City of Buckeye, Arizona

DEVELOPMENT CODE

EFFECTIVE
JANUARY 16, 2010

LAST AMENDED
December 05, 2013

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ARTICLE 1: GENERAL PROVISIONS

1.1. TITLE AND EFFECTIVE DATE

This document shall be officially known as the Development Code of the City of Buckeye, Arizona, and is referred to throughout this document as "this Development Code." This Development Code shall become effective on January 16, 2010.

1.2. AUTHORITY

This Development Code is enacted pursuant to the laws of the State of Arizona, including but not limited to Arizona Revised Statutes § 9-461, et seq.; § 9-462, et seq.; § 9-463, et seq.; all as may be amended from time to time; and all other powers authorized by the Constitution of the State of Arizona, state statutes, and common law, including those for the regulation of land uses, land use planning and development, subdivision, environmental protection, police powers, and the power to abate nuisances.

1.3. PURPOSE OF THIS DEVELOPMENT CODE

The provisions of this Development Code are enacted to protect the public health, safety, and general welfare and to implement the policies of the City of Buckeye General Plan, as may be amended from time to time. The provisions are specifically intended to:

1.3.1. Promote healthy and sustainable density of development;

1.3.2. Ensure public safety, convenience, and accessibility through the physical design and location of land use activities;

1.3.3. Encourage the efficient use of the available land supply in the City, including redevelopment of underutilized land in central areas;

1.3.4. Preserve the character and quality of neighborhoods;

1.3.5. Promote a balanced supply of commercial, industrial, institutional, and transportation land uses that is compatible with adjacent land uses and has good access to transportation networks;

1.3.6. Ensure the provision of adequate open space for light, air, and fire safety; and

1.3.7. Preserve the value of buildings and land.

1.4. RELATIONSHIP TO GENERAL PLAN

This Development Code implements the planning policies adopted by the City Council for the incorporated boundaries and the Municipal Planning Area, as adopted in the Buckeye General Plan.

1.5. APPLICABILITY AND JURISDICTION

1.5.1. General Applicability

The provisions of this Development Code shall apply to all land, buildings, structures, and uses thereof located within the City of Buckeye, unless an exemption is provided by or pursuant to the terms of this Development Code.

1.5.2. Annexed Territory

When any territory is brought into the jurisdiction of the City of Buckeye, by annexation or otherwise, the City Council shall designate the zoning district(s) applicable to such territory at the time of annexation that is most similar to the current County zoning. This provision shall not preclude subsequent rezoning of such property by amendment in the manner set forth in Section 8.5, *Amendments to the Zoning Map (Rezonings)* of this Development Code.

1.5.3. Application to Public Agencies

To the extent allowed by law, the provisions of this Development Code shall apply to all land, buildings, structures, and uses owned and/or controlled by any municipal, county, state, or federal government agencies in the City of Buckeye. Where the provisions of this Development Code do not legally control such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this Development Code.

1.5.4. Required Compliance

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use as defined by the City's Building Code, nor shall any land, building, or structure be used or changed, except in accordance with all applicable regulations established by this Development Code. No lot of record that did not exist on the effective date of this Development Code shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this Development Code, except as otherwise exempted from the provisions of this Development Code.

1.6. OFFICIAL ZONING MAP

1.6.1. General

The boundaries of zoning districts established in this Development Code are delineated upon the City of Buckeye Zoning Map (Zoning Map) adopted in place as of January 16, 2010, as part of this Development Code as fully as if the same were set forth in this Section in detail. Procedures for amending the Zoning Map are set forth in Section 8.5, *Amendments to the Zoning Map* (*Rezonings*).

1.6.2. Interpretation

The following rules of interpretation shall apply when determining boundaries of zoning districts:

A. Where zoning district boundaries are indicated as approximately following the center line of streets, highways, roadways, alleys, railroad rights-of-way, municipal boundaries lines, stream bed or canal lines, or property lines, such lines shall be construed to be such boundaries.

B. No zoning district boundary shall be established to divide one lot into two or more districts unless approved by the City Council.

C. In cases where the platted and physical rights-of-way do not coincide, the Director will determine the location of the zoning district boundary.

D. In unsubdivided property, zoning district boundaries shall be determined by use of the scale on the map. A legal description acceptable to the Director shall be made available in the event of a controversy arising concerning zoning district boundaries.

E. Where a zoning district boundary is shown by specific dimension as being located at any given distance from any right-of-way line, such specific dimension shall govern.

1.7. CONFLICTING PROVISIONS

1.7.1. Minimum Requirements

This Code establishes minimum requirements for public health, safety, and welfare.

1.7.2. Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This Development Code complements other City, state, and federal regulations that affect land use. This Development Code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Development Code are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as determined by the Director, shall govern.

1.7.3. Conflict with Agreements Between Private Properties

This Development Code is not intended to revoke or repeal any easement, covenant, or other agreements between private parties. However, where the regulations of this Development Code are more restrictive or impose higher standards or requirements than such easement, covenant, or other agreements between private properties, then the requirements of this Development Code shall govern in accordance with applicable Arizona law. Nothing in this Development Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Development Code. In no case shall the City be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

1.8. TRANSITIONAL REGULATIONS

1.8.1. Purpose

The purpose of transitional regulations is to clarify the status of properties with pending applications or recent approvals, as those terms are used below, and properties with outstanding violations, at the time of the adoption of this Development Code.

1.8.2. Violations Continue

Any violation of the previous Development Code shall continue to be a violation under this Development Code and shall be subject to the penalties and enforcement set forth in Article 8, *Enforcement*, unless the use, development, construction, or other activity complies with the provisions of this Development Code. Payment shall be required for any penalty assessed under the previous ordinance, even if the original violation is no longer considered a violation under this Development Code.

1.8.3. Uses, Structures, and Lots Rendered Conforming

A use, structure, or lot not lawfully existing at the time of the adoption of this Development Code can be deemed lawful and conforming as of the effective date of this Development Code, provided it conforms to all of the requirements of this Development Code.

1.8.4. Uses, Structures, and Lots Rendered Nonconforming

A. When a building, structure, or lot is used for a purpose that was a lawful use before the effective date of this Development Code, and this Development Code no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by Section 1.9, *Nonconformities*.

B. Where any building, structure, or lot that legally existed on the effective date of this Development Code does not meet all standards set forth in this Development Code, such building, structure, or lot shall be considered nonconforming and shall be controlled by Section 1.9, *Nonconformities*.

1.8.5. Processing of Applications Commenced or Approved Under Previous Ordinances

A. Pending Applications

1. Any complete application that has been submitted for review, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Development Code, shall be reviewed in accordance with the City Development Code in effect on the date the application was deemed complete. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this

Development Code. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

2. An applicant with a complete application that has been submitted for approval, but upon which no final action has been taken prior to the effective date of this Development Code, may request review under this Development Code by a written letter to the Director.

B. Approved Projects

1. Generally

Conditional use permits, site plans, building permits, and variances that are valid on January 16, 2010, shall remain valid until their expiration date. Projects with valid approvals or permits shall be completed pursuant to the development standards in effect at the time of approval. If the approval or permit expires, future development shall comply with the requirements of this Development Code.

2. Community Master Plans

Development of property subject to a Community Master Plan existing on the effective date of this Ordinance shall continue in accordance with the terms and conditions of the Community Master Plan and development agreement on that Community Master Plan, subject to the following:

a. For master planned developments, land uses, densities, intensities and other development standards are established as set forth in the Community Master Plan applicable to the master planned development at the time the Community Master Plan is adopted as part of the development agreement between the City and the developer. The City may at any time amend existing, or adopt new, laws, rules, regulations and standards of development applicable to develop of property under the jurisdiction of the City. In the event that the new laws, rules, regulations and standards of development conflict with those of the existing Community Master Plan, the new laws, rules, regulations and standards of development shall govern subject however, to vesting provisions of Arizona law.

b. If the amendment of existing, or new, laws, rules, regulations and standards of development affect an amendment of existing standards under a Community Master Plan, such new standards shall be incorporated by the Director into the existing Community Master Plan, and shall be in effect 30 days following the City Council's approval of the new, or amended, laws, rules, regulations and standards of development.

Any and all provision of this Code that do not infringe upon a Community Master Plans land uses, densities, or intensities shall apply to all existing Community Master Plans. The City and owners of property subject to Community Master Plans shall review and determine the applicability of this Code in accordance with applicable development agreements, this Code, and Arizona law.

3. Amendments to Community Master Plans

a. Application Submittal

To amend a Community Master Plan approved prior to the effective date of this Code, an application shall be filed with the Community Development Department. All such applications must be signed by all owners of property, or their designees, within the area that is directly subject to the proposed amendment to the Community Master Plan.

b. Application Completeness

(i) After receipt of the application for amendment, the Director shall determine whether the application is complete and ready for review. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Section. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified by the Director, and is accompanied by the required fee.

(ii) If an application is determined to be incomplete, the Director shall provide notice to the applicant within 30 days of the submittal of the application and fee, along with a written explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected by the applicant. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed incomplete.

c. Major Amendments

Major amendments to Community Master Plans shall be reviewed, processed, and approved in the same manner as required for the original Community Master Plan to which amendment is sought, including all notice and citizen participation requirements for the area that is directly subject to the proposed amendment. Any major amendment shall be approved via an amendment to the development agreement associated with the approved Community Master Plan. All CMP amendment applications not meeting the criteria set forth in this Section for major amendments shall be deemed applications for minor amendments.

For any application for a CMP Amendment meeting any or all of the following criteria, the amendment shall be a major amendment:

(i) Amendments that change the permitted land uses for property in any location of a Community Master Plan, or that amend the allowable uses, or amend the development standards or regulations for permitted uses, under an approved CMP. If permitted in the approved Community Master Plan, the location of land uses within any Planning Unit may be altered as long as the overall density and intensity of the approved Planning Unit remains unchanged.

(ii) Amendments that result in an increase by five percent or more in the number of total residential dwelling units in an approved Community Master Plan.

(iii) Amendments that result in a decrease of planned or identified public parks and/or improved open space by five percent or more of the total amount of public parks and improved open space in the approved Community Master Plan; or amendments that result in a decrease of the total amount of natural areas or preserved or undisturbed open space by two percent in the approved Community Master Plan.

(iv) Amendments that propose a shift from one phase, parcel, or development unit (however defined in the approved CMP) of the Community Master Plan to another phase, parcel, or development unit of twenty percent or more of the total number of residential dwelling units permitted under an approved CMP. Amendments that propose a shift from one phase, parcel, or development unit of the CMP to another phase, parcel or development unit of more than 10% to 19% of the total number of residential dwelling units permitted under an approved CMP, unless the Director finds, in writing, that the proposed transfer will have no material impact on the

services and infrastructure proposed, provided for, and necessary to accommodate and serve the transferred units.

(v) Any amendment that results in a change to the housing floor plan mix provided within an approved Community Master Plan that, as determined in writing by the Director, the proposed change will substantially reduce the options available to future residents of the CMP.

(vi) Any amendment that makes substantial changes to the streets and transportation circulation patterns and regional connectivity under the approved CMP.

(vii) Any amendment that is deemed by the Director to make such a fundamental change to the Community Master Plan that in the Director's judgment, it should be deemed to be a major amendment.

d. Minor Amendments

Minor amendments to an approved Community Master Plan are administrative requests and may be approved, approved with conditions, or denied by the Director without a public hearing. A minor amendment may be approved by the Director as long as the amendment does not constitute, as determined by the Director, a substantial alteration of the fundamental nature and character of the Community Master Plan proposed to be amended.`

e. Applicability

All proposed amendments to any existing Community Master Plan that has received final approval prior to the effective date of this Development Code shall be governed by the provisions of this Subsection 1.8.5.B.3.

1.9. NONCONFORMITIES

1.9.1. General Provisions

A. Purpose

The purpose of this Section 1.9 is to regulate and restrict uses, structures, lots, and signs that were established legally prior to the effective date of this Development Code but do not conform to the requirements of this Development Code. All such situations are collectively referred to in this Section as "nonconformities." While nonconformities may continue, this Section 1.9 is intended to curtail substantial investment in nonconformities and bring about their eventual elimination in order to preserve the integrity of this Development Code and the character of the City.

B. Authority to Continue

1. Generally

Any nonconformity that lawfully existed as of the effective date of this Development Code and that remains nonconforming, and any nonconformity that is created as a result of the adoption of this Development Code or any subsequent amendment to the text of this Development Code, may be continued or maintained as a nonconformity only in accordance with the terms of this Section 1.9.

2. Exception Due to Variances or Minor Modifications

Notwithstanding subsection 1.9.1.B.1., where a Variance or Minor Modification has been granted that results in a development standard or feature that does not otherwise conform to the requirements of this Development Code, that development standard or feature shall be deemed conforming and this Section 1.9 shall not apply.

C. Determination of Nonconformity Status

In all cases, the burden of establishing the existence of a nonconformity shall be solely upon the owner of the nonconformity, not the City.

D. Nonconformities Created Through Government Action

If a structure, use of land, use of structure, or characteristic of use does not comply with the requirements of this Development Code solely as a result of an acquisition of land or other action by a government agency for a public purpose, then such structure, use of land, use of structure, or characteristic of use on land not acquired by the government shall be deemed conforming.

E. Change of Ownership or Tenancy

Changes of ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the provisions of this Section 1.9.

F. Maintenance and Minor Repair

Minor repairs or maintenance of nonconformities are permitted, provided that the minor repairs and maintenance do not increase the extent of nonconformity. For purposes of this section, "maintenance or minor repair" shall mean:

1. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or exterior or interior appearance of a building or structure without expanding the building or structure;

2. Maintenance of land areas to protect against health and environmental hazards; and

3. Repairs that are required to remedy unsafe conditions that cause a threat to public safety.

G. Abandonment of Nonconforming Uses

1. If a nonconforming use is not used for a period of 180 consecutive days after the date it is rendered nonconforming, then that use shall not be renewed or reestablished and any subsequent use of the parcel of land or structure shall conform to the regulations of the zoning district in which it is located.

2. A property owner whose nonconforming use has not been used for a period of 180 consecutive days may request an administrative determination from the Director whether the nonuse of the property was due to some conduct within the control of and attributable to the property owner or a previous property owner. A determination that the nonuse was not due to some conduct within the control of and attributable to the property owner or a previous property owner shall mean that the nonconforming use may be renewed or reestablished. In addition to intentional acts, conduct in the control of and attributable to the property owner may include negligent or inadvertent acts and/or engagement in civil or criminal misconduct that the property owner know or should know could lead to involuntary closure.

3. Appeal of the Director's decision may be made to the Planning Commission following procedures under Section 8.13, *Appeals of Administrative Decisions*, of this Development Code.

1.9.2. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Development Code that could not be built under the terms of this Development Code by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the property, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Enlargement, Alteration, or Movement

1. No nonconforming structure may be enlarged or altered in a way that increases its nonconformity, unless expansion of a nonconforming structure is approved through a Conditional Use Permit approved under Section 8.7, *Conditional Use Permits,* of this Development Code.

2. Should a nonconforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district(s) in which it is located after it is moved.

B. Damage or Destruction

1. If a nonconforming structure is damaged or destroyed by any means to an extent greater than 50 percent of its replacement cost at the time of damage or destruction, then such structure shall not be re-established unless it is made to conform to the requirements of this Development Code. This paragraph shall not apply to structures located in the downtown.

2. Where a nonconforming building is damaged by 50 percent or less of its replacement cost at the time of damage, it may be repaired or restored, provided any such repair or restoration is started within 12 months and is completed within 18 months from the date of partial destruction.

3. The City's Chief Building Official shall determine the above reconstruction costs. The cost of land or any factors other than the cost of the structure are excluded from the determination of cost of restoration for any nonconforming structure. Appeal of the Chief Building Official's determination may be made to the Planning Commission following the procedures under Section 8.13, *Appeals of Administrative Decisions*, of this Development Code.

1.9.3. Nonconforming Uses of Structures and Land

A. Nonconforming Use of Structure

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Development Code, the lawful use may be continued even if the use does not conform to the standards of this Development Code, so long as it remains otherwise lawful, and subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Development Code shall be enlarged, moved, or altered except by changing the use of the structure to a use permitted in the district in which it is located, unless expansion of a nonconforming structure devoted to a nonconforming use is approved through a Conditional Use Permit approved under Section 8.7, *Conditional Use Permits,* of this Development Code.

2. Any nonconforming use may be extended throughout parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Development Code, but no such use shall be extended to occupy any land outside such building.

3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter

conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

4. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, provided that such destruction or removal constitutes more than 50 percent of the structure's replacement cost, and provided further that the land meets all the dimensional, development, and other standards of this Development Code.

B. Nonconforming Use of Land

Where, at the effective date of adoption or amendment of this Development Code, lawful uses of land exist that are no longer permissible under the terms of this Development Code as enacted or amended, such uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Development Code.

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Development Code.

C. Conditional Uses

A use that received a Conditional Use Permit prior to the effective date of this Development Code and that is permitted in its entirety as a principal use in the district in which it is located under this Development Code shall not be deemed a nonconforming use. Such use shall be deemed a permitted principal use and the Conditional Use approval shall be null and void.

1.9.4. Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Development Code, a single-family dwelling and accessory buildings may be erected on any lot that is of official record on the effective date of this Development Code, subject to the following restrictions:

A. The lot of record lot shall be required to meet all lot area and setback restrictions that were in place at the time the lot of record was created.

B. The lot of record lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

1.9.5. Nonconforming Signs

A. Termination

A nonconforming sign shall immediately lose its legal nonconforming status and shall be brought into conformance with this Development Code or removed when any of the following occur:

1. The size or shape of the sign is changed, unless such change is a reasonable alteration, repair, or maintenance as determined by the Director; or

2. The nonconforming sign is accessory to a nonconforming use that has lost its nonconforming status; or

3. The primary structure no longer exists.

B. Maintenance of Nonconforming Signs
Nonconforming signs shall continue to be maintained in safe condition pursuant to the building regulations of the City.

C. Relocation or Replacement of Nonconforming Signs
A nonconforming sign shall not be relocated or replaced unless it is brought into compliance with the provisions of this Development Code, or unless it is relocated as authorized by state law.

D. Reconstruction of Damaged Sign
If a sign and/or its support are damaged to the extent where the repair costs exceed 50 percent of the replacement cost of the sign, the sign shall be removed or brought into compliance.

1.10. SEVERABILITY

1.10.1. If any court of competent jurisdiction invalidates any provision of this Development Code, then such judgment shall not affect the validity and continued enforcement of any other provision of this Development Code.

1.10.2. If any court of competent jurisdiction invalidates the application of any provision of this Development Code, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.

1.10.3. If any court of competent jurisdiction invalidates any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

ARTICLE 2: ZONING DISTRICTS

2.1. DISTRICTS ESTABLISHED; ZONING MAP

This Article 2 establishes the City's zoning districts and contains statements of purpose and district-specific regulations for each of the districts. Article 3, *Use Regulations*, Article 4, *Dimensional Standards*, and Article 5, *Development and Design Standards and Guidelines*, identify the uses allowed within the districts and the dimensional and other standards applying to development in the districts, respectively.

2.1.1. Zoning Districts Established

The following zoning districts are established:

TABLE 2.1-1: ZONING DISTRICTS ESTABLISHED

Abbreviation	New District Name	Associated General Plan Land Use District
AG	Agricultural	Very Low Density (VLD) or Low Density (LD)
RESIDENTIAL		
SF-43	Single-Family Residential 43	Very Low Density (VLD) Low Density (LD)
SF-18	Single-family 18	Low Density (LD)
SF-10	Single-family 10	Medium Density (MD)
SF-6	Single-family 6	Medium Density (MD) and Medium High Density (MHD)
SF-3	Single-Family 3	Medium High Density (MHD)
SF-1	Single-Family 1	Medium High Density (MHD)
MF-1	Multi-family 1	High Density (HD)
MF-2	Multi-family 2	Urban Density (UD)
MH	Manufactured Home/RV Park	Any residential district except High Density (HD) and Urban Density (UD)
MIXED USE		
NMU	Neighborhood Mixed Use	Mixed Use (MU)
CMU	Community Mixed Use	Mixed Use (MU)
RMU	Regional Mixed Use	Mixed Use (MU)
DC	Downtown Commercial	Downtown Buckeye (DB)
OFFICE AND COMMERCIAL		
PO	Office	Professional Office (PO)
C-1	Neighborhood Commercial	Neighborhood Commercial (NC)
C-2	Community Commercial	Community Commercial (CC)
C-3	Regional Commercial	Regional Commercial (RC)
BP	Business Park	Business Park (BP)
INDUSTRIAL		
I-1	Light Industrial	Industrial (I)
I-2	Heavy Industrial	Industrial (I)
OVERLAY		
PAD	Planned Area Development (10 to 639 acres)	Any Land Use District
CMP	Community Master Plan (640-acre minimum)	Master Planned Community (MPC)

2.1.2. Zoning Map

The zoning districts are shown on the "City of Buckeye Zoning Map" (Zoning Map). The boundaries of zoning districts established in this Development Code are delineated upon the Zoning Map and adopted as part of this Development Code. In the event of uncertainty in the exact boundaries of any of the districts as shown on the Zoning Map, the rules contained in Subsection 1.6.2, *Interpretation,* of this Development Code, shall apply.

2.1.3. Relationship to Overlay Zoning Districts

All lands within the City shall be designated as one of the base zoning districts listed in Sections 2.2 through 2.6. In addition, some lands may be designated as one or more of the overlay districts listed in Section 2.7. Where the property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district, except to the extent the overlay district expressly modifies such underlying base district's regulations. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

2.2. AGRICULTURAL DISTRICT

2.2.1. Agricultural (AG)

The AG district is established to provide for the continued use of land for predominantly agricultural and/or ranching purposes, and to preserve undeveloped areas until they can feasibly be developed at urban standards and with adequate public safeguards of health, safety, and welfare.

2.3. RESIDENTIAL DISTRICTS

2.3.1. General Purposes of Residential Districts

The residential zoning districts are intended to:

A. Provide appropriately located areas for residential development that are consistent with the General Plan and with standards for public health, safety, and general welfare;

B. Allow for a variety of housing types that meet the diverse economic and social needs of residents;

C. Protect the scale and character of existing residential neighborhoods and community character when practical;

D. Reduce the need for negotiated Community Master Plans in residential development;

E. Provide for connectivity among residential developments so that an interconnected, integrated pattern of neighborhoods is established;

F. Discourage any use that would generate traffic or create congestion on neighborhood streets other than the normal traffic that serves the residents of the district; and

G. Discourage any use that, because of its character or size, would create additional requirements and costs for public services that are in excess of such requirements and costs if the district were developed solely for the intended type of residential uses.

Future rezonings to the residential districts should be consistent with the City's plans for water and sanitary sewer line extensions, as well as expansion of garbage collection services.

2.3.2. Single-Family Rural Residential (SF-43)

The SF-43 district is established to provide for low-density residential uses with ranch animal privileges, and establish a transition area between agricultural uses and more intense development. The district has a minimum lot size of 43,000 square feet.

2.3.3. Single-Family Residential 18 (SF-18)

The SF-18 zoning district is intended to promote and encourage a suitable environment for residential development on large lots at a low rate of urban population density. Housing density in the SF-18 district shall be higher than the SF-43 district and lower than the SF-10 district. It is the intent of this district to encourage the construction of and the continued use of the land for single-family dwellings, and to prohibit commercial, office, and industrial use, or any other use that would substantially interfere with development or continuation of single-family dwellings or any use not performing a neighborhood function. The district has a minimum lot size of 18,000 square feet.

2.3.4. Single-Family Residential 10 (SF-10)

The SF-10 district is intended to promote the construction of and the continued use of the land for single-family dwellings on medium-size lots with a greater density of land use allowed than in the SF-18 district. The district prohibits commercial and industrial use or any other use that would substantially interfere with the development or continuation of single-family dwellings in this district. The district has a minimum lot size of 10,000 square feet.

2.3.5. Single-Family Residential 6 (SF-6)

The SF-6 district is intended for single-family dwellings at a higher density than allowed in the SF-18 and SF-10 districts. The district prohibits commercial and industrial use or any other use that would substantially interfere with the development

or continuation of single-family dwellings in this district. The district has a minimum lot size of 6,000 square feet.

2.3.6. Single-Family Residential 3 (SF-3)

The SF-3 district is intended for small-lot single-family dwellings at a higher density than allowed in the SF-6 district. In addition to single-family homes, two-family homes (duplexes) and townhomes are allowed. The district prohibits commercial and industrial use or any other use that would substantially interfere with the development or continuation of single-family dwellings in this district. The district has a minimum lot size of 3,000 square feet.

2.3.7. Single-Family Residential 1 (SF-1)

The SF-1 district is intended for small-lot single-family dwellings at a higher density than allowed in the SF-3 districts. In addition to single-family homes, two-family homes (duplexes) and townhomes are allowed. The district prohibits commercial and industrial use or any other use that would substantially interfere with the development or continuation of single-family dwellings in this district. The district has a minimum lot size of 1,000 square feet.

2.3.8. Residential Multi-Family 1 (MF-1)

The MF-1 district is intended to accommodate the development of multi-family units, including apartments and condominiums, in neighborhoods with medium to high residential densities. It is the intent of this district, through proper site planning and design, to provide compatibility of uses in zoning, assure privacy and individuality by adequate screening techniques, protect adjacent property values, and provide usable open space (exclusive of parking areas and streets).

2.3.9. Residential Multi Family 2 (MF-2)

The MF-2 district is intended to accommodate the development of multi-family units at urban densities in a mid- or high-rise configuration. This district is intended to be used along major transportation corridors and in or near business centers, but is not intended to be used in the immediate proximity of single-family residential development at substantially lower densities. It is the intent of this district to require exceptional site planning and design in order to provide usable open space (exclusive of parking areas and streets) and minimize visual, privacy, and traffic-related impacts on any adjacent residential development or open space.

2.3.10. Mobile Home/RV Park (MH)

The MH district is intended to encourage the development of properly planned mobile home/RV parks and subdivisions in residential environments and to establish standards for the size, design, and quality of mobile home/RV parks.

2.4. MIXED-USE DISTRICTS

2.4.1. General Purposes of Mixed-Use Districts

Mixed-use districts define the uses of land and the siting and character of the improvements and structures to promote compatibility between residential and nonresidential uses. The districts also are intended to encourage redevelopment of underutilized parcels and infill development of vacant parcels. The mixed-use districts specifically are intended to:

A. Concentrate higher-density residential development and commercial and office employment efficiently in and around the downtown, major employment centers, and other designated centers of community activity;

B. Encourage mixed-use and higher-density redevelopment, conversion, and reuse of aging and underutilized areas, and increase the efficient use of available land in the City;

C. Create compact and pedestrian-oriented environments that encourage transit use and pedestrian access; and

D. Ensure that development in mixed-use areas is of high quality and provides pedestrian scale and interest through use of varied forms, materials, details, and colors, especially at the ground floor and second story.

E. Ensure that office, commercial, or retail space occupies the majority of the ground-floor area of all mixed use buildings.

2.4.2. Neighborhood Mixed Use (NMU)

The NMU district is intended to provide for small, compact commercial/residential centers within or surrounded by residential areas, compatible in scale and character with surrounding residential uses, to serve the convenience needs of the immediately surrounding neighborhood. NMU centers are between one-half to five acres in size. Ground-floor small-scale retail and restaurants are encouraged, with upper-story residential and office uses. Continuous commercial frontages, largely uninterrupted by driveways and parking, are encouraged.

2.4.3. Community Mixed Use (CMU)

The CMU district is intended to provide for community-serving commercial/residential development at a higher scale than is appropriate for the NMU district The CMU district is intended for use along selected corridors and at important nodes in the City on sites of five acres or larger. The CMU district is intended to include commercial, institutional, recreational, and service facilities needed to support surrounding neighborhoods and the community at-large. Medium- to higher-density housing shall be incorporated within or located around the district. Development shall facilitate pedestrian connections between residential and nonresidential uses.

2.4.4. Regional Mixed Use (RMU)

The RMU district is designed to accommodate the highest-intensity mixed-use development in key areas or nodes as identified in the General Plan. This district is intended to include the broadest range of uses and serve as a regional activity and employment center. The RMU district is designed for both pedestrians and automobiles, as well as alternative modes of transportation. This district is intended to include a mixture of commercial, office, and residential uses.

2.4.5. Downtown Commercial (DC)

The DC district is intended to provide for and encourage development and redevelopment that preserves and enhances the unique character and vitality of the Buckeye downtown. Public uses, offices, retail, service, and upper-story residential uses are allowed. Design standards focus on creating a human-scaled, pedestrian-oriented and walkable downtown that invites commercial development and complementary residential opportunities. Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged.

2.4.6. Downtown Residential (DR)

The DR district allows for the development and redevelopment of the older residential neighborhoods surrounding the historic downtown. The district allows single-family, two-family, and multi-family dwellings, as well as certain compatible commercial and office uses.

2.5. OFFICE AND COMMERCIAL DISTRICTS

2.5.1. General Purposes of Office and Commercial Districts

The office and commercial zoning districts generally are intended to:

A. Provide appropriately located areas consistent with the General Plan for retail, service, and office uses;

B. Strengthen the City's economic base and provide employment opportunities close to home for residents of the City and surrounding communities; and

C. Minimize any negative impact of nonresidential development on adjacent residential land uses.

2.5.2. Professional Office (PO)

The PO district is intended to provide locations for offices and supporting commercial uses. Activities located in the office districts should have traffic generation characteristics associated with an office environment; may have supporting retail or other limited commercial uses; should require limited identification by signage; and should generate virtually no noise, odor, dust, or vibration.

2.5.3. Neighborhood Commercial (C-1)

The C-1 district is intended for small, compact commercial uses within or surrounded by residential areas, compatible in scale and character with surrounding residential uses, to serve the convenience needs of the immediately surrounding neighborhood.

2.5.4. Community Commercial (C-2)

The Community Commercial district is intended to provide for the development of commercial corridors with community-serving uses with a three to five mile market area. The C-2 district is intended to provide for a full range of community-oriented retail and service commercial uses, but is not intended to accommodate large scale commercial or retail uses with a city-wide or regional market area.

2.5.5. Regional Commercial (C-3)

The C-3 district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. This district is intended to accommodate large-scale commercial or retail uses with a city-wide or regional market area. For example, high-intensity regional shopping centers on large sites with multiple buildings are appropriate within the C-3 district. These commercial uses are subject to frequent view by the public and visitors to Buckeye, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement.

2.5.6. Business Park District (BP)

The BP district is intended to allow for a mixture of light industrial, office, manufacturing, and limited retail uses in a business park, industrial park, or campus setting with high-quality site and building design.

2.6. INDUSTRIAL DISTRICTS

2.6.1. General Purposes of Industrial Districts

The industrial zoning districts generally are intended to:

A. Provide appropriately located areas, consistent with the General Plan, for industrial uses;

B. Strengthen the City's economic base and provide employment opportunities close to home for residents of the City and surrounding communities; and

C. Minimize any negative impact of industrial development on adjacent residential land uses.

2.6.2. Light Industrial District (I-1)

The I-1 district is intended to provide for light manufacturing, warehousing, processing, service, storage, wholesale, distribution operations, and research and development uses, with all operations contained within an enclosed building.

2.6.3. Heavy Industrial District (I-2)

The I-2 district is intended to provide for heavy industrial development that has some, any, or all of the following: (a) potentially noxious impacts, or (b) very heavy truck traffic for supplies, storage, or shipping, or (c) outdoor storage and operations. Examples include heavy manufacturing, storage, major freight terminals, waste and salvage, large dairy operations, distribution centers, processing, and other related uses. The intent is to preserve this land especially for industry in locations with access to major streets as designated on the General Plan Map, as well as locations generally accessible to railroad transportation. The district is also intended for military uses. Because of the intensive nature of the uses that may be allowed in this district, a buffer and other site design requirements may be necessary around this district to protect other zoning districts except the I-1 Light Industrial district.

2.7. OVERLAY DISTRICTS

2.7.1. Community Master Plan (CMP)

The Community Master Plan overlay district is established to provide an alternative to conventional development, and requires approval under the procedures in Section 8.6, *Community Master Plans,* of this Development Code. The CMP overlay designation is available only for projects that include a minimum of 640 acres. The district is intended to accomplish the following purposes:

A. To permit and encourage innovative land development while maintaining appropriate limitations on the character and intensity of use and assuring compatibility with adjoining and proximate properties;

B. To permit greater flexibility within the development to best utilize the physical features of the particular site, in exchange for greater public benefits than would otherwise be achieved through development under this Development Code;

C. To ensure that larger, planned developments function as integrated communities, with community amenities and benefits and with enhanced design not required or available in standard subdivision development;

D. To encourage the provision and preservation of open space that can provide meaningful recreational opportunities or connect to and supplement adjacent open spaces to provide more valuable public amenities;

E. To encourage integrated and unified design and function of the various uses comprising the CMP;

F. To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infrastructure and land use compatibility; and

G. To foster a strong sense of community based on the distinctive character of the development and a shared physical and economic environment.

2.7.2. Planned Area Development (PAD)

The Planned Area Development overlay district is established to provide an alternative to conventional development, and requires approval under the procedures in Section 8.6, *Community Master Plans,* of this Development Code (the procedures and criteria applicable to the establishment of CMPs also apply to PADs). The PAD overlay designation is available for projects that include a minimum of 10 acres but less than 640 acres. This district is intended to accomplish all of the following purposes:

A. To permit greater flexibility within the development to best utilize the physical features of the particular site in exchange for greater public benefits than would otherwise be achieved through development under this Development Code;

B. To ensure that any development impacts that occur through the use of greater flexibility are mitigated to the greatest extent feasible so as not to create adverse impacts on neighboring properties or the surrounding neighborhood.

C. To encourage the provision and preservation of meaningful open space;

D. To encourage integrated and unified design and function of the various uses comprising the PAD; and

E. To encourage a more productive use of land consistent with the public objectives and standards of accessibility, safety, infrastructure and land use compatibility.

2.8. OBSOLETE DISTRICTS

The districts in this Section are carried forward from the prior superseded edition of the Buckeye Development Code. No future rezonings may occur to any of the districts listed in this Section. Development on property having an obsolete zoning district classification is permitted subject to the development standards in Appendix B and occupied by uses in Appendix C.

2.8.1. Rural Residential

The Rural Residential Zoning District is designed to accommodate low-density residential development in outlying areas where all public services may not be available.

2.8.2. Planned Residential

The Planned Residential Zoning District is designed to accommodate all subdivided residential developments to which public services are available.

2.8.3. Mixed Residential

The Mixed Residential Zoning District is designed to accommodate both single- and multiple-family residential development, historic residential neighborhoods, and compatible commercial uses.

2.8.4. Planned Community

The Planned Community Zoning District is designed to accommodate all land uses approved as part of a Community Master Plan, where specific uses, public services, densities, and design criteria have been identified and adopted.

2.8.5. Commercial Center

The Commercial Center Zoning District is designed to accommodate a variety of commerce and specialized development, including commercial uses that comprise the central business district of the City.

2.8.6. General Commerce

The General Commerce Zoning District is designed to accommodate general commercial and employment uses and compatible industrial uses to which public services are available.

2.8.7. Special Use

The Special Use Zoning District is designed to accommodate uses in natural hazard or floodplain areas or those under public ownership where development may not be possible because of flooding or other constraints or if development is possible, it is sponsored by the City as a public purpose.

2.8.8. Appendix C

Permissible uses within each obsolete district shall be in accordance with Appendix C. The presumption established by this Code is that all legitimate uses of land are permissible within at least one of the obsolete zoning districts. Therefore, because the list of permissible uses set forth in Appendix C cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

ARTICLE 3: USE REGULATIONS

3.1. TABLE OF ALLOWED USES

Table 3.1-1 lists the principal uses allowed within all base zoning districts. Each of the listed uses is defined in Article 10, *Definitions*.

3.1.1. Explanation of Table Abbreviations

A. Permitted Uses

"P" in a cell indicates that the use is allowed by right. Permitted uses are subject to all other applicable regulations of this Development Code, including the use-specific standards in Section 3.2, the dimensional standards in Article 4, and the requirements of Article 5, *Development and Design Standards and Guidelines*.

B. Conditional Uses

1. "C" in a cell indicates that in the respective zoning district the use is allowed only if reviewed and approved in accordance with the procedures of Section 8.7, *Conditional Use Permits*. Conditional uses are subject to all other applicable regulations of this Development Code, including the use-specific standards in Section 3.2, the dimensional standards in Article 4, and the requirements of Article 5, *Development and Design Standards and Guidelines*.

2. The "C" designation in Table 3.1-1 in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each conditional use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved or denied pursuant to the procedures in Section 8.7, *Conditional Use Permits*.

C. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

D. Use-Specific Standards

Regardless of whether a use is allowed by right or as a conditional use, there may be additional standards that are applicable to the use. Use-specific standards are noted through a cross-reference in the last column of the table. Cross-references refer to Section 3.2, *Use-Specific Standards*. These standards apply in all districts unless otherwise specified.

3.1.2. Table Organization

In Table 3.1-1, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity

that may appropriately exist within the categories. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

3.1.3. Use for Other Purposes Prohibited

Approval of a use listed in Table 3.1-1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 3.1-1 and approved under the appropriate process is prohibited.

3.1.4. Classification of New and Unlisted Uses

When application is made for a use category or use type that is not specifically listed in Table 3.1-1, the following procedure shall be followed:

A. The Director shall provide an interpretation as to the use category and/or use type into which such use should be placed. In making such interpretation, the Director shall consider its potential impacts, including but not limited to: the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.

B. Appeal of the Director's decision may be made to the Planning Commission following procedures under Section 8.13, *Appeals of Administrative Decisions*, of this Development Code.

3.1.5. Table of Allowed Uses[1]

Table 3.1-1: TABLE OF ALLOWED USES

P=Permitted C=Conditional Use

Use Category	Use Type		RESIDENTIAL									MIXED-USE				NON-RESIDENTIAL							
		AG	SF 43	SF 18	SF 10	SF 6	SF 3	SF 1	MF 1	MF 2	MH	NMU	CMU	RMU	DC	PO	C1	C2	C3	BP	I1	I2	Use Standards
RESIDENTIAL USES																							
Household Living	Dwelling, duplex						P	P	P			P											
	Dwelling, multi-family								P	P		P	P	P	P								
	Dwelling, single-family attached				P	P	P	P	P			P	P	P	P								
	Dwelling, single-family detached	P	P	P	P	P	P	P	C														
	Dwelling, mfd. home	P	P	C	C	C	C	C			P												3.2.1.A
	Dwelling, mobile home	C									P												3.2.1.B
	Dwelling, zero lot line					P	P	P	P	P				P									
	Mobile home park										P												
	Mfd. home subdivision										P												
Group Living	Assisted living, commercial								P	P			P	P	C		P	P	P				
	Assisted living, residential	P	P	P	P	P	P	P	P	P			C	C	C		C	C	C				
	Boarding house/guest room	P			C	C	C		C	C					P								
	Group home	C	P	C	C	C			C	C		C	C	C	C		C	C	C				
	Group recovery home	C	C	C	C				C	C		C	C	C	C		C	C	C				
	Nursing home								C	C		C	C	C	C		P	P	P				3.2.1.C
	Shelter care facility	P	P	P	P	C			C	C		C	C	C	C		P	P	P				
	Shelter care facility, homeless	C	C	C	C	C			C	C		C	C	C	C		C	C	C		P		

[1] ORD. 06-13; 5/21/2013

Table 3.1-1: TABLE OF ALLOWED USES

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PUBLIC/INSTITUTIONAL USES																							
Community Service	Assembly hall, public		C	C	C	C	C	C	C	C		C	C	P	P		P	P	P	P	C		3.2.2.G
	Cemetery	P	C	C	C	C			C	C			P	P	P		P	P	P	P	P		3.2.2.C
	Community recreation center		P	P	P	P	P	P	P	P	P		P	P	P	C		P	P				
	Crematorium or funeral parlor												P	P	P		P	P	P	P	P		
	Government admin. and civic buildings												P	P	P	P		P	P	P	C	C	
	Government maint. & operations yards/ buildings	C	C																		P	P	
	Public safety facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.2.2.F
	Religious assembly		C	C	C	C	C	C	C	C		C	C	P	P		P	P	P	P	C		3.2.2.G
	Social service facility								C	C		P	P	P	P	P	P	P	P	P			
Cultural Facility	Art gallery or museum, public											P	P	P	P	C	P	P	P	P			3.2.2.B
	Library, public			P	P	P	C	C	C	C		C	P	P	P	C	P	P					3.2.2.E
Child Care Facility	Day care, commercial								C	C		P	P	P	P	P	P	P	P	P	C		
	Day care, residential	P	P	P	C	C	C	C	P		P	P	P	P	P								
Education	College or university											C	C	P	P		C	C	P	P			3.2.2.H
	Private elementary or middle school		P	P	P	P	P	P	P	P			C	P	C		C	C	C				3.2.2.H
	Private high school		P	P	P	P	P	P	P	P			C	P	C		C	C	P				3.2.2.H
Health Care Facility	Medical office or clinic								C	C		P	P	P	P	P	P	P	P	P			
	Hospital												C	C	C	C		C	P	P	P		3.2.2.D

Table 3.1-1: TABLE OF ALLOWED USES

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Medical Marijuana Dispensary	Medical Marijuana – ARIZ. REV. STAT. §36-2801 et seq.																				P	P	3.2.3.K
Medical Marijuana Dispensary Offsite Cultivation Location	Medical Marijuana – ARIZ. REV. STAT. §36-2801 et seq.																				P	P	3.2.3.K
Parks and Open Space	Arboretum or botanical garden	P	C	C	C	C			P	P			C	P	P			C	P	P			3.2.2.A
	Campground	P	C	C																			
	Community playfields and parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Parks and nature preserves, not-for-profit	P	P	P																			
Telecom-munication Facility	Tower (including any facility with a tower)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	3.2.2.I
	Broadcasting or recording studio (no tower)												P	P	P	P	P	P	P	P	P		
	Satellite earth station	C																		P	P		
	Transmitting station (no tower)													P			P	P	P	P	P	P	3.2.2.I
Transportation Facility	Airport	C																			C	C	
	Bus terminal														C			C	P	P	P	P	
	Heliport	C																		C	C	C	
Utility	Solar generation station	P	P																		P	P	3.2.2.J
	Utility facility, major	C	C															C	C	C	C	P	
	Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

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COMMERCIAL USES																							
Agriculture and Ranching	Agriculture	P	P																				3.2.3.A
	Commercial ranch	P	P																				3.2.3.A
	Dairy	P	C																			P	3.2.3.A
	Meat processing																					P	3.2.3.A
	Residential ranch	P	P																				3.2.3.A
Animal Sales and Services	Animal hospital												P	P	P		P	P	P	P	P		3.2.3.B
	Animal pet shop, retail											P	P	P	P		P	P	P	P			
	Animal training school	C	C										P	P	P			P	P	P			3.2.3.B
	Kennel, indoor only	P	P										P	P				P	P	P			3.2.3.B
	Kennel, indoor/ outdoor	P	P																P				3.2.3.B
	Veterinary clinic	P	P							C		P	P	P	P		P	P	P	P			3.2.3.B
Assembly	Assembly hall, private								C	C		C	C	P	P		P	P	P	P			3.2.2.G
	Auditorium, private												P	P	P			P	P	P			3.2.2.G
	Fraternal or social club, nonprofit								C	C			P	P	P		P	P	P	P			3.2.2.G
	Country club, private membership		P	P	P	P	P	P	P	P													3.2.2.G
Financial Service	Check Cashing																C	C	C	C	P		3.2.3.C
	Financial institution, with drive-thru												P	P	C		P	P	P	P			
	Financial institution, without drive-thru									C		P	P		P	P	P	P	P	P			

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Food and Beverage Service	Food sales, wholesale													P			P	P	P	P	P		
	Bar, lounge, or tavern											P	P	P	P		P	P	P	P			
	Catering service											P	P	P	P		P	P	P	P	C		
	Drive-in restaurant												P	P	C			P	P	P			
	Farmers market	P	P									C			C		C	P	P				
	Nightclub												C	C	P			P	P	P			
	Restaurant, without drive-thru									C		P	P	P	P	P	P	P	P	P			
	Restaurant, with drive-thru												C	P	C		P	P	P	P			
Office	Office, business or professional									C		P	P	P	P	P	P	P	P	P			
	Data Center													C	C	C				P	P	P	
	Research laboratory												P	P	P	P		C	P	P	P	P	
Recreation and Entertainment, Outdoor	General outdoor recreation, commercial												C	P	C			P	P	P			
	Golf course, unlighted	P	P	P	P	P	P	P	P	P				P		P	P	P	P	P			3.2.3.E
	Golf course/ driving range, lighted	C	C	C	C	C	C	C	C	C				P		P	P	P	P	P			3.2.3.E
	Major entertainment facility, outdoor	C	C											P	C				P	P	C		3.2.3.E
	Race track (auto, dog, and horse)	C	C																C	C	C		3.2.3.E
	RV campground	P	P																				3.2.3.G
	RV park	P	P																				3.2.3.H
	Shooting range, outdoor	C	C																				3.2.3.E

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	Zoo	C	C											C					C				3.2.3.E
Recreation and Entertainment, Indoor	Art gallery or museum, private								C	C		P	P	P	P	C	P	P	P	C			
	Fitness and recreational sports center								C	C		P	P	P	P	P	P	P	P	C	C		
	General indoor recreation, commercial											C	P	P	P		P	P	P	C	C		
	Major entertain-nment facility, indoor												C	P	P		P	P	P	C	C		
	Movie theater												C	P	C		P	P	P	C			
Personal Services	Dry cleaning and laundry service								C	C		P	P	P	C	P	P	P	P	P	C		
	General personal services								C	C		P	P	P	P	P	P	P	P	P			
	Instructional services or trade school											C	P	P	P	P	P	P	P	P	P	P	
Retail (Sales)	Alcoholic beverages, retail sale											C	P	P	P		P	P	P				
	Convenience store with gas sales								C	C		C	P	P	P		P	P	P	C	P	C	
	Feed store	P	C															P	P		P		
	General retail											P	P	P	P	P	P	P	P	P			3.2.3.D
	Large retail													P	C			C	P	C			3.2.3.F
	Open-air market or flea market	P	P																		C		
	Nursery and plant sales, wholesale	P	P																C	P	P		
	Plant sales, retail	P	P									P	P		C		P	P	P				
	Sexually oriented business																		C		C	C	3.2.3.J

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Vehicles and Equipment	Boat, RV storage																		C		P	P	
	Boat, RV sales and rental													P				P	P		P		
	Car wash												P	P	P		P	P	P	P	P		
	Gasoline sales	C	C									C	C	C	P		P	P	P	C	P		
	Parking structure								C	P		C	P	P	P	P	P	P	P	P	P	P	
	Truck stop	C																			C	P	3.2.3.I
	Truck repair and overhaul	C																			C	P	
	Vehicle sales and rental											C	C	P				P	P	P	P	C	
	Vehicle service and repair, major											C	P	P	C			P	P		P	P	
	Vehicle service and repair, minor											P	P	P	C		P	P	P		P	P	
	Vehicle storage																		C		P	P	
Visitor Accom-modation	Bed and breakfast	C	C	C	C	C	C	C	C	C		P	P	P			P	P					
	Hotel or motel									C		C	P	P	P	C	P	P	P	P			
	Resort												C	P	P			P	P				
INDUSTRIAL USES																							
Industrial Service	Building materials sales, indoor retail												P	P				P	P	P	P		3.2.4.A
	Building material sales, outdoor or wholesale												C	C					P		P	P	
	Drilling company, no outside storage																				P	P	
	Drilling company, with outside storage																					P	

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	Resource extraction	C																				C	
	General industrial service																				P	P	3.2.4.B
Manufacturing and Production	Assembly, light																			P	P	P	
	Mfg., heavy																					P	
	Mfg., light																			P	P	P	
Warehouse and Freight Movement	Mini-storage, indoor												C	C				P	P	P	P	P	
	Mini-storage, outdoor												C	C				C	C	C	P	P	
	Motor freight terminal																				C	P	
	Storage yard																				C	P	
	Office warehouse																			P	P	P	
	Warehouse																			C	P	P	
	Wholesale establishment																	C	P	P	P	P	
Waste and Salvage	Auto wrecking and salvage yard																					P	
	Recycling center outdoor																					P	
	Recycling center indoor																			C	P	P	
	Landfill																					C	3.2.4.C

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TEMPORARY USES																							
	Antennas, temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.4.2.A
	Expansion or replacement facilities, temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.4.2.B
	Office space/ equipment storage, temporary	P										P	P	P	P	P	P	P	P	P	P	P	3.4.2.B
	Retail sales, temporary	P										P	P	P	P	P	P	P	P	P	P	P	3.4.2.C
	Roadside stand	P	P																				
	Sales office, temporary		P	P	P	P	P	P	P	P	P												3.4.2.E
	Yard sale, temporary	P	P	P	P	P	P	P	P	P	P	P	P	P									3.4.2.F
	Other temporary uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.4.2.G

3.2. USE-SPECIFIC STANDARDS

3.2.1. Residential Uses

A. Manufactured Homes

Manufactured homes are subject to the following requirements:

1. A manufactured home is subject to all standards contained in Article 4, *Dimensional Standards*, and Article 5, *Development and Design Standards and Guidelines*, for the zoning district(s) in which the home is situated. In addition, all manufactured homes shall be skirted.

