, improved vehicular surfaces, or retention area.

PAD buildings shall portray detailed exteriors on all sides to avoid blank or monotonous faces: wall perimeters shall be landscaped. In no case shall parking areas or other improved surfaces for vehicles extend to building walls. PADs shall not exceed one (1) story in height.

3. Any high turn-over 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.

(d) *Deceleration lanes:* Each perimeter curb cut shall have a deceleration lane in length approved by the City Engineer. The City Engineer may waive this requirement upon making the finding that such lanes are not feasible or necessary.

(e) *Architectural standards:* The intent of the following standards is to encourage creative and innovative design techniques, quality and merit.

1. Building features that are used for advertising or national image (corporate stylized architecture), shall be prohibited.

2. Building architecture shall promote consistent architectural character and detail on all sides of the structure, including the use of building materials, and not merely limited to color changes only.

3. Where applicable, building mass shall be broken by dividing into smaller components and creating functional open space and pedestrian oriented areas between buildings.

4. Any one (1) building material shall be limited to a maximum of sixty-five (65) percent of the total area of each building facade, unless dictated by an architectural style that prescribes a particular building material as the dominant feature (e.g., Pueblo, Santa Fe style, etc.).

5. Flat walls on buildings shall be minimized by incorporating such techniques as pop-outs or pilasters or recessed features or other vertical relief elements at a minimum interval of every twenty-four (24) feet.

6. Rooflines shall be varied in height, form, and materials. Parapet rooflines shall be varied by stepping up and down or incorporating pitched roof elements.

7. Covered canopies shall be provided at tenant entries.

8. At least one (1) common pedestrian seating area shall be provided in a landscape setting on-site for every seventy-five thousand (75,000) square feet of building area. Developments that have less than seventy-five thousand (75,000) square feet of building area shall provide at least one (1) common pedestrian seating area.

9. Drive-through menu boards shall be screened from street view, and architecturally integrated with building design through the use of common materials and colors.

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

11. Gas canopy lights shall be flush with the bottom of canopy. Gas canopy bottom edge shall be a maximum of fourteen (14) feet six (6) inches above finish grade, unless canopy is integrated into convenience store building.

12. All gas tank vent piping shall be screened from arterial streets and public view.

13. Screening shall be architecturally integrated for the service entrance section (SES) and all utilities. All ground-mounted equipment shall be screened from public view by a concrete or masonry wall or landscaping, equal to or greater in height than the height of the mechanical equipment.

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

15. Any roof access ladders shall be located inside the building. Roof drainage shall utilize interior roof drains or be architecturally integrated into the building design. Architecturally integrated roof drains shall require additional articulation beyond paint accents.

16. Provide public artwork including but not limited to sculptures and murals.

(f) *Project design guidelines and specifications:* Project design guidelines and specifications shall be developed by the applicant, submitted with the earliest zoning application, and approved by the approving authorities (Council, Planning Commission, and Staff), but no later than the site development plan submittal preceding the issuance of the building permit. These guidelines and specifications shall describe how the site development plan design standards in section 1902 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 this project. The Zoning Administrator may accept minor departures from such approved guidelines and specifications when such request is made in writing and upon finding that:

1. The departure is minor and does not change basic intent or quality; or
2. An alternate which on balance is greater in quality than previously approved.

Any other changes shall be approved only by the approving authority. The above design criteria specifications shall include consideration of adjoining existing or approved projects to avoid clashing and to promote identity. This shall be observed also by all developers at the intersections of arterial streets.

It is not the intent of this provision to promote or attain similarity or sameness. The intent of this provision is to attain identity for a project and to attain identity at intersections at arterial streets so that such intersections could become unique and readily perceivable nodes in Chandler. The developer's responsibility and creativity are relied upon in fulfilling these purposes.

(g) *Additional quality standards:* The intent of the following standards is to encourage creative and innovative design techniques, quality and merit. A minimum of six (6) of the following items shall be achieved for shopping centers, office and commercial centers.

1. Provide direct collector street access to commercial center.
2. Locate at least fifty (50) percent of freestanding PADs within a landscape setting along an arterial streetscape.
3. Provide angled building orientation to achieve varied alignment of building fronts and site design features, that in turn creates functional outdoor spaces, and/or enhanced intersection feature.

4. Provide tree lined "boulevard" at median break(s), with detached sidewalks and landscaping that lead directly into a pedestrian plaza or other amenity.
5. Stagger parking setback by at least ten (10) feet or vary orientation of parking lot along arterial streetscape, while maintaining a minimum twenty-foot setback from the right-of-way.
6. Incorporate unique planter and seating features, recurring in pedestrian areas throughout site, including areas along the front of buildings.
7. Develop an overall character theme that incorporates unique amenities (i.e., signage, light fixtures, screen walls/seat walls, etc.).
8. Provide pedestrian features in common landscape areas in addition to the required special features, such as seat wall planters, or other pedestrian oriented features.
9. Provide at least two (2) unique freestanding architectural site features that reflect the building architecture in addition to the required special features, such as entry arches, trellises, clock towers, rail fencing, etc.
10. Develop unique water features in a pedestrian setting internal to the site development, in addition to the required special features.
11. Any other design amenity, which is otherwise not required but which meets the general intent for design innovation, may be substituted for any of the above additional quality standards.

(9) *Additional requirements for new non-residential water users of nine thousand (9,000) gallons or more per day.*

(a) New non-residential water users who have an estimated annual use which averages nine thousand (9,000) gallons per day or more (excluding turf related facilities) are required to submit a "water use plan" sealed by an Arizona registered architect or engineer that it complies with this section as a condition of issuance of a building permit. The "water use plan" shall contain at least the following:

1. A description of any available water conservation training programs offered to employees;
2. Whether alternative water sources will be used (i.e., effluent, poor quality groundwater or other non-groundwater sources);
3. Operating levels of total dissolved solids (TDS) or conductivity for cooling towers and total cooling capacity;
4. Whether the user will use the best available conservation technologies in accordance with existing process uses (i.e., re-circulating systems for process water, alternative dust control methods, automatic shut-down devices to eliminate continual running water);
5. Any plans for the reuse of wastewater or process water at the facility; and
6. Type of landscaping and irrigation system.

(b) Such water use plan shall be submitted together with the information required to be submitted with the site development plan.

(10) *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 (0) to four and one-half (4.5) 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) foot 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 35-1902(10)(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 fifteen 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 (1) 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 35-1902(10)(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 35-1902(10)(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 sections 35-1902 and 35-1903 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 (24) percent 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 35-1903 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 35-1903 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 1902(6)(a) 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 one and one-half (1.5) to two (2.0) foot-candles, for approval by the Chief of Police or designee. Such submittal shall include catalogue cuts of all lighting fixtures with shields to insure 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. 1421, §§ III, IV, 1-10-85; Ord. No. 1506, 8-11-85; Ord. No. 1765, § 1, 1-22-87; 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)

### 35-1903. - 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, excepting single- and two-family 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, ponds, fountains, 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) *Reclaimed water:* Water which has been processed by a municipal wastewater treatment plant and made available for reuse.
- (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.

\*Except when reclaimed water is used.

(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 turf areas equal to or greater than five (5) acres in size shall be watered exclusively with reclaimed water when reclaimed water is available in the arterial street. All infrastructure need to accept reclaimed water when it is available in the arterial street shall be installed as a part of the development. When effluent is used, all turf areas equal to or greater than five (5) acres in size shall be overseeded with a winter lawn. All new developments shall be landscaped in accordance with the following minimum standards.

(a) *Plant material*:

1. *Low-water-use plants required*: Except when reclaimed water is used, 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). Any plant material species may be used if irrigated by a reclaimed water source.

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 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 and commercial development)	15-gallon (50% of required trees) 24-inch box (50% of required trees)
Trees (for non-commercial development)	15-gallon (50% of required trees) 24-inch box (50% of required trees)
Trees (quantities that exceed minimum code standards)	15-gallon
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).

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.

(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)(d) 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)(d) 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)(d) 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:* Normal-size single-row planter islands (nine (9) by nineteen (19) feet) shall contain a minimum of one (1) tree and five (5) shrubs. Double-row planter islands (nine (9) by thirty-eight (38) feet) shall contain a minimum of two (2) 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 five (5) feet and achieve a mature canopy width of twenty (20) feet. Diamond planters (five (5) feet square and oriented diagonally) shall contain a minimum of one (1) 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) 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 1902(4)(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) and 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.

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.

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 in compliance with the "Minimum Standards for Landscape Irrigation" by the Arizona Chapter, American Society of Irrigation Consultants, three (3) copies of which are on file with the City Clerk, and which is hereby adopted by reference and made a part hereof as if set forth at length herein.

(d) *Additional quality standards:* The intent of the following standards is to encourage creative and innovative design techniques, quality and merit. A minimum of four (4) of the following items shall be achieved for shopping centers, office and commercial developments.

1. Provide alternative means for surface stormwater storage in addition to or in lieu of surface retention basins along all arterial street frontage areas.

2. Common open space/retention basins: A minimum of one (1) tree and six (6) shrubs per five hundred (500) square feet of open space, plus such additional vegetative ground cover, including turf subject to the limitations established within subsection (6)(d) of these standards, needed to cover a minimum of fifty (50) percent of the total landscaped area with shrubs and ground cover.

3. A maximum of twenty (20) percent of the front yard setback area (that area which is behind the public right-of-way) may be used for stormwater retention.

4. Provide placement of turf next to retention basins that are completely visible from all arterial streets.

5. Provide landscape berms that are a minimum of two (2) feet in height along at least fifty (50) percent of all adjacent arterial streetscapes outside the right-of-way. Berms shall maintain a maximum slope ratio of four to one (4:1) (horizontal/vertical).

6. Provide enhanced landscape planters at base of screen walls at each entry to commercial center.

7. Provide enhanced design configuration of screen walls adjoining arterial streets.

8. Provide at least one (1) landscape focal point element that serves as a terminus feature for a vehicular entry or pedestrian walkway.

9. Any other design amenity, which is otherwise not required but which meets the general intent for design innovation, may be substituted for any of the above additional quality standards.

(e) *Limitations on use of turf:* Unless watered with "reclaimed" water, 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	No limitation
**Parks, schools, golf course and cemeteries	No limitation

\*Landscape extensions of residential lots are excepted from the turf limitations. Turf is prohibited in all rights-of-way; however, when reclaimed water is used the following shall apply:

Turf is prohibited in all arterial street medians. Turf is allowed in arterial street rights-of way from the back of sidewalk to the right-of-way line. No turf shall be installed in arterial streets from back of street curb to the sidewalk.

On streets other than arterial streets, when reclaimed water is used, the following shall apply if the landscaping is maintained by a homeowners association:

Turf may be installed in the street right-of-way. All landscaping shall be designed and installed such that the final median and street landscape elevation is two (2) inches below the top of curb.

\*\*Although the area of turf is not limited, the amount of water which can be applied to it shall be subject to the limitations of the Second Management Plan for the Phoenix Active Management Area as adopted by the Director of the Arizona Department of Water Resources.

(f) *Limitations on use of decorative water/water features:* Except when serviced with reclaimed water, and unless a part of a publicly oriented outdoor recreation facility, water features (i.e. pools, ponds, fountains, streams, waterfalls, etc.), 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, unless they are utilizing "reclaimed water," 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."

3. *Literature package*: A literature package describing water-conserving landscaping shall be on display within all model sales offices. Such display, if copies are not made available by the homebuilder, shall include information regarding where such literature is available. The following literature is suggested:

Xeriscape—Water Conservation through Creative Landscaping

Arizona Municipal Water Users Association 505 N. 2nd Street, Suite 385 Phoenix, Arizona 85004

The Unthirsty One Hundred

Reprint from Sunset Magazine- October 1988 Lane Publishing Company Menlo Park, California 94025

(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 five (5) feet from sidewalks, 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.

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 PADs) 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.

(7) The following documents, three copies of which are on file with the City Clerk, are hereby adopted by reference and made a part hereof as if set forth at length herein: Low Water Using Plant List—Phoenix Active Management Area, August 1998 Revision, published by the Arizona Department of Water Resources; Pruning Standards, adopted by the Western Chapter ISA Executive Committee on May 18, 1988; City of Chandler Landscape Standards—Recommended Spacing of Massed Shrubs and Ground covers; Arizona Nursery Association—Recommended Average Tree Specifications, 1997 Revision published by the Arizona Nursery Association.

(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)

35-1903.1. - Rights-of-way landscape.

Except as provided in Section 1903. public or private rights-of-way located in the City of Chandler shall only be planted with plants listed on the low-water-use plant list as approved by the city zoning administrator. Exceptions to the approved plant list through use of various water-conserving techniques shall be subject to review and approval by the Arizona Department of Water Resources, city engineer, and planning director.

It is in the best interests of the city to promote water conservation techniques within rights-of-way, thereby encouraging innovative landscape design through low-water-use plant material. Location of said landscape materials shall conform to standards outlined in the Zoning Code, Section 1903., including but not limited to size, ratio of plantings to street frontage, and percentage of coverage. It is not the intent of the water conservation program to promote installation of turf or other high-water-use plant materials located within rights-of-way.

(Ord. No. 2961, § 5, 4-22-99; Ord. No. 3063, § 3, 11-18-99)

35-1904. - Site development compliance for certificate of occupancy.

All on-site improvements, including but not limited to:

- (a) Landscape/irrigation;
- (b) Outdoor lighting for buildings and parking areas;
- (c) Landscape and paving area walkways;
- (d) Parking areas paved and striped, and covered parking structures completed;
- (e) Six-inch vertical concrete or precast curb in place where required;
- (f) Complete cleanup of trash and construction materials;

shall be completed and accepted prior to issuance of a certificate of occupancy, except in cases where the Zoning Administrator finds circumstances such as prohibitions of weather or other acts of God have prevented compliance with this requirement, whereupon the Zoning Administrator may extend compliance for a maximum period of thirty (30) days. Noncompliance with such extension shall result in automatic revocation of the certificate of occupancy. These improvements may be installed in phases, provided that no certificate of occupancy shall be issued for any phase prior to completion and acceptance of the required on-site improvements for that particular phase. In addition, all sign permits shall be obtained prior to occupancy, in accordance with applicable code requirements.

Compliance with this requirement shall be recorded in written form and released through the Zoning Administrator to the Building Code Enforcement Manager.

(Ord. No. 3063, § 3, 11-18-99)

#### ARTICLE XX. - NONCONFORMING USES

35-2000. - Continuation of nonconforming land; effect of discontinuance.

Any use of land legally established prior to the adoption of any Code provision with which such use does not comply, may be continued; but if such nonconforming use is discontinued for a period of twelve (12) consecutive months, any future use of said land shall be in conformity with the then current provisions of this Code.

(Ord. No. 3063, § 3, 11-18-99)

35-2001. - Continuation of nonconforming buildings; change in use of same.

Any use of a building legally established prior to the adoption of any code provision with which such use does not comply, may be continued providing no structural alterations, except those required by law or

ordinance or permitted under this Code, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a building which is for the same or more restricted classification in the opinion of the Planning and Zoning Commission, as evidenced by a resolution of record. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use or nonconforming use.