2. All homes shall be multi-sectional and placed upon a permanent foundation consisting of a concrete stem wall, with additional interior supports as may be required by applicable law or by the City Public Works Department in order to protect public safety. The multi-sectional home is to be secured and fastened to the foundation.

3. The elevation of the finished floor is not to exceed that which would normally be allowed for a conventional structure in order that the manufactured building appears as much as possible like a conventional structure.

4. An enclosed two-car (minimum) garage shall be provided, preferably attached to and built into the home. The outside of the garage and home shall be finished with identical materials.

5. Power pedestals (electrical service section) shall not be permitted.

B. Mobile Homes

After the effective date of this Development Code, an individual mobile home may only be parked or stored on a lot within a mobile home park or mobile home subdivision unless permitted by a conditional use permit in the AG district. Residential use of mobile homes constructed prior to 1976 is prohibited.

C. Convalescent Home or Nursing Home

In the MF-1, MF-2, NMU, CMU, and DR districts, the use shall abut an arterial street.

D. Manufactured Home Subdivisions

All homes are to be multi-sectional and placed upon a permanent foundation, consisting of a concrete stem wall, with additional interior supports as required. The multi-sectional home is to be secured and fastened to the foundation.

1. The elevation of the finished floor is not to exceed that which would normally be allowed for a conventional structure in order that the

manufactured building appear as much as possible like a conventional structure.

2. An enclosed two-car (minimum) garage shall be provided, preferably attached to and built into the home. The outside of the garage and home shall be finished with identical materials.

3. Power pedestals (electrical service section) shall not be permitted.

4. Homes may either be faced to the street or side property line. However, a consistent approach should be used and architectural features incorporated into the design of the home depending on which approach is used.

5. All other subdivision design standards as contained in this Code shall be applicable.

E. Manufactured Home Park/RV Park

Responsibility for approval of the design of a recreational vehicle (RV) or manufactured home park shall rest with the Planning Comission. The following are to be used as minimum standards. Additional standards may be imposed by the Board only if so warranted.

1. General Standards

a. Interior private streets shall not be less than 28 feet in width, and shall be paved. Interior streets shall be laid out to provide multiple access points and good interior circulation. On-street parking is not allowed. Individual vehicle parking pads shall be plainly marked and paved. All other vehicle areas are to be paved. Other areas shall be covered with gravel or landscaping material.

b. All utilities shall be provided, including water, sewer, electric, and phone. Lines are to be underground.

c. Sufficient access is to be provided for emergency vehicles, including turn around areas. Hydrants, as specified by the Buckeye Fire Chief, must also be provided.

d. All homes within manufactured home parks shall provide at least 100 square feet of enclosed storage area outside the area of the home. In addition, awnings and other architectural features may be required in order to provide a consistent design approach throughout the park.

e. No more than one manufacture home, travel trailer, park model or motor home shall be placed on each space.

f. Off-street parking for at least two automobiles shall be provided in each space or on each lot or on a separate designated parking area within a park.

g. Screening shall be provided around the exterior of the park by a six-foot masonry wall.

2. RV Park Standards

a. Each RV space shall contain a minimum of 1,500 square feet, not including roadways or common areas.

b. Common areas must be provided and contain sufficient facilities for park residents. The size of the common areas provided shall equal ten percent of the entire park area. Parks containing less than 15 spaces are exempt from this requirement. Common areas must be improved with landscaping or recreational facilities.

3.2.2. Public and Institutional Uses

A. Arboretum or Botanical Garden

1. In all districts in which it is allowed, the use shall abut an arterial street.

2. No sales are allowed except through gift shops that are approved accessory uses.

B. Art Gallery or Museum, Public

In the NMU, CMU, and RMU districts, the use shall abut an arterial street.

C. Cemetery

1. A cemetery shall have a minimum net area of 40 acres.

2. All principle vehicular entrances and exits shall be on arterial or collector streets.

3. Cemeteries may be permitted to have funeral homes or crematories as accessory uses.

4. Structure or building line setbacks shall be 100 feet from arterial streets and 50 feet from non-arterial streets.

5. No grave site shall be located within 25 feet of a future street right-of-way.

D. Hospitals

In the DC, DR, and C2 zoning districts, the use shall abut an arterial or major collector. The use is prohibited on local streets.

E. Library

In the residential districts, the use shall abut an arterial or collector street.

F. Public Safety Facility

In the residential districts, the use shall abut an arterial or collector street.

G. Assembly Hall, Public; Religious Assembly; Assembly Hall, Private; Country Club, Private Membership Auditorium, Private; and Fraternal or Social Club, Nonprofit

Where an assembly use is originally approved by conditional use, CMP, or PAD, any subsequent associated use that increases the intensity of the development on the site shall also be approved by conditional use or amendment to a CMP or PAD, as applicable. For the purposes of this section, an increase in intensity shall be measured as (1) an increase in vehicular trips generated and/or (2) an increase in impervious surface by five percent or more.

H. Schools

1. All colleges, universities, high schools, and trade schools shall have their principal vehicular entrance and exit on an arterial or collector street; vehicular ingress and egress to local streets is prohibited.

2. Elementary schools shall not be located adjacent to arterial roads or roads with higher classifications.

3. No portion of any school facility shall be located in an overhead utility line corridor.

4. Any development involving a change or expansion of school facilities subject to this Code shall comply with all applicable provisions of Section 8.15, *Adequate School Facilities*, prior to any action by the Planning Commission or City Council.

I. Towers; Transmitting Stations

1. Transmitting Station

Transmitting stations may be located on the ground, on mixed use or non-residential buildings, or on a structure such as a flagpole, light standard, or water tower, but only within those zoning districts indicated in Table 3.1-1.

a. If mounted on the ground, the maximum height of a transmitting station shall be the same as for any other structure in that zoning district.

b. If mounted on a mixed use or non-residential building, or other structure such as flagpole, light standard, or water tower, the maximum height of the transmitting station shall not exceed ten feet above the highest point on the building (excluding the transmitting station) or the maximum height of a building in that zoning district as shown in Article 4, *Dimensional Standards*.

2. Towers

All freestanding towers must comply with the following standards:

a. Evidence of Need for Tower

Towers shall only be permitted if evidence has been produced by the applicant showing that no existing tower or other structure can accommodate the applicant's proposed antenna. Evidence of this unavailability may consist of any of the following:

(i) No existing towers or structures are located within the geographic area required to meet applicant's engineering, capacity, or technical requirements;

(ii) Existing towers or structures are not of sufficient height or structural strength to meet the applicant's engineering, capacity, or technical requirements;

(iii) Applicant's proposed antenna would cause electromagnetic interference with existing antenna on existing towers or structures, or the existing antennas on the existing towers or structures would cause electromagnetic interference with applicant's proposed antenna;

(iv) The fees, costs, or contractual provisions required by the owner of the existing tower in order to share said tower structure are unreasonable (for purposes of this provision, eight-year rental costs exceeding the costs of site acquisition and tower construction including engineering and design fees, are presumptively unreasonable); and

(v) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

b. Basic Maximum Height

In the SF, MF, and MH zoning districts, the base maximum height for all towers (without the bonus height allowed for co-location) is 50 feet. In all other zoning districts the base maximum height for all towers (without the bonus height allowed for co-location) is 75 feet. Height for a freestanding tower must be measured from grade to the highest point on the tower structure, including any installed antennae and lighting and supporting structures.

c. Co-Location Bonus Height

A new tower may exceed the base maximum height only if designed to accommodate one additional user's equipment for every 25 feet of tower height above the base maximum height. In the SF, MF, and MH zoning districts, the maximum permitted height for towers using the bonus height allowed for co-location is 175 feet. In all other zoning districts the maximum permitted height for towers using the bonus height allowed for co-location is 200 feet.

Applicants seeking to erect a tower greater than the basic maximum height, and proposed to be located within 3,000 feet of any other tower greater than the basic maximum height, must provide evidence that reasonable efforts have been made to lease space on an existing planned or constructed tower(s) or that no existing tower(s) will technically satisfy the applicant's needs.

d. Yards

All freestanding towers must be set back from the property boundary a distance equal to the height of the proposed tower.

e. Signs and Logos

No advertising sign or logo is permitted on any tower, with the exception of one sign not to exceed one square foot in area, located within eight vertical feet of the base of the tower, identifying the owner or operator and its emergency contact information.

f. Buffering, Screening, and Fencing

All fences and walls must be screened as provided in Section 5.4.5, *Fences, Walls, and Screening*. The base of the tower and each guy anchor must be surrounded by a fence or wall at least eight feet in height that effectively screens the view of the tower compound and accessory facilities from view from adjacent streets and properties.

g. Co-Location on Existing Towers

Regardless of whether the erection of a new tower is a permitted or conditional use in the zoning district, the co-location of additional antennae on existing tower is a permitted use, provided that the tower structure was designed and engineered to accommodate the additional antennae.

h. Construction Standards

(i) The tower shall either maintain a galvanized steel finish or be painted a uniform neutral color (unless color is governed by applicable standards of Federal Aviation Administration) to minimize visual intrusiveness. Cabling shall be contained interior to the structure of the tower or wrapped in a cover with a matching color scheme to the tower. The use of camouflage technology so that the tower appears to be a part of the primary building on site is also acceptable. The design and maintenance of the equipment, buildings, cabinets, or related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting or the built environment of the primary use.

(ii) If an antenna or series of antennae are installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive.

(iii) Towers shall not be artificially lighted, unless such lighting is required by the Federal Aviation Administration or other applicable authority.

(iv) All towers, antenna, and related equipment shall meet or exceed current standards and regulations of the Federal Aviation Administration and the Federal Communications Commission, together with the regulations of any other agency of the federal government with the authority to regulate towers and antennas. Where no federal standard exists, construction must otherwise comply with the current requirements of the Buckeye Building Code.

i. Access

All tower sites shall be served by a driveway from a public street and said driveway shall be paved with an all-weather surface. However, sites in areas of restricted street access may be served by driveways from paved public or private parking lots. Any existing tower site that uses an unpaved driveway to access a public street, and which driveway allows the deposit of dirt, gravel or similar material to be deposited on the public streets during rain conditions, shall be considered a public nuisance, and may be abated in accordance with the general ordinances dealing with nuisance abatement.

j. Maintenance, Operation, and Removal

(i) The owner of the tower shall ensure that it is maintained in compliance with the standards contained in the applicable local building codes and the applicable standards for towers established by the Electronic Industries Association, as amended from time to time, in order to ensure the structural integrity of the tower. The failure to maintain structural integrity through compliance with these standards is hereby declared a public nuisance and the towers may be abated, including the removal of the tower under authority of and in compliance with the City Council's powers to declare and abate public nuisances.

(ii) No antenna may be used that, by design or by actual operation, causes interference on any frequency actually used by any police, fire, or public ambulance services having authority or jurisdiction over any portion of the City of Buckeye.

(iii) Any antenna that is not operated for a continuous period of 12 months shall be considered abandoned; any tower that has not contained an operating antenna for a period of 12 months shall be considered abandoned; and any tower or antenna that does not have electric service to it for a period of 12 months shall be considered abandoned. The owner of an abandoned antenna or tower must remove it within 180 days of receipt of notice from the Director notifying the owner of such abandonment.

(iv) Each tower owner shall provide a maintenance bond to assure the maintenance of the equipment building(s) and the support or tower structure, including the costs of removal in the event the facility is abandoned for more than one year.

k. Intent to Comply with Federal Telecommunications Act

All provisions of this Section 3.2.2.H are intended to comply with the federal Telecommunications Act of 1996, as amended or replaced, and shall be interpreted to avoid conflict with that act if possible. If conflict with the Act occurs, the Director is authorized to vary the terms of this Section 3.2.2.H by the minimum amount necessary to avoid that conflict.

J. Solar Generation Station

All solar generation stations shall comply with the following standards:

1. Lot Size

a. Within the AG and SF-43 zoning districts, a minimum lot size of 300 acres shall be established and maintained.

b. Within the I-1 and I-2 zoning districts, a minimum lot size of 150 acres shall be established and maintained.

2. Setbacks

A building, structure, or lot shall not be developed, used, or occupied unless it establishes and maintains a minimum setback equal to or greater than those setbacks established in the I-2 zoning district.

3. Lot Coverage

Lot coverage shall be as established in Table 4.1-1: Dimensional Standards, except that free-standing, ground-mounted solar devices shall not count toward the lot coverage requirements. Development within the AG zoning district shall utilize the standards established for the SF-43 zoning district.

4. Building Height

Building height shall be as established in Table 4.1-1: Dimensional Standards, except that thermal towers may be up to 200 feet in height provided that the tower is centrally located on the property and maintains a safe fall-zone equal to or greater than the height of the

tower. Development within the AG zoning district shall utilize the standards established for the SF-43 zoning district. Additional building height for structures that are clearly incidental and/or accessory to the generation of power or the collecting of solar may be approved through the issuance of a Conditional Use Permit.

3.2.3. Commercial Uses

A. Agricultural Uses

Uses listed in the Agriculture and Ranching use category in Table 3.1-1 may include necessary accessory uses for treating or storing of produce and parking of equipment. However, the operation of any such accessory uses shall be secondary to that of normal agricultural activities and shall not include:

1. Retail commercial activity;

2. Stockyards or commercial feed lots for cattle, swine, or sheep; or

3. The storage of vehicles or equipment for retail commercial purposes.

B. Animal Hospitals, Animal Training School, Kennel, and Veterinary Clinic

Animal hospitals shall have their principal entrance and exit on an arterial or collector street. There shall be no ingress or egress to local streets.

C. Check-Cashing

1. Purpose and Applicability

The standards of this section shall apply to all new and expansion of existing check cashing businesses. The purpose of these regulations is to prevent the overconcentration of check cashing businesses.

2. Location

All new check cashing businesses shall be located consistent with the following standards:

a. Located a minimum of 1,000 feet from another check cashing establishment;

b. Located a minimum of 500 feet from all of the following uses:

(i) Public school, community center, or library;

(ii) State or federally chartered bank, savings association, credit union, or industrial loan company; and

(iii) Alcoholic beverage sales, excluding restaurants, grocery stores/supermarkets, and neighborhood markets.

D. General Retail

Within the BP district, free-standing retail with single-users over 10,000 square feet and group-users over 50,000 square feet require approval of a conditional use permit.

E. Golf Course, Unlighted; Golf Course/Driving Range, Lighted; Major Entertainment Facility, Outdoor; Race Track (Auto, Dog, and Horse) ; Shooting Range, Outdoor; Zoo.

In any residential these uses shall abut, and shall only have access from, arterial or collector streets.

F. Large Retail

1. Design Standards

All large retail establishments shall comply with the design standards in Section 5.8, *Commercial Building Standards and Guidelines*.

2. Adaptive Reuse/Abandonment Agreement

Prior to receiving final approval, large-scale retail uses that are 150,000 square feet or more, excluding any garden center, shall require that the owner of the property execute and have recorded an adaptive reuse/abandonment agreement acceptable to the City Attorney. The agreement shall be recorded with the clerk and recorder's office of the county in which the property is situated. The agreement may contain, but is not limited to, terms and conditions regarding:

a. A requirement that no covenants, conditions, or restrictions be recorded against or run with the property that in any way impede or prevent the re-use or re-tenanting of the building in the event of vacancy;

b. The owner's obligations to reuse, re-tenant, or pay for removal of the building in the event of vacancy;

c. Property maintenance responsibilities in the event of vacancy; and

d. Enforcement of the agreement and remedies available to the City in the event of breach or other noncompliance.

G. Recreational Vehicle Campground

Applications for recreational vehicle campgrounds shall comply with and show the method of complying with the following standards:

1. This use shall abut, and shall only have access from, arterial or collector streets.

2. No trailer, RV, or other similar vehicle shall be allowed for more than 14 days.

3. No trailer, RV, or other similar vehicle will be parked for sale or display.

4. Each campground shall provide facilities for the appropriate disposal of waste water, trash, and related items.

H. Recreational Vehicle Park

Applications for recreational vehicle parks shall comply with and show the method of complying with the following standards:

1. This use shall abut and shall only have access from arterial or collector streets.

2. No trailer, RV, or other similar vehicle will be parked for sale or display.

3. Only hard-surfaced roads shall be used throughout the grounds.

4. Each park shall provide facilities for the appropriate disposal of waste water, trash, and related items.

I. Truck Stops

Convenience retail, restaurants, and hotel or motel uses are allowed as accessory uses to truck stop primary uses.

J. Sexually-Oriented Business

All sexually-oriented businesses shall comply with the regulations provided in Chapter 8 of the City Code in addition to this Code.

K. Medical Marijuana Uses[2]

The following minimum requirements shall apply to all medical marijuana dispensary and medical marijuana cultivation location uses permitted under ARIZ. REV. STAT. § 36-2801 *et seq.* (the "Act") and Section 3.1.5, Table of Allowed Uses, and Section 10.3.3.Q, Medical Marijuana Uses:

1. In addition to any other application requirements, an applicant for any medical marijuana dispensary or medical marijuana cultivation location use shall provide the following:

a. A notarized authorization, executed by the property owner, acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary or medical marijuana cultivation location.

b. The legal name of the medical marijuana dispensary or medical marijuana cultivation location.

c. If the application is for a medical marijuana cultivation location, the name and location of the medical marijuana dispensary with

[2] ORD 04-11, RES 17-11; 2/14/2011

which it is associated and, in addition, in the case of designated caregivers or qualifying patients, the name of qualifying patients for which the marijuana is being cultivated.

d. The name, address, and birth date of each officer and board member of the nonprofit medical marijuana dispensary agent.

e. The name, address, birth date, and valid registry identification card number of (a) each medical marijuana dispensary agent if the application is related to a medical marijuana dispensary or a related medical marijuana cultivation location and (b) each designated caregiver and qualifying patient if the application is related to a medical marijuana cultivation location associated with such qualifying patient and designated caregiver.

f. A copy of the operating procedures adopted in compliance with ARIZ. REV. STAT. § 36-2804(B)(1)(c).

g. A notarized certification that none of the medical marijuana dispensary officers or board members has been convicted of any of the following offenses:

(i) A violent crime, as defined in ARIZ. REV. STAT. § 13-901.03(B), that was classified as a felony in the jurisdiction where the person was convicted.

(ii) A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under ARIZ. REV. STAT. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

h. A notarized certification that none of the medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked.

i. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary or medical marijuana cultivation location will be secured, enclosed and locked as required by law.

j. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary or medical marijuana cultivation location to the property boundary of the parcel containing any existing uses listed in the subsection 3.2.3.K.3 below. If any of

the uses are located within 50-feet of the minimum separation, the drawing, showing actual surveyed separations, shall be prepared by a registered land surveyor.

2. A medical marijuana dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 5:00 p.m., Monday through Friday.

3. A medical marijuana dispensary or medical marijuana cultivation location shall meet the following minimum separation requirements, measured in a straight line from the closest boundary of the parcel containing the medical marijuana dispensary or medical marijuana cultivation location to the closest property boundary of the parcel containing any existing uses listed below:

a. 2.5 miles from any other medical marijuana dispensary or medical marijuana cultivation location.

b. 1,000 feet from a residential substance abuse diagnostic and treatment facility or other residential drug or alcohol rehabilitation facility.

c. 1,000 feet from a public, private, parochial, charter, dramatic, dancing or music school, a learning center, or other similar school or educational facility that caters to children.

d. 1,000 feet from any residential zoning district or residential use.

e. 1,000 feet from a childcare center.

f. 1,000 feet from a public library or public park.

g. 1,000 feet from a religious institution.

4. Pursuant to the application requirements and provisions under ARIZ. REV. STAT. §§ 36-2804 and 2806, and except as provided under the Act for qualifying patients and designated caregivers, a medical marijuana cultivation location may only cultivate process, supply, sell or otherwise provide medical marijuana to medical marijuana dispensaries located in Arizona, and only one medical marijuana cultivation location shall be permitted for the single Arizona medical marijuana dispensary with which it is associated.

5. The following size limitations shall apply to any medical marijuana dispensary:

a. The total maximum floor area of a medical marijuana dispensary, inclusive of any secure storage area, shall not exceed 2,500 square feet.

b. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 500 square feet.

c. For a medical marijuana dispensary that also is a medical marijuana cultivation location, the total maximum floor area that may also be used for cultivation and incorporation or processing of the medical marijuana into consumable or edible products inclusive of any secure storage area shall not exceed 3,500 square feet. The secure storage area for the medical marijuana stored at a medical marijuana dispensary that also is a cultivation location shall not exceed 1,500 square feet.

6. The following size limitations shall apply to any medical marijuana cultivation location that is not also a medical marijuana dispensary location:

a. The total maximum floor area of a medical marijuana cultivation location inclusive of any secure storage area shall not exceed 3,000 square feet.

b. The secure storage area for the medical marijuana stored at the medical marijuana cultivation location shall not exceed 1,000 square feet.

7. A medical marijuana dispensary or medical marijuana cultivation location shall:

a. Be located in a permanent building and may not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other mobile vehicle. The facility shall include fire protection measures, including sprinklers, as required by the City of Buckeye Fire Code.

b. Install lighting to illuminate the exterior and interior of the building and all entrances and exists to the facility. Exterior lighting shall be five foot candles, measured at ground level, and shall remain on during all hours between sunset and sunrise each day and the medical marijuana dispensary or cultivation location shall illuminate all areas of the premises, including adjacent public sidewalks so that the areas are readily visible by law enforcement personnel. Twenty-four (24) hours each day, the medical marijuana dispensary or cultivation location shall illuminate the entire interior of the building, with particular emphasis on the locations of any counter, safe, storage area and any location where people are prone to congregate. The lightning must be of sufficient brightness to ensure that the interior is readily visible from the exterior of the building from a distance of 100 feet.

c. Not have drive-through service.

d. Not emit, dust, fumes, vapors or odors into the environment.

e. Not provide offsite delivery of medical marijuana, except to a medical marijuana dispensary served by the medical marijuana cultivation location.

f. Have no on-site sales of alcohol or tobacco, and no on-site consumption of food, alcohol, tobacco or medical marijuana.

g. Not have outdoor seating areas.

h. Display a current Town of Buckeye business license, and a State of Arizona tax identification letter.

i. Provide law enforcement and all interested neighbors with the name and phone number of an on-site community relations staff person to notify if there are operational problems with the establishment.

j. The exterior appearance of the structure shall be compatible with structures already constructed or under construction within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.

k. City code enforcement officers, police officers, or other agents or employees of the City requesting admission for the purpose of determining compliance with these standards shall be given unrestricted access.

l. Comply with all other applicable property development and designs standards of the City of Buckeye.

8. In addition to the requirements set forth in Paragraph 7 above, and to ensure that the operations of medical marijuana dispensaries are in compliance with Arizona law and to mitigate the adverse secondary effects from operation of dispensaries, medical marijuana dispensaries shall operate in compliance with the following additional standards:

a. Security guards shall be provided at the main entrances and exits during all hours of operation. Detailed internal security measures will be identified and maintained after consultation with the Buckeye Police Department. For the purposes of the Section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to ARIZ. REV. STAT. § 32-3601 *et seq*. Prior to opening for business, the medical marijuana dispensary shall provide all property owners with a 500 foot radius of the medical marijuana dispensary location with written notification via first class U.S. mail of the security company responsible for providing its security services.

b. If determined necessary by the City Manager at any time, medical marijuana dispensaries shall provide a neighborhood

security guard patrol for a two-block radius surrounding the medical marijuana dispensary during all or specified hours of operation.

c. No doctor shall issue a written certification on-site for medical marijuana.

d. Medical marijuana dispensaries shall only dispense medical marijuana to qualified patients and their designated caregivers as defined in the Act.

e. Medical marijuana dispensaries shall notify patrons of the following verbally and through posting of a sign in a conspicuous location at the medical marijuana dispensary:

(i) Use of medical marijuana shall be limited to the patient identified on the doctor's written certification. Secondary sale, barter or distribution of medical marijuana is a crime and can lead to arrest.

(ii) Patrons must immediately leave the site and not consume medical marijuana until at home or in an equivalent private location. Medical marijuana dispensary staff shall monitor the site and vicinity to ensure compliance.

f. Medical marijuana dispensaries shall not provide marijuana to any individual in an amount not consistent with personal medical use, or in violation of state law and regulations related to medical marijuana use.

g. Medical marijuana dispensaries shall not store more than two hundred dollars ($200.00) in cash overnight on the premises.

h. Any qualifying patient under eighteen (18) years of age shall be accompanied by a parent or legal guardian. Except for such parent or legal guardian, no persons other than qualifying patients and designated caregivers shall be permitted within a medical marijuana dispensary premises.

i. No signs, advertising, or any other advertising matter used in connection with the medical marijuana dispensary shall be of an offensive nature and shall in no way be contrary to the City code, or obstruct the view of the interior of the premises viewed from the outside.

3.2.4. Industrial Uses

A. Building Materials Sales, Indoor Retail

In the CMU and C2 districts, the maximum size of this use should be limited to 50,000 square feet.

B. General Industrial Service

In the I-1 and I-2 zoning districts, retail sales, offices, parking, and indoor storage may be allowed as an accessory uses.

C. Landfill

Each sanitary landfill shall be approved in accordance with state and federal regulations and guidelines and shall be situated on a parcel of land at least 40 acres in size.

3.3. ACCESSORY USES AND STRUCTURES

3.3.1. Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses, provided that the accessory use complies with all applicable standards in this section.

3.3.2. Approval of Accessory Uses and Structures

All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this Development Code. No accessory use may be established prior to establishment of the principal use with which such accessory use is associated. Section 10.3, *Definitions of General Use Categories and Specific Use Types*, identifies typical accessory uses associated with principal uses as part of the principal use definition. All accessory uses shall be subject to the standards in this Section 3.3, as well as any use-specific standards applicable to the associated principal use as set forth in Section 3.2, *Use-Specific Standards*.

3.3.3. General Standards

All accessory uses and structures shall comply with the following general standards:

A. Compliance with this Development Code

1. All accessory uses and structures shall be subject to the dimensional requirements of Article 4, *Dimensional Standards*. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this Development Code, the more restrictive standards shall control.

2. Accessory uses shall comply with all standards of this Development Code applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use.

B. Location

The accessory use or structure shall be conducted and/or located on the same lot(s) as the principal use and to the rear of the front setback line, unless otherwise approved by the Director. No accessory structure shall be located

within ten feet of the site's principal structure. When located to the rear of the primary structure, accessory buildings need not comply with the side or rear setback lines applicable to the primary structure provided that the accessory building is not located closer than ten feet from any alley and not closer than five feet from any property line.

C. Size and Height[3]

1. The maximum area of any accessory structure shall not exceed the area of the primary structure. Both primary and accessory structures together must comply with the applicable lot coverage requirements established by this Development Code.

2. The maximum height of any accessory structure shall not exceed the height of the lot's primary structure.

3. Accessory structures used primarily for and in conjunction with agricultural purposes shall be exempt from the maximum area and maximum height standards applicable to the property but shall, together with the primary structure, comply with the applicable lot coverage requirements established by this development code.

D. Same Ownership Required

The principal use and the accessory use shall be under the same ownership.

E. Same Utility Meter Required

The principal use and the accessory use shall utilize the same utility meter, with the exception of an approved accessory dwelling unit.

F. Architectural Character[4]

Accessory structures with a gross floor area of 225 square feet or more shall be compatible to and complimentary with the associated primary structure in terms of building materials and architectural style.

3.3.4. Additional Standards for Specific Accessory Uses and Structures

A. Accessory Dwelling Units

An accessory dwelling unit shall be permitted as an accessory use subject to the following standards:

1. Districts Allowed

Accessory dwelling units shall be allowed as accessory uses to principal residential uses in the following districts: SF-43, SF-18, SF-10, SF-6, and SF-3..

[3] ORD. 07-12
[4] ORD. 07-12

2. Where Permitted on Lot

A permitted accessory dwelling unit shall comply with all applicable site and building design, access, and other standards for principal dwelling units in the zoning district in which the accessory dwelling unit will be located. No detached accessory dwelling unit may be located within 10 feet of the principal structure or occupy more than 50 percent of the required rear setback. Mobile homes, manufactured housing, industrialized housing, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.

3. Size of Accessory Dwelling Unit

No accessory dwelling unit shall exceed 33 percent of the size of the habitable floor area of the principal unit. An accessory dwelling unit shall contain private sanitary facilities with hot and cold running water and cooking and food storage facilities.

4. Limit on Number

There shall be no more than one accessory dwelling unit on a lot in addition to the principal single-family dwelling.

5. Off-Street Parking

At least one off-street parking space shall be provided for each accessory dwelling unit.

B. Domesticated Farm Animals

The keeping of domesticated farm animals is allowed in the AG, SF-43, and SF-18 zoning districts. In the SF-43 and SF-18 districts, domesticated farm animals may only be kept on lots at least one-half acre in size or larger. Such animals shall be kept for only non-commercial purposes benefiting the residents of the subject property.

C. Home Occupations

A home occupation may be permitted as an accessory use to a principal dwelling unit in any of the residential or mixed-use districts, provided that:

1. Size/Area

The business or service is located within the dwelling or an associated permitted accessory building, and does not exceed 20 percent of the combined floor area of the structures or 500 square feet, whichever is less.

2. Employees and Residency

The principal person or persons providing the business or service shall reside in the dwelling on the premises. The home occupation shall employ no more than one person who does not reside on the premises.

3. Neighborhood Compatibility

a. All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there shall be no more than two vehicles used in connection with any home occupation.

b. No more than two off-street parking spaces may be provided for the home occupation, in addition to those off-street parking spaces required for the dwelling itself pursuant to Section 5.6, *Off-Street Parking*, of this Development Code.

c. No additional parking areas other than driveways shall be located in the required front setback.

d. There shall be no advertising devices on the property, or other signs of the home occupation, that are visible from outside the dwelling or accessory building.

e. The property shall contain no outdoor display or storage of goods or services that are associated with the home occupation.

f. Wholesale or retail sales of goods shall not occur on the premises.

g. The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception. No heavy machinery shall be operated in connection with the home occupation. No home occupation shall use chemicals, materials, or equipment that are not normally found in a residential area.

4. Prohibited Home Occupations

The following uses, because of their impacts on the surrounding residential area, shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than four students are being instructed at one time); dental offices; medical offices; the painting of vehicles, trailers or boats; private schools with organized classes; motor vehicle towing operation; gun or ammunition sales; auto sales brokers (if any vehicles for sale are brought to the residence); barber shops having more than one chair, beauty shops having more than one chair; welding shops; nursing homes; bed and breakfast and other such transient lodging.

D. Outdoor Display and Sales

Outdoor display and/or sale may be allowed as an accessory use for all commercial and industrial uses, provided that the display of such items does not impede the flow of pedestrian or vehicular traffic or create an unsafe

condition. The outdoor display of goods shall meet all of the following requirements:

1. Outdoor display and/or sale shall require approval of the Director and may be subject to appropriate conditions by the Director to ensure compliance with the provisions of this subsection D.

2. Display of goods shall not be in drive aisles, loading zones, fire lanes, or parking lots, and shall not obstruct any entrance to the building.

3. No goods shall be attached to a building's wall surface.

4. The outdoor display area shall take place on an improved surface such as the sidewalk or pavement, and be clearly marked by a contrasting paint color.

5. No outdoor displays shall be allowed in required landscape areas.

6. At least five feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.

E. Outdoor Storage

Outdoor storage is a permitted accessory use in the I-2 zoning district without restriction. In the C-3, BP, and I-1 zoning districts, outdoor storage is permitted through the site plan review process and subject to compliance with the following requirements:

1. Except for outdoor storage associated with industrial or agricultural uses, each outdoor storage area shall be incorporated into the overall design of the primary structure on the site and shall be located at the rear of the primary structure.

2. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure. The fence may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence necessary to effectively screen the area. Materials may not be stored higher than the height of the primary structure. The perimeter of the fence or wall must be landscaped with a seven-foot wide strip containing a minimum of one tree for every 150 square feet of lot area.

3. A landscaped earthen berm may be used instead of or in combination with a required fence or wall.

4. If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.

5. No materials may be stored in areas intended for vehicular or pedestrian circulation.

6. No storage of any items may occur within the front setback area or within the one-half of the each side setback nearest the street.

F. Outdoor Storage (Vehicles)

Outdoor storage of vehicles and recreational vehicles may be allowed as an accessory use in any non-residential zoning district only through the site plan review process and subject to compliance with the following requirements:

1. Except on sites undergoing construction activity, mobile or manufactured homes are allowed to be stored only in conjunction with a principal industrial use and shall be placed in the rear half of the lot.

2. Recreational vehicles shall be parked to the rear of the front setback line.

3. Construction equipment, trucks, or recreational vehicles exceeding a two-ton gross weight, or similar sized vehicles, shall not be parked on any site with a principal residential use.

4. Inoperable vehicles shall be stored only in conjunction with an industrial use completely screened from view of a public street.

5. There shall not be any type of vehicle stored on a vacant parcel of land.

3.4. TEMPORARY USES AND STRUCTURES

3.4.1. Purpose

This Section 3.4 allows for the establishment of certain temporary uses, provided that a temporary use permit, if required, is properly obtained pursuant to Section 8.10, *Temporary Use Permits,* of this Development Code and provided that the temporary use complies with the standards of this section.

3.4.2. Temporary Uses Allowed

The following temporary uses are allowed provided they comply with the conditions stated below:

A. Antennas, Temporary

Temporary antennas may only be allowed in the following instances:

1. In conjunction with a festival, carnival, or other permitted temporary use. The antenna(s) shall only be allowed commencing from one week prior to the event and be removed one week after the event.

2. In conjunction with a natural calamity such as a storm or other emergency as declared by the City's Police or Fire Departments, which calamity has damaged or destroyed the regular facilities, and the temporary facilities are needed to restore service until the damage can be repaired or replaced. The facility owner or the service provider shall notify the City within 24 hours of the outage, and must receive an administrative permit if the temporary facility will be required for more than seven days.

B. Expansion or Replacement Facilities, Temporary

Expansion or replacement facilities are permitted, provided that they consist of transportable buildings that are pre-constructed and arrive at the site ready for occupancy and are readily removed and installed at other sites. Such facilities may include, but are not limited to, the following:

1. Expansion of existing religious assembly facilities, health care facilities, and government offices following the approval of filed plans and applications for the permanent alteration/expansion of these facilities.

2. Temporary classroom space for existing schools.

3. Temporary office space for construction and security personnel during the construction of an approved development for which a grading or building permit has been issued

4. Temporary space for recreational uses provided in connection with an approved residential development under construction.

5. Temporary space for a non-residential or residential use following damage to or destruction of a building by fire or other catastrophic event.

6. Temporary office space (one per site) for hiring, membership solicitation, apartment office/leasing, and general office use following the issuance of a building permit for the construction of a permanent office building.

C. Retail Sales, Temporary

Retail sales of products, including but not limited to Christmas trees, nursery products, agricultural produce, or fireworks, is permitted in any nonresidential district for a period not to exceed the number of days specified in the temporary use permit. Display of products need not comply with the yard and setback requirements of this Development Code provided that no display shall be located within an area restricted by the vision clearance area requirements of this Code.

D. Roadside Stand, Temporary

A temporary structure for the seasonal retail sale of locally grown food products such as food and vegetables may be allowed in the AG and SF-43 districts. Additional right-of-way permits and/or business licensing may be required.

E. Sales/Leasing Office, Temporary

A temporary sales office is permitted for residential development in any residential or mixed use zoning district until all of the lots, houses, or dwelling units are sold. A temporary leasing office is permitted for residential development in any mixed use, commercial, or industrial district until all of the leasable area or units have been leased. A transportable sales office may be used for a period of six months, or until the first six lots or 10 percent of the lots that have been final platted, whichever is less, are improved; after which time the transportable office must be replaced with a modular or manufactured office on a foundation. A transportable leasing office may be used for a period of six months, or until the first 10 percent of the leasable area or units, whichever is less, are leased; after which time the transportable office must be replaced with a modular or manufactured office on a foundation. Use of the sales or leasing office for sites outside of the project is prohibited.

F. Yard Sales, Temporary

Yard sales in agricultural and residential zones are permitted on any property where residential use is the principal use, after issuance of a Temporary Use Permit under Section 3.4.4 *Temporary Uses and Structures*, where the length or frequency of the yard sale exceeds that exempt under Section 3.4.4.B *Temporary Uses and Structures*. Yard sales in mixed use development are only permitted on property where residential use is the principal use, and only after issuance of a Temporary Use Permit under Section 3.4.4 *Temporary Uses and Structures*. No yard sale may exceed 72 hours in any 30-day period.

G. Other Temporary Uses

The Director may approve other temporary uses or structures using the process established in Section 3.1.4, *Classification of New and Unlisted Uses*.

3.4.3. General Requirements for All Temporary Uses and Structures

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Development Code:

A. Permanent alterations to the site are prohibited.

B. All temporary signs associated with the temporary use or structure shall be removed when the activity ends.

C. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.

D. The temporary use standards of this section do not exempt the applicant or operator from any other required permits, such as health department permits.

E. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use.

F. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability. Tents and other temporary structures shall be located not to interfere with the normal operations of any permanent use located on the property.

3.4.4. Temporary Use Permits

A. Permit Required

All temporary uses and structures shall obtain a temporary use permit pursuant to the procedures set forth in Section 8.7, *Conditional Use Permits,* of this Development Code. A temporary use permit shall be reviewed, approved, or revoked only pursuant to Section 8.7 and this section.

B. Permit Exemptions

Notwithstanding Subsection 3.4.3.A., the following temporary uses are deemed approved in any district and do not have to obtain a temporary use permit, provided that the proposed temporary use complies with the general requirements in Subsection 3.4.3.A.:

1. Events utilizing City property, public streets, or public rights-of-way, provided that the applicant shall coordinate the event with the Buckeye Police and Fire Departments, and comply with any conditions required by those departments. In addition, such events shall comply with the following:

a. Hours of operation shall be between 6 a.m. and 10 p.m.;

b. Lighting and sound equipment shall be directed away from adjacent residential uses;

c. All temporary structures/tents shall be located at least 50 feet from a residential use and not exceed 14 feet in height.

d. Driveways, sidewalks, streets, or parking areas shall not be blocked or their function impeded. Provisions shall be made to provide for the safe and efficient flow of traffic during the event.