(Ord. No. 3063, § 3, 11-18-99)

35-2002. - Alteration of nonconforming buildings.

A nonconforming building shall not be enlarged, extended, reconstructed or structurally altered unless such building and such enlargement, extension, reconstruction and structural alterations conform in every respect with the regulations specified by this Code for such district in which said building is located.

(Ord. No. 3063, § 3, 11-18-99)

35-2003. - Continuance of violations not authorized.

Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the use of a building or premises which was not in compliance with the regulations in effect at the time such building was constructed or use was commenced.

(Ord. No. 3063, § 3, 11-18-99)

35-2004. - Nonconforming adult uses.

Notwithstanding any other provision of this Zoning Code, an adult bookstore, an adult service business, or an adult video facility which is a nonconforming use or which does not conform to current development standards shall not be converted to another of the above-listed sexually oriented businesses. An adult bookstore, an adult service business, or an adult video facility which is a nonconforming use or which does not conform to current development standards shall not be expanded beyond the floor area devoted to such sexually oriented business use on the effective date of the ordinance adopting this section as part of the Zoning Code [December 18, 1993].

(Ord. No. 2413, § 3, 11-18-93; Ord. No. 3063, § 3, 11-18-99)

ARTICLE XXI. - TABLE OF PERMITTED USES FOR NONRESIDENTIAL DISTRICTS

35-2100. - Purpose.

The following tables indicate uses permitted by zoning districts with an "X" and use permits with an "UP."

**TABLE OF PERMITTED USES FOR NONRESIDENTIAL DISTRICTS**

Uses	Districts				
	C-1	C-2	C-3	I-1	I-2

Airport			UP	UP	UP
Alcoholic beverage package store		UP	UP	UP	UP
Ambulance service		X	X	UP	
Amusement arcade		UP	UP		
Permitted only by use permit for a period of one (1) year, renewable upon application and approval by the City Council for such period of time and manner of extension as prescribed in Council action. Such use permit shall be nontransferable for persons and/or building location					
The proposed location must be in conjunction with:					
a) A major recreational use, such as a bowling alley, skating rink, theater complex; or					
b) A community or regional shopping center when the hours are restricted to the prevailing shopping hours, or as prescribed by Council; or					
c) A neighborhood shopping center, when the hours are the same as the supermarket, or as prescribed by Council; or					
d) Commercial centers (a planned center of five (5) or more commercial uses)					
Amusement arcades shall not be located closer than three hundred (300) feet to another amusement arcade, church, public or parochial school or playground					
Any proposed location would be considered on an individual basis. In addition to Code requirements and restrictions, the following will be considered:					
1) Adjacent uses					
2) Neighborhood protest					
3 Adequate bicycle and auto parking					
4) Proposed management and hours					

5) Police Department recommendation					
6) Type of games					
7) Security, other than provided by the shopping center					
8) Provision of restrooms for men and women					
Amusement park		UP	UP		
Animal daycare indoors only, with or without overnight boarding	X	X	X		
Animal daycare with outdoor play areas, with or without overnight boarding		UP	UP		
Animal rescue shelter (see kennel)					
Apparel and clothing store (see footnote #2 at end of table)	X	X	X		
Appliance repairer	UP	X	X	UP	UP
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					
Art galleries	X	X	X	UP	
Artistic programs or events	UP	UP	UP	UP	UP
Assembly hall, coliseums and stadiums		X	X	UP	UP
Owned by nonprofit organizations or by the State, municipal or County government					
Automobile accessories (sales)		X	X	UP	
Automobile racing				UP	UP
Automobile and truck sales			X	UP	UP
With inventory, rental with inventory and repair when carried on entirely within					

the principal building and incidental to the principal use					
Bakery (goods baked and sold on premises)	X	X	X	UP	
Bakery, wholesale			UP	X	X
Bank	X	X	X	UP	UP
Bar, cocktail lounge		UP	UP	UP	UP
Excluding adult service business (Ord. No. 2413, § 4.B, 11-18-93)					
Barbershops	X	X	X	UP	
Beauty shops	X	X	X	UP	
Beauty and barbershop supplies		X	X	UP	
Bicycle sales, rental, service and storage	X	X	X		
Billiard or pool hall		X	X		
Boat building, repair, service and storage			X	X	X
Boat sales		X	X	UP	
With inventory, rental with inventory and repair when carried on entirely within the principal building and incidental to the principal use					
Bottling works for soft drinks			X	X	X
Brick, tile and terra cotta manufacturing					X
Broker, investments, loans	X	X	X		
Building contractors		X	X	X	X
Including electrical, plumbing, and roofing contractors with all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings					

Building contractors			UP	X	X
Including electrical, plumbing, and roofing contractors with all storage of goods, materials and equipment and all processing and manufacturing utilizing outside storage					
Building materials companies		X	X	UP	UP
With all storage of goods, materials and equipment and all processing and manufacturing kept within a completely enclosed building or buildings					
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 without outside storage of lumber, brick cement blocks or other materials (see footnote #2 at end of table)		X	X	X	X
Bus passenger station (inter-City)			X	X	X
Bowling alley		X	X		
Candy manufacture			X	X	X
Candy (manufactured and sold on the premises)	X	X	X		
Carnival, fair, rodeo, etc.		UP	UP	UP	UP
Caterers		X	X	X	X
Cemeteries, mausoleums			UP	UP	UP
Charitable and philanthropic organizations	X	X	X	UP	UP
Childcare or child daycare	X	X	UP		
Churches and other places of worship	X	X	X	UP	UP
Including Sunday School buildings, parish houses, rectories and other residences of clergy					

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	
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 and apparel store (see footnote #2 at end of table)	X	X	X		
Clothing manufacturer	X	X	X		
Clubs, membership (not operated for profit), excluding adult service business (Ord. No. 2413, § 4.B, 11-18-93)		X	X		
Cocktail lounge, bar, excluding adult service business (Ord. No. 2413, § 4.B, 11-18-93)		UP	UP	UP	UP
Cold storage facility			X	X	X
Coliseums, stadiums, assembly halls owned by nonprofit organizations or by the State, municipal or County government		X	X	UP	UP
College (business college, only)		X	X		
Community centers	X	X	X	UP	
Convalescence homes, nursing homes and homes for the aged		X	UP		
Cosmetic store, including sale of goods and services customarily incidental thereto	X	X	X		
Credit bureaus		X	X		
Dairy products, processing, bottling and distribution, cream manufacturing, all on a wholesale basis			X	X	X
Dance hall, club, excluding adult service business (Ord. No. 2413, 4.B, 11-18-93)		X	X		
Dancing or music schools	X	X			

Delicatessen, grocery, supermarket or other store carrying a variety of food and related goods	X	X	X	UP	
Dental and medical offices and clinics (excluding veterinarians)	X	X	X	UP	UP
Dental supplies		X	X	UP	
Department store (see footnote #2 at end of table)	X	X	X		
Including sale of items shown elsewhere in this table if customarily sold in such a store					
Diaper service			X	X	X
Donation center (clothing and household furniture)		X	X		
Dressmaker	X	X	X	UP	
Drive-in, 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
Drive-in theater		X	X	UP	UP
Excluding the showing of films involving specified sexual activities and specified anatomical areas [defined in section 200]					
Driving school		X	X		
Drugstore or cosmetic store	X	X	X		
Including sale of goods and services customarily incidental thereto					
Dry cleaning, laundering (industrial)			X	X	X
Dwellings (single-family and multi-family)	UP	UP	UP	UP	UP

Dyeing plant			UP	UP	UP
Educational facility					
1) Kindergarten through 8th grade (Elementary)	X	X			
2) 9th through 12th grade			X		
3) Higher education and alternative schools (college, business college, beauty school)		X	X	UP	
4) Trade/vocational (industrial, HVAC, plumbing, motor vehicle)			X	X	UP
Educational facilities and industrial research (technical)		X	X	X	X
Electrical equipment assembly			UP	X	X
Electrical and industrial equipment repair			X	X	X
Express office			X	X	X
Exterminating establishment			X	X	X
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					
Fair, carnival, rodeo, etc.		UP	UP	UP	UP
Farm equipment sale and rental, with inventory and repair			X	UP	UP
Farm machinery repair			X	X	X
Farmer's market		X	X		
Feed and grain sales and storage			X	X	X
Florist	X	X	X		
Food or drink sales for immediate consumption within the principal building and	X	X	X	UP	UP

excluding all types of drive-in establishment serving food or drink outside of a building or catering to the takeout trade					
Food processing in wholesale quantities, except meat, fish, poultry, vinegar and yeast			X	X	X
Food specialty store	X	X	X	UP	
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, bakery (retail)					
Foundries (producing iron and steel products)					UP
Fuel dispensing equipment	UP	UP	UP	UP	UP
Pumps shall not be located closer than twenty (20) feet to a right-of-way or ten (10) feet to a property line					
Funeral parlors, mortuaries		X	X		
Furniture and appliance repairer		X	X	UP	UP
Furniture manufacturing (cabinets and household furniture)				X	X
Garden shop	X	X	X		
Gas, natural and propane bulk storage			UP	UP	X
One hundred (100) gallons to five hundred (500) gallons may be granted an administrative use permit by the Zoning Administrator when requirements of the Zoning Code have been met. Less than one hundred (100) gallons is not construed to be bulk storage. Note: This does not exempt/supersede Fire Department approval of fuel storage tanks					
Gasoline dispensing (other than service station)	UP	UP	UP	UP	UP
Fuel shall not be located closer than twenty (20) feet to a right-of-way line or ten (10) feet to a property line					

Gasoline or chemical bulk terminal plants for wholesale storage					UP
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 consistent with the I-2 Zone setback regulations, but a minimum of one thousand (1,000) feet from any existing or planned residential area. (Ord. No. 1353, § II, 8-25-84)					
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
Gift shop	X	X	X		
Golf courses, miniature golf and driving ranges	X	X	X	UP	UP
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
Greenhouse and nursery, commercial	UP	X	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
Gymnasium, fitness center, personal training, martial arts studio, yoga/Pilates studio	X	X	X		
Handicrafts			X	X	X
Manufacture and sale of, at retail or wholesale which are manufactured predominantly by hand and involve the application of artistic skills					
Hatcheries					X
Health centers	X	X	X		

Heliports			UP	UP	UP
Hobby shop	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
Home improvement retailer (see footnote #2 at end of table)	X	X	X		
Hospitals (excluding animal hospitals)	X	X	X		
Hospital supplies		X	X	UP	
Hotels, motels, tourist homes		X	X	UP	UP
Household appliance store (see footnote #2 at end of table)	X	X	X		
Ice manufacturer (excluding ice machines)			UP	X	X
Incinerators; landfill	UP	UP	UP	UP	UP
Industrial equipment machinery repair and service			UP	X	X
Industrial			UP	X	X
Light operations or light mechanical, not offensive, obnoxious or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor or effluents					
Insurance company or agency	X	X	X		
Interior decorator	X	X	X		
Jewelry store	X	X	X		
Junk yards					UP
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 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					
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					
Kennel, commercial			UP		
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					
Kindergartens and day nurseries	X	X	UP		
Meeting all requirements of appropriate State and local regulations and standards					
Laboratories serving professional requirements, dentist, medical, etc.		X	X	X	UP
Laboratory supplies		X	X	UP	UP
Laundering plant, dry cleaning, diaper service (industrial)			X	X	X
Laundromat, self-service	X	X	X	UP	
Performing services entirely for retail trade					

Leather goods manufacturer			UP	X	X
Letters, duplicating and mailing		X	X	UP	UP
Libraries	X	X	X	UP	
Liquor, wine, beer sales	UP	UP	UP	UP	UP
Lodges, fraternal and social organizations, headquarters for scout and other youth organizations		X	X		
Machine tool manufacturing				UP	X
Machine shops			UP	X	X
Magazine or newspaper distribution, excluding adult bookstores		X	X	UP	UP
Manufacturing uses not otherwise named herein upon the approval of Zoning Administrator				UP	UP
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, gas, smoke, noise, fumes, odors, vibration, glare or otherwise (Ord. No. 1506, 8-11-85)					
Meat processing and packing				UP	UP
Mechanical (light)			UP	X	X
Light industrial operation, not offensive, obnoxious or detrimental to neighboring uses by reason of dust, smoke, vibrations, noise, odor or effluents					
Medical and dental offices and clinics, medical spas, excluding veterinarians	X	X	X		
Medical marijuana (see footnote #3 at end of table)					
Facility <sup>3</sup>		X	X		
Cultivation site <sup>3</sup>				X	X

Infusion food establishment <sup>3</sup>				X	X
Mobile home sales and rental, but not including occupancy on the site			X	UP	UP
Monument sales establishment		X	X	UP	
With incidental processing to order but excluding the shaping of stones and similar processes					
Motels, hotels, tourist homes		X	X	UP	UP
Motorcycle sales, rental and repair			X	UP	
When repair is carried on within the principal building					
Motor vehicle repairs, wholesale and retail including accessories and customization, detailing		X	X	UP	UP
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 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 (Ord. No. 1942, 3-10-88; Ord. No. 1995, § I, 7-25-88)					
Motor vehicle repairs, wholesale and retail			X	UP	UP
Including 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 200 of this Code (Ord. No. 1942, 3-10-88; Ord. No. 1995, § I, 7-25-88)					
Motor vehicle rentals		X	X		
Motor vehicle wash	UP	X	X	UP	UP
May have incidental detailing, minor vehicle maintenance, and windshield repair within the primary building					

Motor vehicle impound yard				UP	UP
Moving, storage or warehousing establishments			UP	X	X
Museums, art galleries	X	X	X	UP	
Music or dancing school	X	X	X		
Newspaper or magazine distribution, excluding adult bookstores		X	X	UP	UP
Newspaper publishing			X	UP	UP
Nurseries (day) and kindergartens	X	X	UP		
Meeting all requirements of appropriate State and local regulations and standards					
Nursery and greenhouse, commercial	UP	X	X	X	X
Office	X	X	X	UP	UP
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					
Any of which is incidental to use otherwise permitted in the district or which functions itself as all or part of a use otherwise permitted within the district	X	X	X	X	X
Optical and scientific instrument manufacturer		UP	X	X	X
Orthopedic braces, artificial limbs, etc., (sales)		X	X		
Outside displays	X	X	X	X	X
Shall be limited to boats, trailers, trucks, and other vehicles, products and materials not normally or in limited numbers found exhibited in stores within 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					

Parking lot	X	X	X	X	X
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					
Patrol system and burglar alarm watching service		X	X	X	X
Pawn shop		X	X		
Penal and correctional institutions	UP	UP	UP	UP	UP
Personal service establishments	X	X	X	UP	
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					
Pharmaceutical manufacturer			UP	X	X
Philanthropic and charitable organizations	X	X	X	UP	UP
Photographers	X	X	X	UP	
Plastics manufacturing				UP	X
Playgrounds	UP	UP	UP	UP	UP
Pottery and porcelain manufacturer				X	X
Pottery, porcelain and vitreous china manufacturing					X
Prefabricated homes, mobile homes, camper manufacture				UP	X
Prefabricated home sales			X	X	X
Printing, blueprinting, engraving			X	X	X
Or other reproduction services with no limit as to floor area (Ord. No. 1506, 8-11-85)					