2. Up to seven, two-day garage or yard sales per year per dwelling unit;

3. Temporary car washes, provided that the total number of days is no more than seven per year;

4. Gatherings of less than 100 people, such as block parties, nonprofit bazaars, and fundraisers, provided such gatherings in residential areas are confined to the hours of 8 a.m. to 9 p.m.; and

5. Temporary uses that occur wholly within an enclosed permanent building.

ARTICLE 4: DIMENSIONAL STANDARDS

4.1. TABLES OF DIMENSIONAL STANDARDS

All primary and accessory structures are subject to the dimensional standards set forth in the tables in this section. These general standards may be further limited or modified by other applicable sections of this Development Code. General rules for measurement and exceptions are in Section 4.2, *Measurements and Exceptions*.

4.1.1. Residential Districts

TABLE 4.1-1: DIMENSIONAL STANDARDS – RESIDENTIAL DISTRICTS

[Bracketed numbers refer to notes at the bottom of the table.]

District		SF-43	SF-18	SF-10	SF-6	SF-3	SF-1	MF-1	MF-2	MH
Density, maximum (du/gross acre)		-	-	-	-	-	-	15.0	no max; 15.1 min	8.0
Lot Dimensions, minimum	Lot Size (sq. ft.)	43,000	18,000	10,000	6,000	3,000	1,000	-	-	4,500 MH 1,500 RV
	Lot Width (ft) *[1]*	140	100	80	55	30	20	-	-	35
Setbacks, minimum	Front (ft)	40	25	21	Front-loaded garage – 18 Side-loaded garage – 15 Living – 10	8	0	15	0	10
	Side (ft) *[2]*	20	15	10	5 w/ 15 aggregate	5	0 w/ 5 aggregate	5	0	5
	Rear(ft) *[3]*	30	30	25	20	10	8	15	10	10
Lot Coverage, maximum(%)		30	45	45	50	65	65	70	95	40
Building Height, maximum (feet)		35	35	35	35	45	50	50	-	30

NOTES:
[1] Lot width is measured at front building line.
[2] An additional 5 feet of setback shall be required for all corner lots adjacent to public right-of-way.
[3] For accessory buildings, a 5-foot minimum setback.

4.1.2. Mixed-Use Districts

TABLE 4.1-2: DIMENSIONAL STANDARDS – MIXED-USE DISTRICTS

[Bracketed numbers refer to notes at the bottom of the table.]

District		NMU	CMU	RMU	DC
Residential density, maximum (DU/gross acre)		10.0	15.0	no max; 15.1 min	-
Lot Size, minimum (sq.ft.)		-	Minimum district size: 5.0 acres	Minimum district size: 15.0 acres	-
Setbacks	**Front (ft)**	-	0, building to be sited on property line	0, building to be sited on property line	0, building to be sited on property line
	Side (ft) ***[1]***	-	-	-	-
	Rear(ft) ***[2]***	-	-	-	5
Lot Coverage, maximum (percent)		70	90	90	-
Building Height, maximum (feet)		50	90	Min: 30 No Max	-

NOTES:
[1] Corner lots shall have a minimum 10-foot side setback on the street sides.
[2] If alleys are used in a development, there is a minimum 30' building face to building face separation across the alley.

4.1.3. Non-Residential and Other Districts[5]

TABLE 4.1-3: DIMENSIONAL STANDARDS – NON-RESIDENTIAL AND OTHER DISTRICTS

District		PO	C-1	C-2	C-3	BP	I-1	I-2
Lot Coverage, maximum (percent)		70	50	60	70	70	80	80
District Size, minimum (acres)		-	-	-	15	15	-	15
Setbacks, minimum	**Front (ft)**	Adjacent to residential district - 10 All others - 0	Adjacent to residential district - 15 All others - 0	Adjacent to residential district - 20 All others - 0	Adjacent to residential district - 50 All others - 0	Setback from peripheral property line: 25 Adjacent to residential district - 50	Adjacent to arterial – 40 All others – 20	Adjacent to arterial – 50 All others – 20
	Side (ft)	10	Adjacent to residential district – 30 All others - 10	Adjacent to residential district – 50 All others – 10	Adjacent to residential district - 80 All others - 50		Adjacent to residential district – 75 Adjacent to rail ROW – 0 All others - 20	Adjacent to residential district – 100 Adjacent to rail ROW – 0 All others - 20
	Rear (ft)	Adjacent to residential district - 20 All others - 0	Adjacent to residential district - 30 All others - 0	Adjacent to residential district - 50 All others - 0	Adjacent to residential district - 80 All others - 0		Adjacent to residential district – 75 Adjacent to rail ROW – 0 All others - 20	Adjacent to residential district – 100 Adjacent to rail ROW – 0 All others - 20
Building Height, maximum (feet)		90	30	50	90	50	55 at setback; increase 1 ft for every 3-ft in additional setback to a max of 120	65 at setback; increase 1 ft for every 3-ft in additional setback to a max of 120

4.1.4. Obsolete Districts

The tables of dimensional standards for the obsolete districts are located in Appendix B of this Code.

[5] ORD. 06-13; May, 21, 2013

4.2. MEASUREMENTS AND EXCEPTIONS

4.2.1. Density

A. Acre, Gross

Means a measure of land area (43,560 square feet).

B. Density

Means the number of dwelling units allowed for each gross acre of land, and is determined by dividing the number of dwelling units on a site by the gross acreage of the site, including dedicated rights-of-way, private streets, and open space set asides. In the determination of the number of residential units to be allowed on a specific parcel of land, a fractional unit equal to or greater than one-half of a unit shall be rounded up to equal a full unit.

C. Dwelling Units Allowed

The number of dwelling units allowed on a site is based on the presumption that all other applicable standards of this Development Code shall be met. The maximum density established for a zoning district is not a guarantee that such densities may be obtained, nor a valid justification for varying or modifying other dimensional or development standards.

4.2.2. Lot Size

A. Minimum Lot Dimensions

Any lot that is created, developed, used, or occupied shall meet the minimum lot size and frontage requirements in Tables 4.1-1, 4.1-2, and 4.1-3 for the zoning district in which it is located, except as otherwise established in this Development Code for particular uses. New lots shall also meet the development standards set forth in Section 6.3.6, *Lots*.

B. Number of Principal Buildings or Uses Per Lot

1. Only one main building for single-family or two-family with permitted accessory buildings may be located upon a lot or unplatted tract. Every dwelling shall face or front upon a street or officially approved place.

2. Where a lot or tract of land is used for mixed use, commercial, or industrial purposes, more than one main building may be located upon the lot but only when such buildings conform to all requirements of this Development Code applicable to the uses and district, and when all main buildings face upon a street or otherwise approved place.

4.2.3. Setbacks

A. Required Setbacks

1. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements set forth in Section 4.1

for the zoning district in which it is located. Setbacks shall be measured from the lot or property lines.

2. A setback or other open space required by this Development Code for one building, structure, or lot shall not be included as part of a setback or other open space required by this Development Code for another building or structure or lot.

B. Projections into Required Setbacks, General[6]

Setbacks shall be unoccupied and unobstructed by any structure or portion of a structure from 30 inches above grade upward, except that certain structures may project into required front, side, or rear setbacks as specified in this subsection. Any structure covered with a roof or lattice shall count toward maximum lot coverage restrictions:

1. Paved Terraces

Paved terraces may project into any required setback, provided that no structures placed there shall violate other requirements of this Development Code and are at least five feet from the lot line.

2. Unroofed Landings, Decks, Stairs and Balconies

Unroofed landing, decks, and stairs may project into required setbacks, provided that no portion other than a handrail shall extend higher than 30 inches above the finished grade level. Unroofed balconies may project into a required side or rear yard provided these projections are at least five feet from the lot line.

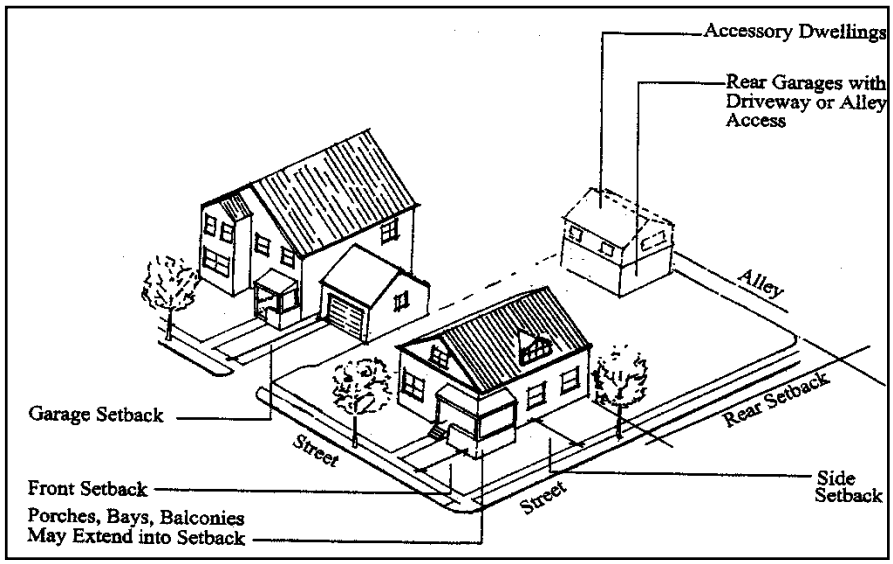


Figure 4.2-A: Building Setbacks

[6]Subsection appears as revised per Ordinance No. 39-10

3. Incidental Architectural Features
Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than three feet into any required front yard and two feet beyond the required side yard provided these projections are at least five feet from the lot line.

4. Roofs Over Porches and Other Exterior Approaches[7]
Roofs or lattice structures over porches, patios, stairways, landings, terraces or other exterior approaches to pedestrian doorways may encroach up to five (5) feet into a front setback area and up to ten (10) feet into a rear setback area provided such rear encroachment is no closer than ten (10) feet from a rear property line. Encroachment is permitted into side setback areas provided the structure is no closer than three (3) feet from a side property line. Such structures shall be enclosed by no more than a railing or screen.

C. Projections Into Easements and Rights of Ways Prohibited
Projections shall not extend or encroach into any easement(s) or right(s)-of-way.

D. Handicap Ramps
Handicap access ramps may be located within required front, side, and rear setbacks.

E. Bay Windows
Bay windows that are not more than eight feet in width where the projection breaks the plane of the wall may project no more than three feet into any required yard setback.

F. Private Garages and Carports
A private garage or carport may project into a required setback abutting a public alley, in accordance with other requirements of this Development Code.

G. Contextual Front Setbacks
The following exceptions to the front setback requirements for dwellings fronting local streets, not collector or arterial streets, are authorized for a lot in any district.

1. If there are dwellings on both abutting lots with front setbacks of less than the required depth for the district, the front setback of the lot need not exceed the average front setback of the abutting dwellings.

2. If there is a dwelling on one abutting lot with a front setback of less than the required depth for the district, the front setback for the lot

[7]Subsection appears as revised per Ordinance No. 39-10

need not exceed the average of the required setback and the front setback of the abutting dwelling.

H. Double-Frontage Lots

In the case of double-frontage lots, front setbacks shall be provided on all frontages, unless the prevailing front setback pattern on adjoining lots allows for an exception under the contextual front setback provision above.

I. Setbacks from Private Roads

Whenever a private road serves more than three lots/dwelling units or serves any non-residential use tending to generate traffic equivalent to more than three dwelling units, all setbacks shall be provided in conformance with those setbacks required for lots served by public streets.

4.2.4. Building Height

A. Height Requirements Generally

No building shall be erected or altered that will exceed the height limit for the respective zoning district, unless otherwise provided in subsection B.

B. Height Exceptions for Appurtenances

Except as specifically provided elsewhere in this Development Code, the height limitations contained in this Development Code do not apply to cupolas, flagpoles, chimneys, antennas, heating and ventilation equipment, elevator housings, stairwell towers or similar appurtenances; provided, however, the following:

1. The appurtenance does not interfere with Federal Aviation Administration regulations;
2. The appurtenance does not extend more than 25 feet above the maximum permitted building height, except for flagpoles, church belfries, and antennas that must be of greater height in order to function;
3. The appurtenance is not constructed for the purpose of providing additional floor area in the building;
4. The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in Section 5.4.5, *Fences, Walls, and Screening*.

C. Height Exceptions for Structures

The height regulations of this Development Code shall not apply to barns, silos, cooling towers, fire towers, monuments, public art, or water tanks provided the structure does not exceed 75 feet in height and does not occupy a horizontal area in excess of 100 square feet.

4.3. OFF-STREET PARKING REQUIREMENTS

4.3.1. Schedule A

Unless otherwise expressly stated in this Code, off-street parking spaces shall be provided in accordance with Table 4.3-1, *Off-Street Parking Schedule A*.

TABLE 4.3-1: OFF-STREET PARKING SCHEDULE A

Use Category	Use Type	Number of Spaces Required ("sf" = square feet)
RESIDENTIAL USES		
Household Living	All use types not listed below	2/dwelling unit
	Dwelling, multi-family	- 1/studio or one-bedroom unit - 1.5/two-bedroom unit - 2 for each unit in excess of two bedrooms - In addition, all multi-family dwellings shall provide 1 guest space for every 5 units
Group Living	All use types not listed below	1/two beds + 1 space per 100 sf of assembly area
	Nursing home	1/four beds, based upon maximum capacity
PUBLIC/INSTITUTIONAL USES		
Community Service	All use types not listed below	1/300 sf
	Assembly hall, public	1/100 sf of principal assembly area + 1/350 sf of offices
	Cemetery	See Schedule C
	Crematorium or funeral parlor	1/150 sf of principal assembly areas
	Religious assembly	1/6 seats of assembly area + 1/300 sf of classrooms or other meeting areas
Cultural Facility	Library	1/300 sf
	Museum	1/500 sf
Child Care Facility	Day care, commercial	1/6-person capacity, including staff, based on maximum allowable under state regulations and Building Code
	Day care, residential	3/dwelling unit
Education	College or university	10/classroom
	Private elementary or middle school	1/classroom + 1/250 sf of administrative offices
	Private high school	7/classroom + 1/250 sf of administrative offices
Health Care Facility	Medical office or clinic	1/350 sf
	Hospital	1/bed + 1/350 sf of office, laboratory, or administrative area + required parking for accessory uses
Parks and Open Space	Arboretum or botanical garden	1/10,000 sf outdoor lot area
	Campground	1/campsite
	Community playfields and parks	- Field sports (i.e. softball, baseball, soccer, football, general purpose) – 15 spaces/field - Basketball and volleyball courts – 9 spaces/full-court, 6 spaces/half-court - Tennis and racquetball/handball courts – 3 spaces/court - Swimming pools – 1 space/60 sf of deck area
	Parks and nature preserves, not-for-profit	See Schedule C

TABLE 4.3-1: OFF-STREET PARKING SCHEDULE A		
Use Category	**Use Type**	**Number of Spaces Required ("sf" = square feet)**
Telecommunication Facility	All uses not listed below	None
	Broadcasting or recording studio (no tower)	1/1,000 sf
Transportation Facility	Airport/Heliport	1 space per 400 sf passenger terminal area
	Bus terminal	1 space per 200 sf
Utility	Utility facility, major	1 space per employee plus 1 space per fleet vehicle kept at the site
	Utility facility, minor	none
COMMERCIAL USES		
Agriculture and Ranching	All use types not listed below	See Schedule C
	Residential ranch	1/750 sf of enclosed structure(s)
Animal Sales and Services	All use types not listed below	1/400 sf
	Animal pet shop, retail	1/300 sf
	Kennel	1/800 sf
	Veterinary clinic	1/600 sf
Assembly	All use types not listed below	1/100 sf of principal assembly area + 1/350 sf of offices
	Fraternal or social club, nonprofit	1/300 sf
	Country club, private membership	See Schedule C
Financial Service	Financial institution	1/350 sf (+ vehicle stacking spaces per Section 4.7.10 if drive-thru is provided)
Food and Beverage Service	Food sales, wholesale	See Schedule B
	Bar, lounge, or tavern	Same as restaurant
	Catering service	See Schedule B
	Farmers market	1/500 sf of sales area
	Nightclub	1/100 sf
	Restaurant	1/100 sf (+ vehicle stacking spaces if drive-thru is provided) (area devoted to kitchen and food preparation are excluded)
Office	Office, business or professional	1/350 sf
	Research laboratory	1/350 sf
Recreation and Entertainment, Outdoor	General outdoor recreation, commercial	- Athletic field: 1/5,000 sf of land- - Court sports and swimming pools: 1 per 3 persons permitted capacity
	Golf course	4/tee + 1/staff + 1/500 sf of putting/chipping green
	Driving range	2/tee + 1/500 sf of putting/chipping green
	Major entertainment facility, outdoor	See Schedule C
	Race track (auto, dog, and horse)	
	RV campground/ park	1/RV or campsite space
	Shooting range, outdoor	2/target area + 1/500 sf of office/enclosed area
	Zoo	See Schedule C

TABLE 4.3-1: OFF-STREET PARKING SCHEDULE A		
Use Category	**Use Type**	**Number of Spaces Required ("sf" = square feet)**
Recreation and Entertainment, Indoor	All use types not listed below	1/400 sf
	Major entertainment facility, indoor	See Schedule C
	Movie theater	1/3 seats
Personal Services	All use types	1/300 sf
Retail (Sales)	All use types not listed below	1/300 sf
	Large retail	1/350 sf for the first 100,000 sf + 1/500 sf in excess of 100,000 sf
	Open-air market or flea market	1/500 sf of sales area
	Nursery and plant sales, wholesale	See Schedule B
	Plant sales, retail	1/400 sf of sales and service building
Vehicles and Equipment	Boat, RV storage	See Schedule B
	Boat, RV sales and rental	
	Car wash	1/200 sf of sales, office or lounge area + vehicle stacking spaces per Sec. 4.7.10
	Gasoline sales	1/200 sf of convenience store/food sales area + 1/service bay
	Truck stop	1/200 sf of retail sales area + 1/service bay
	Truck repair and overhaul	See Schedule B
	Vehicle sales and rental	1/400 sf of enclosed floor area, plus 1/10,000 sf of outdoor display area
	Vehicle service and repair, major	See Schedule B
	Vehicle service and repair, minor	1 space per 300 sf
	Vehicle storage	See Schedule B
Visitor Accommodation	Bed and breakfast	1 /guestroom
	Hotel or motel	1/guestroom + 1/500 sf of meeting space or other enclosed area
	Resort	See Schedule C
INDUSTRIAL USES		
Industrial Service	Building materials sales, indoor retail	See Schedule B
	Building material sales, outdoor or wholesale	
	Drilling company, no outside storage	See Schedule C
	Drilling company, with outside storage	
	Resource extraction	See Schedule C
	General industrial service	- 1-3,000 sf gross floor area: 1/750 sf - 3,001 – 5,000 sf gross floor area: 1/1,000 sf - 5,001+ sf gross floor area: 1/1,500 sf

TABLE 4.3-1: OFF-STREET PARKING SCHEDULE A		
Use Category	**Use Type**	**Number of Spaces Required ("sf" = square feet)**
Manufacturing and Production	Assembly, light	- 1-3,000 sf gross floor area: 1/750 sf - 3,001 – 5,000 sf gross floor area: 1/1,000 sf - 5,001+ sf gross floor area: 1/1,500 sf
	Manufacturing, heavy	
	Manufacturing, light	
Warehouse and Freight Movement	Mini-storage	1/100 units + 1/500 sf office. Aisles suitable for temporary loading and unloading may be counted as determined by the Traffic Engineer.
	Motor freight terminal	- 1-3,000 sf gross floor area: 1/750 sf - 3,001 – 5,000 sf gross floor area: 1/1,000 sf - 5,001+ sf gross floor area: 1/1,500 sf
	Storage yard	See Schedule B
	Office warehouse (flex space)	See Schedule B
	Warehouse	See Schedule B
	Wholesale establishment	1/500 sf
Waste and Salvage	All use types	See Schedule C
TEMPORARY USES		
	Antennas, temporary	None
	Expansion or replacement facilities, temporary	Determined by use, above
	Office space/ equipment storage, temporary	Determined by use, above
	Retail sales, temporary	1/300 sf
	Sales office, temporary	1/250 sf, with a minimum of 4 spaces
	Yard sale, temporary	None
	Model home complex	2/home + 5% of total area for ADA
	Other temporary uses	Determined by use, above

4.3.2. Schedule B

Uses that reference Schedule B in *Off-Street Parking Schedule A* shall provide the minimum number of off-street parking spaces listed in Table 4.3-2. Unless otherwise approved, lots containing more than one activity shall provide parking and loading in an amount equal to the total of the requirements for all activities.

TABLE 4.3-2: OFF-STREET PARKING SCHEDULE B	
Activity	**Number of Spaces Required**
Office or Administrative Area	1 per 300 square feet
Indoor Sales Area	1 per 200 square feet
Outdoor Sales or Display Area (3,000 square feet or less)	1 per 750 square feet
Outdoor Sales or Display Area (over 3,000 square feet)	
Motor Vehicles/Equipment Sales	1 per 2,000 square feet
Other Sales/Display	1 per 1,000 square feet
Indoor Storage/Warehousing/Vehicle Service/Manufacturing Area	
1 - 3,000 square feet	1 per 250 square feet
3,001 - 5,000 square feet	1 per 500 square feet
5,001 – 10,000 square fee	1 per 750 square feet
10,001 and greater	1 per 1,250 square feet

4.3.3. Schedule C

Uses that reference "Schedule C" in *Off-Street Parking Schedule A* have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving a development application for a use subject to Schedule C standards, the Building Official and the Director shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the Director, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

ARTICLE 5: DEVELOPMENT AND DESIGN STANDARDS AND GUIDELINES

5.1. GENERAL PROVISIONS

5.1.1. General Intent

This Article includes standards and guidelines for developing property or establishing new uses of property within Buckeye, to ensure the protection of the health, welfare, safety, and quality of life for local citizens, visitors, and business owners. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the General Plan vision for a more attractive, efficient, and livable community.

5.1.2. Applicability

A. General Applicability

Unless exempted under Subsection 5.1.2.B., *Exemptions*, or unless otherwise provided in this Article, this Article shall apply to the following types of development:

1. New construction or development;

2. Any project that involves demolition of an existing primary building and the construction of a new primary building;

3. Any renovation, rehabilitation, restoration, or repair work that includes an addition of floor area equal to 50 percent or more of the existing floor area; or the addition of new floors (collectively "substantial renovation"). The calculation shall include attached garages, but not include detached garages. For the purposes of calculation, the increase in floor area shall be aggregated over a three-year period.

B. Exemptions

The following are exempt from this Article:

1. Projects for which a complete site plan application has been submitted or approved prior to the effective date of this Development Code, provided that full improvement plans are submitted within one year from the approval date of the site plan;

2. Single-family residential development on lots recorded prior to the effective date of this Development Code, with the exception of Sections 5.7, *Residential Building Standards and Guidelines*, 5.10, *Exterior Lighting*, 5.11, *Signs*, and 5.12, *District-Specific Development Standards,* of this Development Code; and

3. Development within an approved Community Master Plan and/or a Planned Area Development (PAD) area is subject to the standards of Article 5, *Development and Design Standards and Guidelines*; however, the application of such standards and guidelines shall not limit the uses, densities, or intensities approved in the CMP or PAD. If a new CMP and/or PAD is submitted for initial review for a particular property following the effective date of this Development Code, this Article shall serve as the "baseline" for the development of any development or design standards to be incorporated into the plan. All CMPs and PADs are subject to vesting rights as defined in state statutes, the City Code, and approved Development Agreements.

5.1.3. Standards and Guidelines

This Article contains both standards and guidelines.

A. **Standards** are rules, principles, or measures with which compliance is mandatory unless expressly modified through the Variance or Minor Modification procedures in Sections 8.11, *Variances,* or 8.12, *Minor Modifications,* of this Development Code. A development application may be denied for failure to meet the standards established by this Development Code. All requirements in this Article are standards unless explicitly labeled as guidelines.

B. **Guidelines** are policy preferences for which no specific measures exist. Guidelines further the City's land-use goals and policies. A development may not be denied solely for failure to comply with a guideline if the underlying policy preferences are addressed.

5.1.4. Alternative Equivalent Compliance

A. Purpose and Scope

To encourage creative and unique design, "alternative equivalent compliance" allows development to occur in a manner that meets the intent of this Article, yet through an alternative design that does not strictly adhere to the Article's standards. This is not a general waiver of regulations. Rather, this authorizes a site-specific plan that is equal to or better than the strict application of the standard.

B. Applicability

The alternative equivalent compliance procedure is available only for the following sections of this Article:

1. Section 5.5: *Transportation and Connectivity*

2. Section 5.6: *Off-Street Parking*

3. Section 5.7: *Residential Building Standards and Guidelines*;

4. Section 5.8: *Commercial Building Standards and Guidelines*;

5. Section 5.9: *Industrial Building Standards and Guidelines*;

6. Section 5.10: *Exterior Lighting*

7. Section 5.11: *Signs*

C. Alternative Equivalent Compliance Meeting Required

An applicant proposing alternative equivalent compliance shall request and attend an alternative equivalent compliance meeting prior to submitting application materials for the applicable permit(s), to determine the preliminary response from the Director. Based on the response, the application should include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance.

D. Decision-Making Responsibility

Final approval of any proposed alternative compliance shall be the responsibility of the decision-making body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.

E. Criteria

Alternative equivalent compliance may be approved if the applicant demonstrates that following criteria have been met by the proposed alternative:

1. Achieves the intent of the subject standard to the same or better degree than the subject standard;

2. Advances the goals and policies of the General Plan and this Development Code to the same or better degree than the subject standard;

3. Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and

4. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this Development Code.

F. Effect of Approval

Alternative equivalent compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

5.2. TOPOGRAPHY AND NATURAL FEATURES PRESERVATION

5.2.1. Purpose

The purpose of this Section is to protect and enhance the natural and man-made features that contribute significantly to Buckeye's quality and character, including but not limited to the: varying topography and hillsides, washes, floodplains, wetlands, native vegetation, view corridors to the mountains, historic or cultural sites, and other significant features.

5.2.2. Protection of Natural Features

[RESERVED]

5.2.3. Hillside

Hillside development standards apply to all land wherever the natural terrain of the proposed disturbance areas within any lot or parcel has a slope of 15 percent or greater as determined by a registered professional engineer who is licensed to practice in the State of Arizona ("Hillside Area").

A. General Provisions for Construction in Hillside Areas

In addition to drawings, plans, specifications and details necessary to obtain a building permit, the following documentary requirements and certifications shall be provided for review by the City Engineer and City Building Inspector.

1. An Existing Conditions Report that includes a map at an appropriate scale on a 24" x 36" sheet presenting the total lot and a 20-foot area beyond the property line. This map shall show existing and proposed finished contours at two-foot intervals within a 20-foot perimeter from any proposed building, five-foot intervals elsewhere. Existing contours shall be shown with dashed lines. This map shall show limits of excavation and fill, slope of cut and fill, and total cubic yards of excavation and fill.

2. Detailed site plans and landscape plans at an appropriate scale that show the following: grade and slope in percent of all disturbed areas; dimensions and calculations of all cut and fill for the building site, roads, drives, swimming pools, and the method of concealment for each fill or exposed cut; dimensions of length and height of retaining walls, fences and other attachments; the location and grade of all drainage channels, swales, drain pipes, etc.; and the amount and degree of surface disturbance, destruction, or removal of natural vegetation.

3. Cross-sections at 1" = 20' scale at two or more locations perpendicular to the contours through the building site. Locations of the cross-sections shall be clearly shown on the existing conditions map. Properties impacting ridge lines shall provide additional cross-sections indicating their relation and impact on such ridge lines.

4. An overall excavation, grading, and drainage plan prepared and certified by a registered professional engineer who is licensed to practice in the State of Arizona.

5. Where possible and appropriate, the combining of the above maps into one drawing may be acceptable.

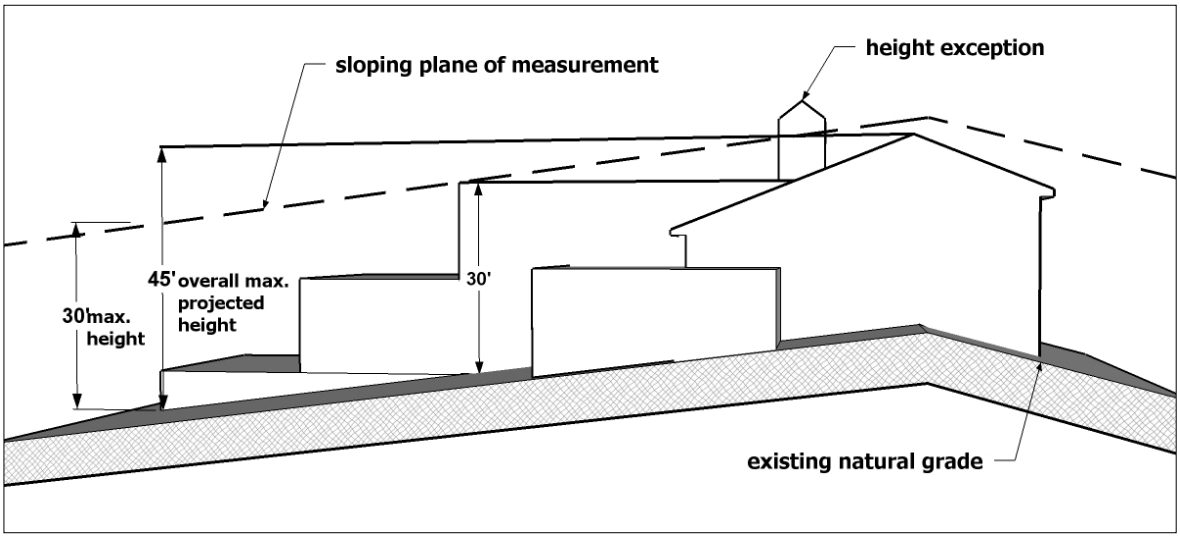


Figure 5.2-A Hillside Height Measurement

B. Heights and Appearances

1. For development within the Hillside Areas, the height of structures shall be determined by the following and not by the definition of "building height" as described in Article 10, *Definitions*:

> No part of any structure shall penetrate an imaginary plane (the "Sloping Plane of Measurement"), the height of which is 30 feet measured vertically from the highest ridge or parapet of the building to the existing natural grade directly beneath that point. Minor topographic variations may be excluded from those measurements if those areas are less than 25 feet in width. Exposed building walls measured in a vertical plane shall not exceed a height of 30 feet measured from the lowest point of the wall to the top of the wall. In addition, the overall projected height will be measured from the lowest wall improvement attached to the main structure to the highest ridge or parapet, and be limited to 45 feet. Exceptions to the maximum height requirements are allowed for architectural features that are less than ten percent of the entire roof area. The height measurements in Hillside Areas are depicted in Figure 5.2-A above.

2. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural setting to avoid high contrasts. The overall intent is to create a material and color palette that when utilized is deemed complimentary and compatible to the desert setting.

a. Structures, walls, roofs, and fences shall blend with the surrounding terrain and there shall be no material or colors used which have a light reflecting value (LRV) greater than 35 percent.

b. Mirror surfaces, or any treatment which changes ordinary glass into a mirror surface, is prohibited. Bright, untarnished copper or other metallic surfaces shall be treated so they are non-reflective.

c. All electrical service equipment and sub panels and all mechanical equipment including, but not limited to, air conditioning and pool equipment, solar panels, and antennas shall not be visible from the outside the property when viewed from the same or a lower elevation. Restrictions of solar panels and mechanical equipment may be modified if they are integrated into the roof design.

3. Fences or walls on lots within a Hillside Area, excluding retaining walls, shall be restricted to privacy walls attached to or directly screening a portion of the main residence.

C. Disturbed Areas

Lots in Hillside Areas shall be developed to provide for the minimum amount of ground disturbance during the time of construction so as to prevent rock slides and falls, erosion, and seepage at final construction, disturbed areas shall be hidden or supported by retaining walls, buildings, finished surfaces, or shall be landscaped.

1. All buildings, structures, and roads shall, to the fullest extent practicable, utilize the natural contours of the land so as to minimize the disturbed area.

2. The maximum height of any cut or fill used to establish a building site or a driveway shall not exceed 15 feet. The maximum height of any cut or fill used to establish a road or roadway shall not exceed 30 feet.

3. The limits of construction and proposed disturbed areas shall be clearly designate on the property prior to and during construction with flags or visible roping. No disturbance outside the designated area shall take place.

4. All surplus excavated material shall be removed from the lot.

D. Roadways and Driveways

1. If any portion of a driveway grade is more than 20 percent, the entire residence and all necessary building over 120 square feet of roof area shall be protected with an approved fire sprinkling system.

2. Residential driveways with turning radii of less than 35 feet may be used provided all structures are protected with an approved fire sprinkling system.

3. Any driveway cut greater than 12 feet in depth shall not have a length greater than 200 feet.

E. Retaining Walls and Erosion Control Measures

1. The design of all retaining walls and erosion control measures shall be prepared by a registered professional engineer or architect who is licensed to practice in the State of Arizona.

2. Raw spill slopes are prohibited.

3. All exposed disturbed area fill shall be contained behind retaining walls or landscaped.

4. Retaining walls shall not exceed 20 feet in height. If additional height is needed, the wall shall be offset at a minimum of four feet or one foot per one foot of height. Privacy walls may be erected on a retaining wall so long as the total height does not exceed 20 feet.

5.2.4. Protection of Native Plant Species within Pristine or Environmentally Sensitive Areas

[RESERVED]

5.3. OPEN SPACE

[RESERVED]

5.4. LANDSCAPING

5.4.1. Intent

The standards and guidelines of this Section are intended to:

A. Visually unify the appearance of developments;

B. Define major entryways, circulation (both vehicular and pedestrian), and parking patterns to help buffer less intensive adjacent uses;

C. Integrate the rugged and colorful landscape character of the Sonoran Desert into the City's developments;

D. Provide relief from the desert climate by providing shade and mitigating the heat island effect;

E. Preserve and protect the existing desert landscape, including riparian areas, organic and inorganic materials, and associated vegetation;

F. Preserve native vegetation, which stabilizes desert soils and is an important habitat component by providing food, cover, and nesting sites for desert wildlife species;

G. Preserve vegetation that contributes to the high property values, high quality of life, and unique desert lifestyle that the community of Buckeye enjoys;

H. Mitigate the impact of development on native vegetation; and

I. Promote the design of developments that incorporate the existing natural environment.

5.4.2. General Description of Landscaping Requirements

A. All development shall meet the requirements of Section 5.2.4, *Protection of Native Plant Species within Pristine or Environmentally Sensitive Areas*.

B. In addition, one or more of the five types of landscaping in Section 5.4.3, *Landscaping Required*, may be required for a development, depending on the use and zoning district of the property and adjacent properties and the portion of the property involved. These types of landscaping are: (1) site enhancement landscaping, (2) site perimeter landscaping, (3) parking lot landscaping, (4) building foundation landscaping, and (5) entryways.

C. Each type of required landscaping shall meet the minimum standards of Section 5.4.4, *General Requirements for All Landscaping*, and shall be shown on a landscaping plan that meets the requirements of this Code.

5.4.3. Landscaping Required

A. Site Enhancement Landscaping

1. Unless otherwise provided in this Code, the districts shown in the following table shall have a minimum percentage of the gross lot area (excluding right-of-way) that shall be maintained as landscaped area. Total landscaped area shall be comprised of a minimum 60% trees and 40% other planting, of which no more than half can be groundcover. For purposes of this requirement, other plantings are defined to include cacti, succulents, shrubs, perennials, ornamental grasses, and vines.

TABLE 5.4-1: SITE ENHANCEMENT LANDSCAPING REQUIREMENTS (BY DISTRICT TYPE)

	Residential *(common areas within subdivisions and multiple-family developments only)*	**Commercial and Mixed Use**	**Industrial**
Minimum percentage of parcel to be landscaped	30%	20%	10%
Plantings required for landscaped area (gallons)	Minimum 40% trees and 60% other plantings; 10 gallons total for each 25 square feet	Minimum 40% trees and 60% other plantings; 10 gallons total for each 50 square feet	Minimum 40% trees and 60% other plantings; 10 gallons total for each 75 square feet
Acceptable landscape surface	Turf, Granite	Turf, Granite, Undisturbed desert	Turf, Granite, Undisturbed desert

2. Site enhancement landscaping shall comply with the following standards:

a. All required landscaped edges, screening, parking lot perimeter landscaping, and interior parking lot landscaping shall be included in the overall minimum percentage of required site enhancement landscaping, unless otherwise provided by this Development Code.

b. Groundcover plantings and layout must be approved by the City.

c. Decorative paving square footage may be included in the required landscape area square footage if approved by the City in lieu of the standard City sidewalk specifications. Paving does not constitute or allow for a reduction in planting requirements.

d. The existing natural landscape character shall be preserved to the extent reasonable and feasible.

e. No unapproved landscaping, object, structure, or sign shall be placed within a sight visibility easement.

B. Site Perimeter Landscaping

Except in the downtown, site perimeter landscaping shall be required for all development if a setback is provided.

1. A minimum landscape buffer of up to 20 feet of the required setback shall be provided along all arterial streets from the edge of the right-of-way, and a minimum landscape buffer of 10 feet shall be provided along all other streets from the edge of the right-of-way. Developments utilizing a setback of zero feet shall not be required to provide site perimeter landscaping on that side.

a. This buffer does not count toward the interior parking lot landscaping requirement or the site enhancement landscaping requirement.

b. Trees are not permitted within public utility easement areas, unless approved by the appropriate utility interest(s) and the City.

c. In areas where an existing pattern of sidewalks, street trees, or other landscaping has been established, the standard may be modified to allow for consistency with the established pattern.

d. A public right-of-way shall not be included in the perimeter landscaping. A reduction in width of the required perimeter landscaping may be approved when the reduction is required for public improvements.

2. Along all arterials, the perimeter of parking lots shall be screened with a minimum landscape buffer as required in Subsection 1., or one of the following if the landscape buffer is reduced:

a. A masonry wall no less than 3 ½ feet in height in combination with a 15-foot landscaped buffer (See Figure 5.4-A.); or

b. A landscaped berm contained within a 17-foot landscape buffer; or

c. A hedge a minimum of 3 ½ feet in height, consisting of a double row of shrubs planted 3 feet on center in a triangular pattern contained within a 17-foot landscape buffer; or

d. A hedge a minimum of 3 ½ feet in height, consisting of a double row of shrubs planted 3 feet on center in a triangular pattern in combination with a 10-foot landscape buffer and masonry retaining wall where a significant variation in grade exists.

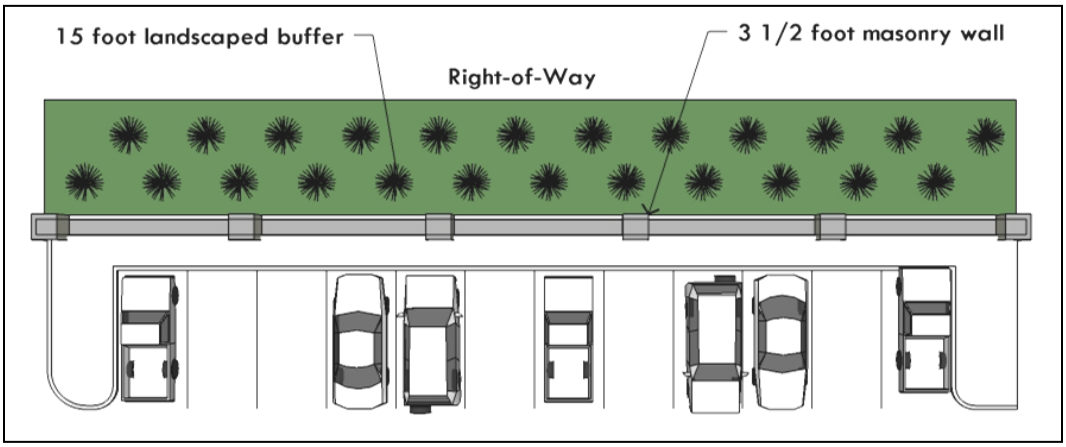


Figure 5.4-A: Parking Lot Perimeter Screening

3. Where, due to topographical or site constraints, no other method is available to provide parking lot perimeter landscaping, a low fence or wall may be constructed using materials compatible with the principal building. One-third of any such fence or wall must be screened with acceptable plant materials.

4. Screening walls and landscaping must not block sight lines for vehicular movement.

5. All development, except for industrial development, shall provide a landscape buffer of 20 feet minimum adjacent to freeways, current or approved, regardless of any optional screening standards from Subsections 1 and 2. Industrial development shall provide a landscape buffer o 10 feet minimum.[8]

C. Landscaping Inside Parking Areas

In all zoning districts, the following requirements apply:

1. Landscaping Required

a. Parking lots with more than 30 spaces shall landscape a minimum of 10 percent of the total area used for parking with landscape islands. (See Figure 5.4-B)

b. Parking lots with 30 or fewer spaces shall landscape a minimum of five percent of the total area used for parking with landscape islands.

c. To calculate the total parking area and the subsequent percentage of required interior lot planting, total the square footage of all areas within the lot's perimeter, including parking spaces, planting islands, curbed areas, corner lots, and all interior driveways and aisles (except those with no parking spaces

[8] ORD. 06-13; 5/21/2013

located on either side). The standards in this subsection shall not apply to truck loading and service areas or truck-only parking areas located on industrial development sites. (See Figure 5.4-B.)

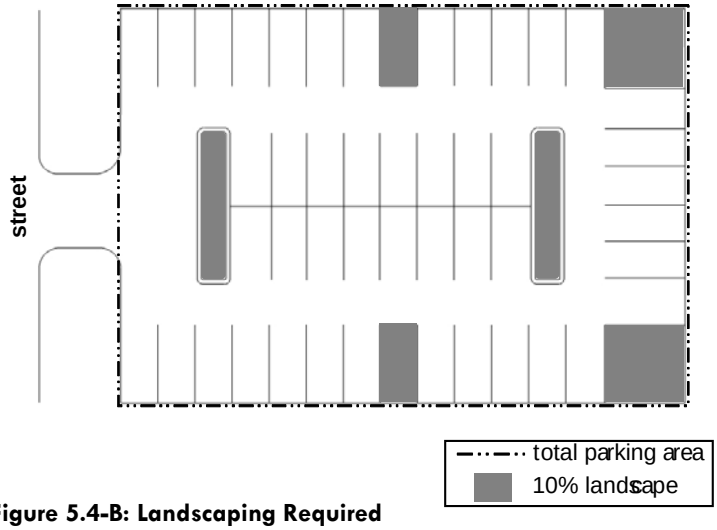


Figure 5.4-B: Landscaping Required

d. Landscaped areas located outside the parking lot may not be used to meet the interior planting requirements.

2. Landscape Islands

a. Landscape islands shall be a minimum of eight feet by eight feet. (See Figure 5.4-C.)

b. Plant materials at the perimeter of landscape islands shall be limited to ground covers or other low-growing species capable of withstanding occasional foot traffic.

c. A six-inch vertical curb shall be used to protect landscape islands per MAG standards. Wheel stops are not permitted as the only protective device. Extruded curbing shall not be allowed.

d. Wheel stops shall be installed no closer than three feet from the landscaped area provided in order to prevent cars from parking too close to trees or damaging shrubs and screens and to allow routine landscape maintenance.

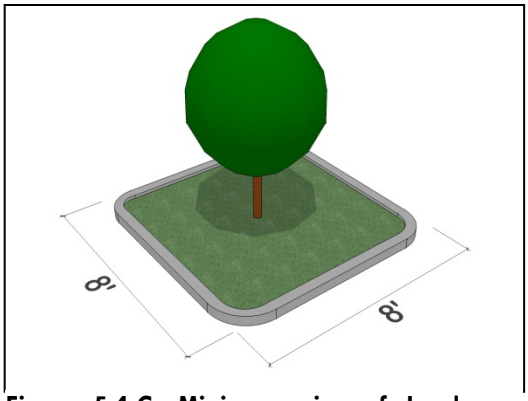


Figure 5.4-C: Minimum size of Landscape Island

e. For maintenance and water conservation, turf grasses

are not permitted within landscape islands. Such shall incorporate other groundcovers and watered by drip or soaker irrigation.

D. Building Foundation Plantings

In all commercial, mixed-use, and industrial zoning districts, all development shall provide a minimum of one shrub for each eight lineal feet of building facade along all building facades that are adjacent to public streets or parking areas, unless the building has no setback from the property line. Shrubs shall be placed in-ground within 15 feet of the building façade. Where in-ground plants would be incompatible with existing soil conditions and/or the protection of a building foundation, use raised planters or pots located within five feet of the building façade.

E. Entryways

In all zoning districts, any development that is ten acres or more in size shall incorporate prominent focal points at major entrances. Such focal points shall be created through a minimum of two of the following:

1. Gateway monuments and signage,
2. Sculpture or public art,
3. Concentrations of vertical landscape forms,
4. Distinctive natural landforms, or
5. Other features, as approved, to define entrances as visual gateways to the development.

Figure 5.4-D: Landscaping should reflect the desert environment.

5.4.4. General Requirements for All Landscaping

A. Landscape Materials List

Low-water, drought-tolerant, plants shall be used for all new landscaping. Plant materials shall be selected from the plant list of the Arizona Department of Water Resources. (See Figure 5.4-D.)

B. Minimum Plant Specifications

Landscaping mixture shall be in conformance with Section 5.4.4.A, *Landscape Materials List*. In addition, all trees shall have a minimum caliper of two inches and all shrubs shall be a minimum of five gallons, and all groundcover shall be a minimum of one gallon.

C. Maintenance

Every property owner and any tenants shall keep their landscaped areas in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance shall include, but is not limited to, the following:

1. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscape.
2. All plant material shall be maintained in a healthy and growing condition, and must be replaced with plant material of similar variety and size (size not to be smaller than the minimum required by this Development Code at the time of replacement) if diseased, damaged, destroyed, or removed within 30 days of installation.
3. Proper pruning.
4. Watering on a regular basis.
5. Maintenance of landscape lighting in working order.
6. Maintenance of irrigation systems in working order.
7. Cleaning of abutting waterways and landscaped areas lying between public right-of-way lines and the property, unless such streets, waterways, or landscaped areas are expressly designated to be maintained by a designated governmental authority.

D. Irrigation

All landscaping improvements shall include a suitable method for irrigation. Failure to maintain landscaping shall be a cause for permit revocation or other enforcement action.

E. Right-of-Way Encroachment

To the maximum extent practicable, landscaping plans shall be coordinated with the placement of utilities to avoid conflicts with above- and below-ground utilities and overhead light fixtures, and within the City to avoid right-of-way obstruction issues.

F. Guidelines

1. Use an underground drip irrigation system for all landscaped areas. For turf, irrigate from a secondary, non-potable water source if available.
2. Provide special landscape treatments at street intersections, public gathering spaces, and building entryways.
3. Plant additional trees, beyond minimum Code requirements, to provide additional shade for parking areas, pedestrian walkways, and public gathering spaces.

5.4.5. Fences, Walls, and Screening

A. Purpose

The purpose of these standards is to ensure the design of fences and walls contributes to the character of development, and to avoid long expanses of blank walls that can lead to a "canyon" effect on the streetscape. This section also ensures that fences and walls are constructed of high-quality and durable materials.

B. Fences and Walls

1. Height

a. Front

No fence or wall located between the principal structure on a lot and the front property line shall exceed 3.5 feet in height.

b. Side and Rear

No fence or wall located between the principal structure and the rear or side property line shall exceed six feet in height; additional height may be granted for retaining walls or sites with elevated foundations. For commercial and industrial development adjacent to residential uses, no wall located between the principal structure and the rear or side property line shall exceed eight feet in height.

2. Articulation

Walls and fences shall be articulated to avoid continuous, unbroken expanses. No wall or fence facing an arterial or highway may extend continuously, without articulation, for more than 200 feet, or 100 feet for walls or fences facing any other type of Public Street. Fences or walls may be articulated using any combination of the following:

a. Changes in material or texture, including the use of view walls that allow for views into the site;

b. Offsets (projections or recessions);

c. Landscape pockets; or

d. Similar features as approved.

3. Wall and Fence Materials

a. Walls and fences shall be constructed with any combination of the following materials:

(i) Integrally-colored, split-face, or ground-face concrete masonry units (CMU);

(ii) Concrete masonry units that have been painted, stuccoed, or faced with another permitted material;

(iii) Stone (natural or simulated);

(iv) Brick;

(v) Wrought-iron or other decorative metal;

(vi) Plastic or vinyl; or

(vii) Wood (painted or stained) or other materials as approved by the Planning Commission.

b. Chain link fencing is prohibited on commercial and residential development sites, except as necessary to ensure public safety during approved construction activities on the site.

c. A higher level of design detail shall be utilized for highly visible walls and fences along major arterial roadways and Interstates, including but not limited to, the incorporation of mosaic designs, relief panels, or similar public art.

4. Wall and Fence Placement

No walls or fences may be placed within the public right-of-way.

5. Freeway Sound Walls

A sound study shall be required for all development within 150 feet of an existing freeway. The City may determine that a sound wall is required to mitigate sound impacts on the new development. Sound walls shall be constructed by the developer consistent with all applicable standards of the Arizona Department of Transportation.

6. Fence and Wall Guideline

Use colors, materials, and forms for walls and fences that complement the architectural character of the primary building or overall development.

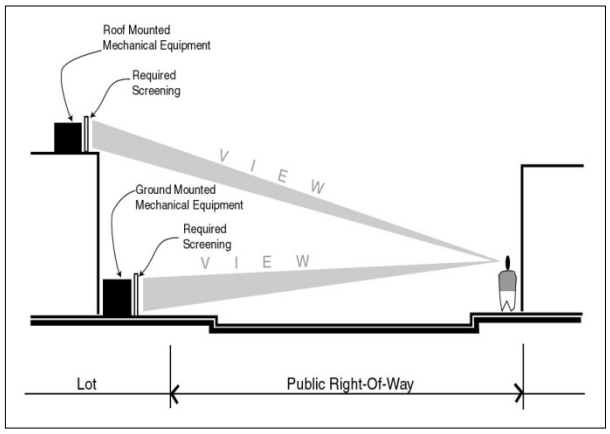


Figure 5.4-E: Screening of Equipment, Etc.

C. Screening of Services, Refuse Collection, And Utilities

1. Screening Required

a. Solid waste collection areas and mechanical equipment, including equipment located on a rooftop, shall be screened from the view of a person standing on the property line on the far side of an adjacent public street. (See Figure 5.4-E) Individual screening of rooftop mechanical equipment is prohibited. Units shall either be grouped together "penthouse style" or screened with a parapet wall the entire length of the building. Such a parapet wall shall be designed to be integral to the overall architecture of the building.

b. Except in the downtown and mixed-use districts, storage, solid waste collection, and loading areas shall be located at least 20 feet from any public street, public sidewalk, or building with a residential use. Placement of storage, solid waste collection, and loading areas shall be sited so as not to interfere with vehicular visibility or circulation.

c. Loading docks, truck parking, outdoor storage, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and landscaping so that the acoustic impacts of these functions are contained to the maximum extent feasible, and so that such features are fully screened and out of view from public streets. Use screening materials for solid waste collection and loading areas that are the same and of equal quality to the materials used for the primary building and landscaping.

2. Shopping Cart Storage

The following standards apply to any commercial development that provides shopping carts:

a. Provide long-term (overnight) shopping cart storage areas inside of the primary building or adjacent to the building and behind a decorative screening wall constructed of masonry, metal, or finished wood that is consistent with the design of the adjacent building. The wall shall not exceed the height of the shopping carts.

b. Design short-term shopping cart corrals (located within parking areas for day use and where carts are generally not left overnight) with durable materials and design features that complement the architectural character of the development.

c. Locate short-term shopping cart corrals so as not to encroach upon vehicular or pedestrian circulation paths.

3. Utilities

All site utilities shall be located underground, including but not limited to electric lines less than 69kV, telephone, cable, water, and sewer systems, per applicable utility requirements and specifications. Should site utilities be located above-ground, all applicable screening requirements of this Development Code shall apply.

4. Guidelines for Service and Refuse Areas

a. Cluster service and refuse areas for nearby buildings and uses.

b. Where feasible, locate above-ground utility facilities, such as utility cabinets and meters, in areas that do not conflict with featured views, outdoor dining areas, outdoor gathering areas,

or site circulation. Screen these facilities with dense landscaping or decorative walls.

D. Swimming Pool Enclosures

1. Applicability

This Subsection applies to the following:

a. New swimming pools used in conjunction with a single-family dwelling.

b. New or existing swimming pools used in conjunction with a multiple-family use.

c. New or existing swimming pools used in conjunction with a commercial or public use.

2. Design

Swimming pools shall be entirely enclosed by a protective fence or solid wall of not less than five feet in height.

a. The pool enclosure shall be set a minimum of 24 inches from the edge of the water.

b. The protective fence or wall shall have no vertical opening larger than four inches. Wrought iron and wood fences shall be constructed with at least 54 inches between the horizontal members.

c. Gates shall be self-closing, self-latching, with latches being a minimum of 54 inches above ground level. Gates shall swing out away from pool.

d. Those gates not used for normal access to and from the pool do not need to be self-closing if secured by a padlock or other similar device in lieu of a latch.

e. The protective fence or wall shall be located a minimum horizontal distance of 54 inches from any structure, storage or equipment that could be used to climb the wall or fence from the outside.

f. The protective fence or wall shall contain no opening, handhold, or other means accessible from the exterior side of the enclosure that could be used to climb the wall or fence.

g. The protective fence or wall shall be constructed of block, wrought iron, wood, or other similar material approved by the Director.

h. Chain link material shall not be used in a protective fence.

i. All ground level doors with direct access to the pool area must be equipped with self-latching devices which shall be located at

least 54 inches above the floor and must be self-closing and must open in a direction away from the pool area.

j. All openable dwelling unit or guest room windows on the first floor that have access to the pool must be equipped with: 1) screwed in place wire mesh screens, 2) keyed locks that prevent opening the window more than four inches, or 3) self-closing and self-latching devices located no less than 54 inches above floor. This provision shall not apply to emergency escape or rescue windows in sleeping rooms.

k. Pet doors are not permitted to access pool area.

3. Owner Responsibility

It is the responsibility of the property owner to ensure that any pool enclosure fence and its appurtenances (i.e. gates, latching devices, locks, etc.) are maintained in safe and good working order.

5.5. TRANSPORTATION AND CONNECTIVITY

5.5.1. Purpose

The purpose of this Section is to support the creation of a highly connected transportation system within the City in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of local service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; mitigate the traffic impacts of new development; and free up arterial capacity to better serve regional long-distance travel needs. These standards attempt to avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.

5.5.2. Traffic Impact Mitigation

A. Applicability of Traffic Impact Analysis Requirement

The transportation system for new development shall be capable of supporting the proposed development in addition to the existing and future uses in the area. Evaluation of system capacity shall be undertaken through a Traffic Impact Analysis (TIA), which shall meet the standards of the Maricopa County Department of Transportation and shall consider the following factors at a minimum: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and connections to transit; impacts on adjacent neighborhoods; and traffic safety including pedestrian safety. A TIA shall be required with applications for development review and approval when:

1. Trip generation during any peak hour is expected to exceed 100 trips per day or more than 50 during any one-hour peak period, based on

traffic generation estimates of the Institute of Transportation Engineers' Trip Generation Manual (latest version); or

2. A TIA is required by the Planning Commission or City Council as a condition of any land use application approved pursuant to the requirements of this Development Code; or

3. The Director, in his or her sole discretion, requires a TIA for:

a. Any project that proposes access to an existing street with Level of Service "D" or below;

b. Any application for a rezoning or specific plan review;

c. Any case where the previous TIA for the property is more than two years old;

d. Any case where increased land use intensity will result in increased traffic generation when compared to the existing use of the property;

e. Any case where development is near an existing or proposed school; or

f. Any case in which the Director or City Engineer determines that a TIA should be required because of other traffic or connectivity concerns that may be affected by the proposed development.

B. Traffic Impact Analysis and Development Review Process

1. A scoping meeting between the developer and the Director and City Engineer shall be required prior to the start of the TIA in order to determine its parameters. This may be conducted as part of a pre-application meeting.

2. If required, the TIA shall be submitted with the applicable development application.

3. When access points are not defined or a site plan is not available at the time the TIA is prepared, additional studies may be required when a site plan becomes available or the access points are defined.

C. Traffic Mitigation Measures

The applicant shall, as part of the TIA, recommend measures to minimize and mitigate the anticipated impacts and determine the adequacy of the development's planned access points. Mitigation measures shall be acceptable to the Director and City Engineer and may include, without limitation: an access management/access control plan; transportation demand management measures; street improvements on or off the site; placement of pedestrian, bicycle, or transit facilities on or off the site; or other capital improvement projects such as traffic calming infrastructure or capacity improvements. Intersection analysis and traffic signal requirements shall also be provided, as applicable.

5.5.3. Streets and Vehicular Circulation

A. Street Standards

All streets shall meet the standards in Article 6, *Land Subdivision*, and shall be consistent with the circulation element of the General Plan.

B. Street Connectivity

1. Purpose

Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoids traffic congestion on principal routes. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping. These connections should knit separate developments together, rather than forming barriers between them.

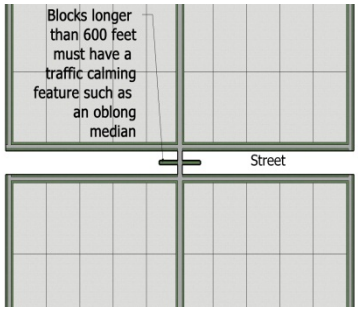


Figure 5.5-A: Measures are required to break up the "runway" appearance of long, uninterrupted streets. Oblong medians can be used to satisfy this requirement.

2. Residential Streets

a. Residential streets shall be laid out so that use by through-traffic will be discouraged. Traffic-calming techniques such as diverters, neck-downs, street gardens, and curvilinear alignments are encouraged to reduce speeds and cut-through traffic.

b. Should topography or other constraints require the use of straight local streets that extend more than 660 feet without interruption, an oblong median, traffic-calming device, or similar feature shall be used to slow traffic and break-up the "runway" appearance. (See Figure 5.5-A). In addition, traffic-calming devices may be required to address public safety concerns.

c. To the maximum extent practicable, streets shall be arranged to follow the natural contours of the site.

3. Vehicular Access to Public Streets and Adjacent Land

a. All development shall provide public street connections to all existing, adjacent public streets.

b. If there are no adjacent public streets, subdivisions and/or site plans shall provide for connections along each boundary abutting adjacent vacant land for future connections spaced at intervals not to exceed 1,000 feet for arterials, or 660 feet for other street types, or as otherwise approved.

c. When connections to surrounding streets are proposed or required by the City, public right-of-way shall be dedicated and streets developed to existing paved rights-of-way. The City may also require temporary turnarounds to be constructed for temporary cul-de-sacs between development phases.

4. Cul-de-Sacs and Dead-End Streets Discouraged

a. Permanent cul-de-sacs and dead-end streets shall generally be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical.

b. All permanent dead-end streets shall be developed as cul-de-sacs and extend no further than 660 feet.

c. The right-of-way of a cul-de-sac shall have a radius of 50 feet. The radius of the paved area of the turnaround shall be 43 feet minimum. If the center of the turnaround area is left unpaved, that area shall be landscaped and the pavement width shall be a minimum of 12 feet.

5. Driveways and Access

a. General

(i) Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles with a turning radius appropriate for wheel base 50 (WB-50) access, as well as for those needing access to the property in its intended use.

(ii) All driveway entrances and other openings onto streets shall be constructed so that:

(1) Vehicles may safely enter and exit from the lot in question;

(2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and

(3) Joint driveways are desirable whenever possible in order to minimize the number of access points to streets and access easements.

b. Residential

In addition to the above general requirements, all residential development shall be subject to the following:

(i) Alleys adjacent to a single-family use may not be used for loading or parking.

(ii) There shall be no direct driveway access (ingress or egress) from any single-family residential lots to any arterial street or highway unless no other legal access alternative is available.

(iii) Multi-family development sites greater than five acres shall include a minimum of two through-access drives. An exception may be made where a site is landlocked by existing development or other physical constraints, or where existing natural features on the site require the use of protective measures that would otherwise make a second access drive infeasible.

(iv) The driveway is not less than 20 feet in length from the face of the garage to the near edge of the sidewalk.

(v) Each driveway at its widest point shall be not more than 30 feet in width, measured at right angles to the center line of the driveway, except as that distance may be increased by permissible curb return radii. However, commercial driveways may be up to 40 feet wide to accommodate a dedicated left-turn lane.

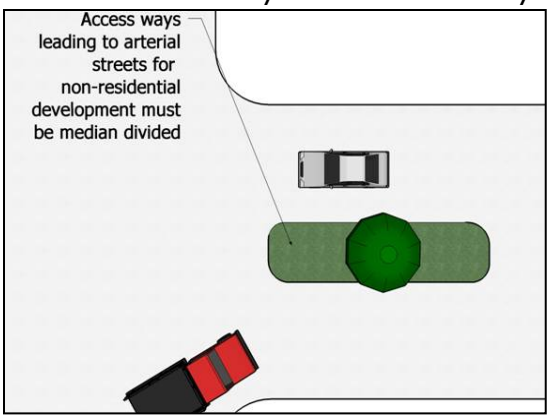


Figure 5.5-B: The width of access ways from arterial streets must be median-divided.

c. Non-Residential

In addition to the above general requirements, all non-residential development shall be subject to the following:

(i) All non-residential buildings, structures, and parking and loading areas shall be physically separated from all non-arterial or collector streets by vertical curbs and other suitable barriers and landscaping to prevent unchanneled motor vehicle access. Each property shall not have more than two access ways to any one street unless unusual circumstances demonstrate the need for additional access points. In addition, each access way shall comply with the following:

(1) The width of any access way leading to the full access of an arterial street shall be median-divided to provide separation from incoming and outgoing traffic. (See Figure 5.5-B.) Construction and maintenance of such on-site medians shall be the responsibility of the property owner/developer.

(2) Curb returns shall have a minimum radius of 30 feet.

(3) Unless no other practicable alternative is available, all driveways and other openings shall be located a minimum of:

(4) 75 feet from a street intersection;

(5) 40 feet from another access driveway; and

(6) 20 feet from an interior property line.

6. Visibility at Intersections

On all lots or parcels of land on which a front setback is required, no obstruction that will obscure the view of motor vehicle drivers shall be placed within the triangular area formed by the adjoining street property lines as specified in the City engineering manual, except that trees may be permitted within said triangular area provided that those trees are placed in the street planter strip and the limbs are pruned to at least six feet above the grade level of the adjacent street.

5.5.4. Pedestrian Circulation

A. Sidewalks Required

Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets (including loop streets and cul-de-sacs), and within and along the frontage of all new development or redevelopment. This requirement shall not apply to local streets in districts in which the minimum lot size is one acre or greater or in steep-slope areas where sidewalks on one side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems. Alternative paving materials within residential developments may be approved by the Director.

B. Non Single-family Residential On-Site Pedestrian Connections

1. All commercial, industrial, and multi-family development shall provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:

a. Entrances to each commercial building on the site, including pad site buildings;

b. Public sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development; and

c. Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.

2. Identify on-site pedestrian walkways and crosswalks to motorists and pedestrians through the use of one or more of the following methods: (See Figure 5.5-C.)

- **a.** Changing paving material, patterns, or paving color (does not include the painting of the paving material);
- **b.** Changing paving height;
- **c.** Decorative bollards;
- **d.** Raised median walkways with landscaped buffers; or
- **e.** Stamped or stained concrete.

3. Emphasize pedestrian circulation routes with special design features that establish them as areas where pedestrians are physically separated from the flow of vehicular traffic and/or are protected from the desert elements. Techniques shall include at least one shade feature and one or more of the following:

- **a.** Pedestrian light features,
- **b.** Bollards,
- **c.** Seat walls or benches;
- **d.** Drinking water fountains; and
- **e.** Landscape planters.

Figure 5.5-C: Examples of Pedestrian Connections

4. Guidelines

- **a.** Break up sites larger than five acres into smaller units through the use of on- site pedestrian walkways, private drives, and other vehicular circulation routes. Breaking up such sites need not require any subdivision of the site or creation of a separate legal description(s).

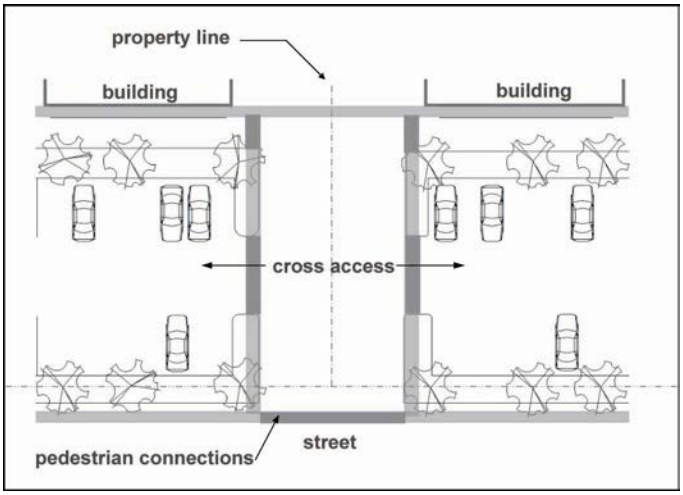


Figure 5.5-D: Shared Drives and Internal Connections

b. To the extent practicable, integrate drainage and stormwater retention facilities on adjacent sites.

c. Minimize access points to arterial roads through shared drives and internal connections. (See Figure 5.5-D.)

d. Provide sidewalks to:

(i) Any preexisting adjacent public park, greenway, open space, trails, or other civic use such as schools, places of worship, public recreational facilities, or government offices.

(ii) Adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants.

C. Trails

Construct on-site portions of trails and multi-use paths that are identified in the Trails Master Plan and the Parks, Trails, and Open Space Master Plan, or connect to the Maricopa County's trails system, or connect to adjacent municipalities' pedestrian and bicycle circulation systems, provided that any such improvements are directly related to the impacts of the proposed use or development and are roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.

5.5.5. Bicycle Circulation

Bicycle lanes are required in the design of all arterial and collector streets where low traffic speeds and volumes allow bicyclists and motorists to share the road safely.

5.6. OFF-STREET PARKING

5.6.1. Purpose

The regulations of this Section are intended to ensure provision of off-street parking and loading facilities in rough proportion to the generalized parking, loading, and transportation demands of different land uses. By requiring such facilities, it is the intent of this section to help avoid the negative impacts associated with spillover parking into adjacent neighborhoods, while at the same time avoiding the negative environmental and urban design impacts that can result from parking lots and other vehicular use areas. The provisions of this section are also intended to help protect the public health, safety, and general welfare by:

A. Helping avoid and mitigate traffic congestion;

B. Encouraging multi-modal transportation options and enhanced pedestrian safety;

C. Providing methods to help reduce stormwater runoff and the heat island effect of large paved parking areas; and

D. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the City.

5.6.2. Applicability

A. Generally

The off-street parking and loading standards of this Section shall apply to all parking lots and parking structures accessory to any building constructed and to any use established in every district. Except when specifically exempted, the requirements of this section shall apply to all temporary parking lots and parking lots that are the principal use on a site.

B. Expansions and Enlargements

The off-street parking and loading standards of this section shall apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces shall be required to serve the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) must equal 100 percent of the minimum ratio established in this section and shall not exceed any maximum standards established in this section.

C. Regulation of Parking Space

The providers of required off-street parking spaces and the City of Buckeye may reasonably control the users thereof by means that may include, but are not limited to, restricting all parking to the users of the facility; parking lot attendants; control gates; tow-away areas; areas for exclusive use by employees, tenants or staff; areas restricted for use by customers or visitors; and imposing reasonable time limitations on users other than tenants, employees, or staff. Direct charges may be made to users who exceed

maximum time limits. City staff may review all methods of control and may disapprove of any restriction that adversely affects the purpose of this section. The City may enforce any approved restrictions through any of the code enforcement provisions in Article 9, *Enforcement*.

5.6.3. Off-Street Parking Requirements

Unless otherwise expressly stated in this Code, off-street parking spaces shall be provided in accordance with Section 4.3, *Off-Street Parking Requirements*.

5.6.4. Computation of Parking and Loading Requirements

A. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction exceeding 0.5 shall be rounded up to the next higher whole number.

B. Multiple Uses

Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.

C. Area Measurements

Unless otherwise specified, all square footage-based parking and loading standards shall be computed on the basis of gross floor area of the use in question. Structured parking within a building shall not be counted in such measurement.

D. Computation of Off-Street Parking

Required off-street loading space shall not be included as off-street parking space in computation of required off-street parking space.

E. Parking for Unlisted Uses

Parking requirements for uses not specifically listed in Table 5-6.1 shall be determined by the Director based on the requirements for the closest comparable use, as well as on the particular parking demand and trip generation characteristics of the proposed use. The Director may alternately require the submittal of a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Transportation Engineers, and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

5.6.5. Dedicated Spaces for Alternative Energy Vehicles and Carpooling

All development required to provide 20 or more off-street parking spaces pursuant to Table 5.6-1 shall reserve a minimum of five percent of its required parking spaces per the following:

A. In commercial districts, half of the reserved spaces shall be for the exclusive use of hybrid or alternative energy vehicles, and half of the reserved spaces shall be for the exclusive use of carpool vehicles; and

B. In industrial or office districts, the reserved spaces shall be for the exclusive use of hybrid or alternative energy vehicles, compact cars, or carpool vehicles.

5.6.6. Off-Street Loading Requirements

A. Spaces Required

Off-street loading spaces must be provided in accordance with the following table of minimum requirements:

TABLE 5.6-4: OFF-STREET LOADING REQUIREMENTS

Use Type (Size)	Loading Spaces Required
Public/Institutional, Commercial and Industrial Uses	
Under 15,000 square feet	None
15,000–49,999 square feet	1
50,000+	2
Household Living Uses	
Under 50 units	None
50+ units	1

B. Design

1. Space Size

Off-street loading spaces, excluding maneuvering areas, must be at least 10 feet in width and 25 feet in length unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 25 feet in length, in which case loading spaces must be at least 12 feet in width and 65 feet in length. A minimum vertical clearance of 14 feet must be maintained. The Director may allow an equivalent amount of loading zone or dock space to fulfill the off-street loading requirement.

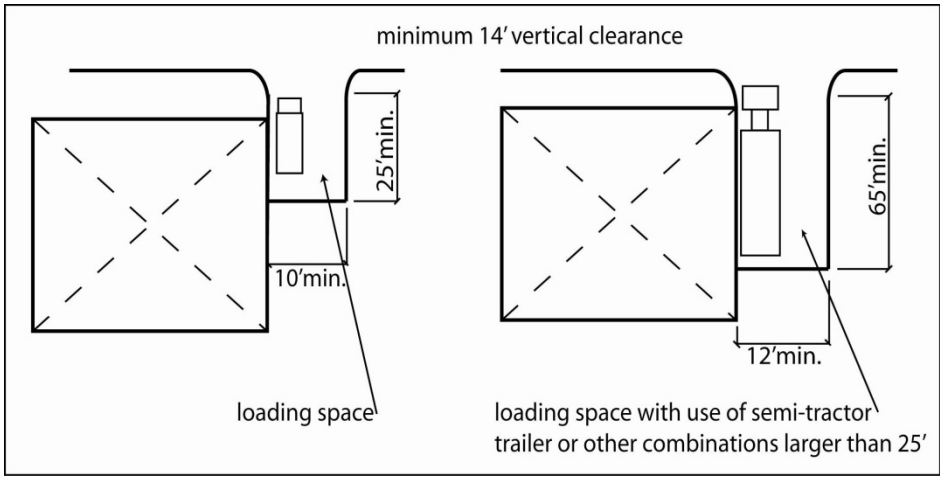


Figure 5.6-A: Off-Street Loading Spaces

2. Surfacing and Maintenance

Loading areas and access drives must be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.

C. Location

1. Off-street loading facilities required under this Development Code shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. The required off-street loading space shall not be part of the area used to satisfy the off-street parking requirements.

2. At no time may goods be loaded or unloaded from the right-of-way of a collector or arterial street.

3. No part of any vehicle may extend into the right-of-way of a collector or arterial street while being loaded or unloaded.

4. On a site adjoining an alley, a required loading space must be accessible from the alley.

5. A required loading space must be accessible without backing a truck across a collector or arterial street property line unless the provision of turnaround space is infeasible.

6. A loading space must not intrude into any portion of a required aisle or access dimension.

7. An occupied loading space must not prevent access to a required parking space.

8. To the maximum extent feasible, loading areas shall be located to the rear of a site and/or away from adjacent residential areas.

D. Setbacks and Screening

1. Loading areas may not be located in a required setback.

2. Exterior loading areas must be screened on three sides by a building, a decorative screen wall a minimum eight feet in height, and a landscaping tract five feet in width, adjacent to the screen wall.

E. Signs

The owners of the property may provide, locate, and maintain loading signs as approved by the Director. Such signs shall not be counted against allowed advertising sign area.

5.6.7. Parking Alternatives

The Director may approve alternatives to providing the number of off-street parking spaces required by Table 5.6-1, in accordance with the following standards.

A. Shared Parking

The Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards:

1. Location

Shared parking spaces shall not be located farther than 600 feet of an entrance.

2. Zoning Classification

Shared parking areas shall be located on a site with the same or a more intensive zoning classification than required for the primary uses served.

3. Shared Parking Study

Those proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to staff that clearly demonstrates the feasibility of shared parking. The applicant shall also demonstrate that any parking reduction requested as part of the shared parking study will not result in the spillover of parking onto other properties.

4. Agreement for Shared Parking

The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the Director as to form and content. The Director may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. Recordation of the agreement shall take place before issuance of a building permit for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-

street parking spaces will be provided in accordance with the requirements of Table 5.6-1, *Off-Street Parking*.

B. Off-Site Parking

The Director may approve the location of required off-site parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

1. Location

a. Off-site parking may be allowed only in the downtown, or outside the downtown upon issuance of a conditional use permit or a temporary use permit for special events.

b. No off-site parking space may be located more than 600 feet from an entrance to a principal use (measured along the shortest legal pedestrian route). Off-site parking spaces shall be connected to the use by acceptable pedestrian facilities, as defined in Section 5.5.4, *Pedestrian Circulation,* of this Development Code. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway, a traffic signal, a shuttle bus, or other traffic control is provided or other traffic control or remote parking shuttle bus service is provided.

2. Zoning Classification

Off-site parking areas shall have the same or a more intensive zoning classification applicable to the primary use served.

3. Control of Site

Required parking spaces for residential uses must be located on the site of the use or within a tract owned in common by all the owners of the properties that will use the tract.

4. Ineligible Activities

Required parking spaces for persons with disabilities may not be located off-site.

5. Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required. An attested copy of the agreement between the owners of record shall be submitted to the City for recordation in a form acceptable to the City Attorney. Recordation of the agreement shall take place before issuance of a building permit or certificate of occupancy for any use to be served by the off-site parking area. In the event that an off-site parking agreement is terminated, all required off-street parking spaces shall be provided in

accordance with the requirements of this chapter. No use shall be continued if the parking is removed unless substitute parking facilities are provided, and the Director shall be notified at least 60 days prior to the termination of a lease or agreement for off-site parking.

C. Structured Parking

1. Maximum Parking Waiver

Where 75 percent or more of the parking accessory to a use is in structured parking, there shall be no maximum cap on the number of parking spaces in that structure.

2. Credit for Nearby Public Structured Parking

Spaces available in public parking structures located within 1,000 feet of the subject use may be counted toward the total amount of required off-street parking.

3. Floor Area Bonus for Underground Parking in the Commercial and Mixed-use Districts

A floor area bonus shall be granted for underground parking structures in the commercial and mixed-use districts. The bonus shall be granted at a ratio of three square feet of additional bonus area for each square foot of structured parking that is underground.

4. Height of Parking Structure

The height of a parking structure may not exceed the height of the principal building it is intended to serve. Where no principal building exists, the maximum height of the parking structure shall be limited to the maximum building height allows in the zoning district in which the structure is located.

D. Sites in Mixed Use Districts

In the mixed-use districts, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately, subject to the modifications set forth below.

1. All uses within mixed use districts shall be eligible for a 15 percent parking reduction to reflect the reduced automobile use associated with mixed-use developments.

2. A 15 percent parking reduction for multifamily residential dwellings may be allowed if the proposed use is located within 300 feet of a transit stop.

3. For non-residential uses, the minimum parking requirement may be reduced 20 percent if the use incorporates a transit stop that meets minimum design standards established by the City.

4. The total number of parking spaces required of a use or uses in a mixed use district may be further reduced by the Director if the applicant prepares a parking evaluation that demonstrates a reduction is appropriate based on the expected parking needs of the development, availability of mass transit, and similar factors. The parking evaluation shall be prepared in a form and manner prescribed by the Director.

E. On-Street Parking

On-street parking spaces in the right-of-way along the property line, between the lot lines of the site, may be counted to satisfy the minimum off-street parking requirements.

F. District Parking

Minimum required off-street parking spaces may be waived or reduced for properties within the boundaries of a public parking or local improvement district that provides district-wide parking facilities, based on the projected parking demand to be addressed by the district-wide facility.

G. Stacked, Tandem, and Valet Parking

Stacked, tandem, or valet parking for nonresidential uses is allowed if an attendant is present to move vehicles. In addition, a guarantee acceptable to the City shall be filed with the City ensuring that a valet parking attendant shall always be on duty when the parking lot is in operation.

5.6.8. Dimensions of Parking Spaces

A. Parking Angle Dimensions

The parking configuration stated in the following table shall apply to all required off-street parking.

TABLE 5.6-5: PARKING ANGLE DIMENSIONS

A	B	C	D	E	F	G
Parking Angle	**Stall Width**	**Stall to Curb**	**Aisle Width 1-way**	**Aisle Width 2-way**	**Curb Length**	**Overhang**
0°	9.0	9.0	12.0	24	23.0	0
	9.5	9.5	12.0	24	23.0	
	10.0	10.0	12.0	24	23.0	
45°	9.0	19.8	12.0	24	12.7	1.4
	9.5	20.1	12.0	24	13.4	
	10.0	20.5	12.0	24	14.1	
60°	9.0	21.0	18.0	24	10.4	1.7
	9.5	21.2	18.0	24	11.0	
	10.0	21.5	18.0	24	11.5	
90°	9.0	20.0	23.0	24	9.0	2.0
	9.5	20.0	22.0	24	9.5	
	10.0	20.0	22.0	24	10.0	
NOTE: All dimensions are to the nearest tenth of a foot.						

B. Calculation of Parking Space Dimensions

The spatial relationships described in Table 5.6-5 shall be calculated in the manner depicted in the following diagram:

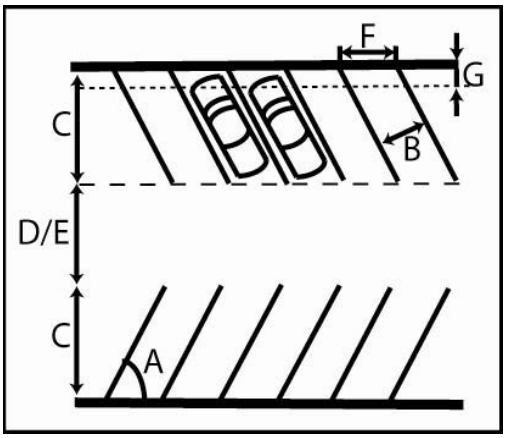


Figure 5.6-B Spatial Relationships of Parking

C. Recreational Vehicle Spaces

Parking spaces for recreational vehicles, if provided, shall be a maximum of 10 feet by 40 feet.

D. Truck Parking Spaces for Truck Stops
[reserved]

5.6.9. Parking Lot Design Standards

A. Surface
All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete, or other similar materials, unless otherwise approved. Accent paving is recommended to indicate pedestrian linkages. Pedestrian linkages shall comply with Section *5.5.4 Pedestrian Linkages*..

B. Design and Maintenance

1. All parking areas shall be designed, constructed, and drained in accordance with all applicable City ordinances and regulations.
2. To control dust and drainage, parking areas shall be constructed with dust-free materials in accordance with City ordinances and regulations.
3. All parking spaces shall be permanently marked.
4. Parking facilities shall be continually maintained in compliance with the approved site and/or subdivision plan and shall be free of litter and debris at all times.

C. Circulation Area Design
Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area. Parking lots that accommodate ten or more vehicles must maintain continuous circulation patterns, with no dead-ends, and safe access to public streets.

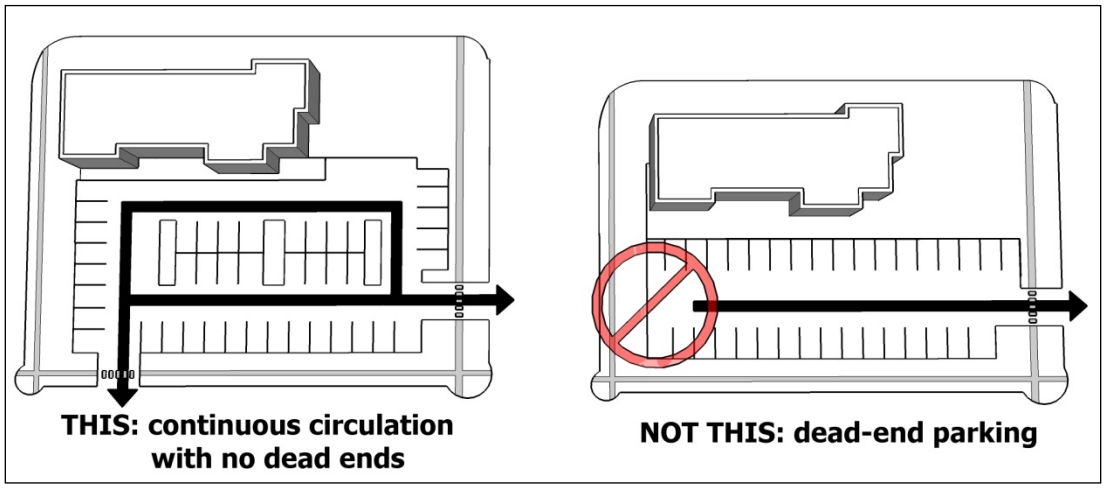


Figure 5.6-C: Example Circulation Area Design

D. Buffering and Screening; Location of Lot

1. Outside the downtown, all parking areas shall be separated at least ten feet from buildings, in order to allow room for sidewalks, landscaping, and other plantings between the building and the parking area. For industrial and warehouse buildings, this separation may be eliminated in the rear of buildings in areas designed for unloading and loading of materials.

Figure 5.6-D: Example of Parking Located to Side

2. Outside the downtown, the visibility of all parking areas shall be reduced by placing 50 percent of the parking to the rear or side of buildings facing public streets. See Figure 5.6-D. No more than one two-sided bay of nose-in parking should be placed between the building(s) and the street.

3. In the downtown, the visual impact and presence of vehicles shall be minimized by siting parking areas to the rear or interior of the property rather than along street frontage, providing underground and structured parking, and screening parking areas from views both interior and exterior to the site.

E. Parking Area Layout

Surface parking areas shall be divided into sub-areas, each accommodating no more than 250 vehicles. Each parking sub-area shall be separated by a minimum 15-foot wide landscaped feature, which shall include pedestrian walkways and shade features. This technique shall be used to minimize the "sea of parking" between the building and the principle street and to require that the majority of off-street parking be located to the side or rear of the buildings served.

F. Parking Lot Landscaping

The perimeter and interior of parking lots shall be landscaped pursuant to the requirements in Section 5.4.3.C, *Landscaping Inside Parking Areas*.

G. Parking for Single-Family Residential Dwelling Units

This Development Code requires two parking spaces per single-family residential dwelling unit. The on-street parking lane at each lot's street frontage may fulfill the requirement for one parking space, with driveway and garage/carport meeting the additional requirement. Driveways and garage/carport entrances from interior block alleys are preferred.

H. Shared Access

Parking lots shall share access drives with adjacent property with similar land uses and, when requested by the City, a cross-access easement shall be provided.

I. Lighting and Maintenance

All parking area lighting shall comply with the City's lighting requirements and provide adequate lighting for safety if night use is intended. Parking lots should provide adequate security and should limit visual clutter, parking lot signs, and equipment.

J. Parking Structures

1. Parking structures located along a public street or public pedestrian thoroughfare shall provide for active uses (other than parking) such as retail storefronts at street level.

2. Internal circulation and parking levels shall be oriented so that a horizontal, rather than sloped, plane faces public streets. (See Figure 5.6-E.)

3. Design parking structures to incorporate a comparable level of architectural detailing and quality materials as the primary building.

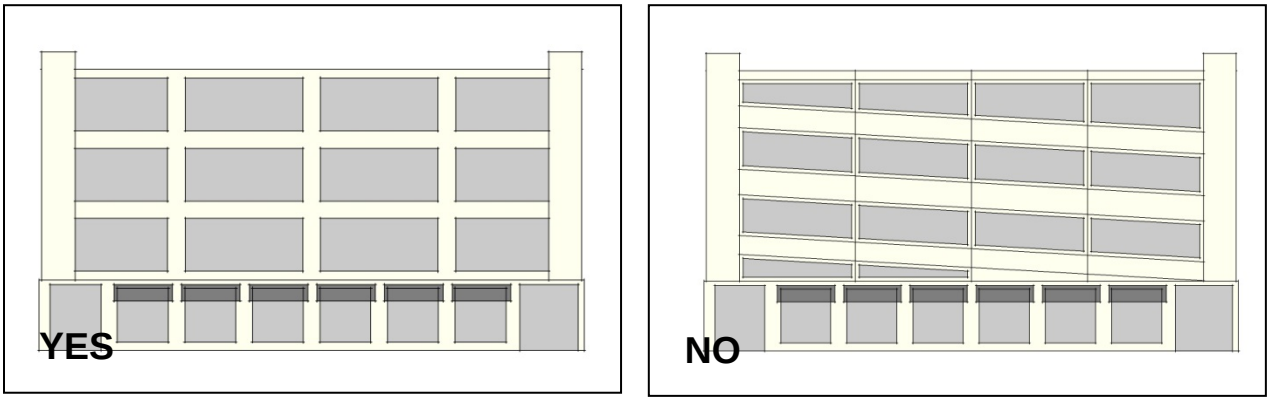


Figure 5.6-E: Parking Garage Design. **A sloping approach may be used, but a horizontal plane should face public streets.**

5.6.10. Stacking Spaces for Drive-Through Uses

In addition to meeting the off-street parking requirements of this section, drive-through facilities specified in Table 5.6-6 shall comply with the following minimum stacking space standards:

TABLE 5.6-6: SCHEDULE OF STACKING SPACES

Type of Use	Minimum Stacking Spaces	Measured From
Financial institution, teller lane	3	Teller window
Financial institution, ATM	3	Teller machine
Restaurant, with drive through	8	Pick-up window (also see Section 4.9 *Commercial Building Standards and Guidelines)*
Car wash, automatic	4	Bay entrance
Car Wash, self-service	2	Bay entrance
Car Wash, full service	4	Vehicle drop-off point

5.6.11. Accessible Parking Requirements

A. Residential Uses

Handicapped-accessible parking for residential uses shall be provided at the rate of one space per each dwelling unit that is designed for occupancy by the handicapped.