Radio and television stations and transmitting towers			UP	X	X
Radio and television stations excluding transmitting towers		X	X	X	X
Railroad passenger station			X	X	X
Reception and events facilities		X	X	UP	
Recreational assembly uses for children, young adults (bounce gyms, party places, baseball/batting training facility, cheerleading training, dance studio training, swimming)	X	X	X		
Recreational vehicle storage (RV's, Boats, etc.)			UP	X	X
Recycling collection facility and transfer only facility				X	X
Conducted on a small scale for individual residents to deposit aluminum cans or similar, not including outdoor storage or large truck deliveries					
Recycling collection, transfer, and processing facility					UP
Reducing salons		X	X	UP	
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		
Research (industrial) and educational facility			X	X	X
Rescue service		X	X	X	X
Residential (single- and multiple-family)	UP	UP	UP	UP	UP
Restaurant or drive-in	X	X	X	UP	UP
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 (Ord. No. 2413, § 4.D, 11-18-93)					

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		
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
Service station (gasoline) complying with the following conditions:		UP	UP	UP	UP
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					
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					
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	
Sexually oriented business (adult bookstore, adult service business, and adult video facility)					
Permitted by an adult use permit in C-2, C-3, I-1 and I-2 districts only, subject to conditions or limitations in section 305(2)(c)1 (Ord. No. 2413, § 4.A, 11-18-93)					
Sheet metal products, tinsmithing			X	X	X
(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					

Sheet metal products, tinsmithing			UP	X	X
(Light, such as ventilating ducts and eaves), with all storage of goods, materials and equipment and processing and manufacturing, utilizing outside storage					
Shoe repair shop	X	X	X	UP	
Shooting range indoors only		X	X	UP	UP
Sign-making company		X	X	UP	UP
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					
Sign manufacturer				X	X
Signs conforming to requirements of sign code [Ch. 39]	X	X	X	X	X
Skating rink		X	X		
Social and fraternal organizations and lodges, headquarters for scouts and other youth organizations		X	X		
Solar energy system (ancillary)	X	X	X	X	X
Solar energy system (utility scale)	UP	UP	UP	UP	UP
Specialty stores (see footnote #2 at end of table)	X	X	X		
Selling or renting goods predominantly at retail 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 (Ord. No. 2413, § 4.E, 11-18-93)					
Stadiums, coliseums, assembly halls owned by nonprofit organizations or by State, Municipal or County government		X	X	UP	UP

Storage of commercial vehicles			UP	X	X
Where not an accessory use to another use which is permitted					
Storage (outside) of heavy materials and equipment				UP	X
Supermarket, grocery, delicatessen, or other store carrying a variety of food and related goods (see footnote #2 at end of table)	X	X	X	UP	
Tailors	X	X	X	UP	
Taxi dispatching station		X	X	X	X
Taxi terminal			X	X	X
Television and radio stations and transmitting towers			UP	X	X
Television and radio stations, excluding transmission towers		X	X	X	X
Textile manufacturer				X	X
Theaters, cinema, excluding drive-in and adult video facilities (Ord. No. 2413, § 4.F, 11-18-93)		X	X		
Theaters, performing arts programs or events		X	X	UP	
Tile, brick and terra cotta manufacturing					X
Tire recapping and retreading (in accordance with Fire Code)			UP	X	X
Tobacco products manufacture and storage				X	X
Tourist homes, hotels and motels		X	X	UP	UP
Trailers (for educational, office or storage)	UP	UP	UP	UP	UP
Transient service facilities	UP	UP	UP	UP	UP
Travel agencies	X	X	X	UP	

Truck or rail freight yard or terminal				X	X
Upholsterer		X	X	UP	UP
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					
Uniforms sales or renting	X	X	X		
Utility company offices, including exchanges	X	X	X	X	UP
Utility (public)	UP	UP	UP	UP	UP
Distribution lines, transformer stations, transmission lines and towers, water tanks and towers, and telephone exchanges but not service or storage yards					
Utility (public) storage yards			UP	X	X
Veterinarian hospital or clinic		X	X		
All equipment, storage of animals and services are wholly contained within the principal building					
Warehousing, storage establishment			UP	X	X
Wedding reception and event facilities		X	X	UP	
Welding shops			UP	X	X
Wholesaling or distribution			UP	X	X
Including the handling of stock and incidental retail					

*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 a 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 locations specified, and when developed in accordance with section 35-1902 (10) 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 in accordance with section 35-2213 of this Code.

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. 1506, 8-11-85; 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)

## 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 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. - Accessory buildings.

(1) Accessory buildings shall be located in the rear of the principal building and shall not occupy more than thirty (30) percent of the rear area.

(2) Accessory buildings shall meet the minimum side and rear yard setbacks for the district in which it is located, except that open-air ramadas as defined by this Code [in section 200] may achieve a minimum five-foot side yard and five-foot rear yard setback, as measured from the edge of the roof or cover. In the

event that an alley, or common open space public or private other than a street, adjoins the rear yard along one (1) or more of the property lines, the required five-foot setback from that property line to such ramada may be eliminated. Any accessory buildings within a planned area development (PAD) zoning designation shall be subject to the applicable provisions of the adopted preliminary development plan.

(3) Accessory buildings in single-family residential districts shall not exceed fifteen (15) feet in height.

(4) No carport or garage entered from an alley shall be located closer than ten (10) feet to a rear lot line.

(5) No accessory building shall be constructed prior to the construction of a principal building.

(6) No accessory building shall be used for dwelling purposes.

(Ord. No. 1421, § V, 1-10-85; Ord. No. 1937, § 2, 3-10-88; Ord. No. 3063, § 3, 11-18-99)

35-2203. - Storage sheds.

(1) Storage shed limited to one (1) per lot; provided, however, that such shed shall be located in the side or rear yard of the property, cannot be served by any utility (electricity, gas or water) and all drainage therefrom must flow back onto the owner's property.

(2) A masonry or concrete block wall may serve as the wall or walls of said structure as long as the height of said fence is equal to or greater than the maximum height of the storage shed.

(3) Storage sheds shall not be subject to rear and side yard setback requirements.

(Ord. No. 1421, § V, 1-10-85; Ord. No. 3063, § 3, 11-18-99)

35-2204. - General.

(1) Every dwelling shall be located and maintained on a lot as defined by this Code [in section 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.

(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)

35-2205. - Swimming pools.

(1) Swimming pools shall not occupy any front yard nor shall the interior edge of the pool decking be located closer than five (5) feet to any side or rear property line.

(2) All pools shall be enclosed by a masonry or concrete wall or decorative fencing (such as wrought iron) at least six (6) feet but not to exceed seven (7) feet in height. A horizontal combination of masonry and wrought iron may be permitted with a concrete curb of maximum four (4) inches height to prevent erosion. This curb shall be three (3) inches under the ground and one (1) inch above the grade, as shown in graphic A.

**Editor's note**— Graphic A referenced above is not set out herein, but is on file and available in the office of the City Clerk and the Zoning Administrator.

(3) Wall/fence heights shall be measured on the exterior side of the enclosure from the top of the foundation stem wall or at the lowest point of elevation within a line five (5) feet from the fence.

In varying grade situations, the average height of the majority of the fence shall be deemed the overall fence height but in no case less than six (6) feet nominal height.

Fences constructed and approved by the City prior to the adoption of this ordinance [September 30, 1986] shall be considered a nominal six-foot fence provided that the measured fence height is not less than five (5) feet six (6) inches and that such conditions are not dangerous to life safety.

Such fencing shall not be constructed in a manner as to provide hand or foot holds for climbing. Self-locking gates and/or entrances shall be used if openings are provided in pool walls or fences.

(4) All pedestrian gates shall be self-closing and self-latching and open outwards from the pool if no interior barrier is installed, under the provisions of section 7-6.1(c) of the City Code. Gate latches shall not be less than fifty-four (54) inches above finished grade, and shall not require a key to exit from inside the enclosure.

Gates for openings of four (4) feet or greater leaf width must be secured with a locking device and be kept locked.

(5) Wood fencing may be used only to replace an existing wood fence, in all other cases wood fencing is prohibited.

(6) The exterior fence enclosure for swimming pools, as required by this section, need not necessarily be located on the side or rear property lines. In the case where the interior barrier, as required under section 7-6.1(c) of the City Code, also serves as the exterior barrier, said barrier shall be six (6) feet in height, in addition to complying with all the applicable barrier standards as set forth in section 7-6.1(c). Said barrier shall also preclude exterior access.

(7) In the case where the rear yard of a single-family property abuts the edge of a lake within any one (1) of the several approved lake communities or subdivisions within the City of Chandler; and where no public access is permitted or allowed along the lakeshore; and where side yard fences extend to and beyond the water's edge a minimum of eighteen (18) inches; no rear yard fence will be required between the lakeshore and the swimming pool.

(8) In any zoning district, if the fence or gate material is of such construction or design that there are openings in the enclosure, such openings shall be of such size that a spherical object four (4) inches in diameter cannot pass through the openings, as shown in graphic A.

(Ord. No. 1421, § VII, 1-10-85; Ord. No. 1630, § 2, 6-12-86; Ord. No. 1713, § 1, 10-9-86; Ord. No. 2838, § 1, 5-28-98; Ord. No. 3063, § 3, 11-18-99)

**Note**— See the editor's note under § 2205(2).

35-2206. - Compliance with transportation plan.

(1) All required building setback regulations shall apply to the future right-of-way line as indicated on the transportation plan and required by other pertinent City Codes.

(2) No building permit shall be issued for a building or use of land until required rights-of-way have been dedicated as required by other pertinent City Codes.

(Ord. No. 3063, § 3, 11-18-99)

35-2207. - Lot area and dimensions.

- (1) Any lot of record, legally created, which currently does not conform with the lot area for the zoning district in which it is located may be used for any use permitted in its current that zoning district provided other applicable regulations of the Zoning Code are complied with.
- (2) No lot shall be reduced in any manner below the lot area requirements of the Zoning Code for the zoning district in which it is located, or if a lot is already less than the minimums so required, such lot area or dimension shall not be further reduced.
- (3) No lot shall be reduced or diminished so as to cause the yards, lot coverage or other open spaces to be less than that required by the Zoning Code, or to decrease the lot area per dwelling unit except in conformity with this Code.

(Ord. No. 3063, § 3, 11-18-99)

35-2208. - Satellite dish antennas.

(1) *Single-family zoning districts:*

- (a) Ground-mounted dish antennas shall be located within rear yards, with a minimum ten-foot setback from any rear property line.
- (b) Roof-mounted dish antennas shall not exceed four (4) feet in diameter, and shall not be visible from street view.
- (c) The maximum height for any ground-mounted dish antennas shall be ten (10) feet as measured from ground level to its highest point.
- (d) Any ground-mounted dish antennas shall be screened by a minimum six-foot-high solid wall, fence or dense vegetation.

(2) *Multi-family and commercial zoning districts:*

- (a) Ground-mounted dish antennas shall be located within the side or rear yard, and shall be enclosed with a six-foot-high solid wall or fence.
- (b) Roof-mounted dish antennas shall not exceed four (4) feet in diameter and shall not be visible from street view.
- (c) Any dish antenna exceeding ten (10) feet in height, as measured from ground level to its highest point, shall be subject to approval of a use permit.

(3) *Industrial zoning districts:*

- (a) All dish antennas shall be located so as not to be visible from street view.
- (b) Any dish antenna exceeding twenty-five (25) feet in height, as measured from ground level to its highest point, shall be subject to approval of a use permit.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 1506, 7-11-85)

35-2209. - Wireless communication facilities.

- (1) *Definitions:* In this section, unless the context otherwise requires, the following definitions shall apply:

*Antenna:* A device used in wireless telecommunications which transmits or receives radio or microwave signals. Antenna includes a dish antenna, panel antenna, or whip antenna. An antenna not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such antenna.

*Directional or "panel" antenna:* A device that receives and transmits signals in a directional pattern typically encompassing an arc of one hundred twenty (120) degrees.

*Omni-directional or "whip" antenna:* A device that receives and transmits signals in a three hundred sixty-degree pattern, and which is up to fifteen (15) feet in height and up to four (4) inches in diameter.

*Parabolic or "dish" antenna:* A bowl-shaped device that receives and transmits signals in a specific directional pattern.

*Equipment building:* An unstaffed structure attached to or made part of a wireless communication facility and used to house equipment needed to operate and maintain a wireless communication facility.

*Industrial, commercial or residential zoning districts:* As used in this section 2209, an industrial, commercial or residential zoning district also includes an area within a PAD zoning district which is designated for industrial, commercial or residential use, respectively. Residential zoning districts also includes AG-1 zoning districts.

*Support structure:* A component of a wireless communication facility, which is often a tower or other structure of sufficient verticality, used to support one (1) or more antennas at needed height for effective operation of the facility.

*Tower:* Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennae in the operation of a wireless communication facility. A tower may include, without limitation, such types as a lattice tower or a monopole.

*Wireless communication facility:* A facility used exclusively for the transmission and reception of radio or microwave signals used for commercial communications. A wireless communication facility is generally composed of the following components: At least one (1) antenna; a support structure, which may be a tower or which may be a structure (such as, without limitation, a building or a light pole) constructed primarily for purposes other than supporting an antenna; and, in some cases, an equipment building.

(2) *Permitted use:* A wireless communication facility is a permitted use, and shall not require a use permit, in any zoning district, provided that the following requirements are complied with in their entirety:

(a) *Compliance with general standards.* The site plan, architectural design and building materials for the wireless communication facility shall be in accordance with Article XIX, Site Development Plan, and this Article XXII, Section 2209(6).

(b) *Compliance with specific district requirements.* A wireless communication facility located within an industrial zoning district shall comply with the requirements stated in paragraph (3) below. A wireless communication facility located within a commercial or residential zoning district shall comply with the requirements stated in paragraph (4) below.

(3) *Industrial zoning district requirements.* A wireless communication facility located in an industrial zoning district shall comply with the following:

(a) *Tower-supported facilities.* A wireless communication facility may use a tower as the support structure for its antenna provided that:

1. The height of the facility shall not exceed one hundred (100) feet in total height, including tower, antenna and attachments, as measured from finished grade of the site.

2. The location of such facility shall meet all applicable setback requirements for the zoning district, except that where such a wireless communication facility is located on property that is adjacent to any property that either contains a residence, is zoned for residential use, or is designated for residential use in an adopted area plan, then, in addition to any other applicable setback requirements, the facility shall be set back from such adjacent property a distance equal to two (2) feet for every one (1) foot in total height of the facility, including tower, any antenna and other attachments.