B. Non-Residential Uses

Handicapped-accessible parking spaces shall be provided for uses other than residential, at the rate shown in the table below:

TABLE 5.6-7: ACCESSIBLE PARKING FOR NON-RESIDENTIAL USES

Total Number of Required Parking Spaces	Minimum Car Accessible Spaces	Minimum Van Accessible Spaces
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	2
301-400	8	2
401-500	9	2
Above 500	1.5 percent of total spaces	0.5 percent of total spaces

C. Dimensions

Accessible vehicle spaces shall be at least eight feet wide with an access aisle at least five feet wide abutting the space for cars, and at least eight feet wide abutting the space for vans. Accessible vehicle space access aisles shall be part of an accessible route to the building or facility entrance; such route shall have a minimum clear width of 36 inches.

D. Relationship to General Off-Street Parking Requirements
Accessible parking required by this section shall count towards the fulfillment of the general off-street parking requirements of this section.

E. Implementation of ADA
Spaces provided pursuant to this section shall meet applicable requirements of the Americans with Disabilities Act, as it may be amended or interpreted by federal regulation.

5.7. RESIDENTIAL BUILDING STANDARDS AND GUIDELINES

5.7.1. Purpose

The standards of this Section are intended to promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; and promote an integrated character for Buckeye's neighborhoods. Specifically, the standards:

A. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods;

B. Provide variety and visual interest in the exterior design of residential buildings;

C. Enhance the residential streetscape and diminish the prominence of garages and parking areas;

D. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences; and

E. Improve the compatibility of attached and multi-family residential development with the residential character of surrounding neighborhoods.

5.7.2. General Standards for All Residential Development

A. Mix of Housing Types

1. Intent

a. To promote a more diverse community through the provision of a variety of housing types.

b. To encourage developments that are not dominated by a single type of home or dwelling unit, within a narrow range of price points and densities.

c. To encourage "neighborhood-oriented" multi-family developments that incorporate a variety of housing types, such as a combination of duplex, stacked tri-plex/quad-plex, live-work units, townhomes, apartments, and single-family units in a range of sizes.

2. Standard

Developers of 20 acres or more shall provide a minimum housing mix of at least three models, with three elevations per model.

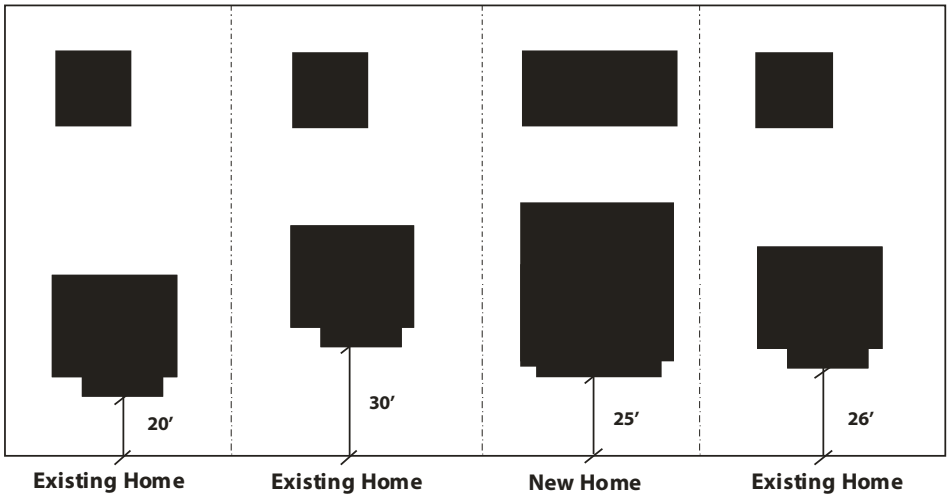
B. Infill Residential Compatibility Standards

1. Applicability

These residential infill compatibility standards shall apply to development of a new residential use, or renovation of an existing residential use, either of which is not part of a planned/phased development, on a site that is adjacent to or across a street from two or more lots with existing structures.

2. Contextual Front Building Setbacks

Notwithstanding the minimum front setback requirements required in Article 4, *Dimensional Standards*, for the zoning district in which the property is located, the applicant shall use a contextual front setback when existing front setbacks on the same block are less than that required by the underlying zoning. In such circumstance, the front setback for the proposed development shall equal the average of the existing front setbacks on the same and facing block faces. Only lots with similar uses to that proposed shall be included in the average, and vacant lots shall be included using the underlying district standard.



Average Existing Front Setback: (20'+30'+ 26')3 = 25'

Figure 5.7-A: Example of Contextual Front Building Setback

3. Appearance

New development shall be constructed to be generally compatible in appearance with other existing structures on the block that comply with this Development Code. This provision shall be satisfied by constructing

the proposed building so that at least three of the following features are substantially similar to the majority of other buildings on the same and facing block:

a. Roof material;

b. Roof overhang;

c. Exterior building material;

d. Shape, size, and alignment of windows and doors;

e. Front porches or porticos;

f. Exterior building color; or

g. Location and style of garage/carport.

4. Accessory Structures

Accessory structures shall be compatible with the associated principal structure in terms of building materials and architectural style.

C. Maximum Garage Width

The maximum width of front-loaded garages, including the garage door and architectural elements on each side of the garage door, shall not exceed 30 percent of the overall building façade width on lots of 10,000 square feet or greater; 40 percent of the façade width on lots of between 6,000 and 10,000 square feet; and 50 percent of the façade width on lots of less than 6,000 square feet.

5.7.3. Standards for Single-Family and Two-Family Detached Residential Dwellings

A. Purpose

This subsection is intended to promote building design that contributes to a sense of neighborhood and to the overall streetscape by carefully relating buildings, yards, and garages in relation to public streets and adjacent properties. The standards support visual variety, avoid monotony in home designs and layouts, and protect property values of both the subject property and surrounding development.

B. Design Standards

1. Orientation of Dwellings to the Street

Each residence shall have at least one primary pedestrian doorway for access to the dwelling located on the elevation of the dwelling facing the front lot line of the property, and clearly visible from the street or public area adjacent to the front lot line. On corner lots, such pedestrian doorway may be located facing any adjacent street.

2. Architectural Variety

a. Design Standards

(i) No home model elevation, including garage elevation, shall be located adjacent to the same home model elevation or garage elevation.

(ii) All home model designs shall provide a similar level of architectural detailing on all sides.

(iii) All home model elevations shall provide a minimum of three color schemes, consisting of at least three colors each.

b. Tracking

It shall be the responsibility of the developer to disclose these architectural variety standards to potential home buyers. Failure on the part of the developer to disclose these requirements shall not be grounds for relief from these architectural variety standards as applied to any individual home.

3. Garages

a. Diversity of Garage Location

In all zoning districts except for SF-43, a diversity of garage styles is required. Diversity shall be achieved by providing a variety of the following garage locations:

(i) Alley-loaded garage;

(ii) Side-loaded garage;

(iii) Garage recessed a minimum of four feet behind the front façade of the dwelling portion of the structure;

(iv) Garage that protrudes no more than five feet in front of the dwelling portion of the structure, if accompanied by a porch that extends to the same plane or further;

(v) Garage that is recessed a minimum of two feet beneath a second-floor bay; and

(vi) Garage flush with the dwelling portion of the building.

b. Three-Car Garage Orientation

The third bay of any three-car garage, except a side-loaded garage, shall not have the same orientation as the first two or shall be offset by two feet when having the same orientation.

c. Side-Loading Garages

Side-loaded garages shall provide windows or other architectural details that mimic the features of the living portion of the dwelling on the side of the garage facing the front street.

4. Alleys

a. If a residential unit has alley access to a garage, the front setback of the living portion of the house (but not the garage) may be reduced by 10 feet.

b. If a residential unit is served by an alley, no driveways in the front yard shall be permitted. All vehicular access, including to garages, shall be through the alley.

Figure 5.7-B: Examples of Building Articulation and Architectural Variety

5.7.4. Standards for Single-Family Attached Residential

A. Purpose

The purpose of these standards is to provide a distinctive architectural character in new single-family attached residential development that avoids featureless design and repetition of facades.

B. Building Articulation and Architectural Variety

1. No more than eight units may be attached in a single row or building cluster.

2. The building which is the aggregation of up to eight townhouse units shall be given architectural and visual interest through two or more of the following methods:

a. Providing a projection, recess, or reveal at least every twenty feet, with a minimum change of plane of two feet;

b. Use of two or more distinct materials on each facade;

c. Use of distinct features, such as a balcony or similar feature, between individual units;

d. Use of distinct variations in roof form.

C. Entryway Treatment

1. Entrances should be prominent and visible from the street and from parking areas.

2. The main entry of each unit shall be emphasized by the use of at least two of the following:

a. A porch or landing;

b. Double doors;

c. A roofed structure such as a portico or awning; or

d. The inclusion of side-lights (glazed openings to the side of the door), and transom-lights (glazed opening above the door) in the entry design.

D. Garages

1. If a development includes alleys, the garages shall be accessed from the alleys, and the front setback may be reduced by 10 feet.

2. If the development does not include alleys, garages on the street-facing side of the building shall occupy no more of the front façade width than as indicated on Table 4.1-1.

5.7.5. Standards for Multi-Family Residential (Four or Fewer Stories)

A. Purpose

The purpose of these standards is to improve the appearance of design and functionality of multi-family development, recognizing the importance of design in the economic success of urban areas, the need to be more efficient in the use of land, and the need to ensure the adequate protection of the surrounding area. More specifically, these standards are intended to:

1. Provide a distinctive architectural character in new multi-family residential developments that avoids featureless design, large building masses, and repetition of facades within a single development;

2. Promote sensitive design and planning of multi-family housing units that preserves or improves the characteristics of surrounding development; and

3. Promote building design, placement, and orientation that contributes to a sense of neighborhood and community.

4. Improve the quality of life of residents of multi-family residential dwellings.

B. Applicability

All development or substantial renovation of multi-family residential structures of four stories or less shall comply with the standards in this section. In the case of mixed-use buildings, these standards and the standards of Sections 5.8, *Commercial Building Standards and Guidelines* shall both apply.

C. Building and Parking Location, Layout, and Orientation

1. In multi-building developments, the buildings are encouraged to be arranged to enclose and frame common areas. Common areas and courtyards should be convenient to a majority of units.

2. When more than one multi-family structure is constructed:

a. No side, end, or rear wall of a multi-family structure shall be located within 20 feet of a side, end, or rear wall of any other multi-family structure;

b. No side, end, or rear wall of a multi-family structure shall be located within 30 feet of the front wall of any other multi-family structure;

c. No front wall of a multi-family structure shall be located within 40 feet of the front wall of any other multi-family structure.

3. For purposes of measurement in this subsection, projections such as decks and bay windows shall not be counted.

D. Parking

In addition to the parking lot landscaping requirements set forth in Section 5.4.3.C: *Landscaping Inside Parking Areas*, all surface parking shall be:

1. Separated from any building by a landscaped strip of at least ten feet in width, and

2. No more than one double-loaded or two single-loaded rows of parking between any building on the site and an adjacent public street.

E. Building Mass and Articulation

1. Each façade greater than 50 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 10 percent of the length of the façade, and extending at least 20 percent of the length of the façade.

2. The facades of all multi-family buildings shall be articulated through the incorporation of at least three or more of the following:

a. Balconies;

b. Bay or box windows;

c. Porches or covered entries;

d. Dormers;

e. Variations in materials;

f. Variations in roof forms;

g. Variation in window sizes and shapes; or

h. Vertical elements that demarcate building modules.

3. The height of each multi-family building taller than 35 feet shall be stepped down from its highest roofline at least one full story on any end of the building located within 50 feet of a street-right-of-way or an adjacent area zoned or used for single family residential.

F. Roof Form

1. The incorporation of a variety of roof forms is strongly encouraged. Upper-level residential floors may be incorporated into the roof form to reduce the apparent height and mass of buildings.

2. Multi-family residential buildings shall be designed to avoid any continuous roofline longer than 50 feet. Rooflines longer than 50 feet shall include at least one vertical elevation change of at least two feet.

G. Façades and Detail Elements

1. Highly reflective materials shall not be used in areas where the location of the building will create undue solar, reflective glare on surrounding properties.

2. Natural, smooth-face CMU shall not be used as a primary exterior finish.

3. Siding material shall be continued down to finished grade with the following exceptions:

a. If a secondary wainscot finish precludes this condition; or

b. If grade dictates a siding transition. If this occurs then the area in question must not exceed 18 inches above grade and must be screened by approved landscaping.

4. In multi-building complexes, individual building elements shall incorporate various architectural details, color palettes, or building materials different from the adjacent buildings.

H. Entrances and Porches

Building/development entries shall comply with at least two of the following requirements:

1. At least one main building entry shall face the primary adjacent public street;

2. Building entrances face a courtyard that has a direct and visible connection to an adjacent public street;

3. Building entries are connected to a public sidewalk by walkways that are not routed through a parking lot;

4. The pedestrian entry to the site from the public right-of-way is emphasized with landscaping, special paving, gateways, arbors, or similar features; or

5. No more than one curb cut per 100 feet of frontage. Shared driveways are encouraged.

6. The front entry of any structure shall be emphasized by the use of at least two of the following:

a. A porch or landing;

b. Double doors;

c. A roofed structure such as a portico, awning, or marquee;

d. The inclusion of side-lights (glazed openings to the side of the door), and transom-lights (glazed opening above the door) in the entry design;

e. Decorative lighting; or

f. Enhanced landscaping.

I. Accessory Elements

1. Storage

A multi-family project shall provide covered, enclosed, and secure storage areas for bicycles and other belongings that typically cannot be accommodated within individual dwelling units. Storage and other accessory buildings shall be designed with materials and/or architectural elements that are related to the principal building(s).

2. Trash Receptacles/Dumpsters

Dumpsters shall not be allowed in developments or sites with six or fewer dwelling units. Developments or sites with six or fewer units shall provide covered storage for trash receptacles. Such storage shall not be located between any building and the primary adjacent street frontage.

J. Garages

1. Attached or Detached Garages

Garage entries and carports shall not be located between a principal multi-family building and a required street frontage, but shall instead be internalized in building groups so that they are not visible from adjacent streets.

2. Size

Garage and carport structures shall be limited to eight spaces per structure to avoid a continuous row of garages. No more than eight garage doors may appear on any multi-family building elevation containing front doors, and the plane of each garage door shall be offset at least two feet from the plane of the garage door adjacent to it.

3. Design

Detached garages and carports shall be integrated in design with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, color, and details.

4. Parking Structures

Underground parking, structured parking, and parking within, above, or beneath the building it serves are all strongly encouraged for multi-family developments.

5.7.6. Standards for Multi-Family Residential (More Than Five Stories)

All multi-family residential dwellings that are five stories or greater in height shall comply with the development standards for commercial buildings set forth in Section 5.8, *Commercial Building Standards and Guidelines*.

5.8. COMMERCIAL BUILDING STANDARDS AND GUIDELINES

5.8.1. General Intent

The intent of this Section is to establish design and development standards that foster high-quality, attractive, and sustainable development that is compatible with the City's General Plan principles and policies. The standards are intended to:

A. Protect and enhance the character and quality of residential, commercial, and industrial areas in Buckeye;

B. Protect and enhance the long-term market value of property within Buckeye;

C. Enhance the human and pedestrian scale of commercial and industrial developments and ensure compatibility between residential neighborhoods and adjacent commercial and industrial uses;

D. Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings and centers;

E. Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;

F. Minimize negative impacts of on-site activities to adjacent uses; and

G. Balance the community's economic and aesthetic concerns.

5.8.2. Site Design

A. Purpose

Site design standards and guidelines address a development's relationship to its surrounding natural features and development patterns. They also address the relationship between key elements within the site. Careful site design is critical to the success of commercial projects and the standards and guidelines of this Section should be considered at the outset, and throughout, the design process. The standards and guidelines of this Section are intended to:

1. Ensure development relates to the physical characteristics of the site;

2. Ensure building scale, orientation, and design relates to the surrounding uses and streets, and creates a cohesive visual identity and an attractive street scene;

3. Ensure site design for efficient pedestrian, bicycle, transit, and vehicular circulation patterns, and create a high-quality pedestrian environment;

4. Promote design environments built to human scale;

5. Ensure delivery, trash, and loading facilities are located so as not to impede regular vehicular and pedestrian circulation and access routes; and

6. Ensure safe and efficient access between buildings and parking areas.

B. Building Orientation

1. Intent

To ensure that buildings are orientated to emphasize public spaces, with entryways clearly visible from key locations, because the location and orientation of individual buildings within the network of streets, pedestrian connections, and open spaces on a site largely establishes the character of a development.

2. Primary Entrance

Orient buildings so that the principal building entrance faces the principal street or the street providing main access to the site. In cases where the principal entrance does not face the principal street, connect the entrance to the street and adjacent parking areas with sidewalks that meet the shading requirements of Section 5.2, *Topography and Natural Features Preservation*..

3. Building Locations (Multi-Building Developments)

Arrange and group buildings within developments that have three or more buildings using one or more of the following techniques:

a. Frame the corner of an adjacent street intersection or entry point to the development; or

b. On sites of 15 acres or more, frame and enclose a "main street" pedestrian and/or vehicle access corridor within the development; or

c. Frame and enclose parking areas on at least two sides; or

d. Frame and enclose outdoor dining and/or outdoor gathering spaces between buildings. (See Figure 5.8-A for examples.)

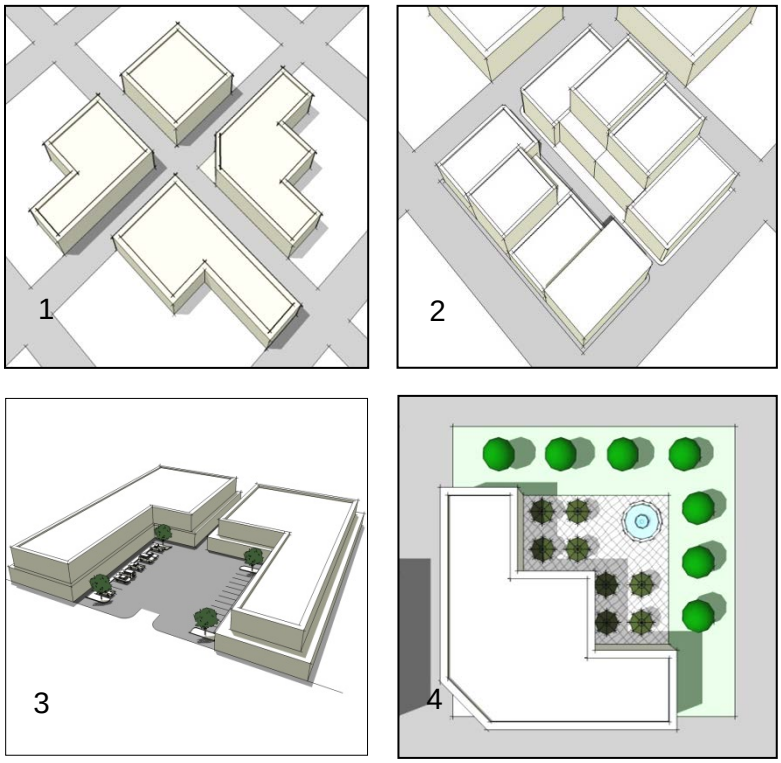


Figure 5.8-A: Examples of Appropriate Building Locations for Multi-Building Centers
(1) Framing street intersections or entryways; (2) Framing an interior "Main Street"; (3) Framing a parking area on at least two sides; and, (4) Framing an outdoor dining area or gathering space.

4. Guideline

Buckeye's desert setting requires careful siting of buildings in order to mitigate the summer heat. Buildings should be oriented and grouped to provide shading for outdoor spaces – for example, by locating outdoor gathering spaces on the north and east sides of buildings under shade devices such as awnings.

C. Outdoor Gathering Spaces

1. Intent

To ensure open air or semi-enclosed public gathering spaces connecting different land uses and providing focal points and anchors emphasizing pedestrian scale and focus. (See Figure 5.8-B.)

2. Definition

For purposes of this section, an outdoor gathering space is an open or partially open area intended for the benefit of residents, employees, or visitors to a site. An outdoor gathering space required by this section shall be credited toward any applicable open space

requirements, provided such gathering space meets applicable open space standards. The following shall not be counted toward any requirement of this section:

a. Private yards;

b. Public or private streets or rights-of-way;

c. Parking areas and driveways.

3. Standards

Developments on sites of 15 acres or larger shall devote a minimum of two percent of the net site area to an outdoor gathering place that:

a. Is integrated as part of the overall design of the site and located in an area that provides benefit to a large number of users, and helps establish or improve functional relationships and linkages within a site or between adjacent sites. Potential locations include near anchor tenants, transit stops (if applicable), as a centralized site feature, or as a continuation of an adjacent natural area, trail, or riparian corridor;

Figure 5.8-B: Examples of Outdoor Gathering Spaces

b. Is designed as a single, contiguous space, rather than multiple smaller spaces;

c. Incorporates a minimum of five of the following pedestrian-scaled features:

(i) Lighted bollards;

(ii) Movable tables and chairs;

(iii) Benches;

(iv) Seat walls and/or raised landscape planters;

(v) Shade trees;

(vi) Pots or hanging baskets filled with seasonal plant material;

(vii) Information kiosks;

(viii) Stage, amphitheater, or other performance space; and

(ix) Sculptures or other public art features;

d. Integrates landscaping and/or structures to provide shading for outdoor gathering spaces, particularly those with a southern or western exposure. The shading may be freestanding or integrated with the adjacent building;

e. Provides direct access to sidewalks and pedestrian walkways; and

f. Is maintained by the owners of the development, unless otherwise agreed to as part of the development approval process.

4. Guidelines

a. For sites smaller than 15 acres, provide outdoor gathering spaces by expanding pedestrian walkways along the front or side of the building with awnings, arcades, trees, or other types of shade structures.

b. Provide outdoor dining areas within plazas and along the perimeter of open spaces, building frontages, and street frontages. Outdoor dining areas should be oriented away from off-site uses affected by noise.

D. Drive-Through Facilities

1. Intent

To ensure drive-through facilities are located, designed, and screened to minimize visibility from public streets and impacts on the site and adjacent properties.

2. Standards

a. For restaurants with drive-through facilities, provide a minimum of eight stacking spaces (measuring a minimum of nine feet by 20 feet for each stacking space), with no less than four spaces located between the street and the order box and four spaces located between the order box and the pick-up window. (See Figure 5.8-C.)

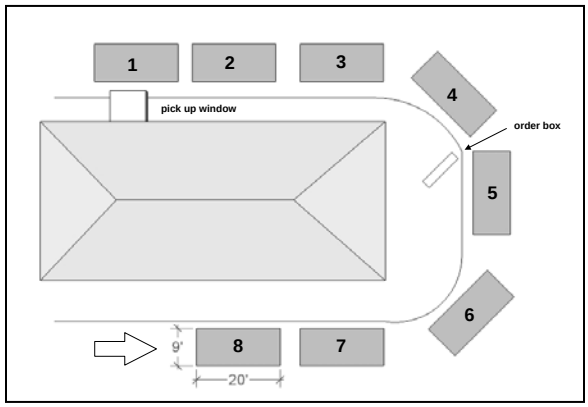


Figure 5.8-C: Stacking Spaces

b. For other uses with drive-through

facilities, provide a minimum of two stacking spaces (measuring a minimum of nine feet by 20 feet for each stacking space) located between the service window and the street.

c. Locate stacking spaces for drive-through facilities so that waiting vehicles do not block parking stalls or interfere with the movement of traffic (on or off-site) or pedestrians.

d. Use landscaping to screen drive-through windows and order boxes on building facades facing the principal street.

3. Guidelines

a. Design drive-through windows to incorporate architectural coverings consistent with the design of the buildings in order to break up the building mass.

b. Design architectural coverings for drive-through windows to provide shade and shelter for drive-through customers; examples include canopies, trellises, porte cocheres, or other similar devices.

E. Refuse Service

All commercial or industrial development shall provide one or more sites for solid waste collection. Such sites shall be:

1. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way; and

2. Constructed according to specifications established by the Public Works Director to allow for collection without damage to the development site or collection vehicle.

5.8.3. Building Design

A. Purpose

Building design directly impacts the character and function of commercial development. The standards and guidelines of this Section are intended to:

1. Ensure that multi-building or phased commercial developments use compatible schemes of materials, colors, and architectural vocabulary to ensure consistency;

2. Ensure building materials are durable and have low maintenance requirements in the desert environment;

3. Ensure buildings are designed to a human scale;

4. Ensure design that is sensitive to the desert climate;

5. Encourage sustainable development by limiting the amount of resources necessary to construct and operate buildings and by designing buildings to be adaptable for multiple uses; and

6. Require buildings that incorporate standardized formulas or market prototypes to meet a higher level of building design.

B. Architectural Character

1. Intent

To ensure architectural compatibility in keeping with Buckeye's heritage, the City's location in the desert, and discouraging standardized prototypes.

2. Standards

a. Four-sided Design

Incorporate architectural detailing on all sides of a building that reflects the front facade. Blank walls void of architectural details or other variation are prohibited.

b. Exterior Trademarked Design Features

For each building with exterior trademarked architectural design features located 12 feet or more above finished grade, including trademarked roof and parapet design features but not including signs, provide a higher level of building design by meeting the following additional requirements:

(i) Section 5.8.3.D.2.a, *Horizontal Articulation*: Meet four or more of the listed standards; and

(ii) Section 5.8.3.E.2.a, *Primary Building Entrance*: Meet four or more of the listed standards.

3. Guideline: Theming

Organize the architectural design of buildings within a commercial center, including freestanding pad buildings, around a consistent architectural theme. Precise replication is not required or desirable. Instead, use

Figure 5.8-D: Examples of Shaded Sidewalks

similar materials, textures, and colors, along with repeating patterns and compatible proportions and scale, to reinforce the connections between the various buildings.

C. Response to the Sonoran Desert Environment

1. Intent

To ensure that the building designs are compatible with the desert environment.

2. Standards

(i) Provide shaded sidewalks, as defined in this ordinance, along at least 50 percent of all building facades adjacent to or facing streets, outdoor gathering spaces, or parking areas. (See Figure 5.8-D.)

(ii) Shaded sidewalks shall constitute a minimum of 30 percent of the sidewalks within the site.

(iii) Orient building to minimize direct solar exposure on primary building façade and areas of high pedestrian activity.

3. Guidelines

a. Contextual References

Include features typical of Buckeye's farming and ranching heritage and the desert environment in the building design, such as, but not limited to:

(i) Architectural shade devices;

(ii) Low-slung buildings with a strong, horizontal orientation;

(iii) Deeply recessed windows;

(iv) Covered porches or arcades; and

(v) Shed roof forms.

b. Sustainable Design

To the maximum extent practicable, new buildings are encouraged to incorporate one or more of the following features:

(i) Opportunities for the integration of renewable power in the design of buildings or sites. Renewable power may be derived from solar, wind, geothermal, biomass, or low impact hydro sources.

(ii) Energy-efficient materials, including recycled materials that meet the standards of Section 5.5, *Architectural Details, Materials, and Colors*, in the building design.

(iii) A sustainable roof.

(iv) Generally accepted sustainable design features and practices.

D. Building Mass

1. Intent

To ensure that buildings are designed to avoid long, unbroken walls and roof lines, and incorporate sufficient architectural detail to create a human-scaled environment.

2. Standards

a. Horizontal Articulation

Design buildings to reduce apparent mass by dividing facades into a series of smaller components. (See Figure 5.5-E.) No individual component shall have a length of more than 60 feet. Distinguish components from one another through two or more of the following:

(i) Variations in roof form or variations in roof height of two feet or more;

(ii) Changes in wall plane of 12 inches or more;

(iii) Variations in the arrangement and recessing of windows;

(iv) Recognizable changes in texture, material, or surface colors;

(v) Engaged columns; or

(vi) Minimum two-foot parapet return.

Figure 5.8-E: Examples of Horizontal Articulation

b. Vertical Articulation

Design buildings to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components. The component described as the body must constitute a minimum of 50 percent of the total building height. (See Figure 5.8-F)

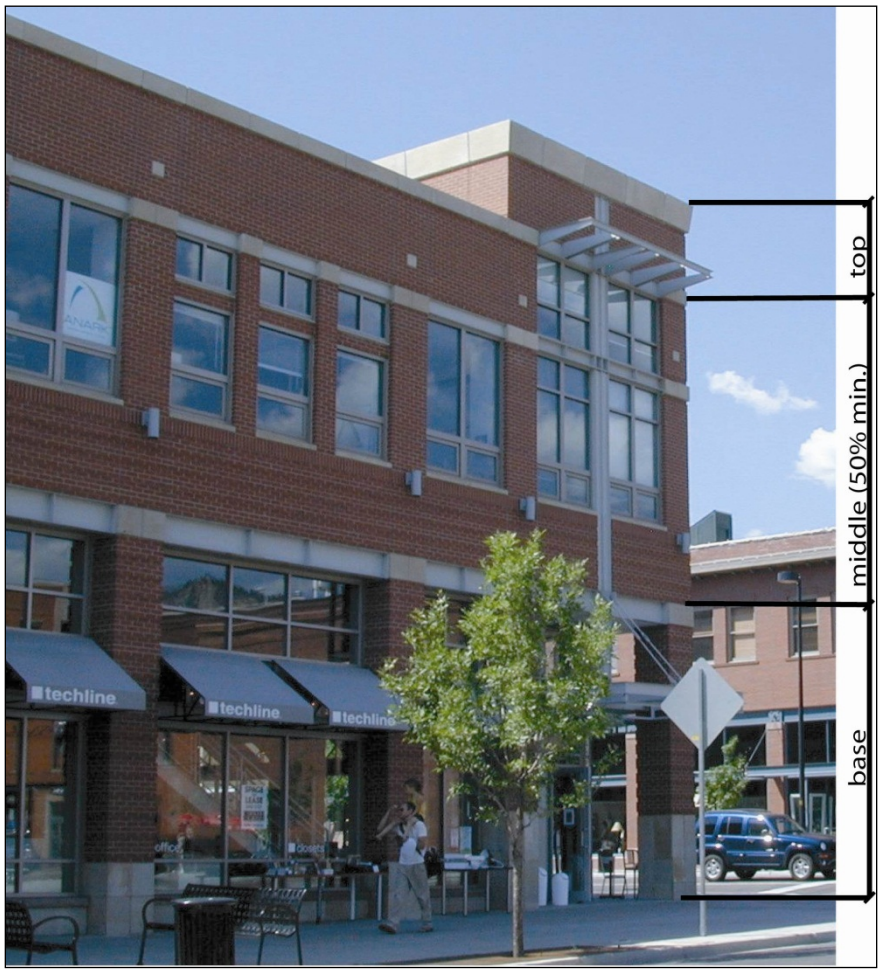


Figure 5.8-F: Example of Vertical Articulation

3. Guidelines

Incorporate other techniques to further divide large building facades, including:

a. In large stores with internal functions (e.g., coffee shop, deli, florist), provide a minor storefront with a separate entrance.

b. Provide multiple entrances for large uses (e.g., groceries, department stores, warehouse stores).

E. Design for Pedestrians

1. Intent

To ensure that buildings are designed for pedestrian scale and pedestrian-oriented accesses.

2. Standards

a. Primary Building Entrance

Design visually prominent primary building entrances. Provide shade for pedestrians. Unless otherwise provided in this ordinance, use a combination of two or more of the following techniques:

(i) Canopy, portico, archway, arcade, or similar projection that provides architectural interest and protection for pedestrians;

(ii) Prominent tower, dome, or spire;

(iii) Peaked roof;

(iv) Projecting or recessed entry;

(v) Outdoor features, such as seat walls, landscaping with seasonal color, or permanent landscape planters with integrated benches; or

(vi) Other comparable techniques.

b. Transparency

(i) In downtown Buckeye, on the façade facing the principal street:

(1) At least 30 percent of the ground floor wall area between two and ten feet above grade shall consist of transparent glazing;

(2) At least 20 percent of each upper floor wall area shall consist of transparent or nontransparent glazing.

(3) If a single-story building has a façade taller than 20 feet, the façade area above 15 feet is subject to the same window requirement as the second-floor requirement in paragraph b.

(ii) For all commercial buildings with 70,000 square feet or more of gross floor area, at least 15 percent of the façade facing the principal street shall consist of transparent or nontransparent glazing. For all other commercial buildings, at least 30 percent of the façade facing the principal street shall consist of transparent or nontransparent glazing.

(iii) Glazing required by this ordinance should be concentrated in areas of high pedestrian activity and, to maximize energy efficiency, should be used in conjunction with shade features required and encouraged by Section 5.8.3.C, including awnings, shaded sidewalks, deeply recessed windows, and covered porches or arcades.

(iv) Except as otherwise permitted in this section and in Section 5.11, *Signs*, transparent glazing required by this ordinance must be maintained without interior or exterior obstructions that substantially limit visibility, including, but not limited to, window signs, interior shelving, or window coverings (except window

blinds) during hours of business operation. This section shall not apply to signage, shelving, displays, or the like, set back at least three feet from the glazing surface.

c. Pedestrian Amenities

Ground-floor facades that face public streets or other public areas (e.g., outdoor gathering spaces, parks or open space, parking areas) shall incorporate pedestrian-oriented design features along no less than 60 percent of their horizontal length. Pedestrian-oriented design features may include arcades, display windows, entryways, awnings, or other features. Shaded sidewalks required by Section 5.8.3.C that are part of the building design may be credited toward this standard, as well.

F. Architectural Details, Materials, and Colors

1. Intent

To ensure that developments utilize materials of high quality and durability appropriate to the desert climate.

2. Standards

a. Permitted Wall Materials

The following materials are permitted for use on exterior building walls, individually or in combination:

(i) Brick;

(ii) Stone (natural or simulated);

(iii) Painted, stained, or integrally-colored concrete masonry units (CMU), split face or ground face;

(iv) Textured tilt-up concrete panels, with or without reveals;

(v) Stucco;

(vi) Exterior Insulation and Finish Systems (EIFS);

(vii) Clear and tinted glass;

(viii) Tile;

(ix) Wood; and

(x) Architectural metal.

Other materials may be used provided they are of comparable quality, durability, and character, as determined by the Director.

b. Accent Wall Materials

A minimum of 10 percent and a maximum of 25 percent of the exterior building wall facing the principal street (not including windows and doorways) shall consist of an accent material from the list in subsection a. that is different than the remainder of the building façade material.

c. Prohibited Wall Materials

The following materials are prohibited:

(i) Un-textured tilt-up concrete panels (acceptable for industrial buildings);

(ii) Pre-fabricated steel panels (acceptable as an accent element);

(iii) Corrugated metal (Corten or rust finish acceptable as an accent element);

(iv) Mirrored or otherwise highly reflective glass;

d. Roof Materials

Flat roofs, standing seam metal roofs, and concrete and clay tile roofs are permitted. Asphalt shingle roofs are not permitted.

e. Exterior Building and Roof Colors

Select materials and colors that are abundant in the Sonoran Desert environment.

f. Metal Finishes

(i) Paint metal within the color range described in paragraph E. or leave it in a natural state to derive its character from weathering and oxidation.

(ii) Bright or highly reflective metal finishes are prohibited.

5.9. INDUSTRIAL BUILDING STANDARDS AND GUIDELINES

5.9.1. General Intent

To encourage high-quality design appropriate for industrial uses while promoting economic development, protecting adjacent uses, and fostering a positive image for the community.

5.9.2. Standards

A. Site Design

The standards and guidelines in Section 5.8.2.B, *Building Orientation*, of this Development Code shall apply to development of any industrial use.

B. Building Design

The standards and guidelines of the following sections shall apply to development of any industrial use.

1. Section 5.8.3.B: *Architectural Character*;

2. Section 5.8.3.D: *Building Mass*;

3. Section 5.8.3.E.2.a: *Entrances*; and

4. Section 5.8.3.F: *Architectural Details, Materials, and Colors*.

5.10. EXTERIOR LIGHTING

5.10.1. General Intent

To establish outdoor lighting standards and guidelines that balance safety and aesthetics while encouraging nighttime illumination that minimizes impacts on surrounding neighborhoods and the night sky. Lighting should be designed to minimize energy usage.

5.10.2. Standards

A. Conformance with State and Local Requirements

All lighting shall be designed to conform to the standards of the state "dark skies" requirements as set forth in ARS 49-1101 et seq., and the requirements set forth in this Section.

B. Submission of Plans and Evidence of Compliance

A description of all lighting fixtures, both proposed and those that will remain on the site, as well as any existing or proposed fixtures to be located in adjacent rights-of-way after completion of the project, shall be provided with the development application. The description may include, but is not limited to, catalog cuts and illustrations by manufacturers that demonstrate compliance with the standards of this Section. The description shall address lighting to be used during regular business hours, as well as security lighting during non-operating hours.

C. Design Standards

Exterior lighting is required for the purposes of public safety. All exterior lighting shall meet the following design standards:

1. Light sources shall be concealed or shielded with full cut-off luminaries to minimize the potential for glare and unnecessary diffusion on adjacent property.

2. Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. Up-lighting (including floodlighting) shall not be utilized to illuminate all or any portion of a building façade; down-lighting is acceptable.

a. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.

b. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

3. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.

4. Unless otherwise provided in this ordinance, exterior lighting shall not add more than one foot-candle to illumination levels at any point off-site.

5. For upward-directed landscape and decorative lighting, direct light emissions shall not be visible above the building roof line.

6. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

D. Exempt Lighting

The following types of lighting are exempt from the requirements of this section.

1. Soffit or wall-mounted luminaires that are permanently attached to single-family residential dwellings, not to exceed the height of the eave.

2. Public street and right-of-way lighting.

3. Temporary decorative seasonal lighting provided that individual lamps have a light output of 200 lumens or less.

4. Temporary lighting for emergency or nighttime work and construction.

5. Temporary lighting for theatrical, television, and performance areas or for special events authorized through a permit.

6. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.

7. Lighting required and regulated by the Federal Aviation Administration.

8. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:

a. Maximum permitted light post height: 80 feet.

b. Maximum permitted illumination at the property line: two foot-candles.

c. Limits on hours of illumination: Exterior lighting shall be extinguished no later than 11:00 pm. An exception may be granted by the City Council, without recommendation from the Planning and Zoning Commission, for tournament activities.

E. Prohibited Lighting

Mercury vapor light sources, searchlights, and strobe/flashing lights are prohibited.

5.11. SIGNS

5.11.1. Purpose

The purpose of this Section is to provide standards for signs that encourage the development of private property in harmony with the desired character of the City as well as enhance the safety and enjoyment of travel, by the appropriate sizing and placement of signs along public streets. In addition, these regulations are intended to:

A. Ensure that signs are integrated in the architectural design and consistent with the character of the development;

B. Ensure that signs for multi-tenant or phased developments remain consistent in terms of materials, design features, and scale; and

C. Reduce the visual clutter of numerous signs placed along arterial roadways.

5.11.2. Permit Required

The placement of signs, except as listed below, shall require a sign permit issued by the City. The following types of signs are exempt from obtaining a permit:

A. Political signs and banners;

B. Directional and traffic signs;

C. Window signs not exceeding 20 percent of the window area;

D. Signs not visible from off property or business; and

E. Signs pertaining to the lease, sale, or rental of land or buildings, the size of which are six square feet or less for parcels up to five acres and twenty-four square feet or less for parcels more than five acres.

5.11.3. Prohibited Signs

With the exception of temporary signs as described in Section 5.11.5 and sign walkers as regulated by A.R.S. § 9-499.13, the following types of signs are prohibited[9,10]:

A. Flashing, moving, animated, coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs and/or devices, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, and other types of attention-getting devices, except for changeable copy signs when in compliance with the applicable regulations in this Section.

B. Pylon or pole-mounted signs, except as provided in Section 5.11.4, *Standards*.

[9] ORD. 26-11
[10] ORD. 10-13; 6/18/2013

C. Sandwich board signs, portable signs, and outdoor banners displaying product information.

D. Roof-mounted signs or signs projecting above the roof line of a building.

E. Signs placed within the public right-of-way, except for those off-site kiosk signs set forth in Section 5.11.6(A).

F. All signs mounted on, or applied to trees, utility poles, or public structures, except as otherwise provided.

G. Any sign determined to be a safety hazard to the flow of traffic.

H. Billboard or off-site advertising signs, except for those signs set forth in Section 5.11.6(A) and Section 5.11.8.

I. Commercial signs remaining at an abandoned or vacant building for a period exceeding 180 days.

J. Vehicle signs or signs mounted, attached, or painted on trailers, boats, or motor vehicles primarily or consistently parked, stored, or displayed in a manner intended to attract the attention of the public for advertising purposes.

5.11.4. Standards

A. Maximum Sign Dimensions

Signs shall not exceed the dimensions set forth in Tables 5.11-1 and 5.11-2[11]:

TABLE 5.11-1: MAXIMUM SIZE ALLOWED FOR FREESTANDING SIGNS

Zoning District	Maximum Sign Height (Feet)	Maximum Sign Area (Square Feet)[1]
Multi-Family Office[2] Religious Institutions Service Organizations	5	20
Single-Tenant Commercial Mixed-Use	15	32
Multi-Tenant Commercial	20	72
Freeway-Oriented Identification	65	250
Industrial	20	48

[1] Signage area shall be calculated based on the total square footage of all lettering and logos placed on the sign face. In addition, each side of the sign shall be calculated individually.
[2] Multi-Tenant office complexes may double the allowed maximum sign height and area.

[11] ORD. 10-13; 6/18/2013

TABLE 5.11-2: MAXIMUM SIZE ALLOWED FOR ATTACHED SIGNS	
Uses	**Sign area allowed (in square feet) for each lineal foot of building facing the street frontage[1,2,3]**
Multi-Family	0.25
Office Religious Institutions Service Organizations	0.50
Commercial	1.00
Freeway-Oriented Identification	1.50
Mixed-Use	1.00
Industrial	0.50

NOTE:
[1] Attached signs shall be placed below roof eave line
[2] Each side of a building having a street frontage, facing a parking area, or facing a designed internal driveway may be counted separately and use to place signs.
[3] The allowed sign area may be doubled when the building is setback at least 300 feet from the adjacent public right-of-way.

B. Sign Number and Location[12]

1. Only one free-standing sign per parcel or one free-standing sign for every 10 acres of development, whichever is less, is allowed. Partial acreage shall be rounded down to the nearest factor of 10 acres.

2. Unless no other practicable alternative is available, all signs with the exception of directional signs, shall be located a minimum of five feet from the front or side property line.

3. Signs shall be located on the same parcel as the use for which they advertise.

C. Illumination

Illuminated signs may be internally lighted in commercial and industrial districts. The source of illumination of any sign is to be shielded so that it is not visible from or causes glare or reflection onto adjacent properties and streets. All illuminated signs shall meet the standards of Section 5.10, *Exterior Lighting*.

D. Design

1. In order to reinforce visual continuity, all on-site signs shall incorporate design elements that are consistent with each other and with the overall architectural character of the development in terms of their materials, height, colors, and lettering style.

2. Electrical service to signs, including raceways and transformers, shall be located to minimize their visibility. When such services are visible on street-facing façades, they shall be painted to match the color of the wall on which they are located.

[12] ORD. 10-13; June 18, 2013

E. Signs Along Freeway Frontage[13]

Freeway-Oriented Identification Signs shall be limited along freeway frontage to one (1) identification sign per property or unified development, except that two (2) signs shall be allowed for properties or unified development which area 30 acres or larger.

F. Comprehensive Sign Plan (CSP)

1. All multi-tenant commercial and mixed-use developments shall submit a Comprehensive Sign Plan illustrating a coordinated approach to site signage. Comprehensive Sign Plans shall provide specifications regarding sign:

a. Type;

b. Materials;

c. Illumination;

d. Colors

e. Dimensions; and

f. Location

2. Developments utilizing a CSP may propose variations from City signage standards that address sign size and the number of signs allowed. Variations of up to 10 percent from the general requirement may be approved administratively. Variations above 10 percent must be approved by the Planning Commission.

G. [Reserved][14]

5.11.5. Temporary Signs[15]

Temporary signs are intended to be utilized by businesses as a short-term advertisement of special events (e.g. grand opening, going out of business), sales, and new products or services.

A. General Standards

Unless otherwise modified by this Section, or as a condition of approval, the following standards apply to all temporary signs:

1. Temporary signs in use prior to the adoption of this ordinance shall be deemed nonconforming and shall not be grandfathered unless said sign was approved with the issuance of a valid sign permit.

[13] ORD. 10-13; 6/18/2013
[14] ORD. 26-11, RES. 77-11; 9/20/2011
[15] ORD 26-11, RES. 77-11; 9/20/2011

2. Temporary signs shall obtain a Temporary Sign Permit (TSP) from the Development Services Director in accordance with the provisions of Subsection 5.11.5.D.

3. Temporary signs shall display a TSP sticker at all times.

4. With the exception of buildings allowed a 0-foot front setback, temporary signs shall be located on private property outside of City or County right-of-way.

5. Temporary signs shall be spaced at least 10-feet apart.

6. Except as otherwise provided in this Section, temporary signs shall not be located off-site.

7. Except as otherwise provided in this Section, temporary signs shall be limited to use for up to 30 consecutive days with at least 15 days between each use and a maximum cumulative display time of 180 days per calendar year.

8. Temporary signs shall be maintained in good condition throughout the duration of use. Failure to maintain a temporary sign in good condition, as determined by the City, shall be grounds for the revocation of any TSP.

B. Grand Openings

Grand opening events must comply with all temporary sign standards and a TSP must be issued for each event. In addition to the temporary signage allowed under this Section, a Special Grand Opening TSP may be approved by the Development Services Director allowing for the use of alternative forms of temporary signage otherwise prohibited under the Development Code, subject to any conditions of approval imposed upon the TSP for such signs, for a period not to exceed 2 weeks. If a Special Grand Opening TSP is approved, the remaining 2 weeks of the event must comply with the temporary sign standards without the need for issuance of a new TSP. A Grand Opening TSP may be issued only once per business opening or ownership change.

C. Special Events

Special events that are approved through the issuance of a City of Buckeye Special Event Permit may have alternative temporary sign standards approved as a part of the Special Event Permit process. If no alternative temporary sign standards are approved, the standards in this Section shall apply.

D. Permitted Signs

The following types of signage shall be permitted pursuant to the issuance of a TSP and compliance with the established standards.

1. On-Site A-Frame Signs

a. Placement must allow for a minimum 3-foot pedestrian pathway to/from all building entrances and exits.

b. Shall not exceed 4-feet in height and 3-feet in width.

c. Shall be constructed of durable materials with a stable, weighted base.

d. Shall be limited to 1 per business or tenant per public street frontage.

e. Shall not be illuminated or animated in any way.

f. Except as otherwise specified in this Section, A-Frame Signs shall only be displayed during normal business hours of operation.

g. Shall not be placed upon, affixed or attached to any object, including, but not limited to, light poles, trees, traffic signals, benches, tables, street signs, fencing, or bike racks.

h. Use of such signs are not subject to the time limitation provided in Section 5.11.5.A.7.

i. Shall obtain a TSP.

j. A-Frame Signs, including Off-Site A-Frame Signs, may be used for the duration of this ordinance with no lapse between each use.

2. Off-Site A-Frame Signs

A-Frame Signs may be place off-site if all of the following standards are met, in addition to meeting the standards of Section 5.11.5.D.1:

a. Shall only be displayed between the hours of 12:00 p.m. Friday through 7:00 a.m. Monday. Any sign being displayed off-site between the hours of 7:00 a.m. Monday and 12:00 p.m. Friday may be eligible for removal by the City at the owner's expense.

b. Must obtain written approval of the property owner of record for the property where the sign is to be located.

c. At the time of TSP submittal, a letter stating such approval, along with a site plan depicting the location of the off-site A-Frame Sign, must be submitted and approved by the City prior to the placement of the sign.

3. Balloons

a. Shall not exceed the allowed building height for the zoning district in which the business is located.

b. Shall not occupy any required parking spaces.

c. Shall be securely tethered or anchored and shall not be affixed or attached to any light poles, traffic signals, street signs, or other public safety device.

d. Shall not be located on the roof of the building.

4. Banners

a. Shall have a maximum area of 32-square feet and a maximum height of 6-feet.

b. Shall not be located on the roof of the building or above the building roofline.

c. Shall be securely attached to the building in which the business is located.

d. Shall be limited to one banner per street frontage, per business.

5. Inflatables

a. Shall have a maximum height of the building in which the business is located or 30-feet above the adjoining ground, whichever is less.

b. Shall be securely tethered or anchored and shall not be affixed or attached to any light poles, traffic signals, street signs, or other public safety device.

c. Shall be located so as to not interfere with pedestrian and vehicular circulation patterns as approved by the City.

d. Shall not be located on the roof of the building.

6. Freestanding Pennants

a. Shall have a maximum area of 16-square feet and a maximum height of 12-feet.

b. Shall be constructed of durable materials with a stable, weighted base.

c. Shall be located on-site and in an area free of pedestrian or vehicular traffic.

d. Unless no other practical alternative is available, pennants shall not be located adjacent to public right-of-way.

e. Shall not occupy any required parking spaces.

f. Shall be limited to 2 pennants per business.

7. Off-Premises Kiosk

Retail and not-for-profit advertisement utilizing the City's Community Kiosk Sign Program may be permitted in accordance with the following standards:

a. Sign panels must be approved by the City prior to installation.

b. Retail and not-for-profit advertising shall be limited to establishments with a physical located presence in the City.

c. With the exception of sign panel copy and corporate logos, all sign panel backgrounds shall have a uniform color.

d. Sign panels may be utilized for the duration of this ordinance with no lapse between each use.

E. Prohibited Signage

Regardless of the real or perceived temporary nature of the signage, signage that does not meet the above criteria shall be deemed prohibited. This includes signage that is flashing, animated, coursing, blinker, racer-type, rotating, moving or revolving, whirligig, ribbons, streamers, and spinners.

F. Temporary Sign Permit (TSP)

A Temporary Sign Permit (TSP) must be obtained from the Director prior to the placement of a temporary sign on-site. An application for a TSP must include, at a minimum, the following:

1. Application

a. An application identifying the name and location of the business the temporary sign is associated with, the name of the business owner or record, and the name of the sign contractor, if one is provided.

b. If applicable:

(i) A site plan identifying the location of the current and proposed freestanding signage on-site.

(ii) An elevation (photo or drawing) showing the location of the current and proposed attached signage.

c. A diagram showing how the sign is securely anchored on-site or attached to the building.

d. A diagram, drawing, or depiction of the temporary sign copy.

e. Any additional items/materials requested to be submitted by the Director.

2. Issuance

a. Issuance of a TSP may take the form of a standard sign permit with specialized conditions addressing the temporary nature of the approved signs.

b. A TSP sticker will be issued with each approved TSP and must be displayed on the temporary sign(s) at all times.

G. Sunset

The provisions of Section 5.11.5 shall automatically expire on and be of no further force and effect after December 31, 2014.

5.11.6. Special Purpose Signs[16]

A. Off-site Kiosk Signs

1. Community Kiosk Signs

a. Sign panels on City-approved community kiosk signs may be permitted for the purpose of providing directional information to community facilities and attractions and residential development, including mobile home parks and apartment developments.

b. Community kiosk signs shall not exceed 12 feet in height and 5 feet-6 inches in width.

c. Community kiosk signs shall be located within the public right-of-way of a minor arterial or higher street classification, the locations subject to the approval of the Development Services Department. Applicant must obtain a right-of-way permit from the City.

d. A community kiosk sign plan shall be prepared showing the design and location of each kiosk sign and shall be submitted to and approved by the Development Services Department prior the issuance of a sign permit or right-of-way permit.

e. A community Kiosk sign permit shall be effective for one year from the date of approval. Applicant must submit a community kiosk sign plan to the Development Services Department at least 30 days prior to the expiration of the current permit for review and re-approval of the Development Services Department.

f. A minimum of 30 inches at the top of each community kiosk sign shall be reserved for the placement of an approved City logo and a 24-inch clearance shall be provided on the bottom of each community kiosk sign.

g. Sign panels in community kiosk signs shall not exceed 18-inches in height.

2. Neighborhood Kiosk Signs

a. Sign panels on City-approved neighborhood kiosk signs may be permitted for the purpose of providing directional information to community facilities and attractions.

b. Neighborhood kiosk signs shall not exceed 6 feet in height and 5 feet 6 inches in width.

c. Neighborhood kiosk signs shall be located within public right-of-way of a collector or lower street classification, the locations subject to the approval of the Development Services Department. Applicants must obtain a right-of-way permit from the City.

[16] ORD. 10-13; 6/18/2013

d. A neighborhood kiosk sign plan shall be prepared showing the design and location of each kiosk sign and shall be submitted to and approved by the Development Services Department prior to issuance of a sign permit.

e. A neighborhood kiosk sign permit shall be effective for one year from the date of approval. Applicants must submit a neighborhood sign plan to the Development Services Department at least 30 days prior to the expiration the current permit for review and re-approval by the Development Services Department.

f. A minimum of 24-inches at the top of each neighborhood kiosk sign shall be reserved for the placement of an approved City logo and a 12-inch clearance shall be provided on the bottom of each neighborhood kiosk.

g. Sign panels in neighborhood kiosk signs shall not exceed 12-inches in height.

3. No off-site kiosk signs shall be placed within 300-feet of another off-site kiosk sign on the same side of the street.

5.11.7. Digital Reader Panels[17]

The following standards shall apply to all digital reader panels:

A. Location

Digital reader panels shall only be permitted in commercial and industrial zoning districts, commercial or industrial mixed-use zoning districts, and within commercial or industrial land use areas or zones identified on an approved Community Master Plan (CMP) or Planned Area Development (PAD) land use plan.

B. Development Standards

1. Shall have a maximum height equal to the maximum height equal to the maximum height for signs established in Table 5.11-1.

2. Shall not exceed 75% of the overall maximum signs area established in Table 5.11-1.

C. Design Standards

1. Luminance & Illumination

a. May be illuminated internally or with full cut-off down-lighting. In no instance shall up-lighting be permitted.

b. The luminance of a digital reader panel shall be no more than 300 nits in full-white mode from sunset through sunrise.

[17] ORD. 10-13; 6/18/2013

c. The illuminance of a digital reader panel shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the digital reader panel off, and again with the digital reader panel displaying a white image for a full color capable digital reader panel, or a solid message for a single-color digital reader panel. All measurements shall be taken perpendicular to the face of the digital reader panel at a distance determined by the following formula:

Measurement Distance = √ (Area of Digital Reader Panel in sq. ft. x 100)

d. The difference between the off and solid-message measurement shall not exceed 0.3 footcandles.

e. All digital reader panels shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, and that can be adjusted to comply with the 0.3 footcandle measurements.

f. In the event of a conflict between luminance and illuminance as defined above, the most restrictive standard shall prevail.

g. All freeway-oriented identification sign digital reader panel light sources shall be extinguished from 11:00 p.m. until sunrise.

h. Measures must be taken to ensure that the most efficient and modern technology is utilized in order to increase operation efficiency and reduce power consumption.

2. Messaging

a. Sign shall be programmed so that one static message or image is displayed at all times or that multiple static messages or images may be displayed provided the message or image changes no more than once every 8 seconds.

b. There shall be no video, effects of movement, no intermittent or moving light or lights, blinking, animation, scrolling, flashing, or similar effects in the individual static digital message or in the transition between messages, and the transition time shall be instantaneous.

c. Sign shall contain a default design that will freeze the device on a single message or shut down if a malfunction occurs. If the ambient light meter fails, the digital reader panel shall immediately extinguish the display and shut down.

D. Approval

All digital reader panels, both new and conversions from existing static signs, require approval of a sign permit as required under the 2010 City of Buckeye Development Code.

5.11.8. Digital Off-Site Signs (Digital Billboards)[18]

A. Purpose

The promote the creation of an attractive visual environment that promotes a healthy local economy by:

1. Permitting businesses to inform, identify, and communicate effectively.
2. Directing the general public through the use of signs while maintaining attractive and harmonious application of signs on-site.
3. Protecting and enhancing the physical appearance of the City in a lawful manner than recognizes the rights of property owners by:
   a. Encouraging the appropriate design, scale, and placement of signs.
   b. Assuring that the information displayed on a sign is clearly visible, conspicuous, legible and reasonable so that the sign achieves the intended purpose.
4. Fostering public safety along public streets within the City by assuring that all signs are in safe and appropriate locations.

B. Digital Billboard Standards

The following standards apply to all digital billboards:

1. **Location**[19]
   a. No more than eight (8) new digital billboards or static billboard-to-digital billboard conversions shall be approved by the City. Such approval shall be on a first-come, first-served basis. No new non-digital billboards will be approved by the City; and
   b. Shall only be permitted in commercial and industrial zoning districts, including commercial and industrial mixed-use zoning districts, and within commercial or industrial land uses identified on an approved Community Master Plan (CMP) or Planned Area Development (PAD) land use plan; and
   c. Must be adjacent to Interstate 10 (I-10) or State Route 85 (SR-85). Placement of the digital billboard shall be within 175-feet of the nearest freeway travel lane or freeway interchange travel lane but no closer than 10-feet from the edge of the freeway right-of-way.

[18] ORD. 10-13; 6/18/2013
[19] ORD. 16-13; 11/5/2013

2. Separation

a. All separation requirements shall be irrespective of Buckeye's corporate boundary.

b. 1,320 feet from all residential structures constructed prior to the approval of the digital billboard and as measured from the base of the digital billboard to the nearest portion of the nearest residential structure.

c. 500 feet from all residential (single-family or multi-family) zoning districts established prior to the approval of the digital billboard and as measured from the base of the digital billboard to the property line of the nearest residential zoning district.

d. In the case of Community Master Plans (CMPs) and Planned Area Developments (PADs), the separation shall be 500 feet from any land use area or zone in which residential (single-family or multi-family) uses are permitted uses and as measured from the base of the digital billboard to the nearest property line of the nearest land use area or zone in which residential is a permitted use.

e. 1,320 feet from any other digital billboard or existing static billboard on the same side of the freeway.

f. 500 feet from any new or existing freeway-oriented identification sign on the same side of the freeway.

3. Development Standards

a. Sign shall have a maximum height of 45 feet as measured from the adjacent grade of the freeway roadway to the top of the sign. In no case shall the maximum height exceed 65 feet as measured from the base of the billboard pylon to the top of the sign.

b. Shall not exceed 672 square feet in area, excluding detailing and embellishments around the sign face, with a maximum vertical facing dimension of 14 feet and a maximum horizontal facing dimension of 48 feet.

c. Shall include no more than two faces, which are not permitted to be vertically or horizontally stacked. Digital billboards that are parallel double-sided or "V" (45-degree maximum angle) shaped shall be considered one structure with each facing subject to the size requirements established above.

4. Design Standards

a. Luminance & Illumination

(i) With the exception of amber alerts and emergency messaging, all digital billboard light sources shall be extinguished from 11:00 P.M. until sunrise.

(ii) May be illuminated internally. In no instance shall external lighting be permitted.

(iii) From sunset to 11:00 P.M., the following illumination standards apply to all digital billboards:

(1) Luminance

The luminance of all digital billboards shall not exceed 300 nits in full white mode.

(2) Illuminance

(a) The illuminance of a digital billboard shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the digital billboard off, and again with the digital billboard displaying a white image for a full color capable digital billboard, or a solid message for a single-color digital billboard. All measurements shall be taken perpendicular to the face of the digital billboard at a distance determined by the following formula:

Measurement Distance = √ (Area of Digital Billboard in sq. ft. x 100)

(b) The difference between the off and solid-message measurement shall not exceed 0.3 footcandles.

(c) Shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

(3) Conflict Resolution

In the event of a conflict between subsections (1) and (2) above, the most restrictive standard shall prevail.

b. Messaging

(i) Shall be programmed so that one static message or image is displayed at all times or that multiple static messages or images may be displayed provided the sign changes no more than once every 8 seconds.

(ii) There shall be no video, effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual static digital message or in the transition between messages, and the transition time shall be instantaneous between messages.

(iii) Shall contain a default design that will freeze the device on a single message or shut down if a malfunction occurs. If the

ambient light meter fails, the digital billboard shall immediately shut down.

(iv) Shall not simulate or imitate a directional, warning, danger or informational sign if it is likely, at the discretion of the City Engineer, to be mistaken for any such permitted sign or it is intended or likely to be construed as giving warning to traffic, such as by the use of the words "stop" or "slow down".

c. Architecture

(i) The billboard pylon shall be clad in high-quality masonry or other durable, quality materials. The pylon shall be designed to a high architectural standard and if located within an existing development, the pylon shall be designed to meet or exceed the architectural standards within the development.

(ii) "Buckeye", "Buckeye, AZ" or the City of Buckeye logo shall be integrated into the pylon design. The text/logo shall be constructed of dark-colored metal or other durable, fade-resistant material and halo lit.

5. Approval

In addition to the issuance of a sign permit, all digital billboards require site plan approval in accordance with the City Council Site Plan Review requirements as outlined in Section 8.9 of the 2010 City of Buckeye Development Code.

6. Integration into New Development

If the digital billboard is located on an undeveloped parcel, upon issuance of a building permit on that parcel, the digital billboard must be removed or integrated into the overall signage plan for the development. If the digital billboard is integrated into the overall signage plan for the development, the digital billboard sign area shall count against the overall free-standing signage allowed.

7. Conversion of Existing Billboard to Digital Billboards

Billboards in existence prior to the adoption of this ordinance shall be permitted to continue in use and may be eligible for conversion to a digital billboard subject to the standards outlined in this section. If an existing billboard is converted to a digital billboard, Arizona Department of Transportation must be notified of the conversion.

5.12. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

5.12.1. Single-Family Residential 43 (SF-43)

A. Sidewalks

Sidewalks are not required. Bridle paths, trails, and similar types of improvements are encouraged where appropriate.

B. Lighting

Street lighting is not required. For safety reasons, lighting may be required at all major intersections. Lighting on private property shall be in accordance with Section 5.10, *Exterior Lighting*.

C. Fencing

Project perimeter fencing shall be required. An open design is encouraged. The design of project perimeter fencing shall be consistent and compatible with all other types of fencing allowed. Perimeter fencing for each lot is optional. Notwithstanding Section 5.4.5, *Fences, Walls, and Screening*, higher fencing in front setback areas may also be allowed if deemed appropriate. Design standards and specifications for fencing are to be included in CC&Rs recorded with the plat.

D. Natural Vegetation

All lots containing natural (undisturbed) desert vegetation are not to be graded, disturbed, or cleared beyond the identified building envelope in the initial construction of a subdivision. Regulations on the ongoing use and maintenance of areas containing natural vegetation must be contained in the CC&Rs recorded with the plat.

E. Drainage

Natural drainage areas outside of designated building envelopes must be preserved. Care is to be taken when establishing the building envelope to locate outside existing drainage areas. A natural drainage area is within 25 feet of where water collects or drains in the course of a storm event.

5.12.2. Mixed-use Districts

A. General Standards for All Mixed-Use Districts

1. Block Pattern

The layout of any development site five acres in size or larger shall be designed to reinforce a pattern of individual blocks.

a. Blocks shall be designed as an extension of the surrounding neighborhood, aligning with and connecting to adjacent streets and mirroring the scale and orientation of adjacent blocks (for residential areas of the activity center).

b. On large sites or where block consolidation is proposed (by right-of-way abandonment), special consideration shall be given to pedestrian and vehicular circulation patterns and access to surrounding neighborhoods.

c. New development shall establish a regular pattern of blocks to the extent feasible to avoid creating especially large blocks that limit pedestrian and vehicular circulation. Maximum block lengths shall be limited to 660 feet x 660 feet. Blocks shall be measured from street edge to street edge, regardless of whether the street is public or private.

2. Streetscape Design and Character

The following standards apply in lieu of the standard City sidewalk requirements.

a. Public Sidewalks Required

In order to create an environment that is supportive of transit and pedestrian mobility, public sidewalks shall be provided along both sides of all streets in the mixed-use districts. Such sidewalks shall be at least 16 feet in width and no more than 18 feet in width, unless otherwise approved as part of the design review process. The 16-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 16-foot minimum requirement, with a sidewalk easement provided. Sidewalks shall be organized into two distinct areas: a street tree/furniture area located adjacent to the curb, and a clear area.

(i) Street Tree/Furniture Area

The street tree/furniture area shall have a minimum width of six feet (from face-of-curb) and shall be continuous and located adjacent to the curb. The area shall be planted with street trees at an average spacing of 20 feet on center, based on the mature canopy width of the tree species selected. The area also is intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility, and subject to applicable requirements of this Code.

(ii) Clear Area

The clear area shall be a minimum width of six feet, shall be hardscaped, and shall be located adjacent to the street tree/furniture area. The clear area shall be unobstructed by

any permanent or nonpermanent element for a minimum width of six feet and a minimum height of eight feet. Additional sidewalk width located between the clear area and the building may be used for outdoor dining or seating areas.

(iii) Supplemental Zone

A supplemental zone may be provided at the option of the applicant between the street-facing facade and the required clear area, to provide additional areas for outdoor dining, porches, terraces, landscape and water features, and plazas. A supplemental zone, if provided, may be a maximum of 20 feet deep and may extend up to 30 percent of the linear frontage of the development. The supplemental zone shall not provide any parking or vehicle circulation areas.

b. Building Placement

At least 75 percent of the building facade facing a public street shall be brought up to the clear area, or supplemental zone if provided.

c. Sidewalk Entries

Sidewalk entries to buildings shall occur at a maximum of every three ground level units or 75 feet for retail/commercial frontages. ADA requirements shall be met by internal ramping.

d. Utilities

Transformers, switchgear, and related utility service equipment shall not be located above-ground in pedestrian access easements. Building service panels are to be located on the inside of all buildings.

e. Paving

Paving is intended to highlight or accentuate special areas along the ground plane while at the same time complementing the design of adjacent building and streetscape elements.

(i) Crosswalks

All crosswalks shall be pavers or stamped concrete. Pavers shall be installed over a concrete sub-base, and meet the minimum design rating for heavy vehicular traffic loads. All crosswalk paving shall be approved by the public works department. Property owners are responsible for the cost of crosswalks across private streets only.

(ii) Sidewalk Paving

Sidewalk paving along the mixed-use development primary streets and secondary streets shall include accents areas of

pavers or stamped concrete comprising a minimum of 30 percent of the paved walkway surface. All sidewalk paving shall be installed over a subgrade approved by the public works department and shall be maintained by the adjacent property owner.

3. Minimum Transparency

a. In all mixed-use districts, a minimum percentage of the total area of each nonresidential, street-level building facade that abuts a public street, transit corridor or station, plaza, park, or other public space, shall be comprised of transparent window openings to allow views of interior spaces and merchandise, to enhance the safety of public spaces by providing direct visibility to the street, and to create a more inviting environment for pedestrians. Minimum percentages shall vary by location as follows:

(i) NMU District: 35 percent

(ii) CMU and RMU Districts: 50 percent

b. For the purposes of the above standard, all percentages shall be measured using elevation views of the building plan and "street level" shall be measured from floor-plate to floor-plate. Glazing on all ground floor windows shall have a minimum Visible Light Transmittance of 0.65 and a maximum Visible Light Reflectance of 0.2, and black or mirrored glass is prohibited.

c. Glazing required by this Code should be concentrated in areas of high pedestrian activity and, to maximize energy efficiency, should be used in conjunction with shade features required and encouraged by this Code, including awnings, shaded sidewalks, deeply recessed windows, and covered porches or arcades.

d. Transparent glazing required by this Code shall be maintained without interior or exterior obstructions that substantially limit visibility, including, but not limited to, window signs, interior shelving, or window coverings (except window blinds) during hours of business operation. This section shall not apply to signage, shelving, displays, or the like, set back at least three feet from the glazing surface.

4. Pedestrian Amenities

In all mixed-use districts, ground-floor facades that face public streets or other public areas (e.g., outdoor gathering spaces, parks or open space, parking areas) shall incorporate pedestrian-oriented design features along no less than 60 percent of their horizontal length. Pedestrian-oriented design features may include arcades, display windows, entryways, awnings, or other features approved by the Director. Shaded sidewalks required by this Code that are part of the building design may be credited toward this standard, as well.

5. Mix of Uses Encouraged

A diverse range of commercial, office, residential, and civic uses is desired within the mixed-use districts. The appropriate mix of uses for each district will vary by its location, size, and the surrounding development contexts. Generally, larger sites located in areas where higher levels of activity are desirable should have a greater mix of uses than smaller sites.

6. Ground-Floor Uses

a. Intent

The incorporation of commercial uses such as retail shops and restaurants at the street level is strongly desired within the mixed-use districts to promote a more active environment for pedestrians and support residential and office uses located within the same building (on upper floors) or nearby.

b. Standards

(i) Location

Commercial uses shall be concentrated adjacent to transit stops, major public spaces, and in other areas where a high level of pedestrian activity and visibility is desirable. If a limited portion of a structure's ground level will be devoted to commercial space, such space shall be located along those facades adjacent to or most visible from transit corridors, primary street frontages, or major pedestrian walkways.

(ii) Design and Use of Commercial Space

Although the ground-floor commercial spaces may be used for residential units/office use, they should be designed for easy conversion to retail/commercial uses and shall be constructed to commercial standards. Where provided, ground-floor area for nonresidential uses shall be constructed to nonresidential construction standards to a depth of a minimum of 30 feet. Leasing offices, fitness centers, and related accessory uses in residential developments may count toward meeting this requirement.

(iii) Parking Structures

Within the mixed-use districts, parking structures shall be wrapped by retail, office, or residential uses along at least 60 percent of the ground-floor street frontage on all public and private streets.

7. Residential Uses

Residential uses shall be incorporated within a mixed-use development to be visually and/or physically integrated with nonresidential uses.

This shall be achieved by ensuring that residential uses meet at least two of the following:

a. Residential uses are vertically located above street-level commercial uses;

b. Residential uses are horizontally integrated into site development to provide a transition between the highest intensity uses within the center or development and the adjacent neighborhood;

c. No internal block walls are used that separate residential and nonresidential uses from each other; and

d. A pedestrian circulation system (i.e., sidewalks, crosswalks, trails, etc.) is provided that reduces conflict between pedestrian and vehicular movements and increases pedestrian activity between residential and nonresidential uses.

8. Parking Standards for Mixed-Use Districts

The purpose of parking area requirements is to ensure that the parking areas themselves are not the dominant feature of the mixed-use development. These requirements severely restrict on-site surface parking (other than incidental parking in association with residential development leasing offices, or head-in or parallel spaces to support retail uses) and encourage physical consistency throughout the development, including the appearance of parking garages. In all mixed-use districts, the following standards apply:

a. Allowable Parking

Parking areas shall be limited to structure or below-grade with the exception of on-street parking and minimal surface parking areas to support retail uses or stand-alone restaurants. On-street parking shall not be designated per individual business or occupancy but may count toward the minimum parking requirements for the entire structure along the adjacent frontage. Parallel parking, head-in parking along streets, and/or minimal surface parking is permitted subject to approval through the site plan or development plan process.

b. Parking Location

Off-street parking is prohibited between the principal street and the corresponding street-facing facade line.

c. Parking Lot Screening

In all mixed-use districts, all surface parking lots adjacent to a public street shall be screened using one of the following methods below:

(i) An informal hedge at least three feet in height at maturity consisting of a double row of shrubs planted three feet on-center in a triangular pattern; or

(ii) Berming of the grade to at least 2 ½ feet in height above the finish grade of the parking lot, and with slopes no greater than 2:1. Slopes shall be covered with shrubs spaced a maximum of three feet on center.

9. Driveways

Like parking garages, driveways are not intended to dominate the streetscape of a transit oriented development. These requirements are intended to promote pedestrian-oriented design that minimizes conflict with vehicular uses. Curb cuts shall be limited to no more than one per 200 feet of development street frontage. Requests for additional curb cuts beyond this amount will be reviewed and determined based on demonstrated need and safety considerations.

10. Material and delivery loading areas

Material and delivery service areas, while necessary, are to be screened as completely as possible from the adjacent streets. Placement: The placement of loading or service areas shall be subject to approval as part of the site plan or development plan.

B. Additional District-Specific Standards for the NMU Neighborhood Mixed-Use District

The following district-specific standards apply to all development in the NM district.

1. Building Footprint

Establishment of single-tenant nonresidential buildings exceeding 5,000 square feet and multiple nonresidential tenant buildings exceeding 15,000 square feet shall require a conditional use permit.

2. No Park/Drive Zone

Parking, drive aisles, and/or drive thrus shall not be permitted between the building and front/corner yard landscape buffer on the side.

C. Additional District-Specific Standards for the CMU and RMU Regional Mixed-Use Districts

The following district-specific standards apply to all development in the CMU and RMU districts.

1. Outdoor Gathering Areas and Pedestrian Amenities

a. All site plans five acres in size or larger shall devote a minimum of two percent of the net site area to one of the following types of outdoor gathering spaces or pedestrian amenities:

(i) A landscaped private common open space for use of the residents, employees, and visitors to the development;

(ii) A playground, patio, or plaza with outdoor seating areas, provided such feature has a minimum depth and width of 10 feet and a minimum total area of 300 square feet. The area shall include pedestrian amenities to support these places as gathering areas; or

(iii) A combination of the above-listed amenities.

b. To the maximum extent feasible, where significant natural and scenic resources exist on a site, the developer shall give priority to their preservation as an outdoor gathering area to fulfill the requirements of this section.

c. The following shall not be counted towards the requirements of this section:

(i) Private yards;

(ii) Public or private streets or rights-of-way; and

(iii) Parking areas and driveways for dwellings.

(iv) Outdoor gathering areas shall be located so as to be readily accessible and useable by residents of or visitors to the development.

5.12.3. Office

Any retail use may be located in the PO district only within a building that also contains permitted and related non-retail uses. Such retail uses shall be limited to 30 percent of the gross floor area of the building. No outdoor storage or merchandise display is allowed.

5.12.4. Community Master Plan and Planned Area Development Overlay Districts

The requirements of the general zoning district(s) in which the property is located shall remain applicable within the CMP or PAD overlay district, except as modified within the approved CMP/PAD approval. In no case may a CMP or PAD approval be allowed to modify the following standards, except as may be approved through a variance or minor modification:

A. Section 5.2.2, *Hillside*

B. Section 5.2.4, *Protection of Native Plant Species within Pristine or Environmentally Sensitive Areas*

5.12.5. Downtown[20]

The purpose of the Downtown Overlay is to preserve and enhance Buckeye's unique rural downtown historic character. The overlay also protects the identity of a

[20] Appears as established by Ordinance No. 19-12; October 16, 2013

downtown main street, by developing standards and creating allowances that promote a downtown to be an economically viable part of the City by encouraging revitalization with new commercial and residential infill development. Downtown Buckeye reflects a pedestrian and mixed use area that is supported by a Governmental Center.[21]

A. Downtown Boundary

The Downtown Area is shown on the "City of Buckeye Downtown Boundary Map." The boundaries of the Downtown Area are generally bounded by Miller Road on the west, Maricopa Road on the north, 239th Avenue on the east and Irwin Avenue/Beloat Road on the south.[22]

The Downtown boundaries are designated in two areas, Area I and Area II. Area I is intended to be the core area where most of the new standards and allowances in this Section occur. Area I is centralized around the "Monroe Avenue Corridor" (located between Miller Road and 9th Street on Monroe Avenue) and many of its directly adjacent commercial and residential uses. Area II was also considered to be part of the original core area or a gateway into the core area of the City. Since Area II is located on the outskirts of the "Monroe Avenue" Core it was not given as many allowances.

B. Signage

Signs are an essential element that defines the character of a Downtown Area. They are the initial communication between a business and a customer. As such, they must be attractive, easy to read and compliment the architecture of the building, while providing adequate identification of the business. The City's desire is to encourage unique and distinctive signage Downtown which may not be found or allowed in other areas.

1. Standards and Guidelines-General

The following types of signage shall be permitted pursuant to the issuance of a Sign Permit and compliance with the established standards and guidelines.

a. General

(i) Encourage the use of signs that reflect the pedestrian scale of downtown.

(ii) Signage should have the capability of being illuminated in the evening, although the source of light must be hidden or shielded from the direct view of motorists or pedestrians. However, neon, LED and digital signs are allowed.

[21] This overlay is adopted pursuant to A.R.S. Section 9-462.01(D), as an "overlay zoning district" that includes regulations that modify and not replace the existing zoning district regulations currently applicable to the properties within the overlay.

[22] Boundaries established by Ordinance No. 19-12, October 16, 2013

(iii) A sign's letters should not appear to occupy more than 75% of the sign panel area.

(iv) Building numbering is required and the location and size shall be approved by the Fire Department.

(v) Each business area shall be permitted a sign area of 32 square feet.

b. Freestanding/Monument Signs *(See Table 5.12-1: Maximum Size Allowed for Freestanding Signs in Downtown)*

(i) Must be located within the front setback and must be at least five feet from the building.

(ii) Must be at least five feet from the property line and not blocking any site visibility lines.

(iii) The height must not exceed the height of the principal structure.

(iv) An architectural enhanced base is required for monument signs.

(v) Sign area is calculated by sign panel or copy area, architectural embellishments will not be calculated as part of the sign area.

TABLE 5.12-1: MAXIMUM SIZE ALLOWED FOR FREESTANDING SIGNS IN DOWNTOWN

Uses	Maximum Sign Height (Feet)	Maximum Sign Area (Square Feet)
Multi-family /Office	5	20
Single-tenant commercial Mixed-use	8	32
Multi-tenant commercial	12	48

c. Wall Signs

(i) Rectilinear box wall cabinet signage is prohibited. Individual pan-channel letter signs, metal, wood, etc. signs are allowed.

(ii) Wall Signs shall fit proportionally with building massing and architectural features of the elevation.

(iii) Wall Signs Facing Residential Uses. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:

(1) Not be illuminated

(2) Not exceed 6 square feet in area

d. Awning Signs

(i) Locate signage text on the valance of the awning or the edge of the canopy.

(ii) Shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.

e. Window Signs

(i) Web addresses and telephone numbers are encouraged on windows.

(ii) Paint on windows shall be prohibited except during the promotion of temporary holiday events/sales.

(1) The painted signs are limited to 30 days at a time with 15 days between promotions and shall not be painted more than 180 days a year.

(iii) Letter height on window signage is recommended to be a minimum of six inches tall.

(iv) Window signage is allowed to cover up to 25 percent of the total window area on the building.

(v) Select a letter color that is in high contrast from shadows created by the store display.

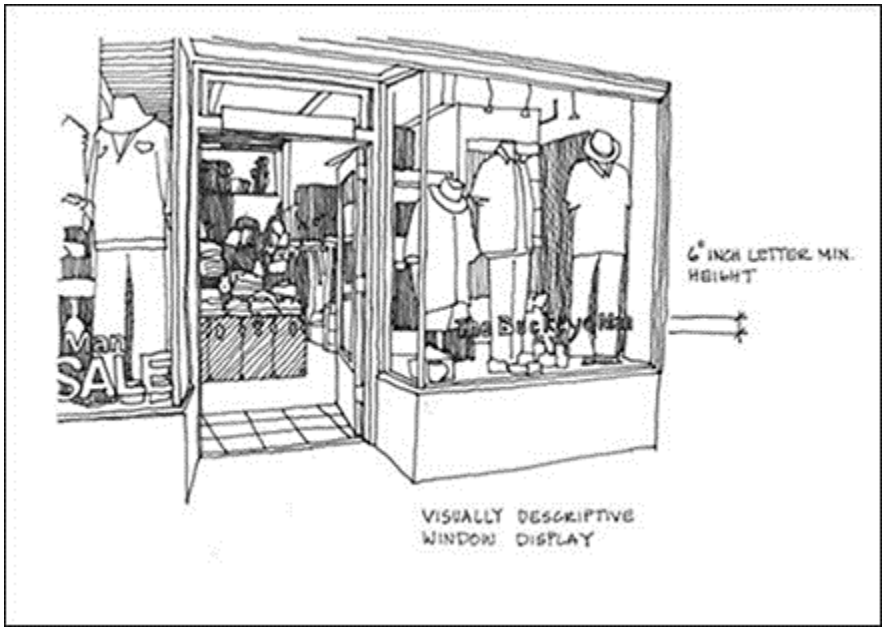


Figure 5.12-A: Window Signage

f. Home Occupation Signs *(See Table 5.12-2: Extended Table of Home Occupations Downtown)* in conjunction with Section 10.3.4, shall allow for a non-illuminated sign not to exceed three square feet.

(i) The design and placement shall be approved by the Development Services Department.

(ii) A three square foot sign can be attached to the primary residence, or

(iii) A three square foot monument sign can be placed on the property perpendicular to the ROW, as long as the sign including the base is not taller than three feet.

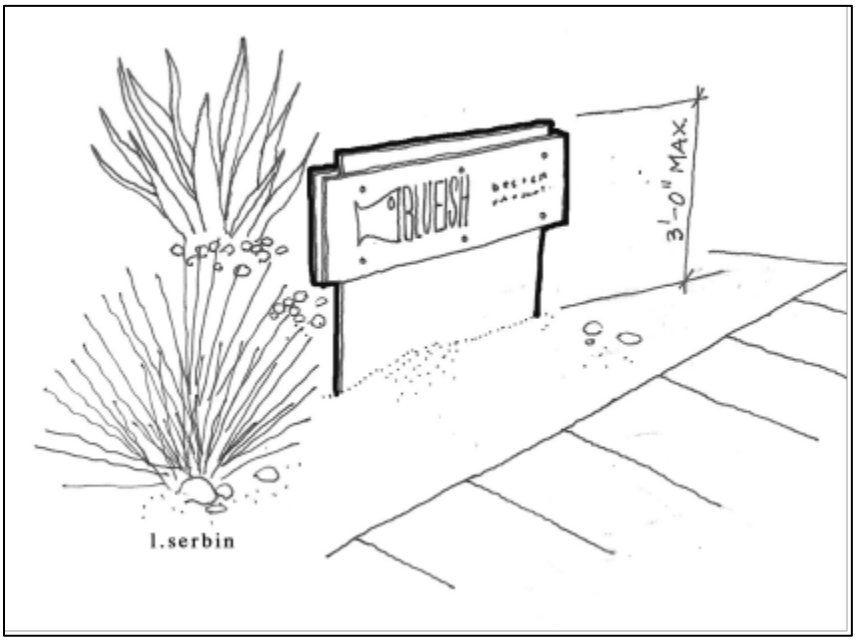


Figure 5.12-B: Home Occupation Sign

2. Signage- Area I

a. Roof Mounted Signage

(i) Permitted along Monroe Avenue.

(ii) Cannot not extend more than six feet above the roofline.

(iii) A height greater than six feet can be approved by the Director taking in consideration the height of the pre-existing historic sign.

b. Monument signs can be located on the property line with the Director's approval.

c. Temporary Signs

d. Allow use of sandwich or "A-frame" signs during regular business hours.

(i) On-Site A-Frame Signs

(1) Placement must allow for a minimum 3 foot pedestrian pathway to/from all building entrances and exists.

(2) Shall not exceed 4 feet in height and 3 feet in width.

(3) Shall be constructed of durable materials with a stable, weighted base.

(4) Shall be limited to one per business or tenant per public street frontage.

(5) Shall not be illuminated or animated in any way.

(6) Except as otherwise specified in this Section, A-frame signs shall only be displayed during normal business hours of operation.

(7) Shall not be placed upon, affixed or attached to any object, including, but not limited to, light poles, trees, traffic signals, benches, tables, street signs, fencing, or bike racks.

(ii) Off-Site A-frame Signs

A-frame signs may be placed off-site if all of the following standards are met, in addition to meeting the standards of Section 5.12.2.C.i:

(1) Must obtain written approval of the property owner of record for the property where the sign is to be located.

(2) A site plan depicting the location of the off-site A-frame sign must be submitted and approved by the City prior to the placement of the sign.

e. Suspended Signs

(i) Buildings with a front setback of zero to 10 feet are encouraged to have double-sided attached perpendicular signs.

(ii) The bottom of the sign must have seven feet of clearance.

(iii) Symbolic and historic three-dimensional signs such as barber shop poles and appropriately-sized projecting signs are allowed.

(iv) Creatively shaped signs are encouraged.

(v) Suspended Signs are not included in the total allowable business sign area.

C. Lighting

Lighting in the downtown should serve to illuminate façades, entrances and signage and provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings. The following lighting is allowed in the downtown area:

1. Standards and Guidelines- General

a. Shielded Security Lighting is required along service entrances and along alleys for all commercial buildings.

b. Ornate or accent lighting that enhances the building or property is encouraged.

c. Roof mounted sign may only be illuminated internally or with down lighting.

d. "Shoebox" site lighting is prohibited. Site lights need to be architecturally sensitive to the building architecture.

e. Lights may not be exposed beyond the lighting array

f. Buildings on a zero foot setback will be allowed to have down lighting spillover the property.

g. Lighting under covered awnings or arcades is required.

h. All lighting must be in accordance with ARS § 49-1101 et seq.

D. Building Materials

Building materials and color should help establish a human scale and provide visual interest. The predominant color should be respectful to the architectural style of the building and compatible with buildings in the Downtown District. These materials are listed in addition to Section 5.8.3 F.

1. Standards and Guidelines- General

General Materials should appear similar to those used historically. Appropriate building materials include, but are not limited to:

a. Primary Building Materials:

(i) Smooth Stucco

(ii) Brick

(iii) Striated Brick (raked or directional grain brick)

(iv) Adobe Block

(v) Integral Colored Concrete Masonry Unit (CMU)

(vi) Terra cotta

(vii) Architectural Cast Concrete

b. Secondary or Accent Materials (not to be used for more than 20 percent of the building façades)

(i) Steel

(ii) Standing Seam Metal

(iii) Stamped Metal

2. Building Colors-

a. Primary colors or other brilliant colors are to be only used as an accent on the building or for corporate logo colors.

b. No more than 10 percent of any commercial building façade shall use primary (red, yellow or blue) or other brilliant non-earth tone paint color.

c. No commercial building may use paint colors with a Light Reflective Value (LRV) greater than 60 percent.

d. Fluorescent colors are prohibited.

E. Landscape/ Shading

Plants serve multiple purposes and improve the aesthetics of an area by providing color, texture, and visual interest. Plants also assist in defining spaces and compliment building architecture. Landscaping/shading treatments should be used to enhance the pedestrian experience and compliment architectural features.

1. Buildings with a 0-foot front setback have no minimum landscape requirement.

2. Unless existing site conditions limit on-site landscaping, all property must meet the standards provided in Section 5.4.3 Landscaping Required of this Code.