(b) *Use of an existing support structure.* A wireless communication facility that is established by the installation of an antenna on a support structure other than a tower (such as, without limitation, a building, sign, light pole, water tower, church steeple, or other freestanding structure) that has been erected and in continuous use for its originally intended purpose for at least two (2) years is not required to have its antenna architecturally compatible, visually unobtrusive, and designed to be an integral part of the support structure, except as indicated below:

1. *Roof-top installation.* Where the antenna is installed on the roof-top of a building and either (i) the antenna can be seen from street view or (ii) the building is adjacent to property that contains existing residences, is zoned for residential use, or is designated residential in an adopted area plan, then the following restrictions shall apply:

a. *Antenna type.* Only one (1) type of antenna (i.e., panel, whip or dish) shall be installed on any single side of a building.

b. *Height.* The height of an antenna above the roof-top shall be restricted as follows:

i. Six (6) feet measured to the top of a panel antenna above the roof proper of the existing building at the point of attachment.

ii. Fifteen (15) feet measured to the tip of a whip antenna above the roof proper of the existing building at the point of attachment.

iii. Six (6) feet measured to the top of a parabolic dish above the roof proper of the existing building at the point of attachment.

c. *Number.* The total number of roof-top antennas shall be as follows:

i. No more than four (4) panel antennas.

ii. No more than three (3) whip antennas.

iii. No more than one (1) parabolic antennas.

2. *Other installations:* Where the antenna is installed on a structure other than the roof-top of a building (such as, without limitation, another portion of a building, or on a sign, light pole, water tower, or other freestanding structure) and either (i) the antenna can be seen from street view or (ii) the structure is adjacent to property that contains existing residences, is zoned for residential use, or is designated residential in an adopted area plan, then the antenna shall be architecturally compatible, visually unobtrusive, and designed to be an integral part of the support structure.

(4) *Commercial and residential zoning district requirements.* A wireless communication facility located in a commercial or residential zoning district shall comply with the following:

(a) A wireless communication facility in a commercial or residential zoning district shall not use a tower for its support structure except as indicated in paragraph (5) below.

(b) A wireless communication facility that is established by the installation of an antenna on an existing support structure other than a tower (such as, without limitation, a building, sign, light pole,

water tower, church steeple, or other freestanding structure) is required to have its antenna architecturally compatible, visually unobtrusive, and designed to be an integral part of the support structure.

(5) *Replacement of an existing pole with a tower support.* For any commercial or residential zoning district, where a wireless communication facility is established by the replacement of a pole, (such as, without limitation, any light pole, electric powerline pole, telephone pole or ballfield light pole, but expressly excluding any monopole) that has been erected and in continuous use for its originally intended purpose for at least two (2) years with a monopole that, in addition to providing the support structure for an antenna, also serves the function otherwise provided by the replaced pole, then the facility is permitted by right provided that the height of the facility, including tower, antenna and attachments, is not more than twenty-five (25) feet greater than the height of the original pole structure that was replaced, and does not exceed seventy (70) feet in total height, as measured from grade of the site.

(a) *Co-location exception.* Where the tower supports the co-location of two (2) or more service providers, the maximum height of the facility shall not exceed eighty-five (85) feet in total height.

(b) *Ballfield light poles.* Notwithstanding any other requirement in this paragraph (5), where the replacement is of a ballfield light pole:

1. The location of such facility shall meet all applicable setback requirements for the zoning district, except that where such a wireless communication facility is located on property that is adjacent to any property that either contains a residence, is zoned for residential use, or is designated for residential use in an adopted area plan, then, in addition to any other applicable setback requirements, the facility shall be set back from such adjacent property at a minimum distance of three hundred (300) feet as well as co-located on the furthest existing light pole away from said property. If the distance cannot be met, a use permit is required.

a. An existing structure located within a distance of three hundred (300) feet cannot be expanded or moved closer to a residence, or property residentially zoned or designated without a use permit.

2. The tower shall be of substantially the same diameter as the pole being replaced;

3. The total height of the facility shall not exceed seventy (70) feet or the same height as the pole being replaced, whichever is greater; and

4. No more than two (2) ballfield light poles serving a single ballfield may be used as wireless communication facilities.

(6) *Site plan, design, use, and location regulations:* The following criteria apply to all wireless communication facilities permitted as a matter of right:

(a) *Color.* The color of all towers shall be painted a shade of light gray, or a color that is more compatible with the surrounding architecture or environment so as to make the tower as visually unobtrusive as possible. Painted towers are not required in industrial districts.

(b) *Screening and landscaping:* Mechanical equipment associated with wireless communication facilities must be screened, and landscaping provided in accordance with Article XIX, Site Development Plan. For purposes of this Section 2209, the provisions of Article XIX, Site Development Plan, shall apply to any zoning district where a wireless communication facility is sought to be located.

(c) *Interference:* Any new antenna or any other related communication equipment shall not interfere with existing communications.

(d) *Parking:* The site must provide at least one (1) parking space designed to City Standards which may be incorporated as part of the maneuvering areas and access drives. This requirement can be

waived by the Zoning Administrator when hard surfaced parking already exists, or when the Zoning Administrator concludes that the goals of the City are better served thereby.

(e) *Separation*: No wireless communication tower that is readily visible from off-site shall be installed closer than one-quarter ( $\frac{1}{4}$ ) mile from another readily visible, uncamouflaged, unscreened, or unintegrated wireless communication facility unless it is an antenna installed on an existing structure in accordance with the applicable requirements of section 2209.

(f) *Foundation design*: The foundation of a wireless communication tower shall be built to handle multiple service providers.

(g) *Antenna design*: A streamline, flush-mounted antenna shall be used in all zoning districts except an industrial zoning district.

(h) *Notification*: If a wireless communication facility is to be located within the boundaries of, or within one hundred (100) feet of, a homeowners' or a property management association, the facility owner must notify the association that an application to build a wireless communication facility has been filed with the City. The facility owner must provide written certification to the City that the homeowners' or a property management association(s) was notified prior to any building permit being issued.

(7) *Use permit approval*: A wireless communication facility that is not permitted by right may operate only upon first obtaining a use permit.

(a) *Application and inventory of existing facility sites*: Application procedures shall be the same as provided under section 305(1) of Article III of this Zoning Code, except that in addition, an applicant for a use permit for a wireless communication facility shall provide:

1. An inventory of its existing facilities that are either within the jurisdiction of the City of Chandler, or within one-quarter ( $\frac{1}{4}$ ) mile of the border thereof, including specific information about the location, height, and design of each tower; and

2. An inventory of all existing vertical towers or structures that are equal to or higher than the height of any proposed tower within one (1) square mile of the proposed location regardless of jurisdiction. Evidence and justification must be provided by the applicant to the Zoning Administrator to demonstrate that sufficient efforts were made to locate the antenna on all such towers and structures within a one-mile radius of proposed location. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna.

(b) *Review procedures*: Procedures for review of the application for a use permit for a wireless communication facility shall be the same as for any type of use permit allowed under section 305(1) of the Zoning Code, except that the following shall apply:

1. No more than ninety (90) days shall elapse between filing of the application for such permit and a determination by the City Council to grant or deny the permit, unless such delay is caused by the applicant; and

2. A decision to deny an application for such permit shall be stated in writing, shall be based on substantial evidence justifying the denial, and shall be supported by a written record.

(c) *Review factors*: The review and approval of an application for a use permit for a wireless communication facility shall include examination of those factors indicated in section 305(1)(b) and (c), but in no event shall there be any consideration of the environmental effects of radio frequency emissions.

(8) *Removal of abandoned antennas and towers:* Any wireless communication facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such facility shall remove the same, including any tower, antennae, attachments and equipment building, within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. If there are two (2) or more service providers using a single tower, then the abandonment period shall not begin until all such service providers have ceased using the tower.

(Ord. No. 2713, § 1, 7-7-97; Ord. No. 3063, § 3, 11-18-99; Ord. No. 3415, § 1, 4-10-03; Ord. No. 4216, 5-13-10; Ord. No. 4216, 5-13-10)

35-2210. - Solar energy systems.

(1) *Definitions:*

*Ancillary solar energy system:* A solar energy system that is intended to meet all or part of a property's on-site energy requirements.

*Free-standing solar energy system:* A ground mounted solar energy system containing a support structure that is designed solely for the purpose of supporting the system's equipment. A solar energy system designed to shade sitting areas, recreational activities, parking spaces, walkways, or designed to be utilized for uses other than a solar energy system shall be considered an accessory building and shall be excluded from this definition.

*Solar energy system:* An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy.

*Utility scale solar energy system:* A solar energy system that generates energy primarily intended for off-site consumption.

(2) Property located in an agricultural, single-family, or multi-family zoning district, and property located in an area of a PAD zoning district where agricultural, single-family or multi-family uses are allowed:

- a. Ancillary solar energy systems are permitted on the property as an accessory use to the principal use of the property.
- b. An ancillary solar energy system shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- c. A free-standing ancillary solar energy system shall:
  1. Not be located in the front yard.
  2. Not be subject to rear and side yard setback requirements and shall not constitute an increase to lot coverage if said system does not exceed the height of the surrounding perimeter wall and is not visible from any public street or from an adjoining property. A solar energy system that exceeds the height of the surrounding perimeter wall or is visible from a public street or an adjoining property shall be subject to the height and area regulations for the underlying zoning district and additional height and area regulations for accessory buildings set forth in Section 35-2202.
  3. Not be considered an accessory building for the purpose of calculating the number of accessory buildings permitted by the underlying zoning district.
  4. Comply with life safety requirements determined by all applicable building and fire codes.
- d. Utility scale solar energy systems shall be subject to approval of a use permit.

(3) Property located in a commercial or industrial zoning district, and property located in an area of a PAD zoning districts where commercial and/or industrial uses are allowed:

- a. Ancillary solar energy systems are permitted on the property as an accessory use to the principal use of the property.
- b. An ancillary solar energy system shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- c. An ancillary solar energy system that is mounted on the roof of or otherwise attached to a commercial building shall be subject to the height and area regulations for the underlying zoning district. Said solar energy systems shall not be required to be concealed and/or screened from view as set forth in Section 35-1902(5)(c) except said solar energy system shall be screened so that it is not visible from the ground floor of any dwelling unit located within six hundred (600) feet of said solar energy system as measured from the nearest exterior wall of the building to the nearest property line of any residential development.
- d. Free-standing ancillary solar energy systems shall:
  1. Not be required to be concealed and/or screened from street view or from a non-residential zoned property.
  2. Not be subject to front, rear and side yard setback requirements if said system is not visible from the ground floor of any dwelling unit. A solar energy system that is located on property that is next to or across an alley from a residential development and that exceeds the height of the surrounding perimeter wall shall be no closer than twenty-five (25) feet, plus one (1) additional foot for each foot of height of said solar energy system, as measured from the nearest property line of any residential development to the nearest point of the solar energy system.
  3. Not constitute an increase in lot coverage.
  4. Comply with life safety requirements. Determined by all applicable building and fire codes.
- e. Utility scale solar energy systems shall be subject to approval of a use permit.

(4) Utility scale solar energy system requirements. Utility scale solar energy systems in any zoning district shall comply with the following:

- a. No portion of a utility scale solar energy system shall be visible from the ground floor of any dwelling unit. Said solar energy system shall not be considered to be in violation if subsequent to approval and installation of said solar energy systems, a dwelling unit(s) is constructed in a manner or location where said solar energy system is visible from the ground floor of said dwelling unit(s). Said solar energy system shall not be required to be concealed and/or screened from street view or from a non-residential zoned property.
- b. All landscaping shall be maintained and kept in a weed free manner at all times as set forth in Section 35-1903.6.h
- c. The property shall be kept in a trash and debris free manner at all times.
- d. Solar energy systems shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- e. The property shall be kept under regular surveillance by personnel working on-site or, in the absence of on-site personnel, by a security camera system.
- f. The solar energy system shall not be subject to lot coverage limits.

g. The solar energy system shall comply with all life safety requirements including setbacks as determined by all applicable building and fire codes.

h. All buildings and structures other than the utility scale solar energy system and appurtenances shall comply with setbacks required by C-3 Regional Commercial District and additional requirements for commercial buildings when adjacent to residential development as set forth in Section 35-1902.8(a).

(Ord. No. 4302, § 1, 6-23-11)

35-2211. - Residential care homes.

(1) *Purpose.* Residential care homes are permitted in all single family districts subject to the requirements provided herein. The purpose of these regulations is to permit persons with disabilities to reside in single family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.

(2) *Registration.* Residential care homes shall submit a completed zoning clearance application and required supplemental materials to the Planning Division on a form established by the Zoning Administrator. For residential care homes that are licensed by the state, county or other governmental authority, tentative zoning clearance may be issued upon verifying the application complies with the standards below. Said residential care homes shall be considered to be registered with the city at the time they receive tentative zoning clearance and shall submit to the city a copy of the license issued by the state, county or other governmental authority within ninety (90) days, or said registration shall be withdrawn. For residential care homes that are not licensed by the state, county or other governmental authority, zoning clearance may be issued in place of tentative zoning clearance at which time the residential care home shall be considered to be registered with the city. In all cases, registration for residential care homes shall terminate when the residential care home use ceases.

(3) *Standards.* Residential care homes shall be subject to the continued, full and complete compliance with the following standards:

1. *Capacity.* The number of residents, excluding staff, shall not exceed five (5).

2. *Location.* Residential care homes shall be separated a minimum of one thousand two hundred (1,200) feet from other registered residential care homes and group homes, except no separation is required when said facilities are separated by a freeway, arterial street, canal, or railroad. For the purposes of this subsection, all separation distances shall be measured from the property lines.

3. *Signage.* The residential care home shall have no identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted under Chapter 39, section 39-9 of the Chandler Sign Code.

4. *Code compliance.* The residential care home shall be in compliance with all applicable city codes, including building codes, fire safety regulations, zoning and subdivision codes.

5. *Parking.* Any parking for the residential care home shall be on site and comply with requirements set forth in Article XVII Parking and Loading Regulations.

6. *Maintenance.* The exterior of the dwelling and yards shall be kept in a condition that is consistent with the neighborhood pursuant to Chapter 30, Neighborhood Preservation, of the City Code.

7. *Exclusive use.* All administrative activities, including staffing, counseling, and other visitations, shall serve only the residents of the group home.

(4) *Reasonable accommodation waiver.* As a reasonable accommodation for persons with a disability, strict compliance with the standards set out in Section 35-2211(3) for residential care homes may be waived by the Zoning Administrator in accordance with the requirements stated herein. A request for such a reasonable accommodation waiver must be in writing and filed with the Zoning Administrator. In all cases, the Zoning Administrator, or his/her designee, shall make findings of fact in support of his/her determination and shall render his/her decision in writing. The Zoning Administrator may meet with and interview the person making the request in order to ascertain or clarify information sufficiently to make the required findings. To grant a reasonable accommodation waiver, the Zoning Administrator shall find affirmatively all of the following:

1. The request will be in compliance with all applicable building and fire codes.
2. The request will not create a substantial detriment injurious to neighboring properties by creating traffic impacts, parking impacts, impacts on water or sewer system, or other similar adverse impacts.

Profitability or financial hardship of the owner/service provider of a facility shall not be considered by the Zoning Administrator in determining to grant a reasonable accommodation waiver. An appeal of the decision of the Zoning Administrator may be made regarding reasonable accommodation to the Board of Adjustment pursuant to Article XXV of this chapter.

(Ord. No. 4513, § III, 11-8-13)

35-2212. - Group homes.

(1) *Purpose.* Group homes are permitted in all single family districts subject to the requirements provided herein. The purpose of these regulations is to permit a group of unrelated persons who are not living together as a single housekeeping unit to reside in single family residential neighborhoods while preserving the residential character of the neighborhood.

(2) *Registration.* Group homes shall submit a completed zoning clearance application and required supplemental materials to the Planning Division on a form established by the Zoning Administrator. For group homes that are licensed by the state, county or other governmental authority, tentative zoning clearance may be issued upon verifying the application complies with the standards below. Said group homes shall be considered to be registered with the city at the time they receive tentative zoning clearance and shall submit to the city a copy of the license issued by the state, county or other governmental authority within ninety (90) days, or said registration shall be withdrawn. For group homes that are not licensed by the state, county or other governmental authority, zoning clearance may be issued in place of tentative zoning clearance at which time the group home shall be considered to be registered with the city. In all cases, registration for group homes shall terminate when the group home use ceases.

(3) *Standards.* Group homes shall be subject to the continued, full and complete compliance with the following standards:

1. *Capacity.* The number of residents, excluding staff, shall not exceed five (5).
2. *Location.* Group homes shall be separated a minimum of one thousand two hundred (1,200) feet from other registered group homes and residential care homes, except no separation is required when said facilities are separated by a freeway, arterial street, canal, or railroad. For the purposes of this subsection, all separation distances shall be measured from the property lines.
3. *Signage.* The group home shall have no identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted under Chapter 39, section 39-9 of the Chandler Sign Code.

4. *Code compliance.* The group home shall be in compliance with all applicable city codes, including building codes, fire safety regulations, zoning and subdivision codes.
5. *Parking.* Any parking for the group home shall be on site and comply with requirements set forth in Article XVII Parking and Loading Regulations.
6. *Maintenance.* The exterior of the dwelling and yards shall be kept in a condition that is consistent with the neighborhood pursuant to Chapter 30, Neighborhood Preservation, of the City Code.
7. *Exclusive use.* All administrative activities, including staffing, counseling, and other visitations, shall serve only the residents of the group home.

(Ord. No. 4513, § III, 11-8-13)

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 or C-3 uses are allowed and only upon obtaining a zoning clearance for such use.
- 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. *Application.* 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:

- A. The location of the premises at which the medical marijuana facility, the medical marijuana cultivation site, or infusion food establishment will be operated.
- B. 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.
- C. 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.
- D. 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.
- E. 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.

F. Other pertinent information as needed to determine compliance with the provisions of this Section (35-2213) as required by the Planning Division.

3. *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:

A. The request is in conformance with the General Plan and its policies.

B. The request is in full conformance with the provisions of this Section (35-2213).

C. 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.

D. 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.

E. The medical marijuana facility, a medical marijuana cultivation site, or an infusion food establishment:

1) 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.

2) Is not larger than two thousand five hundred (2,500) gross square feet for a medical marijuana facility and three thousand (3,000) gross square feet for a medical marijuana cultivation site. The secure storage area does not exceed five hundred (500) square feet in a medical marijuana facility and one thousand (1,000) square feet in a medical marijuana cultivation site.

3) Does not have or operate drive-through facilities or take-out windows.

4) Will not emit dust, fumes, vapors or odors into the environment.

5) Is operated only by a medical marijuana dispensary or, in the case of an infusion food establishment, a person or entity authorized by State law to infuse edible food products, who does:

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 provide off-site deliveries of medical marijuana to a cardholder.

iv. Not sell merchandise other than medical marijuana and related supplies.

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 9:00 a.m. and not later than 7:00 p.m.

F. 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 2213.3(F) 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 2213.3(F) shall not be reduced through a variance, Planned Area Development (PAD), or any other manner.

Table 2213.3(F) Separation Requirements	
Use or Use Classification	Separation Requirement (feet)
Another medical marijuana facility or cultivation site	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

4. Issuance of zoning clearance.

A. 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.

B. 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.

5. *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.

6. *Zoning clearance denial and appeal process.*

A. 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.

B. 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.

7. *Revocation or suspension of zoning clearance.*

A. The Zoning Administrator may suspend or revoke a zoning clearance upon finding:

- 1). Material noncompliance with the requirements prescribed in this Section (35-2213); and/or
- 2). Operation of the permitted use in such a manner as to cause a substantial detrimental impact on neighboring persons or property.

B. 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.

C. 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.

D. The decision of the Board of Adjustment may be appealed as provided in Section 35-2503 of this Zoning Code.

(Ord. No. 4764, § IV, 8-10-17)

ARTICLE XXIII. - ENFORCEMENT

35-2300. - Duty of Zoning Administrator to enforce the code.

The Zoning Administrator shall be the City Planner and shall be charged with the responsibility of enforcing the Zoning Code.

If any building structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of the provisions of this Code or of any ordinance adopted to the provisions of this Code, the City may institute appropriate action to:

- (1) Prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.
- (2) Restrain, correct or abate the violation.
- (3) Prevent the occupancy of such building, structure or land.
- (4) Prevent any illegal act, conduct, business or use in or about such premises.

(Ord. No. 3063, § 3, 11-18-99)

35-2301. - Zoning Administrator.

The Zoning Administrator shall be the City Planner and shall be charged with the responsibility of enforcing the Zoning Code.

(Ord. No. 3063, § 3, 11-18-99)

ARTICLE XXIV. - PLANNING AND ZONING COMMISSION<sup>[3]</sup>

Footnotes:

--- (3) ---

**Cross reference**— Department of Planning and Development, § 2-62 et seq.

35-2400. - Planning and Zoning Commission; establishment; members.

The City Planning and Zoning Commission shall consist of seven (7) members appointed by the Mayor with approval of the Council.

The term of each member shall be for three (3) years, and each member shall serve until his/her successor is appointed and qualified. Any vacancy in office during the term shall be filled by the Mayor with approval of the Council for the unexpired term.

The City Attorney shall serve as an advisory member of the Commission. The Mayor, with approval of the City Council, may appoint additional advisory members to the Commission as may in his/her discretion be necessary. No advisory member shall have the right to vote although they may participate in all discussions which come before the Commission.

(Ord. No. 3063, § 3, 11-18-99)

35-2401. - Officers; meetings, administration of oath and compelling attendance of witnesses; quorum.

The regular Commission members shall elect a chairman and vice-chairman from among their number. All meetings of the Commission shall be public and shall be regularly held, and special meetings may be held at the call of the chair, and at such other times as the Commission may determine. The Commission shall establish the time and date of its meetings through rules and regulations as hereinafter permitted. The chair or, in the absence of the chair, the vice-chair, may administer oaths and compel the attendance of witnesses. The Planning Director shall be secretary to the Commission, and a recording secretary to the Commission shall be appointed by the City Manager. A majority of the regular Commission members shall constitute a quorum at any meeting.

(Ord. No. 3063, § 3, 11-18-99)

[35-2402. - Reserved.]

**Editor's note**— The original ordinance contained no § 2402.

(Ord. No. 3063, § 3, 11-18-99)

35-2403. - Powers and duties.

The powers and duties of the Commission shall be as follows:

(1) To recommend the establishment of zones or districts limiting the use, height, area and bulk of buildings and structures; to perform all functions assigned to it under this chapter relating to amendment; and to hear and to make recommendations to the City Council on any and all matters and things which may come before it relating to the zoning or rezoning of property.

(2) To recommend and make suggestions to the Council and all other public authorities, plans for the regulations of the future growth, development and beautification of the City and its immediate environs in respect to its public and private streets, parks, playgrounds and vacant lots, and make plans consistent with future growth and development in order to secure to the City and its inhabitants sanitation, proper service of utilities and transportation facilities, and the betterment of housing conditions, the improvement of traffic conditions and any and all other things necessary and proper to carry out the intent of this chapter.

(3) To do, exercise and perform any and all such other powers and duties as may be assigned to it by the City Council or given to it under any law of the State or Code of this City.

(4) Design Committee (a Committee of the Chandler Planning Commission):

(a) *Purpose*: The purpose of this Committee is to assemble professional expertise in project design and to make this expertise available to the Commission and Planning and Development Staff.

(b) *Function*: The Committee may perform functions as follows:

1. Any of the project approving bodies or officials may refer a project to the Commission for Committee study. The Committee shall study the project and make its findings to the Commission, together with such recommendations for changes or alternatives that the Committee may feel appropriate under the circumstances.

2. In reviewing projects, the Planning and Development Staff may request Committee input providing that the Director had first made the finding that there are special circumstances existing or created by the project or the project design, internally or in reference to the surrounding area, which would require special consideration.

3. Whenever an applicant does not accept the staff's position on a design related objective as provided for in the Zoning Ordinance, Subdivision Ordinance, or the General Plan, the issue may be taken to the Committee at the request of either the Director or the applicant. In such case, the Committee shall first determine whether in their opinion the staff position is relevant to the stated goal or design objective. The Committee can further concur or disagree with the staff position and can offer alternatives for the consideration of staff and the applicant.

(c) *Standards and objectives:* In their deliberation, the Committee shall be guided by the general plan as well as standards and objectives prescribed in the Zoning and Subdivision Ordinances.

(d) *Composition:* The Committee shall consist of professional members of the Commission representing design and construction fields. In addition, there shall be one (1) other member of the Commission serving as Committee chairman.

(e) *Appointments and tenure:* The design and construction members of the Committee shall be appointed by the Commission chairman for terms not exceeding their tenure on the Commission. The chair position shall be filled by all other members of the Commission on a rotating basis in an order determined by the chairman and not exceeding one (1) year at any one (1) time.

(Ord. No. 1355, § 1, 6-25-84; Ord. No. 3063, § 3, 11-18-99)

35-2404. - Rules, regulations and records.

The Commission shall have power to make and publish rules and regulations with the approval of the Council to govern its proceedings and to carry into effect the provisions of this Code. The recording secretary shall keep minutes of the proceedings showing the vote upon every question, or if a member is absent or fails to vote, indicating that fact, and shall keep records of the Commission's examinations and other official actions. Minutes of the Commission shall be filed forthwith in the office of the Planning Director, and in the office of the City Clerk; and the same shall be a public record.

(Ord. No. 3063, § 3, 11-18-99)

#### ARTICLE XXV. - BOARD OF ADJUSTMENT

35-2500. - Board of Adjustment.

There is hereby established a Board of Adjustment consisting of seven (7) members. The seven (7) members shall be appointed by the Mayor, subject to the approval of the City Council. The seven (7) members of the Board of Adjustment shall be qualified electors of the City and [shall] have been a resident of the City for at least one (1) year immediately preceding the date of the member's appointment.

The term of office for members of the Board of Adjustment shall be for three (3) years. All such terms shall expire on the first day of May of the year in which such term is due to expire. A vacancy in office during the term shall be filled in the same manner as the original appointment, and the newly appointed member shall serve out the unexpired term of the member whose vacancy he or she fills.

The Board members shall elect a chair and a vice-chair from among their members. The chair or, in the chair's absence, the vice-chair, may administer oaths and take evidence.

(Ord. No. 1095, § 1, 8-26-82; Ord. No. 2763, § 1, 11-6-97; Ord. No. 2919, 1-14-99; Ord. No. 3063, § 3, 11-18-99)

35-2501. - Meetings.

Meetings of the Board shall be open to the public. The minutes of its proceedings, showing the vote of each member, records of its examinations and other official actions shall be filed in the office of the City Clerk as a public record. The secretary of the Board shall be the Planning and Development Director.

The concurring vote of at least four (4) members of the Board shall be necessary to reverse any order or decision of the Zoning Administrator, or to decide in favor of the person aggrieved on any matter upon which it is required to pass or grant any variance as provided for in this Code.

The Board shall prescribe, in connection with any matter it considers, any conditions the Board deems necessary in order to fully carry out the provisions and intent of this Code. Such conditions may include, among other things, time limitations. Violations of any such condition shall be a violation of this Code, and such violation shall render the Board's action null and void.

Variations which are granted by the Board shall be void if the use is not commenced or a building permit has not been issued within sixty (60) days of such Board action or within the time stipulated by the Board of Adjustment.

(Ord. No. 1506, 8-11-85; Ord. No. 2763, § 1, 11-6-97; Ord. No. 3063, § 3, 11-18-99)

35-2502. - Powers and duties.

[The Board of Adjustment shall have the following powers and duties:]

- (1) Adopt rules of procedure not inconsistent with the provisions of this Code for the conduct of its business and procedure.
- (2) Hear and decide all appeals that may be taken by any person or any Officer, Department, Board or Division of the City when there is an alleged error in any such order, requirement or decision made by the Zoning Administrator in the enforcement of the provisions of this Code.
- (3) Reverse or affirm in whole or in part or modify the order or decision as ought to be made, and [to] that end shall have the powers of the officer for whom the appeal is taken.
- (4) Determine and establish the true location of district boundaries in any disputed case.
- (5) Interpret any provision of the Zoning Code as it relates to a specific use of land or structure.
- (6) In specific cases, authorize upon request such variances from the provisions of this Code that will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary property hardships. A variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is located.
  - (a) A variance shall not be granted unless the Board of Adjustment shall find upon sufficient evidence:
    1. There are special circumstances or conditions applying to the land, building or use referred to in the request;
    2. The granting of the variance is necessary for the preservation and enjoyment of substantial property right; and
    3. The granting of the variance will not materially be detrimental to persons, property or to the public welfare of the community.

(b) The Board of Adjustment may not:

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

(Ord. No. 3063, § 3, 11-18-99)

35-2503. - Appeal procedure.

(1) Appeals to the Board may be taken by any person aggrieved or by Officials, Departments, Boards or Divisions of the City affected by any decision of the Zoning Administrator, within thirty (30) days, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal is taken shall forthwith transmit to the Board all papers constituting the records upon which the action appealed from was taken.

(2) The appeal stays all proceedings in the matter appealed from, unless the officer from whom the appeal is taken certified to the Board that, by reason of the facts stated in the certificate a stay would, in his/her opinion, cause eminent peril to life or property. In such case, proceedings shall not be stayed except by restraining order granted by the Board or by a court of record on application and notice to the officer from whom the appeal is taken.

(3) The Board shall fix a reasonable time for the hearing of the appeal and given notice thereof to the parties in interest and the public in the same manner used for amending this Code and stated in Article XXVI.

(4) The Board's decision shall become effective on the sixth working day after the Board's hearing on the appeal.