3. Shade structures, awnings, canopies and covered arcades are encouraged. A shade structure, awning or covered arcade may be allowed in public right-of-way with a proper encroachment permit.

a. Awnings and canopies must have a minimum 3 foot projection from the building and a maximum of 6 feet.

b. Covered arcades and covered walkways must go to the edge of sidewalk on buildings with a 0 foot setback.

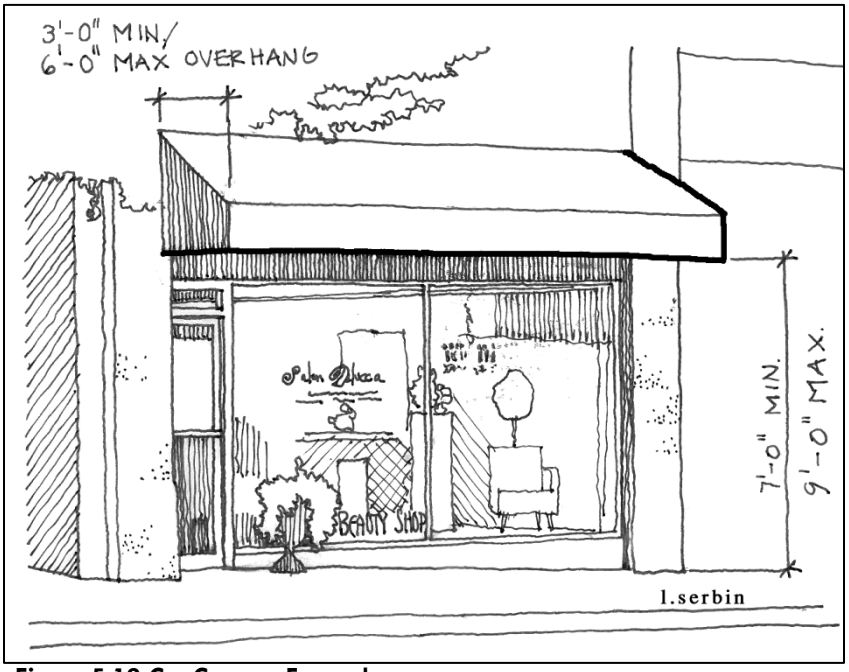


Figure 5.12-C: Canopy Example

F. Screening

Screening of mechanical equipment is used to keep an area aesthetically appealing to residents and visitors of domiciles and businesses. The downtown

area has a mix of uses with no traditional suburban-style development buffering. This unique situation makes the need for screening mechanical equipment from the public view essential to this area.

1. Utility areas and mechanical equipment should be located so that they do not detract from the aesthetic appeal of the district.

2. Whenever practicable, relocate or screen outdoor utilities and mechanical equipment from public view from adjacent streets. If the screening detracts from the architecture of the building or aesthetics of the area, a waiver of this requirement may be issued by the Development Services Director.

3. Landscape screening is acceptable.

4. Consider the impact of fencing and walls on adjacent commercial to residential properties.

G. Setbacks

The downtown area is comprised of many different plats and lots. Some of the plats had implied setbacks and others had recorded standards. Some of the commercial buildings were developed by standards of the time. Due to pre-existing conditions, there is no uniform standard for commercial or residential setbacks.

Commercial

Traditional commercial setbacks in a downtown area range from 0 to 15 feet encompassing an entry treatment for the business establishment. The current development code primarily addresses only strip-center or pad type of development with setbacks large enough to allow parking along street frontages. This approach is counter-productive in a downtown setting.

a. Maximum building front setback is calculated using the average of the two adjacent building front setbacks.

Residential

Design setbacks to reflect the existing streetscape including the location of other buildings on the block. An appropriate setback can be determined by drawing an imaginary line along the front facades of the buildings on a block. Unlike a more suburban setting, the primary building facades should be located parallel to the street. Please refer to Section 5.7-A Residential Infill.

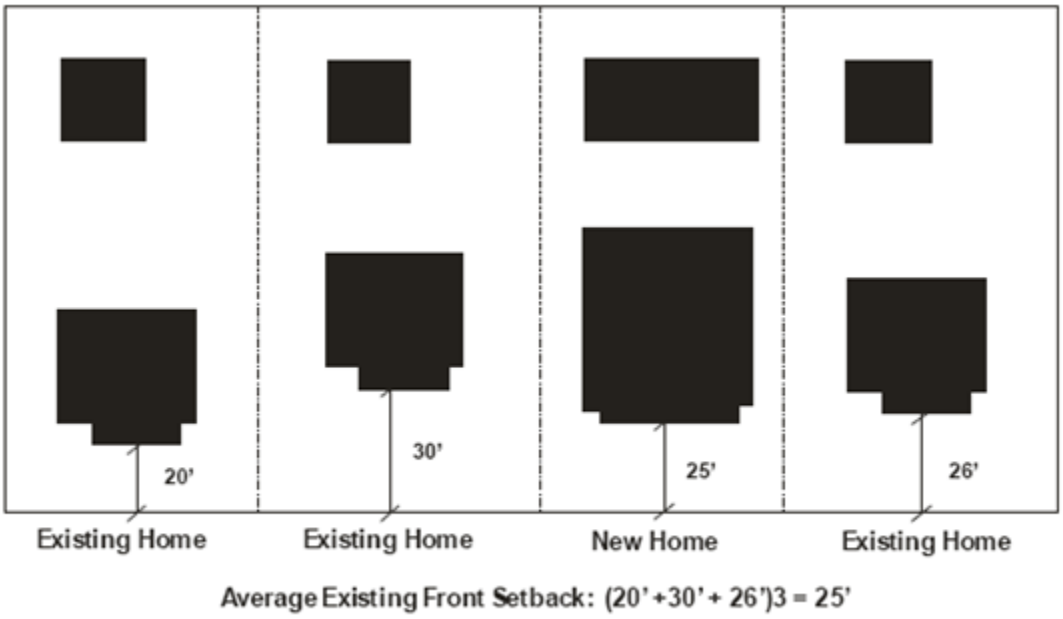


Figure 5.7-A: Example of Contextual Front Building Setback

H. Parking

The downtown area does not have contemporary suburban commercial and residential development. In an area that has established uses, not every commercial building has available space for parking. What makes downtown unique is the availability of on-street and common off-street public parking and pedestrian activity.

1. If on-site parking is utilized, the parking shall be designed to the rear or sides of the building. Parking within a front setback area shall be prohibited.
2. If traditional parking is not feasible, please refer to Section 5.6.7B Parking Alternatives of this Code.
3. Sole on-street parking may be utilized.

I. Conversion from Single Family Dwelling to a Commercial Use

The downtown area has residential homes that currently have commercial zoning. The downtown area also encourages adaptive reuse. This means that the need for converting residential uses to commercial uses is present and will need guidelines and regulations.

1. Locate parking off-site. If parking is necessary on-site, it must be located in the rear or sides only.
2. On-site parking should be screened from adjacent residential properties.

3. Landscape area in the interior of the lot as well as the street frontage shall be in conformance to Section 5.4.3 Landscaping Required.

4. Create a pedestrian walkway or corridor from the parking area to the building entrance using a change in material.

TABLE 5.12-2: EXTENDED TABLE OF HOME OCCUPATIONS IN DOWNTOWN
P=Permitted C=Conditional

Use Category	Use Type	Area 1	Area 2
Food Service	Baked Goods or prepared Meals (Delivery or Pick-up)	C	C
Personal Services	Massage Therapy	P	P
	Naturopathic Medicine	P	P
	Chiropractor/Acupuncture	P	P
	Personal Training	P	P
	Palm Reading/ Fortune Telling	P	C
	Tutoring	P	C
	Music Lessons	P	C
Retail	Web Based	P	P
Office	Personal Office	P	P
Visitor Accommodation	Bed and Breakfast	P	-
Services	Art Studio	P	C
	Music Studio	P	C
	Custom Wood-working	C	C

ARTICLE 6: LAND SUBDIVISION

6.1. GENERAL PROVISIONS

6.1.1. Intent

This Article is intended to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City by:

A. Promoting well-defined, sustainable neighborhoods that enhance the City's character and are compatible with adjoining lands;

B. Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;

C. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient, and pleasant walking, biking and driving;

D. Providing a variety of lot sizes and housing types in every neighborhood;

E. Protecting sensitive natural and historic areas and the City's environmental quality;

F. Providing protection from natural hazards and flood prone areas; and

G. Ensuring compliance with the General Plan.

6.1.2. Applicability

A. General

Unless exempted in subsection B., this Article shall be applicable to all subdivision of land within the City that results in the partitioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions created by an exercise of the power of eminent domain by an agency of the state or the City.

B. Exemptions

The standards of this Article shall not apply to:

1. Creation or realignment of an easement; and

2. Adjustment of the boundary line or the transfer of land between two adjacent property owners that does not result in the creation of any additional parcels.

C. Approvals Required

Before a preliminary plat for a subdivision shall be approved, the owner or authorized agent shall apply for and secure approval pursuant to Section 8.8, *Subdivision*.

6.1.3. Safety and Public Facilities

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

Land shall not be subdivided until proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other public improvements.

6.1.4. Engineering And Construction Plans

A. Registered Engineer

It shall be the responsibility of the subdivider to have an engineer registered in the State of Arizona, prepare a complete set of engineering plans in accordance with all applicable City Codes, for the construction of all required improvements. Such plans shall be in conformance with the approved preliminary plat.

B. City Engineer Approval

All plans and supporting engineering reports for subdivision improvements shall be reviewed and approved by the City Engineer. All improvements shall be in accordance with the approved preliminary plat and all City standards, policies, and requirements.

6.1.5. Limitation on Conditions

A. In approving subdivisions, the City Council shall be authorized to impose such conditions upon the premises as may be necessary to carry out the general purpose and intent of this Development Code. Any conditions imposed on a development approval shall be based upon adopted standards that are: (a) contained in this Development Code, adopted plan or other document adopted by the city, and (b) sufficiently specific to ensure that the condition is imposed in a consistent and rational manner. Under no circumstance shall these provisions be interpreted to waive any responsibility to the public in the enforcement of provisions contained herein, where such conditions are necessary to protect public health, safety, and general welfare.

B. Any condition imposed on a development approval that would require the applicant to dedicate real property to the public or to pay money to the public in an amount that is determined on an individual and discretionary basis shall only be imposed if: (a) there is an essential nexus between the dedication or payment and a legitimate local government interest; and (b) the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of such property.

6.2. TYPES OF LAND DIVISION

6.2.1. Subdivision

"Subdivision" means improved or unimproved land or lands divided for the purpose of financing, sale, or lease, whether immediate or future, into four or more lots, tracts, or parcels of land; or, if a new street is involved, any such property that is divided into two or more lots, tracts, or parcels of land. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project

containing four 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.

6.2.2. Minor Subdivision

A minor subdivision is a subdivision that creates three or fewer lots, tracts, or parcels.

6.2.3. Land Split

A land split is the division of improved or unimproved land whose area is two and one-half acres or less into two or three tracts or parcels of land for the purpose of sale or lease, as defined in A.R.S. § 9-463.

6.3. DESIGN STANDARDS

6.3.1. Minimal Standards

The design standards in this Article are minimum standards. The City, at its discretion, may impose more restrictive standards when it finds that they are necessary to preserve and protect public health, safety, and welfare..

6.3.2. Compliance with General Plan and Development Code

All subdivisions shall comply with all other applicable zoning, design, and development regulations set forth in this Development Code, including but not limited to:

A. The Buckeye General Plan;

B. The requirements of the zoning district in which the property is located (Articles 2, 3, and 4); and

C. Applicable development and design standards (Article 5).

6.3.3. Suitability for Subdivision

Land subject to hazardous conditions such as floods, mud flows, rock falls, possible mine subsidence, mine shafts, shallow water table, open quarries, and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been mitigated or will be mitigated by the subdivision and construction plans.

6.3.4. Streets

All public and private streets shall comply with the City of Buckeye Standard Engineering Specifications and Section 5.4.3, *Streets and Vehicular Circulation*, and in addition shall comply with the following standards.

A. Coordination of Streets

1. All new streets shall intersect with surrounding existing streets at safe and convenient locations. Collector, local, and minor residential streets shall connect with surrounding streets where necessary to allow

convenient movement of traffic and reasonable access for emergency vehicles, but connections shall not be permitted where the effect would be to encourage the use of such streets by cut-through traffic.

2. When connections to surrounding streets are proposed or required by the City, public right-of-way shall be dedicated and streets developed to existing paved rights-of-way.

3. The City may also require temporary hammerheads or turnarounds to be constructed for temporary cul-de-sacs between development phases.

B. Street Intersections

1. Streets shall intersect as nearly as possible at right angles, and no more than two streets may intersect at any one point.

2. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than required by City engineering standards, and in no case less than 150 feet.

C. Street Design Standards

1. Streets shall be related appropriately to expected use. Streets shall be designed as set forth in the City of Buckeye Standards Engineering Specifications and as warranted by an approved Traffic Impact Analysis.

2. Streets constructed according to the City of Buckeye Standard Engineering Standards shall provide a standard curb, gutter and sidewalk.

3. Other suitable designs and materials may be approved for the construction of streets, curbs and sidewalks when in the opinion of the Planning Commission, such methods would be more environmentally desirable or more in keeping with the design of the development or neighborhood.

4. All Collector Streets, Minor Arterial Streets, and Major Arterial Streets shall have a landscaped median, which is to be constructed by the property owner/developer.

D. Bridges

All bridges shall be constructed according to applicable Arizona Department of Transportation and City standards.

E. Fire Hydrants

1. Every new development (subdivided and unsubdivided) that is served by a public water system shall include a system of fire hydrants which are constructed according to MAG standards.

2. The Fire Chief shall determine the precise location, number and type of all hydrants depending on the location, building size, density and lot size of the subject development.

3. Water lines that serve hydrants shall be at least six (6) inch diameter, and unless no other practicable alternative is available, no such lines shall be dead-end lines.

F. Lighting Requirements

1. All exterior lighting shall comply with the requirements of Section 5.10, *Exterior Lighting*.

2. All streets, sidewalks and other common areas or facilities in subdivisions created after the effective date of this Development Code shall be sufficiently illuminated to ensure the safety and security of persons and property.

3. All driveways, pedestrian and bicycle paths, parking areas, and other improved common areas located in or adjacent to new development shall be sufficiently illuminated to ensure the security and safety of persons and property.

4. Street lighting improvements shall be in accordance with the City of Buckeye Engineering Standards.

G. Street Naming

1. Continuation of Existing Names

The subdivider shall indicate the street name for public streets on the preliminary plat by projecting existing north-south and east-west street names that fall in alignment. Where no current streets are in alignment, the subdivider may propose a name based on the MAG or City street naming policy. All names are subject to final approval by the City.

2. Sign Posts

Street sign posts shall be placed at all street intersections by the subdivider and shall be in place when street paving is complete. Specifications for design, construction, location, and installation shall be in accordance with City roadway standards.

6.3.5. Blocks

A. Block Length

Residential blocks shall not be less than 300 feet nor more than 600 feet in length. The City may approve a longer block length when necessary to accommodate natural features such as steep slopes or washes (i.e.,

environmentally sensitive lands, low density residential development, or golf course communities).

B. Block Arrangement

Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the minimum requirements of this Development Code, except where lots back onto a collector or greater street, natural feature, or subdivision boundary, or where lots face an approved loop road or cul-de-sac (See Figure 6.3-A.).

Figure 6.3-A: Example Block Arrangement

6.3.6. Lots

The design and layout of lots shall be dependent upon topography, natural vegetation, soil conditions, drainage, and abrupt changes in land use, heavy street traffic or other conditions.

A. The lot arrangement shall be such that there will be no foreseeable difficulties in obtaining a building permit or in providing driveway access to buildings on such lots from an approved street.

B. Double frontage, reversed frontage, flag, or other odd shaped lots are to be avoided.

C. Corner lots shall be larger than other lots in the same are to provide additional buffering area.

D. Lots shall be so placed as to provide positive drainage away from all buildings.

E. Lots shall be so configured to face as many as possible in a north/south direction.

F. Lot widths on cul-de-sacs shall be measured as the distance in a straight line, between the side lot lines at the points of intersection with the front setback line.

6.3.7. Easements

A. The width, location, and purpose of all easements shall be provided on the final plat.

B. Utility easements shall be located to the front of lots where practicable.

C. Developers shall provide a minimum of an eight-foot public utility easement (PUE) adjacent to roadways when the side or rear yard of a lot abuts the public right-of-way for the purposes of siting public utilities. The PUE shall be landscaped in accordance with City standards. No structures, except those clearly incidental to the utility, shall be located within a utility easement.

D. Drainage easements shall be provided for the retention of drainage from subdivision streets. Drainage shall not be shed to adjoining right-of-way.

E. Natural drainage easements are encouraged to preserve washes and streams. Easements should include 25 feet of area on either side of a natural drainage area.

F. The private maintenance of all easements shall be provided for in the recorded CC&Rs for the subdivision.

G. Landscaping shall be provided by the developer or designee for all easement areas. Maintenance of the easement landscaping shall be provided for in the recorded CC&Rs for the subdivision.

H. Developers shall dedicate a Vehicular Non-Access Easement to the rear or side of any lot adjacent to open space or right-of-way.

6.4. IMPROVEMENTS

6.4.1. Responsibility for Improvements

A. Requirements in this Section apply to new development of single-family residences, subdivisions, multiple-family complexes, commercial, or industrial development.

B. The developer shall be responsible for construction of all utility systems, such as wastewater, water, electric, phone, cable, gas, irrigation, and refuse that are needed as a direct result of the development.

C. The extent of improvements required will be in accordance with standards as contained within this Development Code.

D. Notwithstanding the above, any improvements assessed by the Planning Commission shall be limited to that which is necessitated as a direct result of the development.

E. Cost of the improvements may be guaranteed by the developer posting a performance bond or providing a letter of credit, in lieu of the developer actually constructing the improvements.

6.4.2. Guarantee and Warranty of Public Improvements

A. Financial Guarantee

The City Council shall require the developer to guarantee that all required improvements will be completed in a manner satisfactory to the City using either of the following methods:

1. A performance bond, an irrevocable letter of credit, assurance of construction of subdivision improvements, funds in a restricted escrow account, or other financial guarantee approved by the City Attorney and accepted by the City Council prior to the recordation of the final plat.

2. The financial guarantee shall be 100 percent of the cost of the labor and materials necessary to complete the subdivision. If the amount of the assurance is based on an estimate, such estimate shall be prepared by a registered engineer and the amount of the financial guarantee shall be increased by 10 percent to account for unforeseen circumstances.

3. The period within which required improvements must be completed shall be specified and shall not exceed two years from the date of final approval.

B. Withhold Final Plat

As an alternative procedure, the City Council may approve a final plat and instruct the Director to withhold the recording of the plat for a period of time to allow the developer to complete the required improvements. When the developer has completed the required improvements and they have been inspected and approved by the City Engineer, the plat shall be recorded and the sale of lots may then proceed according to the approved and recorded plat.

C. Inspection Of Improvements

Prior to the approval of the required improvements by the City Engineer, an engineer retained by the developer shall certify to the City that all facilities and improvements to be dedicated to the City have been constructed in accordance with the requirements of this Development Code. The City Engineer shall also inspect all improvements to the site and certify that they comply with all specifications as set forth in the approved improvement plans. Any inspection expenses incurred by the City shall be reimbursed by the developer.

D. Warranty Of Improvements

The developer shall post a performance bond or other sufficient surety to guarantee that all defects in any public facilities or improvements that occur within two years after acceptance of the improvements by the City shall be corrected by the developer.

E. Development Agreement

The City shall have the authority to enter into a Development Agreement with the developer to carry out the provisions contained in this Development Code. The Planning Commission shall make a recommendation concerning any such development agreements prior to action by the City Council.

6.4.3. Improvement Requirements

A. Sewage Disposal Facilities

1. Every principal use and every lot within a development shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or development lot with all applicable health regulations.

2. Structures shall not be occupied without an approved wastewater source that has been deemed adequate by the Maricopa County Health Department and other applicable public agencies.

B. Water Supply System

1. Every principal use and every lot within a development shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or development lots and that complies with all applicable health regulations.

2. Structures shall not be occupied without an approved water supply system that has been deemed adequate by the Maricopa County Health Department and other applicable public agencies.

C. Electric, Telephone, and Cable System

Every principal use and every lot within a development shall have available to it a source of electric power, telephone service, and cable service adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

1. If the use is not in a development and can be served by existing service via a simple connection (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center or would require an extension of a primary line), then no further certification is required.

2. If the use is in a development (or is a development) or is not served by existing service or a substantial internal distribution center would be necessary, or extension of a primary line would be necessary, then the utility company must review the proposed plans and certify to the City that it can provide service that is adequate to meet the needs of the proposed use or development.

D. Underground Service Lines

1. All utility lines, including irrigation service lines but not including transformers or enclosures containing equipment such as switches, meters, or capacitors that are ground-mounted and constructed in developments after the effective date of this Development Code, shall be placed underground in accordance with the specifications and policies of the respective utility company.

2. Whenever an unsubdivided development is constructed on a lot, then all electric power, telephone, and cable television lines located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility company.

6.4.4. Engineering Specifications

Construction and design details for all improvements shall comply with the City of Buckeye Engineering Standards.

6.5. DEDICATION

6.5.1. Streets

All street rights-of-way shall be dedicated to the public.

6.5.2. Alleys

The City Council may require the dedication of alley rights-of-way where it finds that alleys are necessary for service access, off-street loading, or parking. The minimum width of an alley right-of-way shall be 20 feet.

6.5.3. Public Park Dedication and Fees In-Lieu

See Section 5.3, *Open Space*.

ARTICLE 7: REVIEW AND DECISION-MAKING BODIES

7.1. PURPOSE

This Article identifies the roles, duties, and responsibilities of elected officials, commissions, referral agencies, consultants acting in the role of staff, and City staff in the administration of this Development Code.

7.2. APPOINTED DECISION-MAKING BODIES GENERALLY

7.2.1. Commission Appointment and Confirmation

Appointments to commissions and other bodies within the scope of this Development Code shall be made and confirmed by the City Council in accordance with the rules adopted by the City Council.

7.2.2. Conduct of Appointed Bodies

This Section contains procedures that are common to all appointed commissions and other bodies with review and/or decision-making responsibilities under this Development Code.

A. Absence of Member

Any member of an appointed commission anticipating an absence from a meeting of their body shall so advise the chair or secretary prior to the meeting.

B. Agenda

The agenda for each regular meeting of an appointed commission shall be prepared by the secretary and shall be distributed to each member at least 24 hours prior to the meeting.

C. Procedures

The Director and the members of any body governed by this Article 7 shall conduct their open meetings according to the applicable procedures provided by law, including but not limited to the Arizona open meetings laws. The City Clerk shall distribute state open meeting law materials prepared and approved by the state Attorney General to the Director and to each member of the City Council, the Planning and Zoning Commission, or any other body prior to the day each takes office.

D. Meetings and Hearings

Meetings and hearings shall be conducted in accordance with the following:

1. Meetings and hearings shall be conducted at the call of the chairperson or the Director and at such other times as the appointed body may determine. All meetings and hearings shall be conducted pursuant to the procedures set forth in this Development Code and any adopted bylaws.

2. The appointed commission may conduct special meetings for good cause on call of the chairperson, or Director, or by a majority of the members, or as may be scheduled by a majority vote of the members at a previous meeting. The manner of the call shall be recorded in the minutes of the special meeting, and at least 24 hours notice of the meeting shall be provided to each member.

3. No meeting, hearing or action shall be conducted without a quorum as defined in Subsection 7.2.2.F, *Quorum – Official Action*. In the event that less than a quorum is present at any meeting or hearing, such meeting or hearing shall be rescheduled by the chairperson to a date as soon as is practical and in accordance with the entity's bylaws.

E. Consent Agenda

Any appointed body under this Article may establish a consent agenda. The consent agenda may consist of all matters brought before the body for action that do not require a public hearing. All items on the consent agenda may be approved by motion without debate. An item may be removed from the consent agenda prior to the approval at the request of any member of the board present at the meeting or by City staff if requested by the applicant. Items removed from the consent agenda shall be considered on the regular agenda.

F. Quorum – Official Action

1. A majority of the full membership of any appointed body shall constitute a quorum for the transaction of business.

2. Action by the appointed body shall require the favorable vote of a majority of the quorum of the body, or as required by law or specific provisions of this Code.

G. Meetings Open to Public

All meetings of the Director and appointed bodies under this Article 7 shall be open to the public. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. This subsection does not apply to any votes required to be taken to organize a board. This subsection does not prohibit executive sessions conducted in accordance with Arizona laws.

H. Reconsideration or Rehearing of Decisions

Decisions of any appointed body under this Article may be brought up for reconsideration or rehearing only if:

1. There was substantial procedural error in the original proceeding; or

2. The Director or body acted without jurisdiction in the original proceeding; or

3. The original decision was based upon fraud or misrepresentation; or

4. As requested by a member of the body whose vote was included in the side that prevailed in the motion to be reconsidered.

Any person seeking reconsideration or a rehearing must file a request with the City Clerk, together with materials supporting one or more of the grounds stated in this subsection, within 15 days of the original decision, or within the timeframe established under state law if applicable. The body, by majority vote, may hold a rehearing if the request meets the requirements of this section. A rehearing shall be conducted in the same manner as the original proceedings before the Director or appointed body.

I. Removal of Member

The City Council may remove from office a member of any appointed body under this Article 7 pursuant to the City of Buckeye City Code, Chapter 2.

J. Representatives

Persons appearing before the Director or an appointed body may appear in person or through a representative, agent, or attorney. The representative shall provide satisfactory proof of his or her authority upon the request of the Director or body.

K. Secretary

A representative from the City Clerk's office shall be the secretary of each appointed body under in this Article 7. In the secretary's absence, a member of the Community Development Department staff as determined by the Director shall act as secretary. The secretary shall cause to have a record kept of all meetings of each body and shall keep such files as may be required.

L. Conflict of Interest

The following procedures, in addition to all applicable state law requirements, shall govern conflicts of interest with respect to the Director and members of any appointed body.

1. No decision-maker shall participate in any decision in which the body determines either that such decision-maker has a conflict of interest, as defined in Arizona law or this Code; or that the decision-maker has a personal interest or involvement in the case that would prevent the decision-maker from fairly evaluating the case; or that, based on all surrounding circumstances, participation by the decision-maker would create the appearance of impropriety in the proceedings.

2. Immediately upon discovering the existence of any conflict of interest prohibited by this section, this Development Code, or any state law applicable to local government officials, the decision-maker shall fully disclose on the record and in open session of the body the nature of and the facts creating the conflict and shall be disqualified from any participation in or communications with other decision-makers on the matter with which a conflict exists.

3. Any decision-maker found by the applicable body to have a conflict of interest with regard to a particular matter shall not participate in any manner in that matter. If the Director has a conflict of interest, the matter before the Director shall be referred to a qualified, alternate Hearing Officer within the Community Development Department.

M. Ex Parte Contacts Prohibited

The following procedures shall govern ex parte contacts:

1. For the purposes of this Subsection M., ex parte contacts and communications are defined as the receipt, either directly or indirectly, of verbal, visual, or written communications outside a duly noticed, open hearing on the record at which all parties and all board members have an opportunity to be present.

2. The Director, the Planning Commission, the Board of Adjustment, and the City Council, when acting in a quasi-judicial capacity, shall refrain from permitting ex parte contacts or communications with any person regarding any matter pending before or that may be reasonably expected to be pending before them.

N. Applicability of Other Provisions

The provisions of this Article 7 shall not be a limitation on more restrictive rules regarding the conduct of the Director, boards, and commissions set forth elsewhere in the Buckeye City Code.

7.3. CITY COUNCIL

7.3.1. Review and Decision-Making Responsibilities

For purposes of administering and enforcing this Development Code, the Buckeye City Council shall have the review and decision-making responsibilities set forth in Table 8.1-1.

7.3.2. Other Powers and Duties

In addition, the City Council shall have the following powers and duties relating to the administration of this Development Code.

A. Adopt policies, plans, design guidelines, and ordinances to implement the municipal function of planning for the economic, social, and land use needs of the community;

B. Promulgate regulations to implement, interpret, or make specific the provisions of this Development Code;

C. Appoint a Hearing Officer to hear and decide on Variance applications within the jurisdiction of the Planning Commission;

D. Act as the Board of Adjustment for purposes of administering this Development Code, until a separate Board of Adjustment is appointed; and

E. Take any other action not delegated to the Planning Commission, the Director, or City staff as the City Council may deem desirable and necessary to implement the provisions of this Development Code.

F. The City Council shall have responsibility for final determination of conflicting regulations between this Development Code and other provisions of the City Code and City regulations.

G. After review of the Director's recommendation, amend, repeal, or issue a binding waiver of any provision of this Development Code as applied to property that is the subject of a written demand for compensation under A.R.S. § 12-1134, et seq. The City Council may also approve an agreement with the property owner awarding compensation in lieu of amending, repealing, or issuing a waiver. Any waiver issued under this subsection shall be recorded in the real property records of the county in which the property is located.

7.4. PLANNING AND ZONING COMMISSION

7.4.1. Review and Decision-Making Responsibilities

There shall be a Planning and Zoning Commission ("Planning Commission"), which shall have the powers and duties set forth in Table 8.1-1, to be carried out in accordance with the terms of this Development Code.

7.4.2. Other Powers and Duties

In addition, the Planning Commission shall have the following powers and duties to be carried out in accordance with the terms of this Development Code:

A. Develop, review, and make recommendations to the City Council regarding policies, plans, and ordinances to implement the municipal function of planning for the economic, social, and land use needs of the community;

B. Hear and decide appeals of notices of violations of this Development Code; and

C. Exercise such other powers and perform such other duties as are provided by law and directed by the City Council.

7.4.3. Appointments, Membership, and Rules

Planning Commission appointments, memberships, and rules shall be as set forth in Chapter 2 of the City Code, Ordinance 80-08, and Ordinance 81-08.

7.4.4. Records

The Planning Commission shall keep the minutes of its proceedings, showing the attendance and vote of each member upon each question, and shall keep records of its proceedings, examinations, and other official actions, including the reason for all such official actions, all of which shall be immediately filed in the Community Development Department and shall be a public record.

7.5. BOARD OF ADJUSTMENT

7.5.1. Review and Decision-Making Responsibilities

There shall be a Board of Adjustment ("Board"), which shall have the powers and duties set forth in Table 8.1-1, to be carried out in accordance with the terms of this Development Code.

7.5.2. Appointments, Membership, and Rules

The City Council shall serve as the Board. Should the City Council choose to appoint and create a stand-alone Board, the following shall apply:

A. The Board shall be composed of a total of five regular members and two alternate members, all of whom shall be residents of the City. The members of the Board shall be appointed by the City Council. Alternate members shall only take part in those hearings where a regular member is absent and when appointed to do so by the chair. No more than five members at any one time shall participate in proceedings of the Board or the rendering of a decision.

B. Appointments to the Board shall be for staggered three-year terms.

C. Vacancies on the Board shall be filled by the City Council, for the unexpired term of any member whose term becomes vacant.

D. The Board shall annually elect a chairperson and vice chairperson from among its members. The chairperson and vice chairperson shall each serve for one year and until their successors are elected and qualified.

7.5.3. Records

The Board shall keep the minutes of its proceedings, showing the attendance and vote of each member upon each question, and shall keep records of its proceedings, examinations, and other official actions, including the reason for all such official

actions, all of which shall be immediately filed in the Community Development Department and shall be a public record.

7.6. COMMUNITY DEVELOPMENT DIRECTOR

7.6.1. Review and Decision-Making Responsibilities

The Director shall be the zoning administrator for purposes of ARS 9-462.05.C, and shall have general responsibility for administering and enforcing the provisions of this Development Code. In addition, the Director shall have the review and decision-making responsibilities set forth in Table 8.1-1, to be carried out in accordance with the terms of this Development Code. In performing such review and decision-making responsibilities, the Director may delegate such duties to the Community Development Department staff as the Director deems appropriate. The Director also shall have such additional powers and duties as may be set forth elsewhere in this Development Code and the Buckeye City Code.

7.6.2. Community Development Department

A. The Community Development Department staff shall act in an advisory and support capacity to the City Council, the Planning Commission, and any other bodies listed in this Article 7, or as otherwise directed by the City Council or City Manager. The Community Development Department staff shall review or coordinate the review of all applications under this Development Code.

B. For any decision rendered by the Planning Commission, the Director, the Hearing Officer, or any other board governed by this Article 7, the Director shall be responsible for preparing the findings required by Subsection 8.2.8.B., *Effect of Inaction on Application,* of this Development Code, unless the decision-maker delegates such duties to a clerk or other department staff.

7.7. HEARING OFFICER

7.7.1. Review and Decision-Making Responsibilities

There is hereby created in the Community Development Department the position of Hearing Officer for the City of Buckeye. The Hearing Officer may appoint Deputy Hearing Officers to perform the functions of the Hearing Officer and to act under his/her direction. The Hearing Officer shall:

A. In accord with the procedures set forth in Section 8.11, *Variances,* of this Development Code, hear and decide applications for Variances.

B. Report regularly to the Planning Commission on the conduct of his/her office, including number of cases handled and their disposal, and recommendations for changes and improvements in regulations and procedures.

C. Refer any of the matters on which he/she is authorized to rule to the Planning Commission for action.

ARTICLE 8: REVIEW AND APPROVAL PROCEDURES

8.1. PURPOSE AND ORGANIZATION OF THIS ARTICLE

8.1.1. Purpose

This Article describes the procedures for review and approval of all applications for development in the City of Buckeye. This article is intended to ensure consistency and efficiency in the administration of the City's land use regulations.

8.1.2. Organization of Article

Common procedures, which are applicable to most types of development applications, are in Section 8.2, *Common Development Review Procedures*. Subsequent sections include additional provisions that are unique to each type of application, including staff and review board assignments and approval criteria.

8.1.3. Summary Table

Table 8.1-1 summarizes the review and decision-making responsibilities for the procedures described in this Article. The table is a summary tool and does not describe all possible types of decisions made under this Development Code. Other duties and responsibilities are described in Article 7, *Review and Decision-Making Bodies*

TABLE 8.1-1: REVIEW AND DECISION-MAKING RESPONSIBILITIES

R = Review (Responsible for Review and/or Recommendation)
H = Hearing (Public Hearing Required)
D = Decision (Responsible for Final Decision)
A = Appeal (Authority to Hear/Decide Appeals

Procedure	Section	Pre-App Conf?	Director	P&Z	City Council	Board of Adjustment
Amendment to General Plan/Specific Area Plan	8.3.	Yes	R	H-R	H-D	
Amendment to Text of Development Code	8.4.		R	H-R	H-D	
Amendment to Zoning Map (Rezoning)	8.5.	Yes	R	H-R	H-D	
Community Master Plan (CMP) and Planned Area Development (PAD)	8.6.	Yes	R	H-R	H-D	
Conditional Use Permit	8.7.	Yes	R	H-D	H-A	
Subdivision: Preliminary Plat	8.8.6.	Yes	R	H-R	H-D	

TABLE 8.1-1: REVIEW AND DECISION-MAKING RESPONSIBILITIES

R = Review (Responsible for Review and/or Recommendation)
H = Hearing (Public Hearing Required)
D = Decision (Responsible for Final Decision)
A = Appeal (Authority to Hear/Decide Appeals

Procedure	Section	Pre-App Conf?	Director	P&Z	City Council	Board of Adjustment
Subdivision: Final Plat	8.8.7.		D		H-A	
Minor Subdivision	8.8.8.		D	H-A		
Lot Split	8.8.9.		D	H-A		
Subdivision: Re-Plat: Administrative	8.8.10		D			
Subdivision: Re-Plat: City Council Review	8.8.10		R		H-D	
Site Plan: Administrative Review	8.9.3.		D		H-A	
Site Plan: Planning Commission Review	8.9.4.	Yes	R	H-D	H-A	
Site Plan: City Council Review	8.9.5.	Yes	R		H-D	
Temporary Use Permit	8.10.		D		H-A	
Variance	8.11.		H-D (Hearing Officer)		H-A	
Building Permit	8.14.		D			
Annexation	8.16.		R	H-R	D	

8.1.4. Other Reviews

In addition to the reviews summarized in Table 8.1-1, the Director may also refer applications to other boards, commissions, government agencies, and non-governmental agencies not referenced in this Article and/or in Article 6, *Review and Decision-Making Bodies*.

8.2. COMMON DEVELOPMENT REVIEW PROCEDURES

The common development review procedures in this Section 8.2 shall apply to all types of development applications under this Article 8, unless an exception to the common procedures is expressly identified in subsequent sections of this Article.

8.2.1. Step 1: Pre-Application Conference

A. Purpose

The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the City staff with the applicable provisions of this Development Code, the City's General Plan, infrastructure requirements, and any other issues that may affect the applicant's proposal.

B. Applicability

1. Required for Certain Applications

A pre-application conference is required prior to the following types of applications:

a. Amendment to the General Plan;

b. Amendment to the Zoning Map (Rezonings);

c. Community Master Plan;

d. Conditional Use Permit;

e. Subdivision: Preliminary Plat; and

f. Site Plan approved by the Planning Commission;

Such applications shall not be accepted until after the pre-application conference is completed. The conference should take place prior to any substantial investment, such as detailed site and engineering design.

2. Optional for All Other Applications

A pre-application conference is optional prior to submission of any other application under this Development Code not listed above.

C. Initiation of Pre-Application Conference

The potential applicant shall request in writing a pre-application conference with the Director and pay the required fees. With the request for a pre-application conference, the applicant shall provide to the Director a description of the character, location, and magnitude of the proposed development and any other available supporting materials, such as maps, drawings, or models. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal for staff to make the informal

recommendations discussed below. The materials should be submitted at least ten business days before the conference.

D. Pre-Application Conference Content

The Director shall schedule a pre-application conference after receipt of a proper request. At the conference, the applicant, the Director or designee, and any other persons the Director deems appropriate to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this Development Code, the parties should discuss in general the proposed development, the applicable requirements and standards of this Development Code, and conditions that may be appropriate to meet the purposes and requirements of this Development Code.

E. Comments From Pre-Application Conference

City officials present at the pre-application conference shall submit their comments to the Community Development Department staff, who shall forward all comments received to the applicant within 10 business days of the conference.

F. Informal Evaluation Not Binding

The informal evaluation by the Director and staff provided at the conference is not binding upon the applicant or the City but is intended to serve only as a guide to the applicant in making the application and to advise the applicant in advance of the formal application of issues that may be presented to the appropriate decision-making body.

G. Waiver

The Director may waive the pre-application conference requirement for applications if he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

H. Application Required Within Six Months

After a pre-application conference has been completed, the associated application must be completed within six months, or sooner if required by the Director due to changing conditions. If an application is not filed within such time frame, a new pre-application conference shall be required prior to filing an application.

8.2.2. Step 2: Neighborhood Meeting

A. Purpose

The purpose of a neighborhood meeting is to provide an opportunity to inform the residents and landowners of the surrounding neighborhood(s) of the details of a proposed development and application, how the applicant intends to meet the standards contained in this Development Code, and to receive public

comment and encourage dialogue at an early time in the review process. No decision regarding the application will be made at the neighborhood meeting.

B. Applicability

A neighborhood meeting is recommended for any development proposal that will be subject to Planning Commission review. The neighborhood meeting is optional unless expressly stated otherwise in this Article 7 or required by the Director in his or her discretion.

C. Notice of Neighborhood Meeting

An applicant holding a neighborhood meeting is encouraged to provide mailed, published, and posted notice of the meeting in the same manner that would be required for public hearings on the application pursuant to Step 6 of the common development review procedures. Such notice is required if the neighborhood meeting is required by the Director or this Development Code. The applicant shall notify the Community Development Department in writing of the meeting date, time, and location no less than 14 days prior to the scheduled date of the meeting, if the meeting was required to be held by the Director or this Development Code. An affidavit certifying that the applicant completed the notice procedures under Step 6 shall be included with the development application submittal.

D. Attendance at Neighborhood Meeting

The applicant shall be responsible for scheduling the meeting, coordinating the meeting, and for retaining an independent facilitator if needed. The meeting shall be held prior to submittal of the subject development application. Attendance at the meeting by Community Development Department staff is not required and will be determined by the Director on a case-by-case basis.

E. Summary of Neighborhood Meeting

The applicant shall prepare and deliver a written summary of the neighborhood meeting to the Community Development Department within 30 days of the date of the meeting. The written summary shall be included in the staff report provided to the decision-making body at the time of the first public meeting to consider the application. The following information shall be included in the meeting summary, at a minimum: date, time, and location of the meeting; a copy of the meeting sign-in sheet, and a summary description of how the applicant has addressed or proposes to address the issues, concerns, and objections identified during the meeting.

8.2.3. Step 3: Development Application Submittal

A. Application Packet

The Director shall compile the requirements for application contents, forms, and fees and make such materials available to the public. The Director may amend and update the application materials from time to time.

B. Form of Application

Applications required under this Article shall be submitted in a form and in such number as required by the Director.

C. Consolidated Development Applications and Review

Multiple development applications for the same development proposal may be consolidated for submittal and review, if authorized by the Director and the application packets.

D. Authority to File Applications

1. Unless otherwise specified in this Development Code, applications for review and approval may be initiated by:

a. The owner of the property that is the subject of the application;

b. The owner's authorized agent; or

c. Any review or decision-making body.

2. When an authorized agent files an application under this Development Code on behalf of a property owner, the agent shall provide the Community Development Department with written documentation that the owner of the property has authorized the filing of the application.

3. When a review or decision-making body initiates action under this Development Code, it does so without prejudice toward the outcome.

E. Development Review Fees

1. Recovery of Costs

Development review fees are established to recover the costs incurred by the City in processing, reviewing, and recording development applications. The applicable development review fees are and shall be paid at the time of submittal of any development application.

2. Development Review Fee Schedule

The amount of the City's development review fees shall be established by the City Council and shall be based on the actual expenses incurred by or on behalf of the City.

F. Waivers

The Director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements where he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

G. Additional Information

Additional application-specific information, beyond that specified in the application packet, may be required by any decision-making body as necessary and appropriate to evaluate fully whether an application complies with the requirements of this Development Code.

H. Citizen Participation Plan

1. Every application that requires a neighborhood meeting shall include a citizen participation plan that must be implemented prior to the first public hearing. The purpose of the citizen participation plan is to:

a. Ensure that applicants pursue early and effective citizen participation in conjunction with the application, giving them the opportunity to understand and try to mitigate any real or perceived impacts their applications may have on the community;

b. Ensure that the citizens and property owners of the City of Buckeye have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early state of the process, and

c. Facilitate ongoing communication between the applicant and interested citizens and property owners, City staff, and elected officials throughout the application review process.

2. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

3. The citizen participation plan shall be submitted with the project application and shall include the following information at a minimum:

a. Which residents of the City, adjacent property owners, interested parties who have submitted a request to the City to be notified of any rezoning pursuant to ARS §9-462.02, adjacent political jurisdictions, and public agencies with jurisdiction over the subject property may be affected by the application;

b. How those interested in and potentially affected by an applicant will be notified that an application has been made;

c. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application;

d. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;

e. The applicant's schedule for the completion of the citizen participation plan, and

f. How the applicant will keep the Planning Department informed on the status of their citizen participation efforts.

4. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined for the applicant after consultation with the Planning Department. At a minimum, the target area shall include the following:

a. Property owners within the public notice area required by Section 8.2.6 of the Development Code;

b. The head of any homeowners association or registered neighborhood within the public notice area;

c. Other interested parties who have requested that they be placed on the interested parties' notification list maintained by the Planning Department.