(5) A person aggrieved by decision of the Board or a taxpayer, officer or department of the municipality affected by a decision of the Board may, at any time within thirty (30) days after the Board has rendered its decision, file a complaint for special action in the superior court to review the Board decision. Filing the complaint does not stay proceedings on the decision sought to be reviewed; but the court may, on application, grant a stay and on final hearing may affirm or reverse, in whole or in part, or modify the decision reviewed.

(Ord. No. 3063, § 3, 11-18-99)

35-2504. - Fee schedule.

A fee established by Council resolution shall accompany each application described in the chapter. No part of any such fee shall be refundable after an application is filed.

(Ord. No. 3063, § 3, 11-18-99)

#### 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 written notice of the application 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 ( $\frac{1}{4}$ ) mile of the subject property, and to such other persons as the Zoning Administrator reasonably determines to be other potentially affected citizens.

1. The six hundred (600) foot notice to adjacent property owners and the one-quarter ( $\frac{1}{4}$ ) mile notice to registered neighborhood organizations as specified herein shall be expanded to a distance of one-quarter ( $\frac{1}{4}$ ) mile for adjacent property owners, and to a one-half ( $\frac{1}{2}$ ) mile distance 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.

2. The one-quarter ( $\frac{1}{4}$ ) mile and the one-half ( $\frac{1}{2}$ ) mile distances shall be measured from the property boundary lines of the parcel for which the mid-rise development is being proposed.

B. 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.

C. 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. 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 posted on a sign on the subject property, in accordance with design standards specified by the City of Chandler, located along an arterial street, neighborhood entry, or other high visibility location. The applicant shall remove said sign at the conclusion of the citizen review process.

3. Notice shall be provided in such other manner as deemed necessary or desirable by the Zoning Administrator.

After providing the required notification, the applicant shall submit to the Zoning Administrator a copy of the mailing list and a notarized affidavit of notification; said affidavit shall be in a form prescribed by the City of Chandler.

D. 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 Zoning Administrator or planning staff shall report the results of the neighborhood meeting to the Planning and Zoning Commission and City Council at such time as they take action on the application.

E. 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 35-2601.1 A., 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)

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 notice shall be published 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 ( $\frac{1}{4}$ ) 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 ( $\frac{1}{4}$ ) mile, shall be provided on address labels 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. Receipt of these mailing labels shall be a prerequisite to scheduling of public hearings by the City. 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 ( $\frac{1}{4}$ ) mile notice to registered neighborhood organizations as specified herein shall be expanded to a distance of one-quarter ( $\frac{1}{4}$ ) mile for adjacent property owners, and to one-half ( $\frac{1}{2}$ ) mile distance 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 ( $\frac{1}{4}$ ) mile and the one-half ( $\frac{1}{2}$ ) mile distances shall be measured from the property boundary lines of the parcel for which the mid-rise development is being proposed.

(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) That the applicant 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, located along an arterial street, neighborhood entry, or other high visibility location. The applicant shall remove such sign at the conclusion of the public hearing process.

(b) That the applicant personally deliver notice 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 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)

35-2603. - Conditional zoning.

A. The City Council may approve a zoning change containing conditions which must be met by the applicant and may specify a period of time for the applicant to meet said conditions. In the event the time period expires and the conditions have not been met, the ordinance shall not become effective.

B. Where a rezoning ordinance amending this Code contains conditions which must be met by the applicant and no time limit was specified, the applicant shall comply with the conditions within a period of one (1) year from the effective date of the ordinance or said ordinance shall not become effective.

(Ord. No. 3063, § 3, 11-18-99)

35-2604. - Reconsideration of denied amendments.

In the event that an application is denied by the Council, the Commission shall not reconsider the application nor consider another application of amendment of the Zoning Code applying to property described in the original application, or any part thereof, for at least ninety (90) days from the date of said denial action.

35-2605. - Protests against amendment.

A. If the owners of twenty (20) percent or more either of the area of the lots included in a proposed change, or those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths ( $\frac{3}{4}$ ) of all members of the City Council. If any members of the City Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths ( $\frac{3}{4}$ ) of the remaining membership of the Council, provided that such required number of votes shall in no event be less than a majority of the full membership.

B. All written protests shall describe the property owned by the protestants with sufficient clarity so as to be easily located on a map of the City and with relation to the area under consideration. If said property is not so described, the Council may disregard any such protest or protests.

(Ord. No. 2348, § 1, 3-25-93; Ord. No. 2354, § 1, 3-25-93; Ord. No. 3063, § 3, 11-18-99)

ARTICLE XXVII. - VIOLATIONS AND PENALTY

35-2700. - Penalty; separate offenses.

Any person, firm, corporation or other legal entity who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any provisions of this Code is guilty of a misdemeanor punishable as set forth in Chapter 1 of this Code. Each day that a violation is permitted to exist shall

constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these regulations.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3262, § 1, 5-10-01)

35-2701. - Abatement of violations.

Any building or structure constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land used in violation of this Code, constitutes a public nuisance and may be abated by the City in accordance with Chapter 26 of this Code.

(Ord. No. 3063, § 3, 11-18-99; Ord. No. 3621, 10-28-04)

#### ARTICLE XXIX. - P.C.O.—PLANNED COMMERCIAL OFFICE DISTRICT

35-2900. - Purpose.

The purpose of this district is to provide sites for the development of office and related uses in a manner which is attractive for such uses and compatible with the surrounding neighborhood. This district will generally serve to provide a transition from, and occur between commercial districts and residential districts in developing areas of the City. In addition, certain other kinds of uses are permitted under conditions and standards which assure their compatibility with a general concentration of office use, as well as with residential districts which may adjoin the P.C.O. District.

(Ord. No. 3063, § 3, 11-18-99)

35-2901. - Uses permitted.

Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

- (1) Offices: professional, business, administrative, executive and other offices in which goods or merchandise are not commercially created, displayed, sold, exchanged or stocked, or like uses.
- (2) Banks, savings and loan associations, finance offices, lending institutions, stock and brokerage firms, and credit unions, or like uses.
- (3) Studio: for fine arts, photography, music, drama, but not including commercial gymnasium; or like uses.
- (4) Library, and telephone answering service, or like uses.
- (5) Laboratories: medical, dental, blood bank, or like uses.

(Ord. No. 3063, § 3, 11-18-99)

35-2902. - Uses permitted by use permit.

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

- (1) Public or institutional building, such as hospitals, fire stations, police substations, YMCA, YWCA, and boy/girl clubs, or like uses.

- (2) Private indoor athletic facility: health spas, enclosed tennis courts, handball courts, etc., or like uses.
- (3) Hospital, private club, fraternity, sorority, and lodges, or like uses.
- (4) Funeral home and chapel, or like uses.
- (5) Churches, or like uses.
- (6) Restaurants, pharmacies, and other accessory services subordinate and incidental to the principal uses permitted by section 2901 when conducted and entered only from within the principal building, and where there is no display or advertising pertaining to such accessory service visible from the exterior of the building, or like uses.
- (7) Post office, or like uses.
- (8) Private school, day-care center, or like uses.

(Ord. No. 3063, § 3, 11-18-99)

35-2903. - Preliminary site development plan.

Any application for rezoning to the P.C.O. District shall be accompanied by a preliminary site development plan. The purpose of the plan is to conceptually demonstrate to the City the proposed improvements that will meet uses of the district.

- (1) *Required data:* The following data shall be shown on the preliminary site development plan or submitted as part of the plan:
  - (a) The location, size, height and use of all structures.
  - (b) Vehicular and pedestrian circulation.
  - (c) Parking areas.
  - (d) Landscaped areas.
  - (e) The boundaries of the tract and surrounding land uses and zoning.
  - (f) Topography.
- (2) *Preliminary site development plan standards:* The standards outlined in Article XIX, section 1902, will apply to all preliminary plans.
- (3) *Significance of preliminary site development plan:*
  - (a) The preliminary site plan, if approved, will be referenced as an exhibit in the subject zoning case and will be incorporated as part of the zoning regulations affecting the subject real estate.
  - (b) The submission of a preliminary site plan under the P.C.O. District does not waive the requirements of Article XIX, "Site Development Plan." Those requirements must be met prior to issuance of building permits and all plans must conform to the preliminary plan approved as part of the rezoning case.
  - (c) The Planning and Zoning Commission may approve minor variations from the preliminary plan, provided that the overall intent and purpose of the plan is not violated. Any substantial variation will require approval of Council.

(d) The rezoning of property under the P.C.O. District regulations will be effective for a period of one (1) year from the effective date of the approved zone change. In the event that construction has not begun within one (1) year, the approved zoning of the property will revert to the previous district prior to zoning. However, upon request of the applicant and recommendation of the Commission, Council may extend the P.C.O. zoning for an additional year.

(Ord. No. 3063, § 3, 11-18-99)

35-2904. - Height and area regulations.

(1) *Height Regulations:*

(a) No building shall exceed thirty (30) feet in height if adjacent to or abutting a single-family residential district.

(b) No building shall exceed thirty (30) feet in height at a thirty-foot front building setback line, except a building may exceed such height provided that at no point it projects above a line sloping inward and upward at a forty-five-degree angle at the required height and setback line to a maximum height of forty-five (45) feet.

(2) *Front yard:* No front yard is required except as listed in the following three (3) paragraphs, unless a block is partly in a residential district, in which event the front yard regulations of the district shall apply.

(a) A minimum of one-half ( $\frac{1}{2}$ ) of the open space requirement shall be incorporated as frontage open space to provide a setting for the building.

(b) All areas between a building and a street frontage, except for access drives and walls, shall be landscaped unless otherwise permitted by use permit or Planning and Development Department approval.

(c) There shall be a landscape area of a minimum of six (6) feet in width between any parking area and any street frontage. Parking areas shall be screened from view from all streets.

(3) *Side yards:*

(a) A side yard of not less than fifty (50) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The fifty (50) feet may include the width of the alley.

(b) A side yard of not less than twenty-five (25) feet shall be maintained where the side lots abut a multiple-family residential district. The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district.

(c) In the case of a corner lot, a minimum of one-quarter ( $\frac{1}{4}$ ) of the open space requirement shall be incorporated in the side yard abutting a street.

(4) *Rear yard:*

(a) A rear yard of not less than fifty (50) feet shall be maintained where the rear lot abuts a single-family residential district. The fifty (50) feet may include the width of the alley.

(b) A rear yard of not less than twenty-five (25) feet shall be maintained where the rear lot abuts a multiple-family residential district. The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district.

(5) *Walls, fences and required screening:*

(a) Walls, fences and hedges not to exceed seven (7) feet in height shall be permitted on the property line or within the required yard areas, except within the required frontage open space, within which they may not exceed three (3) feet in height.

(b) All parking areas shall be screened from view from all public streets.

(c) All storage and refuse areas shall be screened as determined by the Planning and Development Department.

(d) All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by use permit or Planning and Development Department.

(e) There shall be a six-foot-high masonry wall or approved landscaped screen on the rear and side property lines that are adjacent to any residential districts.

(Ord. No. 3063, § 3, 11-18-99)

35-2905. - General provisions.

(1) *Intensity of lot use:* No buildings shall occupy more than fifty-five (55) percent of the net lot area.

(2) *Open space requirement:* In no case shall the open space requirement be less than fifteen (15) percent of the total net lot area. Buildings exceeding thirty (30) feet in height shall provide twenty (20) percent of total net lot area in open space.

(3) *Signs:* All signs shall be in accordance with the City of Chandler Sign Code [Chapter 24].

(4) *Parking regulations:* All required off-street parking shall be in accordance with Article XVII [XVIII] of this Code.

(5) *Access:* All lots shall have frontage on and have vehicular access from a dedicated street unless secondary means of permanent vehicle access has been approved by the Planning and Development Department or by subdivision plat.

(Ord. No. 3063, § 3, 11-18-99)

ARTICLE XXX. - A.I.O.—AIRPORT IMPACT OVERLAY DISTRICT<sup>41</sup>

Footnotes:

--- (4) ---

**Editor's note**— Article XXX, §§ 3000—3006, is derived from Ord. No. 1583, § II, adopted and effective Jan. 23, 1986, superseding Ord. No. 1433, § II, adopted Jan. 10, 1985.

**Cross reference**— Municipal airport, ch. 2A.

35-3000. - Purpose and intent.

The principal purpose of the Airport Impact Overlay District is to promote and protect the public health, safety and general welfare in the vicinity of the Chandler Municipal Airport and Stellar Airpark, by

minimizing exposure to high noise levels and accident hazards generated by airport operations and to encourage future development which is compatible with the continued operation of the airports.

In addition, it is the purpose of the Airport Impact Overlay District to minimize future conflicts between land uses and excessive noise generated by aircraft.

The district shall be in addition to, and shall overlay, all other zoning districts where it is applied, so that any parcel of land lying in the Airport Impact Overlay District shall also lie in one (1) or more of the other zoning districts provided for by the Chandler Zoning Code. The effect is to create a new district which has the characteristics and limitations of the overlying district. In any situation where a conflict arises, the more strict regulation(s) shall apply.

It is the intent of this overlay district to regulate land uses within designated existing or projected airport noise impact areas by specifying acoustical performance standards. Nothing herein shall be construed as altering building materials or construction methods from those which are specified in the Uniform Building Code.

It is also the intent of this overlay district to prohibit uses in the landing approach areas (clear zones) that, if otherwise permitted, would endanger lives or invite destruction of property.

(Ord. No. 3063, § 3, 11-18-99)

35-3001. - Establishment of overlay districts and boundaries.

A. *Airport Impact Overlay District Boundaries:* The Airport Impact Overlay Districts shall be, for the Chandler Municipal Airport, those areas within the City limits of Chandler, described as follows:

Sections 1, 2, 3, 10, 11, 12, 13, 14, and 15 of Township 2 South, Range 5 East of the Gila and Salt River Meridians;

and shall be, for the Stellar Airpark, those areas within the City limits of Chandler, described as follows:

Sections 25, 26, 27, 34, 35 and 36 of Township 1 South, Range 4 East of the Gila and Salt River Meridians.

B. *Airport Noise Overlays and Clear Zones:* For purposes of administering these regulations, there shall be three (3) airport noise overlay areas, and one (1) clear zone overlay area as identified below, within the Airport Impact Overlay District for both the Chandler Municipal Airport and the Stellar Airpark, respectively. The boundaries for these noise overlays and clear zones shall be as defined in Article II of the Chandler Zoning Code:

(1) *Airport Noise Overlay-One (ANO-1):* The area between the post-2005 fifty-five (55) Ldn and sixty (60) Ldn noise contour lines developed by the application of day-night average sound level methodology of sound measurement (Ldn).

(2) *Airport Noise Overlay-Two (ANO-2):* The area between the post-2005 sixty (60) Ldn and seventy (70) Ldn noise contour lines developed by the application of day-night average sound level methodology of sound measurement (Ldn).

(3) *Airport Noise Overlay-Three (ANO-3):* The area within the post-2005 seventy (70) Ldn and greater noise contour lines developed by the application of day-night average sound level methodology of sound measurement (Ldn).

(4) *Clear Zone Overlay (CZO):* The area at the end of any runway in which there is a high potential for accidents. This area shall be the same as the clear zones for each runway as defined in Article II of this ordinance.

C. *Purpose of Airport Overlay Areas:* The purpose of the establishment of four (4) airport overlay areas is to distinguish between the severity of the levels of noise impact and accident potential so that appropriate uses and acoustical performance standards can be established to mitigate the adverse impacts of aircraft noise and hazards to protect the public health, safety and welfare.

D. *Lots divided by airport district boundaries:* Whenever a lot of record is divided by an airport district boundary, the development shall conform to the land use and design criteria of the more restrictive district in accordance with all City Codes and regulations.

(Ord. No. 3063, § 3, 11-18-99)

35-3002. - Permitted uses.

A. *Noise attenuation matrix:* Within the Airport Impact Overlay District, there shall be four (4) overlay areas: ANO-1, ANO-2, ANO-3 and CZO. The uses permitted in the overlay areas shall be those uses permitted in the underlying zoning district, and shall be subject to all conditions and procedures of the underlying district. Such uses shall also comply with restrictions of the following noise attenuation matrix, unless a land use category is specifically not permitted in the matrix, in which case such uses classified in the designated land use category shall not be permitted.

NOISE ATTENUATION MATRIX  
CODE RESTRICTIONS

	No restrictions	

1	The land use or activity is permitted; however, the level of noise within the principally permitted structures must be reduced by the developer of this land use activity, in accordance with chapter 35, "Sound Transmission Control," of 1979 edition.
2	The land use or activity is permitted; however, a noise level reduction (NLR) of fifteen (15) decibels must be incorporated into the design and construction of those buildings where people live, work, or are otherwise received, in order to achieve a maximum interior noise level of forty-five (45) decibels.
3	The land use or activity is permitted; however, a noise level reduction (NLR) of twenty-five (25) decibels must be incorporated into the design and construction of those buildings where people live, work, or are otherwise received, in order to achieve a maximum interior noise level of forty-five (45) decibels.

4	The land use or activity is permitted when the level of noise does not exceed forty-five (45) decibels within the principally permitted structure unless forty-five (45) decibels is exceeded by self-generated noise.
5	Uses which produce air pollutants that may obscure vision in any way, or which pose a potential explosive hazard, are not permitted.
6	Structures are not permitted in the clear zone.
7	Aboveground transmission lines are not permitted.
8	In order to minimize public exposure to accident hazard and crash potential as generated by aircraft operations, no building shall be located within any portion of a clear zone as defined and designated by this Code. However, such on-site improvements as vehicle parking, stormwater retention, landscaping, and yard setbacks, as otherwise required by this Code or other City Regulation, may be permitted within the designated clear zones. No element of any landscaping shall be allowed to penetrate any clear zone slope or other approach surface.

	Uses within this category are not permitted.
--	--

	ANO-1	ANO-2	ANO-3	CZO <sup>8</sup>
<b>RESIDENTIAL</b>				
Single-family, duplex, multi-family, manufactured housing	1, 2			
Recreational vehicle parks				
Other residential	1, 2			
<b>PUBLIC FACILITIES</b>				
Educational facilities	1, 2			

Religious facilities, libraries, museums, galleries, clubs and lodges	1, 2	1, 3		
Outdoor sport events, entertainment and public assembly, except amphitheaters	1, 2			
Indoor recreation, amusements, athletic clubs, gyms and spectator events		1, 3		
Neighborhood parks				
Community and regional parks				
Outdoor recreation: tennis, golf courses, riding trails, etc.				
Cemeteries				
<b>COMMERCIAL</b>				
Hotels/motels	1, 2	1, 3		
Hospitals and other health care services	1, 2			
Services: finance, real estate, insurance, professional and government offices	1, 2	1, 3	1, 4	
Retail sales: building materials, farm equipment, automotive, marine, mobile homes, recreational vehicles and accessories		1, 3	1, 4	
Restaurants, eating and drinking establishments		1, 3	1, 4	
Retail sales: general merchandise, food, drugs, apparel, etc.		1, 3	1, 4	
Personal services: barber and beauty shops, laundry and dry cleaning, etc.		1, 3	1, 4	
Automobile service stations			1, 4	
Repair services			1, 4	
<b>INDUSTRIAL</b>				
Processing of food, wood and paper products; printing and publishing, warehouses, wholesale and storage activities			4	

Refining, manufacturing and storage of chemicals, petroleum and related products, manufacturing and assembly of electronic components, etc.			4	
Manufacturing of stone, clay, glass, leather, gravel and metal products; construction and salvage yards; natural resource extraction and processing, agricultural, mills and gins		5	5	
<b>AGRICULTURE</b>				
Animal husbandry; livestock farming, breeding and feeding; plant nurseries (excluding retail sales)				
Farming (except livestock)				6
<b>MISCELLANEOUS</b>				
Transportation terminals, utility and communication facilities			7	
Vehicle parking				
Signs				

B. *Nonconforming uses*: Nothing herein shall require any change or alteration in a lawfully constructed or established building, structure, or use in existence at the time of the adoption or amendment of airport district as established in Article XX, "Nonconforming Uses," of this Code.

(Ord. No. 1689, § 1, 9-11-86; Ord. No. 3063, § 3, 11-18-99)

35-3003. - Certification of noise attenuation.

A. *Certification*: Prior to issuance of a building permit in any airport noise overlay (ANO) area, a certification by an acoustical engineer or registered architect shall be required specifying that the construction practices and/or materials of the structure will achieve the interior noise level required in the noise attenuation matrix. The engineer or architect shall submit relevant information to permit the Building Official to verify that the proposed measures will achieve the interior noise level standard.

B. *Inaccurate data*: False or inaccurate data shall be cause for rendering null and void any building permit and may result in nonissuance of an occupancy permit.

C. *City liability*: The City of Chandler, its employees and officers, shall not be held liable for any permit issued on the basis of false information.

(Ord. No. 3063, § 3, 11-18-99)

35-3004. - Avigational easement and release.

Prior to issuance of any building or development permit for property within the Airport Impact District, the owner of said property shall provide the City of Chandler with an avigational easement over the subject property and release the City of Chandler from all liability for any and all claims for damages originating from dust, noise, vibration, fumes, fuel and lubricant particles, etc. The avigational easement and release form shall be available from the City of Chandler.

(Ord. No. 3063, § 3, 11-18-99)

35-3005. - Additional height and safety regulations.

A. *Height:* The construction or establishment of any building, structure or use shall comply with the height limits as determined by the zoning district identified by the Official Zoning Map of the City of Chandler, or with the height limits specified by the Airport Runway Approach Clearance Map, whichever places the greater restriction.

B. *Hazard marking and lighting:* The Airport Manager shall determine whether the construction and/or existence of any structure, pole, tower, tank or plant material constitutes a hazard to an aircraft operation in the vicinity of the airport. When such a determination is made, the owner of the structure, pole, tower tank or plant material shall, at his/her own expense, reduce in height or install, operate and maintain such markers and lights as may be necessary to indicate to aircraft operators the presence of an airport hazard.

C. *Communications facilities:* Any activity within this district which may create an electrical interference with communications between the airport facility and aircraft is prohibited.

(Ord. No. 3063, § 3, 11-18-99)

35-3006. - Administration.

A. *Zoning Administrator:* The Zoning Administrator shall review all requests for building and development within the Airport Impact Overlay Zone for compliance with this ordinance prior to issuance of any permit.

B. *Airport Manager:* The Airport Manager shall be informed of all requests for development within the Airport Impact Overlay District. The Zoning Administrator shall forward a copy of all applications, with attendant information, to the Airport Manager prior to issuance of any permits. The Airport Manager shall verify receipt of such information and, within a reasonable time, forward any comments concerning the request to the Zoning Administrator.

(Ord. No. 3063, § 3, 11-18-99)

ARTICLE XXXI. - AP-1—AIRPORT DISTRICT<sup>[6]</sup>

Footnotes:

--- (5) ---

**Editor's note**— Article XXXI, §§ 3100—3103, is derived from § 1 of Ord. No. 2293, adopted July 23, 1992.

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 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 200 of the Zoning Code.
- (3) General aviation specialty shop, as defined in section 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 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 1902(4)(a)2.b., relating to corner obstructions, and section 3103(3)(e), "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 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 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 24] as adopted by Council Ordinance No. 674 and as subsequently amended. The following design standards shall constitute a supplement to the Sign Code, Section 24-14, Signs Permitted, 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 front 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)

#### ARTICLE XXXII. - CITY CENTER DISTRICT (CCD)

##### 35-3200. - Purpose.

The purpose of this district is to provide certain land uses and development standards which promote a special character and visual identity exclusively for the City Center immediately surrounding A.J. Chandler Park. This district is intended to be separate and distinct from any other area of the City, based upon limitations of lot sizes and lot widths, building setbacks, parking availability, sidewalk colonnades, signage, and architecture, all stemming from its origin as part of the City's historic town-site. As such, this district is unique and limited in its intent to accommodate only those uses and standards which promote specialty retail, cultural, dining, entertainment, and other storefront businesses traditional to a downtown setting.

(Ord. No. 3163, § 1, 7-10-00)

##### 35-3201. - Applicability.

The City Center District (CCD) applies exclusively to those lots and parcels of land which front directly upon San Marcos Place, Arizona Place, Buffalo Street, Boston Street, and Arizona Avenue between Chandler Boulevard and Buffalo Street, according to the specific boundaries identified on the Official Zoning Map of the City of Chandler.

A. Based upon its origin as part of the City's historic town-site, this district is not intended to be expanded beyond the specific boundaries shown on the Official Zoning Map, and hence this district is not a classification which shall be applied to property outside of the specific boundaries shown on the Official Zoning Map.

B. Nothing herein shall prevent any owner of property within this district from seeking rezoning to a Planned Area Development (PAD) designation, for reason of new construction that features a building size, height, or other characteristic beyond the scope or limits of this district, yet which may meet the purpose and intent of a PAD designation as set forth in Section 1700 of the Zoning Code.

C. The regulations of this district shall apply to all new uses, changes of use, expansions of use, new building construction, building expansions, and facade renovations. Any use lawfully existing at the time these regulations take effect, which subsequently become non-conforming by reason of use or development characteristic, may continue in such manner, provided however, that such use or characteristic shall not be discontinued for more than twelve (12) consecutive months, after which time such use or characteristic shall conform with these regulations.

(Ord. No. 3163, § 1, 7-10-00)

35-3202. - Permitted uses.

The following uses shall be permitted as a matter of right in the City Center District, subject to the development standards set forth in section 35-3205 of these regulations:

A. Specialty retail such as gift shops, florists, clothiers, craft shops, hardware stores without building materials, drug stores without drive-thru facilities, bookstores (excluding sexually oriented businesses), antiques, collectibles, jewelry, silversmithing, and pottery. Such specialty retail uses may also include accessory repair, mixing, light fabrication and component assembly clearly necessary and incidental to the sale of these products. High turnover uses such as convenience stores, fast food, and gas stations shall be prohibited.

B. Specialty food preparation such as retail bakeries for products made and sold on premises, specialty stores selling health foods, candy, fruits, vegetables, coffee or tea, confections, and meat or poultry, but excluding in all instances any slaughtering, processing, cleaning or eviscerating.

C. Offices for business, professional, or administrative use, but excluding in all instances medical, dental offices, blood banks, clinics, and ground floor offices.

D. Cafes, coffee shops, delicatessens and restaurants, but excluding in all instances any drive-thru facilities. Outdoor seating as an accessory feature for these uses shall be permitted where such seating does not encroach upon City sidewalk or other right-of-way. Where such encroachment occurs, outdoor seating may be available where an encroachment permit is obtained pursuant to Chapter 46, Division II, section 46-4 of the City Code. Sidewalk peddlers of food items shall be subject to the regulations of Chapter 20 of the City Code.

E. Personal services such as barber and beauty shops, tailors, shoe repair, photographers, travel agencies, copy reproductions but excluding in all instances printing presses, blueprinting, and engraving, unless ancillary to the primary use. Body-piercing and tattoo parlors shall be prohibited. Dry cleaners and laundromats shall be prohibited.

F. Financial institutions such as banks, savings and loans, and credit unions, but excluding in all instances any drive-thru facilities.

G. Art galleries, art studios, dance studios, and museums.

(Ord. No. 3163, § 1, 7-10-00)

35-3203. - Uses requiring use permit approval (CCD zoning district).

The following uses shall require approval of a use permit by City Council, upon recommendation by the Planning and Zoning Commission, subject to the review and approval criteria set forth in Section 35-305 of the Zoning Code:

A. Public assembly such as meeting halls, lodges, conference facilities, theaters, cinemas, auditoriums, places of worship, and schools.

B. Commercial recreation such as health clubs, gyms, fitness centers, racquet clubs, teen clubs, youth centers, bowling alleys, billiards, ice skating, rock-climbing, and amusement arcades.

C. Live entertainment such as concerts, stage plays, live music, karaoke, dance halls, nightclubs.

D. Sales, service or production of any spirituous beverage from any premises, including without limitation brewpubs and microbreweries, and regardless of whether the spirituous beverage is offered for on-site or off-site consumption.

E. An extension of a premises in which any spirituous beverage is lawfully sold, served or produced for the purpose of allowing the service or consumption of any spirituous beverage outdoors on the sidewalk within an adjoining public right-of-way. The use permit required for this purpose shall be known herein as an "extension of premises permit" and shall be subject to the following requirements:

1. The use allowed under an extension of premises permit shall be an accessory use to the building or suite in which food or spirituous beverages are lawfully sold or served, and all services to the designated sidewalk area identified in the extension of premises permit shall originate from such building or suite. If the sidewalk area designated in the extension of premises permit is located under the City-owned colonnade, then the sidewalk area shall be contiguous to said building or suite. If such sidewalk area is not located under the City-owned colonnade and is detached from said building or suite, then the sidewalk area shall be located directly in front of the said building or suite frontage unless otherwise approved by City Council, and in no event shall the sidewalk area be separated by more than thirty (30) feet from the building or suite.

2. No extension of premises permit shall allow the service or consumption of a spirituous beverage on any portion of a public right-of-way devoted to use as an alley, parking lane or parking space, loading zone, bus stop, or moving lane of traffic.

3. The sidewalk area designated in an extension of premises permit shall not be separated or detached from its associated building or suite by any part of a public right-of-way devoted to use as an alley, parking lane or parking space, loading zone, bus stop, or moving lane of traffic.

4. The area of the sidewalk within the public right-of-way in which spirituous beverages are to be served shall be enclosed on all sides by a barrier measuring at least thirty-two (32) inches in height from sidewalk grade, that cannot be removed, relocated, or otherwise altered by a patron or passerby. The quality and design of the barrier's materials shall be commensurate to that of the building or suite from which the services to the extension of premises originate.

5. A minimum eight (8) foot clearance shall be maintained within an arterial street right-of-way between the enclosure required in subsection 35-3203.E.4. herein, and the inside face of any column, street light, street sign, traffic signal pole, curb line, utility equipment box, or other street fixture, to allow unobstructed pedestrian use of the remaining public sidewalk. Said clearance may be reduced within an arterial street right-of-way to a minimum of six (6) feet by City Council only upon finding that such reduction is necessary to accommodate a special circumstance that is not self-imposed by the applicant and the length of such reduction along the building frontage constitutes a minimal portion of the building frontage or is not extended more than necessary to address said special circumstance. A minimum six (6) foot clearance shall be maintained within all other rights-of-way. In cases where a right-of-way is being reconstructed or otherwise modified by City approval, said minimum clearance may be reduced to as little as five (5) feet. Compliance with the applicable provisions of the Americans with Disabilities Act (ADA) shall be maintained at all times within the adjoining public right-of-way outside of the enclosure.

6. Site plan details including but not necessarily limited to such items as vehicular parking; signage; colors and materials of all elements to be placed in the right-of-way; the location, style, and construction method for the enclosure required in subsection 3203.E.4. above; and any requirements as may be necessary to insure compatibility with adjoining buildings and uses, whether public or private, shall be addressed as part of the Use Permit approval process in accordance with the requirements set forth in Section 35-305(1) of the City Code. Issues pertaining to light, noise, music, live entertainment, amusement devices, hours of operation, and

any other characteristics related to the particular application being considered shall be addressed as part of the Use Permit process and stipulated as necessary.

7. The operator of the premises for which an extension of premises permit is issued shall be responsible for maintaining the enclosure barrier required in subsection 35-3203.E.4. and the affected area of the sidewalk right-of-way, both within and immediately outside the enclosure, in a clean and orderly manner, free of any and all litter and stains as may otherwise be generated from the serving area.

8. In the event that Use Permit approval is granted by the Mayor and Council to allow an extension of liquor premises into the right-of-way, the operator shall then be required to obtain a Class 2 encroachment permit in accordance with the requirements of Chapter 46-4 of the City Code. The method of constructing the enclosure as required in subsection 35-3203.E.4. above, the method of affixing the enclosure to the ground, and the means of restoring the affected right-of-way to its previous condition at such time as the extension of premises ceases operation, shall also be subject to review and approval in obtaining the encroachment permit.

F. Ground floor offices, medical and dental offices and clinics, but excluding in all instances any veterinarian hospitals, veterinarian offices, or kennels.

G. Transient service facilities, subject to the policy guidelines set forth in Resolution No. 2379, adopted by Council on July 13, 1995, and as may subsequently be amended.

H. Upper floor residential dwelling units, but excluding in all cases any single-room occupancies.

I. Any other use determined by City Council to be compatible with other uses in this district, and consistent with the Chandler General Plan.

(Ord. No. 3163, § 1, 7-10-00; Ord. No. 3905, § 1, 4-26-07; Ord. No. 4280, § 1, 2-24-11)

#### 35-3204. - Site development standards.

Prior to development, redevelopment, building or structure construction or reconstruction; building or structure expansion, enlargement, structural alteration, or facade renovation, upon any property within this District; or any expansion of a use permitted by right in this District exceeding twenty (20) percent of a building's or structure's existing floor area; the property owner shall comply with the following development standards:

A. *Building setbacks:* Any building or structure may be located at a zero (0) setback from the front, side, and rear property lines, provided however, that all building walls, openings, and exterior materials shall meet the applicable requirements of the Uniform Building Code and Fire Code as adopted by the City of Chandler.

B. *Building height:* No building or structure shall exceed thirty (30) feet at the building setback line, provided however, that a building may exceed such height if at no point does it project above a line sloping inward and upward at a forty-five (45) degree angle at the required height and setback line, to a maximum height of forty-five (45) feet. Any building or structure that does not meet these height limitations may be considered under a Planned Area Development application, in accordance with the requirements as set forth in Article XVII of this Code.

C. *Lot coverage:* Any building or structure as permitted herein may occupy up to one hundred (100) percent of the lot area, provided however, that such maximum building coverage shall not preclude compliance with any stormwater drainage requirements, or with the applicable requirements of the Uniform Building Code and Fire Code as adopted by the City of Chandler.

D. *Screening*: Screening of all mechanical equipment and appurtenances, plus screening of all trash and refuse collection facilities, shall comply with the standards set forth in Section 1902 of the Zoning Code. Outdoor storage of any merchandise, equipment, business vehicle(s), or other materials shall be prohibited.

E. *Sidewalk encroachments*: Placement of any tables, chairs, benches, umbrellas, planters, flower pots, awnings, canopies, bicycle racks, and other ornamentations such as clocks, statues, flags, and other decorations, in or overhanging the public sidewalk or any other part of the public right-of-way, and the temporary displays of merchandise on the public sidewalk may only be permitted where an appropriate encroachment permit is obtained pursuant to Chapter 46, Division II, sections 46-3 or 46-4 of the City Code. Outdoor merchandise display not intended as temporary, whether on the public sidewalk or on private property visible from street view, shall be prohibited.

F. *Parking*: Any building or use lawfully existing at the effective date of this ordinance, including any renovation or remodeling that does not expand the total gross floor area of an existing building, shall be exempt from the parking schedule set forth in section 35-1804 of this Code. However, any new construction of a building, or any new addition to an existing building subsequent to the effective date of this ordinance, shall be subject to said parking schedule, provided however, that the Zoning Administrator may exercise discretion in the strict enforcement of the number of parking spaces required, wherein the development submits a parking study demonstrating how such parking demand shall be handled by existing facilities and provisions.

G. *Signage*: All signs for any building or use as permitted herein shall be subject to the standards and requirements set forth in section 39-9.18 of the Chandler City Code. Any sign installation not in compliance with these standards and requirements may be considered under the provisions of section 35-3205 below.

H. *Exterior design*: Building or structure exterior design shall be consistent with the Early Twentieth Century Commercial architectural style of adjoining buildings in the District, containing Spanish Colonial Revival and Mission Revival influences.

(Ord. No. 3163, § 1, 7-10-00)

35-3205. - Architectural plan review.

A. *Approval required*: Prior to development, redevelopment, building or structure construction or reconstruction; building or structure expansion, enlargement, structural alteration, or facade renovation, upon any property within this District; or any expansion of a use permitted by right in this District exceeding twenty (20) percent of a building's or structure's existing floor area; or any sign installation that does not fully comply with the standards and requirements set forth in section 39-9.18 of the Chandler City Code; the property owner or agent shall secure approval of the building or structure exterior from the Architectural Review Committee, except where design of the exterior has been approved as part of the use permit approval obtained under section 35-3204 above.

B. *Reasonable repair and minor alteration*: Approval is not required for customary maintenance of building exteriors, such as repainting to the same color, crack sealing/patching, and structural repair, any or all of which is clearly for the purpose of retaining an existing appearance.

C. *Organization*: There is hereby created an Architectural Review Committee whose jurisdiction is limited solely to this District. The Architectural Review Committee shall consist of five (5) members. The membership shall consist of one (1) member of the Planning and Zoning Commission; one (1) member of the Planning and Development Department; and three (3) public members, at least one (1) of whom shall be either a person whose business or property is located within this District or a member of the Downtown Chandler Community Partnership, and at least one (1) of whom shall be an architect, landscape architect, historian, or an individual otherwise qualified by design background, training, or experience. The members shall be selected by the Mayor with the approval of the City Council. The terms of the members

shall be for three (3) years and shall be so staggered that the terms of at least one (1), but not more than two (2) members, shall conclude in any given year. All members shall serve without compensation.

D. *Operation:* The Architectural Review Committee shall establish rules and procedures as are necessary for the performance of its duties; provided, that the rules and procedures shall not be in conflict with the provisions of this chapter, or any applicable local, state or federal laws. Meetings shall be open to the public and shall be at the call of the chairman or as may otherwise be established in the rules of the Committee. Minutes of the Committee's proceedings and actions shall be kept and filed in the Planning and Development Department. Three (3) members shall constitute a quorum of the Committee and three (3) affirmative votes shall be required to approve an application.

E. *Decision:* Approval or denial by the Architectural Review Committee for such architectural plans shall be based solely on design considerations such as building materials, colors, forms, masses, fixtures, and features, for consistency with the existing Early Twentieth Century Commercial style of architecture.

F. *Appeal:* The decision of the Architectural Review Committee on an application presented before it shall be final on the date it is made, unless, within thirty (30) calendar days from the date of the Committee's decision, the applicant, the Planning and Development Department Director with the consent of the City Manager, or any member of the City Council, appeals the decision by filing written notice of the appeal with the City Clerk. The City Clerk shall schedule the appeal for a City Council agenda, not more than forty (40) nor less than twenty (20) days following the submittal of the appeal. Notice of the appeal and the date of its consideration by City Council shall be sent by mail to the applicant and published once, not less than seven (7) days prior to the City Council meeting at which the appeal is to be heard. At its meeting, the City Council shall uphold, modify or over-rule the decision of the Architectural Review Committee. The decision of the City Council shall be final.

G. *Expiration of approval:* Any approval granted herein shall expire and become null and void one (1) year from the date of approval, providing that a building permit has not been issued, unless a different time period is made a condition of the approval. A one-time extension of approval for up to one (1) year may be granted by the Zoning Administrator if the applicant files for the extension prior to the approval becoming void.

H. *Building permit check:* Prior to issuance of a building permit, the Planning and Development Department shall ascertain that the Architectural Review Committee has approved the exterior design plans which are in conformance with those presented with the building permit application and that the time limitations imposed by this Code or the Architectural Review Committee have not lapsed.

(Ord. No. 3163, § 1, 7-10-00)

#### ARTICLE XXXIII. - A.R.O.D.—ADAPTIVE REUSE OVERLAY DISTRICT

##### 35-3301. - General intent and purpose.

1.) Under state law (A.R.S. § 9-462.01-D, and as amended from time to time), municipalities may adopt overlay zoning districts and regulations applicable to buildings, structures and land within individual zones. An overlay zoning district is a special zoning district that includes regulations which modify regulations in another zoning district with which the overlay district is combined.

2.) The purpose of the Adaptive Reuse Overlay District is to encourage and facilitate the reuse of existing buildings that are underutilized or underperforming within portions of the City by:

a. Modifying site development standards that would otherwise make the reuse of existing buildings, structures and sites economically unfeasible; and

b. Reducing, simplifying or eliminating the processes otherwise required to modify existing building, structures and sites; and

c. Providing clear, understandable, predictable and consistent development standards that promote compatibility between existing and future development; and

d. Facilitating development proposals that are responsive to current and future market conditions.

(Ord. No. 4685, § I, 1-28-16)

35-3302. - Uses permitted.

The Adaptive Reuse Overlay District does not change, alter, expand, diminish or otherwise affect any uses permitted as a matter of right or otherwise in any underlying zoning district for property to which the Adaptive Reuse Overlay District applies.

(Ord. No. 4685, § I, 1-28-16)

35-3303. - Applicability.

1.) The Adaptive Reuse Overlay District shall apply to any building located within either the C-1-Neighborhood Commercial District, C-2-Community Commercial District, C-3-Regional Commercial District, or any property permitting commercial uses through a Conditional Use Permit, located wholly or partially within the boundaries of the Adaptive Reuse Overlay District as established by section 35-3304, provided:

a. The building was constructed prior to 1990; and

b. The building is less than fifteen thousand (15,000) square feet and/or constructed on a lot no greater than thirty thousand (30,000) square feet.

2.) The Adaptive Reuse Overlay District encompasses an area that includes parcels not currently zoned to allow commercial uses ("Transition Zone"). The Adaptive Reuse Overlay District is not applicable to those parcels within the Transition Zone not having commercial zoning but may apply the standards contained within the Adaptive Reuse Overlay District, provided the City Council approves of a zoning district change to allow qualifying commercial uses for the Transition Zone parcel.

(Ord. No. 4685, § I, 1-28-16)

35-3304. - Adaptive Reuse Overlay District boundaries.

For purpose of administering these regulations, the Adaptive Reuse Overlay District shall have a boundary as defined in the Official Zoning Maps of the City of Chandler, as amended from time to time.

(Ord. No. 4685, § I, 1-28-16)

35-3305. - Site development standards.

Prior to development, redevelopment, building or structure construction or reconstruction; building or structure expansion, enlargement, structural alteration, or façade renovation, upon any property to which the Adaptive Reuse Overlay District applies; or any expansion of a use permitted by right in the underlying zoning district of any property to which the Adaptive Reuse Overlay District applies shall comply with the site development standards as set forth below and amended from time to time.

1.) *Applicability:* Where a conflict exists between the site development standards of the underlying zoning district and the Adaptive Reuse Overlay District site development standards, the Adaptive

Reuse Overlay District site development standards shall apply. In all other cases, the site development standards of the underlying zoning district shall apply.

2.) *Site Development Plan:* Any development activities for property located within the Adaptive Reuse Overlay District shall be subject to the requirements of Article XIX. Site Development Plan of the Chandler Zoning Code except:

a. It is not the intent of the Council that the guidelines within Article XIX, such as but not limited to parking landscaping requirements, parking lot screening, landscape buffers, plant spacing and percent vegetative cover be strictly applied, upon finding that any and all deviations from the standards prescribed will result in an environmental quality consistent with the intent of said standards, and the purpose of the Adaptive Reuse Overlay District.

b. *Mechanical Equipment Screening:* Mechanical equipment and appurtenances shall not require new concealment and/or screening provided:

1. The mechanical equipment is simply replaced or updated.
2. The total number of proposed mechanical units is equal-to-or-less than the number of units originally.
3. Associated mechanical equipment ductwork is exempt from screening requirements.

3.) *Area Regulations:*

a. *Lot Coverage:* Any building or structure as permitted herein may occupy up to one hundred (100) percent of the lot area, provided however, that such maximum building coverage shall not preclude compliance with any stormwater drainage requirements, or with the applicable requirements within the Building Code of the City of Chandler.

b. *Front Yard Setback:* The front yard setback for buildings and/or structures may be zero (0) feet from the right-of-way line.

c. *Side Yard Setback:* The side yard setbacks for buildings and/or structures may be zero (0) feet from the property line or abutting right-of-way line.

d. *Rear Yard Setback:* The rear yard setback for buildings and/or structures may be zero (0) feet from the property line.

e. *Parking Setback:* The parking lot setback may be zero (0) feet from all right-of-way and property lines.

4.) *Parking Standards:* All off-street parking, loading and maneuvering spaces for the uses permitted within the underlying Zoning District, shall comply with Article XVIII. Parking and Loading Regulations of the Chandler Zoning Code, except 35-1807(3.b.2) and 35-1803(2) whereby:

a. The Zoning Administrator may approve a request to reduce up to sixty (60%) percent of the required number of parking spaces or to exceed the maximum requirement upon determining that the data presented in the parking demand study demonstrates compliance with approval criteria.

b. *Curb Requirements:* Except where a wall is required, a six-inch vertical concrete precast curbing, or suitable barrier is required around the perimeter of a parking area when needed to protect landscaping areas and control vehicular circulation and the flow of stormwater.

(Ord. No. 4685, § I, 1-28-16)