5. These requirements apply in addition to any notice provision required elsewhere in this Development Code.

6. Failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the municipality for which the notice was given.

7. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. Submittal of a citizen participation plan shall not occur until after the required pre-application meeting and consultation with the Planning Department staff. The foregoing notwithstanding, applicants are encouraged to engage in early communication with the public.

I. Citizen Participation Report

This section applies only when a citizen participation plan is required by this Development Code.

1. The applicant shall provide a written report on the result of their citizen participation effort prior to the notice of public hearing. This report will be attached to the Planning Department's staff report.

2. At a minimum, the citizen participation report shall include the following information:

a. Details of techniques the applicant used to involve the public, including:

(i) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;

(ii) Content, dated mailed, and numbers of mailings including letters, meeting notices, newsletters and other publications;

(iii) Where residents property owners, and interested parties receiving notices, newsletters or other written material are located; and

(iv) The number of people that participated in the process.

b. A summary of concerns, issues and problems expressed during the process, including:

(i) The substance of the concerns, issues, and problems

(ii) How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and

(iii) Concerns, issues and problems the applicant is unwilling or unable to address and why.

8.2.4. Step 4: Determination of Application Completeness

A. After receipt of the development application, the Director shall determine whether the application is complete and ready for review.

B. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Development Code. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet, and is accompanied by the applicable fee. A pre-application conference shall have been held, if required by this Development Code. The determination of completeness shall not be based upon the perceived merits of the application.

C. If an application is determined to be incomplete, the Director shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a resubmittal.

D. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees.

8.2.5. Step 5: Application Review and Report

After determining that a development application is complete, the Director shall refer the development application to the appropriate review agencies and planning staff,

review the development application, and prepare a staff report. The staff report shall be made available for inspection and copying by the applicant and the public prior to the scheduled public hearing on the development application. The staff report shall indicate whether, in the opinion of the staff, the development application complies with all applicable standards of this Development Code. Conditions for approval may be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the development proposal.

8.2.6. Step 6: Notice

A. Content of Notices

Notice of all public hearings required under this Article shall, unless otherwise specified in this Development Code: (1) identify the date, time, and place of the public hearing, (2) if applicable, describe the property involved in the application by street address, or legal description, or a general description and nearest cross streets; (3) describe the nature, scope, and purpose of the proposed action; (4) indicate that interested parties may appear at the hearing and speak on the matter; and (5) indicate where additional information on the matter may be obtained. If the matter to be considered applies to territory in a high noise or accident potential zone as defined under state law, the notice shall include a general statement that the matter applies to property located in such an area.

B. Summary of Notice Requirements

The following Table 8.2-1 summarizes the notice requirements of the procedures in this Article.

TABLE 8.2-1: NOTICE REQUIREMENTS

✓= Notice Required

Type of Application or Procedure	Section	Mailed	Published	Posted	Neighborhood Meeting
Amendment to General Plan/Specific Area Plan	8.3.	✓	✓	✓	✓
Amendment to Text of Development Code	8.4.	Mailed notice only required if covered by 8.2.6.D.2	✓		
Amendment to Zoning Map (Rezoning)	8.5.	✓	✓	✓	✓
Community Master Plan (CMP) and Planned Area Development (PAD)	8.6.	✓	✓	✓	✓
Conditional Use Permit	8.7.	✓	✓	✓	✓
Subdivision: Preliminary Plat	8.8.6.	✓	✓	✓	
Subdivision: Final Plat	8.8.7.				
Minor Subdivision	8.8.8.			✓	

TABLE 8.2-1: NOTICE REQUIREMENTS

✓= Notice Required

Type of Application or Procedure	Section	Mailed	Published	Posted	Neighborhood Meeting
Lot Split	8.8.9.				
Re-Plat	8.8.10				
Site Plan: Administrative Review	8.9.3.				
Site Plan: Planning Commission Review	8.9.4.	✓	✓	✓	✓
Site Plan: City Council Review	8.9.5.	✓	✓	✓	✓
Temporary Use Permit	8.10.				
Variance	8.11.	✓[1]	✓	✓	
Appeal of Administrative Decisions	8.13.		✓	✓	
Annexation	8.16		✓	✓	

NOTE: [1] Variances require a mailed notice to surrounding property owners within 150 feet of the subject property.

C. Mailed Notice

When Table 7.2-1 requires that mailed notice be provided, the applicant shall provide the Director with a current list of applicable property owners and organizations as listed below, prepared and certified by a title insurance company or abstract company licensed by the State of Arizona. The applicant shall deposit notices into first-class mail at least 15 days prior to the scheduled date of the hearing. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted. Written notice shall be provided by the applicant to all persons listed on the records of the County Assessor as owners of land subject to the application or as owners of the parcels within 300 feet of the outer boundary of the land subject to the application. For any rezoning of an area greater than 20 acres, General Plan amendments, and CMPs, the 300-foot requirement shall be 500 feet. The applicant shall provide a written "Affidavit of Mailing" to the Community Development Department certifying that all required notices were timely mailed.

D. Published Notice

1. If published notice is required by Table 8.2-1, the applicant shall publish notice in a newspaper of general circulation in the area. The notice shall be published at least 15, but no more than 30, days before the scheduled hearing date. In computing such period, the day of

posting shall not be counted, but the day of the hearing shall be counted. Any affidavit of publication provided by the newspaper shall be obtained by the applicant and given to the Community Development Department for their records.

2. In any application, proposed amendment, or proposed Minor Modification involving one or more of the following proposed changes or related series of changes, the City (not the applicant) shall mail notice via first-class mail to each real property owner, as shown on the latest county assessment records, whose real property is directly governed by the changes:

a. A ten percent or more increase or decrease in the number of square feet or units that may be developed;

b. A ten percent or more increase or reduction in the allowable height of buildings;

c. An increase or reduction in the allowable number of stories of buildings;

d. A ten percent or more increase or decrease in setback or open space requirements; and/or

e. An increase or reduction in permitted uses.

E. Posted Notice

Posted notice, if required by Table 8.2-1, shall be provided in the following manner: There shall be posting of at least three signs on the lot, parcel, or tract of land that is the subject of the application or proposed action by the City, and such signs shall remain on the property for a period of at least 15 days prior to the public hearing and for at least 10 days after the final disposition of the case. All signs shall be removed no later than 10 days after the expiration of the above period. The applicant shall maintain the sign in good condition throughout the required posting period. The sign shall be posted in a prominent place, clearly visible from a major arterial street if the property abuts such an arterial street, or clearly visible from a collector street if the property abuts a collector street, or clearly visible to the most heavily traveled street or public way if the property does not abut an arterial or collector street. In particular, a tract of land abutting an arterial street and that also abuts a residential subdivision having stubbed streets that cannot be served by the same arterial street serving the lot, parcel, or tract, shall post at least one additional sign clearly visible from at least one street in the residential subdivision which is stubbed to the property for which the application is being requested.

F. Constructive Notice

1. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been

made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the decision-making body shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Development Code.

2. When the records of the City document the publication, mailing, and posting of notices as required by this section, it shall be presumed that notice was given as required by this section.

8.2.7. Step 7: Public Hearing

A public hearing, if required under this Development Code, shall be conducted in accordance with the procedures adopted by the City of Buckeye.

8.2.8. Step 8: Decision and Findings

A. Decision

After consideration of the application, the staff report, comments received from other reviewers (if applicable), and the evidence from the public hearing (if applicable), the decision-maker shall approve, approve with conditions, or deny the application based on its compliance with the applicable approval criteria, as described in Step 9 of the common development review procedures. Written notification of the decision shall be provided by the Director to the applicant. All decisions shall include:

1. A statement of approval, approval with conditions, or denial, whichever is appropriate; and

2. A statement of the basis upon which the decision was made.

B. Effect of Inaction on Applications

When a review or decision-making body fails to take action on an application within the time required (which varies by type of application), such inaction shall be deemed a denial of the application, unless the decision-making body agrees to an extension of the time frame. If an extension is granted and the time frame under such extension elapses with still no action on the application, such inaction shall be deemed a denial of the application.

8.2.9. Step 9: Approval Criteria

To approve a development application, the decision maker shall find that the development application has satisfied and followed the applicable requirements of

this Article and meets all of the approval criteria required for the applicable development application, as set forth in subsequent sections of this Article.

8.2.10. Step 10: Conditions of Approval

The decision-maker may impose such conditions on the approval of the application as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the purpose and intent of the General Plan and this Development Code. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development. No conditions of approval, except for those attached to Variances or Minor Modification approvals, shall be less restrictive than the requirements of this Development Code.

8.2.11. Step 11: Amendments to Permits or Other Forms of Approval

A. Minor Amendments

Unless otherwise specified in this Article, minor amendments to any permit or other form of approval issued by the Director or the Planning Commission under this Article may be approved, approved with conditions, or denied administratively by the Director and may be authorized without additional public hearings. Such minor amendments may be authorized by the Director as long as the development approval, as so amended, continues to comply with the standards of this Development Code, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this Development Code by reason of such amendments). Minor amendments shall consist of any of the following:

1. Any change to any permit or other form of approval that was originally subject only to administrative review and was approved by the Director, provided such change would not have disqualified the original application from administrative review had it been requested at that time; and provided that the minor amendment does not result in an increase of more than ten percent in the amount of square footage of a land use or structure and does not result in a change in the types of uses in the project.

2. Any change to any permit or other form of approval that was originally subject to final review by the Planning Commission and was approved by the Planning Commission, provided that:

a. The minor amendment does not result in an increase in the approved number of dwelling units;

b. The minor amendment does not result in an increase in the amount of square footage of a non-residential land use or structure;

c. The minor amendment does not result in a change in the housing mix or use mix ratio; and

d. The minor amendment does not result in a change in the character of the development.

3. In either 1. or 2., the Director may refer the amendment to the Planning Commission and, if so referred, the decision of the Planning Commission shall constitute a final decision, subject only to appeal as provided under applicable law.

B. Major Amendments

Unless otherwise specified in this Article, amendments to any permit or other form of approval that are not determined by the Director to be minor amendments under the criteria in subsection A. shall be deemed major amendments. Major amendments shall be reviewed and processed in the same manner as required for the original application for which amendment is sought.

8.2.12. Step 12: Lapse

If applicable, the lapse of approval time frames established by the procedures of this Development Code may be extended only when all of the following conditions exist:

A. The provisions of this Development Code must expressly allow the extension;

B. An extension request must be filed prior to the applicable lapse-of-approval deadline;

C. The extension request must be in writing and include justification; and

D. Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval (the one being extended).

8.3. AMENDMENT TO GENERAL PLAN OR SPECIFIC AREA PLAN

8.3.1. Purpose and Scope

Several types of plan amendments are addressed in this Section.

A. Types of General Plan Amendments

The General Plan shall be reviewed and reassessed regularly in order to evaluate its effectiveness and adequacy in guiding the growth of the City and to determine whether the plan continues to meet the City's long-term planning needs. The Director shall initiate a full review of the General Plan at least once every ten years, preferably following the decennial census. In addition, any review or decision-making body, or the director of any City department, or any citizen may propose a General Plan amendment at any time in response to changing circumstances.

B. Major Amendments to the General Plan

For purposes of this Section 8.3, the term "major amendment" means any substantial alteration of the City's land use composition or relationships as established in the General Plan's land use element. The General Plan contains the criteria for determining whether a proposed amendment constitutes a major amendment.

C. Specific Area Plan Amendments

The procedure in this Section 8.3 is also applicable to the amendment of a Specific Area Plan.

8.3.2. Procedure

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.3-A.)

A. Step 1 (Pre-Application Conference)

Applicable.

B. Step 2 (Neighborhood Meeting)

A neighborhood meeting is required for any amendment to the General Plan.

C. Step 3 (Development Application Submittal)

Applicable.

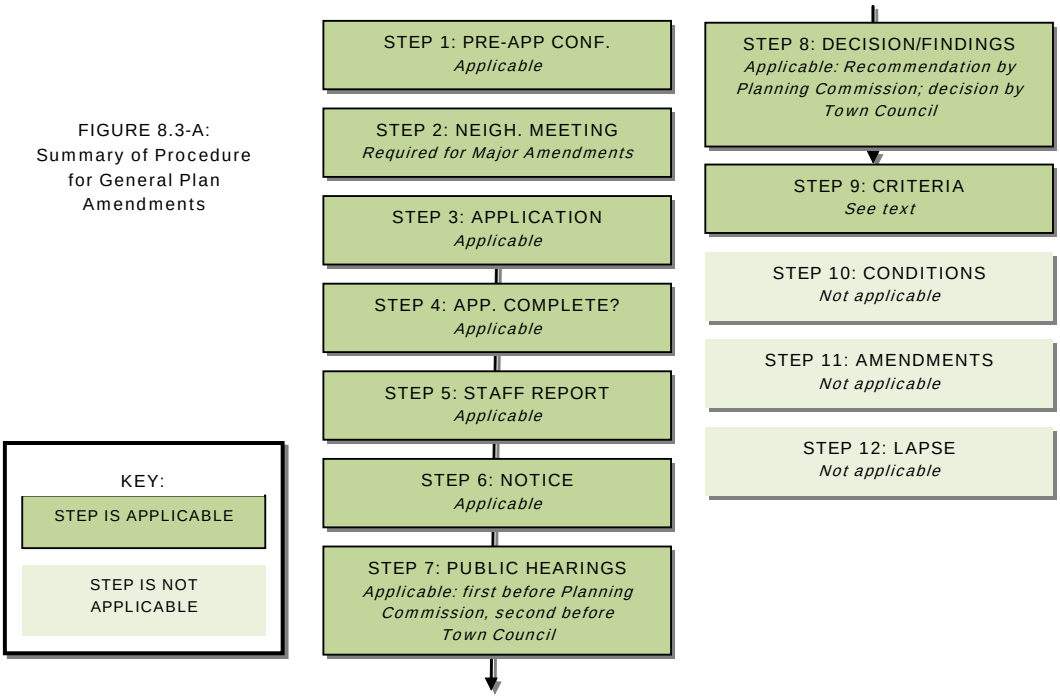
D. Step 4 (Determination of Application Completeness)

Applicable.

E. Step 5 (Staff Report)

Applicable. In addition, staff and the City Council shall, as appropriate, consult with, advise, and provide an opportunity for official comment by public officials and agencies, the county, school districts, associations of governments, public land management agencies, the military airport or ancillary military facility as defined under state law, other appropriate government jurisdictions, public utility companies, civic, educational, professional and other organizations, property owners, and citizens generally to secure maximum coordination of plans and to indicate properly located sites for all public purposes in the General Plan.

FIGURE 8.3-A: Summary of Procedure for General Plan Amendments



F. Step 6 (Notice)

Applicable: mailed, published, and posted notice required. In addition, at least 60 days before a new General Plan or major amendment of a General Plan is noticed pursuant to this subsection, the Community Development Department shall transmit the proposal to the Planning Commission and the City Council and shall submit a copy for review and further comment to:

1. The Maricopa County planning agency;

2. Each county or municipality that is contiguous to the corporate limits of the City or its area of extraterritorial jurisdiction;

3. The regional planning agency;

4. The department of commerce or any other state agency that is subsequently designated as the general planning agency for the State of Arizona; and

5. The Arizona Department of Water Resources for review and comment on the water resources element, if a water resources element is required.

6. Luke Air Force Base, or any other ancillary military facility as defined under state law, if an element of or amendment to the General Plan is applicable to territory in the vicinity of such a facility.

7. The attorney general, if an element of or major amendment to the General Plan is applicable to property in the high noise or accident potential zone of Luke Air Force Base or ancillary military facility, as defined under state law.

8. Any person that requests in writing to receive a review copy of the proposal.

G. Step 7 (Public Hearings)

Applicable. Two hearings at separate locations within the City shall be held by the Planning Commission and one hearing shall be held by the City Council. All proposed major amendments shall be presented at a single public hearing during the calendar year the proposal is made.

H. Step 8 (Decision and Findings)

Applicable. The following additional procedures shall apply:

1. Review and Recommendation by Planning Commission

The Planning Commission shall, based on the approval criteria in Step 9, recommend that the City Council approve, approve with modifications, or deny the General Plan amendment. The Director shall forward the Planning Commission's recommendation to the City Council with a resolution to amend the General Plan in accordance with the recommendation.

2. Action by City Council

Within 90 days of the City Council public hearing on the proposed plan amendment, the City Council shall, based upon the approval criteria in Step 9 and the recommendations of the Director and Planning Commission, approve, approve with modifications, or deny the amendment, or refer the application back to the Planning Commission or to a committee of the City Council for further consideration. The adoption of a major amendment to the General Plan shall require approval by at least two-thirds of the members of the City Council. If approved, a copy of the amended General Plan shall be sent to the Maricopa County planning agency.

I. Step 9 (Approval Criteria)

Proposals for amendments to the General Plan shall be evaluated based upon whether the amendment is necessary in order to address the following:

1. A change in projections or assumptions from those on which the General Plan is based; or

2. Identification of new issues, needs, or opportunities that are not adequately addressed in the General Plan; or

3. A change in the policies, objectives, principles, or standards governing the physical development of the City; or

4. Identification of errors or omissions in the General Plan.

J. Step 10 (Conditions of Approval)
Not applicable.

K. Step 11 (Amendments)
Not applicable.

L. Step 12 (Lapse)
Not applicable.

8.4. AMENDMENTS TO THE TEXT OF DEVELOPMENT CODE

8.4.1. Purpose

The purpose of text amendments is to make adjustments to the text of this Development Code that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the City.

8.4.2. Applicability

The City Council may, after recommendation of the Planning Commission, adopt an ordinance amending the text of this Development Code in accordance with the requirements of this Section 8.4. Text amendments may be initiated by the City Council, the Planning Commission, or the City Manager.

8.4.3. Procedure

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.4-A.)

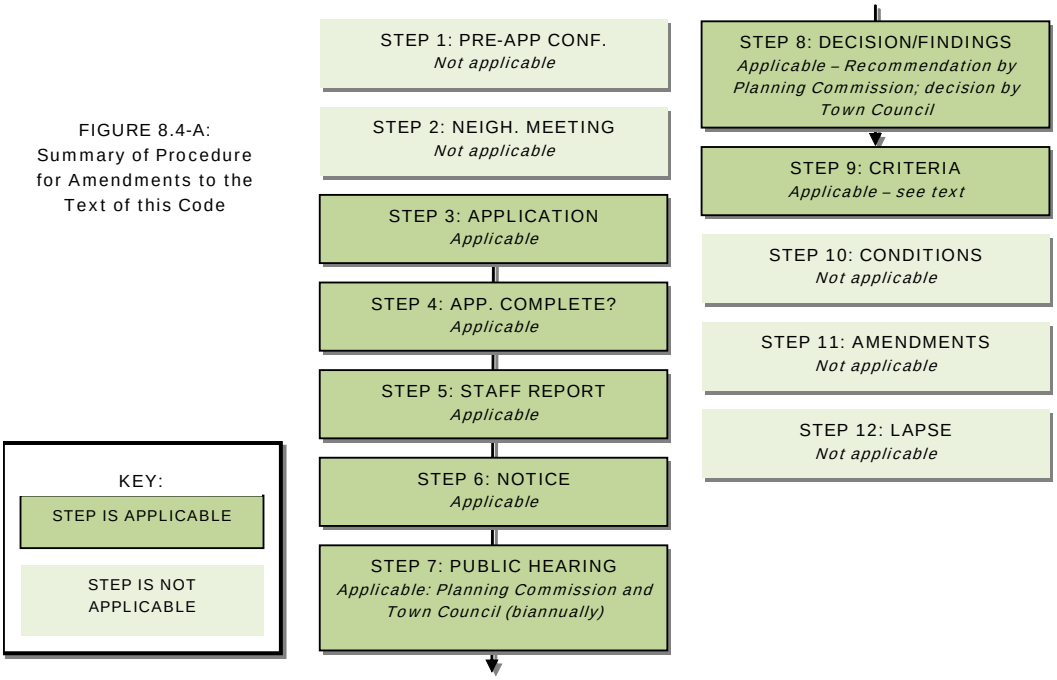
A. Step 1 (Pre-Application Conference)
Not applicable.

B. Step 2 (Neighborhood Meeting)
Not applicable.

C. Step 3 (Development Application Submittal)
Applicable.

D. Step 4 (Determination of Application Completeness)
Applicable.

FIGURE 8.4-A: Summary of Procedure for Amendments to the Text of this Code



E. Step 5 (Staff Report)
Applicable.

F. Step 6 (Notice)
Applicable. Published notice required. Written notice only if Subsection 8.2.6.D.2 mailed notice requirement is applicable.

G. Step 7 (Public Hearing)
Applicable, except that text amendments generally shall be considered two times per year at separate public hearings before the Planning Commission and the City Council.

H. Step 8 (Decision and Findings)
Applicable. The following additional procedures shall apply:

1. Planning Commission Review and Recommendation

a. Within 30 days after the public hearing, the Planning Commission shall make a recommendation to the City Council to approve, approve with modifications, or deny the text amendment based on the criteria set forth in Step 9.

b. The Planning Commission may request an extension of time from the City Council. If no recommendation is made and no extension is granted, then the City Council may act on the proposed amendment without a recommendation from the Planning Commission.

2. City Council Action

After reviewing the reports and recommendations of the Director and the Planning Commission, the City Council shall vote to approve, approve with modifications, or deny the proposed amendment, based on the criteria set forth in Step 9. The City Council also may refer the proposed amendment back to the Planning Commission or a subcommittee of the City Council for further consideration. Amendments to the text of this Development Code shall be approved in the form of ordinances.

3. Alternative Review Procedure

Notwithstanding the procedure set forth above, where the City Council determines by a majority vote that the public health, safety, or welfare necessitates, text amendments may be considered at any regularly scheduled meeting of the City Council. In such cases, the Council shall hold a public hearing on the proposed amendment, and shall request a recommendation from the Planning Commission prior to making a decision on the amendment.

4. Records of Amendments

A record of amendments to the text of this Development Code shall be maintained in the office of the City Clerk.

5. Subsequent Applications

Following denial of a text amendment request, the City Council shall not decide on applications for the same or substantially the same amendment within one year of the date of denial. The waiting period required by this section may be waived in an individual case, for good cause shown, by the affirmative vote of three-fourths of the members of the City Council.

I. Step 9 (Approval Criteria)

Applicable. Recommendations and decisions on text amendments may be approved if the City Council finds that all of the following approval criteria have been met:

1. The proposed amendment will promote the public health, safety, and general welfare;

2. The proposed amendment is consistent with the General Plan and the stated purposes of this Development Code; and

3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

J. Step 10 (Conditions of Approval)
Not applicable.

K. Step 11 (Amendments)
Not applicable.

L. Step 12 (Lapse)
Not applicable.

8.5. AMENDMENTS TO THE ZONING MAP (REZONINGS)

8.5.1. Purpose

The boundaries of any zoning district may be changed or the zoning classification of any parcel of land may be changed pursuant to this section. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the official zoning map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the City. Rezonings should not be used when a Conditional Use Permit, Variance, or Minor Modification could be used to achieve the same result.

8.5.2. Procedure

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.5-A.)

A. Step 1 (Pre-Application Conference)
Applicable.

B. Step 2 (Neighborhood Meeting)
Applicable.

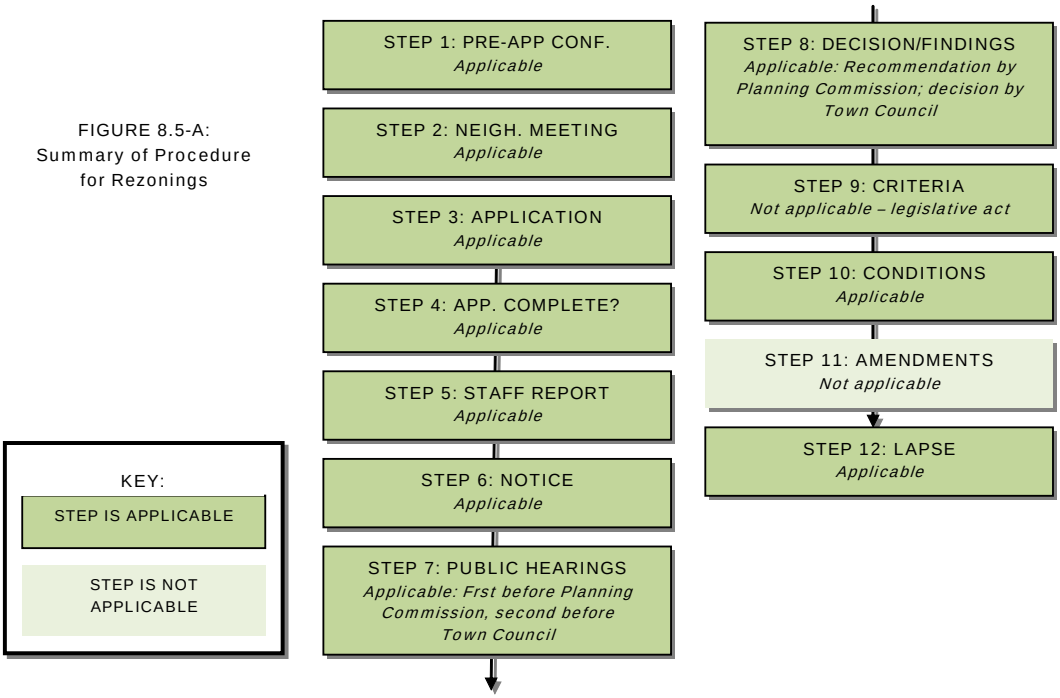
C. Step 3 (Development Application Submittal)
Applicable. However, the only decision-making body that may initiate a rezoning is the City Council. An application shall include documents establishing the person(s) holding fee title to the subject property up to and including the date of approval of the rezoning.

D. Step 4 (Determination of Application Completeness)
Applicable.

E. Step 5 (Staff Report)
Applicable.

F. Step 6 (Notice)
Published, written, and posted notice required. In addition, if the land proposed for rezoning abuts other municipalities, unincorporated areas, or a

FIGURE 8.5-A: Summary of Procedure for Rezonings



combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental units abutting such land.

G. Step 7 (Public Hearings)

Applicable. A public hearing shall be held by the Planning Commission. A public hearing may be held by City Council, in accordance with the requirements of state law.

H. Step 8 (Decision and Findings)

Applicable. The following additional procedures shall apply:

1. Review and Recommendation by Planning Commission

a. The Planning Commission shall hold a public hearing on the proposed rezoning and, based on the approval criteria in Step 9, vote to recommend that the City Council approve, approve with modifications, or deny the rezoning.

b. The Director shall forward the Planning Commission's recommendation to the City Council with an ordinance to amend the official zoning map in accordance with the recommendation.

2. Action by City Council

The City Council shall hold a hearing on the proposed rezoning and, within 90 days, based upon the approval criteria in Step 9 and the recommendations of the Director and Planning Commission, approve, approve with modifications, or deny the ordinance to amend the zoning

map, or refer the application back to the Planning Commission or to a committee of the City Council for further consideration.

3. Protests

If the owners of 20 percent or more either of the area of the lots included in a proposed rezoning, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed rezoning, it shall not become effective except by the favorable vote of three-fourths 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 of the remaining membership of the City Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the City Council.

4. Form of Amending Ordinance

An ordinance amending the zoning map shall contain the following:

a. The name of each use district that the ordinance applies; and

b. The legal description of the land within each zoning district applied by the ordinance.

5. Successive Applications

Following denial of a zoning map amendment proposal, no new application for the same or substantially the same action shall be accepted within one year of the date of denial, unless denial is made without prejudice.

I. Step 10 (Conditions of Approval)

Applicable.

J. Step 11 (Amendments)

Not applicable.

K. Step 12 (Lapse)

The City Council may approve a rezoning conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the City Council, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

8.6. COMMUNITY MASTER PLANS

8.6.1. Purpose

The Community Master Plan (CMP) provisions are established for the following purposes:

A. To permit and encourage innovative land development while maintaining appropriate limitations on the character and intensity of use and assuring compatibility with adjoining and nearby properties;

B. To permit greater flexibility within the development to best utilize the physical features of the particular site in exchange for greater public benefits than would otherwise be achieved through development under this Development Code; and

C. To encourage integrated and unified design and function of the various uses comprising the CMP.

8.6.2. Applicability

A. A CMP may be established as an overlay zoning district and is intended as an alternative to conventional development. A CMP is intended for large, unusual, or exemplary projects and should not be used to achieve minor changes from Development Code requirements that could be accomplished through the Minor Modification, Variance, or amendment procedures. No CMP shall be established for any site containing less than 80 contiguous acres.

B. The procedures and criteria in this Section 8.6 shall also be used to establish a planned area development (PAD).

8.6.3. Relationship to Underlying General Zoning District

An application to establish a Community Master Plan overlay district may be submitted for land located within any general zoning district or combination of districts. The approved CMP applies the overlay zoning district and establishes the location and character of the uses and the unified development of the tract(s). The regulations of the underlying general zoning district or districts remain applicable except as specifically modified pursuant to the provisions contained in the approved CMP. Approval of the CMP plan is required prior to development in a CMP overlay district. CMPs are subject to recommendation by the Planning Commission and approval of the City Council. An application for CMP approval may be submitted concurrently with a petition for annexation or a request for rezoning. The CMP shall be adopted by the City Council as part of an approved development agreement between the City and the applicant.

8.6.4. Prior CMPs and Pending Applications

Development within an approved Community Master Plan and/or a Planned Area Development (PAD) area is subject to the standards of Article 5, *Development and Design Standards and Guidelines*; however, the application of such standards and guidelines shall not limit the uses, densities, or intensities approved in the CMP or PAD. If a new CMP and/or PAD is submitted for initial review for a particular property following the effective date of this Development Code, Article 5 shall serve as the "baseline" for the development of any development or design standards to be incorporated into the plan. All CMPs and PADs are subject to vesting rights as defined in state statutes, the City Code, and approved Development Agreements.

8.6.5. Coordination With Subdivision Review

A. Subdivision review required under Section 8.8 *Subdivision* of this Article, if applicable, may be carried out concurrently with the review of CMP plans under this Section 8.6. If subdivision approval is required for the subject property and the City and applicant agree to coordinate review, the CMP plans required under this Section 8.6 shall be submitted in a form that satisfies the requirements for preliminary and final subdivision plat approvals.

B. If any provisions of this Section or the CMP standards of Section 2.7.1., *Community Master Plan,* conflict with the subdivision procedures or standards of this Development Code, the more restrictive or detailed requirements shall be met.

8.6.6. Procedure

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.6-A.)

A. Step 1 (Pre-Application Conference)
Applicable.

B. Step 2 (Neighborhood Meeting)
Applicable.

C. Step 3 (Development Application Submittal)
Applicable, as follows: The application for a CMP shall include a plan prepared to the specifications in the application packet. The plan shall include, at a minimum, maps drawn to scale and text that identify:

1. The boundaries of the proposed Community Master Plan overlay district.

2. The existing topographic character of the land including floodplains, treed areas, and other natural features affecting development of the site.

3. Sufficient surrounding area to demonstrate the relationship of the CMP overlay district to adjoining uses, both existing and proposed.

4. An explanation of the character and concepts of the proposed CMP overlay district, including all proposed land uses. A list of uses to be allowed by right and a list of uses to be allowed only with a Conditional Use Permit shall also be provided.

5. A delineation of one or more proposed development areas and the specification of the size of each development area and the identification of the land uses proposed therein, and the intensity of land uses proposed therein. The intensity of residential uses shall be expressed in number of dwelling units. The intensity of non-residential uses shall be expressed in gross floor area of buildings.

6. A description of any proposed phasing program of the development for all structures, recreational and other common facilities, and open space improvements, including an estimated time schedule for commencement and completion dates of construction of each phase.

7. Location of existing and proposed buildings on the site, including the proposed maximum building heights and minimum building setbacks.

8. Estimated employment benefits to be provided by development in the CMP district. Such benefits shall be expressed in number of jobs per household derived from the ratio of residential to nonresidential uses.

9. The delineation and approximate location of proposed public and private streets and a statement of their functional classifications. The delineation and approximate location of proposed sidewalks, trails and other access points. The entity or entities responsible for ownership and maintenance of all streets, sidewalks, trails, and other amenities contemplated under this paragraph.

10. A description of proposed public and private open space areas, and any other common areas, and the entity or entities responsible for ownership and maintenance of the same.

11. Existing or proposed utilities and public services, including drainage facilities. In addition, engineering studies relating to water and sewer, master plans, soil reports, traffic engineering reports, archaeological reports and any other reports as determined by the Director.

12. A statement that development on the site will meet applicable standards of the underlying zoning district and this Development Code, or a statement specifying the standards of the underlying district and

this Development Code to which modifications are proposed and the justification for such modifications.

13. A statement specifying the public benefit(s) to be contained in or associated with the proposed CMP district.

14. If the CMP is intended to establish protected development rights under state statutes, a statement identifying the CMP as a "Protected Development Right Plan" and setting forth the duration of such rights, consistent with state law.

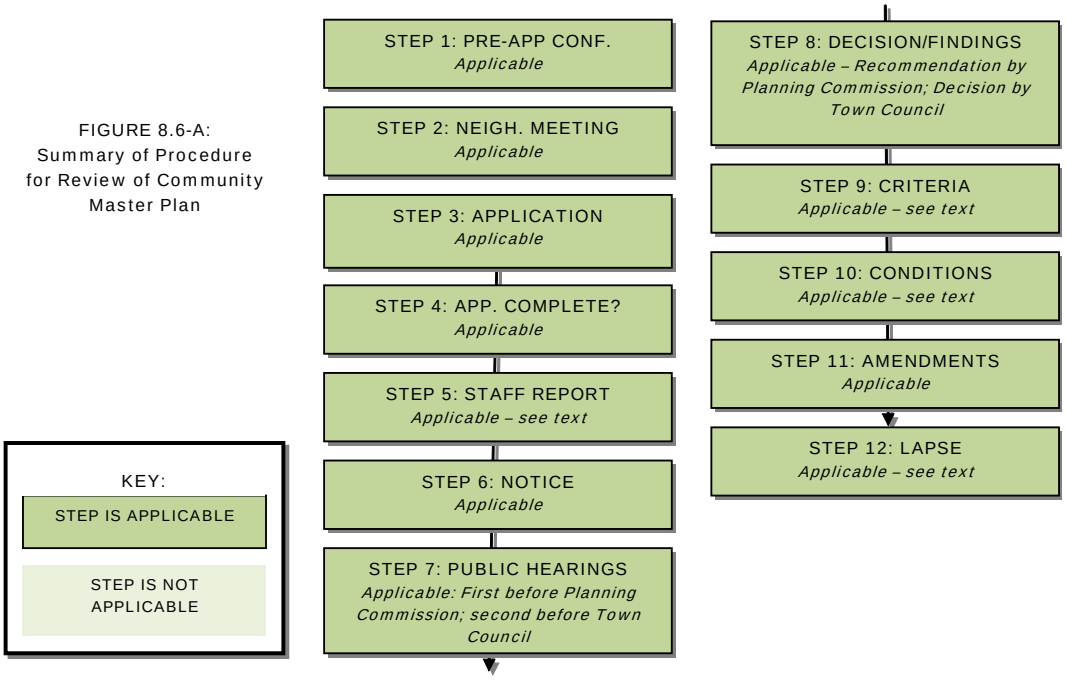
15. Any development agreement to be executed in connection with the CMP.

D. Step 4 (Determination of Application Completeness)
Applicable.

E. Step 5 (Staff Report)
Applicable.

F. Step 6 (Notice)
Applicable. Written, published, and posted notice required. Rezonings to the CMP overlay district shall comply with all notice requirements set forth generally for rezonings in Section 8.5.2.F *Notice* of this Development Code.

FIGURE 8.6-A: Summary of Procedure for Review of Community Master Plan



G. Step 7 (Public Hearings)

Applicable, as follows: One public hearing is required before the Planning Commission and one public hearing before the City Council.

H. Step 8 (Decision and Findings)

Applicable, as follows:

1. Review and Recommendation by Planning Commission

The Planning Commission shall conduct a public hearing on the CMP and shall, based on the approval criteria in Step 9, recommend approval as submitted, approval with modifications, or denial. Recommended approval of the CMP shall vest no rights to the applicant other than the right to have the CMP reviewed by the City Council.

2. Permitted Minor Changes Prior to City Council Hearing

Minor changes in the location, siting, and height of structures, streets, driveways, and open spaces may be authorized by the Director to be included in the CMP development plan to be reviewed by the City Council without additional public hearings, if such changes are required by engineering or other circumstances not foreseen at the time the CMP development plan was approved by the Planning Commission. No change authorized by this subsection may cause any of the following:

a. A change in the use or character of any portion of the development;

b. An increase by more than one percent in the overall coverage of structures;

c. An increase in the density or intensity of use;

d. An increase in the problems of traffic circulation and public utilities;

e. A reduction of not more than one percent in approved common open space;

f. A reduction in off-street parking and loading spaces; or

g. A reduction in required pavement widths.

3. Review and Decision by City Council

The Council shall review the CMP application at a regularly scheduled and noticed public hearing. The City Council shall consider the Planning Commission's recommendations and approve, conditionally approve, or deny the application, or table the application for further review, based on the applicable approval criteria in Step 9.

4. Action by City Council

The City Council may by ordinance approve the rezoning to the CMP overlay district, granting the applicant the right to proceed in accord with the approved CMP development plan.

5. Form of Amending Ordinance

An ordinance amending the zoning map to create or modify a CMP overlay district shall contain the following:

a. The name of each base zoning district to which the ordinance applies;

b. The legal description of the land within each zoning district applied by the ordinance; and

c. A copy of the CMP development plan (as required in Step 3 above) as approved, including any development agreement , subject to such additional conditions and upon such terms as the City Council deems necessary or appropriate to effectuate the purposes of this Development Code and the General Plan.

6. Recordation

A copy of the CMP development plan as approved, including any development agreement, shall be recorded with the appropriate county clerk and recorder's office within 10 days of approval by the City Council.

7. Placement on Official Zoning Map

All CMPs approved in accordance with the provisions of this section shall be referenced on the zoning district map, and a copy of such CMPs, together with the category of uses permitted therein, shall be maintained as part of this Development Code.

8. Successive Applications

Following denial of a CMP rezoning request, no new application for the same or substantially the same rezoning shall be accepted within one year of the date of denial, unless the denial is made without prejudice.

9. Protests

If the owners of 20 percent or more of the area immediately adjacent in the rear or any side of the property proposed to be in the CMP extending one hundred fifty feet from the proposed CMP property, or of the area directly opposite the proposed CMP property extending one hundred fifty feet from the street frontage of the opposite lots, file a protest in writing against a proposed CMP, it shall not become effective except by the favorable vote of three-fourths 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 of the remaining membership of the City Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the City Council.

I. Step 9 (Criteria for Approval)

Applicable, as follows: The Planning Commission may recommend approval, and the City Council may approve, a CMP that meets all of the following criteria:

1. The CMP addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes of this Development Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments.

2. The CMP is consistent with and conforms to goals, policies, and applicable elements of the General Plan and the purposes of this Development Code;

3. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

4. The CMP is not likely to result in significant adverse impacts upon the natural environment, or such impacts will be substantially mitigated;

5. The CMP is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and

6. Future uses on the subject tract(s) will be compatible with uses on other properties in the vicinity of the subject tract.

J. Step 10 (Conditions of Approval)

Applicable, as follows: Unless otherwise provided by the City Council in its final approval of a CMP, and in addition to any unique conditions that may be applied as part of the final approval, the following shall be standard conditions of approval of all CMPs:

1. Submission of documents from a title company establishing to the Director's satisfaction the person(s) holding fee title to the subject property at the time of the application and up to and including the date of final approval of the CMP.

2. Execution by applicant and any other required signatories of any development agreement required in connection with the CMP.

3. The development standards set forth within the applicant's submitted CMP shall be deemed to be incorporated within the action of the City Council in its approval of the application for CMP, except as modified under this Section 8.6.

4. A CMP development shall be platted in accordance with the requirements of Article 6, *Land Subdivision*, of this Development Code.

5. The development of an approved CMP shall be subject to the provisions of this Development Code as they existed on the date of approval of the CMP by the City Council, except as modified within the approved CMP, or by applicable amendments to the City Code.

6. The provisions of this Development Code, as amended subsequent to the date of approval by the City Council of a CMP, excluding changes in the permitted use, density, or intensity of use of the underlying general zoning districts, may be incorporated within the previously approved CMP upon the approval of the City Council of an application for amendment. Substantive Code changes regarding permitted use,

density, or intensity of use of the underlying general zoning districts may be incorporated within the previously approved CMP upon the approval of the City Council of an application for amendment, provided such incorporation does not conflict with vested or protected development rights.

K. Step 11 (Amendments)

Applicable, as follows: Applications to amend a CMP that has received final approval and been adopted by the City Council shall be filed with the Community Development Department. All CMP amendment applications must be signed by all owners of property, or their designees, within the area that is directly subject to the proposed amendment to the CMP.

1. Major Amendments

Major amendments to Community Master Plans shall be reviewed, processed, and approved in the same manner as required for the original CMP to which amendment is sought, including all notice and citizen participation requirements. Any major amendment shall be recorded in the real estate records of Maricopa County, Arizona, in accordance with the procedures established for the filing and recording of approved Community Master Plans. All CMP amendment applications not meeting the criteria set forth in this Section for major amendments shall be deemed applications for minor amendments.

For any application for a CMP Amendment meeting any or all of the following criteria, the amendment shall be a major amendment:

a. Amendments that change the permitted land uses for property in any location of a Community Master Plan, or that amend the allowable uses, or amend the development standards or regulations for permitted uses, under an approved CMP. If permitted in the approved Community Master Plan, the location of land uses within any Planning Unit may be altered as long as the overall density and intensity of the approved Planning Unit remains unchanged.

b. Amendments that result in an increase by five percent or more in the number of total residential dwelling units in an approved Community Master Plan.

c. Amendments that result in a decrease of planned or identified public parks and/or improved open space by five percent or more of the total amount of public parks and improved open space in the approved Community Master Plan; or amendments that result in a decrease of the total amount of natural areas or preserved or undisturbed open space by two percent in the approved Community Master Plan.

d. Amendments that propose a shift from one phase, parcel, or development unit (however defined in the approved CMP) of the Community Master Plan to another phase, parcel, or development unit of twenty percent or more of the total number of residential dwelling units permitted under an approved CMP. Amendments that propose a shift from one phase, parcel, or development unit of the CMP to another phase, parcel or development unit of more than 10% to 19% of the total number of residential dwelling units under an approved CMP, unless the Director finds, in writing, that the proposed transfer will have no material impact on the services and infrastructure proposed, provided for, and necessary to accommodate and serve the transferred units.

e. Any amendment that results in a change to the housing floor plan mix provided within an approved Community Master Plan that, as determined in writing by the Director, the proposed change will substantially reduce the options available to future residents of the CMP.

f. Substantial amendments that make any changes to the streets and transportation circulation patterns and regional connectivity under the approved CMP.

g. Any amendment that is deemed by the Director to make such a significant or fundamental change to the Community Master Plan that in the Director's judgment, it should be deemed to be a major amendment.

2. Minor Amendments

Minor amendments to an approved Community Master Plan are administrative requests and may be approved, approved with conditions, or denied by the Director without a public hearing. A minor amendment may be approved by the Director as long as the amendment does not constitute, as determined by the Director, a substantial alteration of the fundamental nature and character of the Community Master Plan proposed to be amended.

3. Applicability

All proposed amendments to any new or existing Community Master Plan that received final approval after the effective date of this Development Code, subject to the provisions of this Development Code, shall be governed by the provisions of this subsection K.

L. Step 12 (Lapse)

Applicable, as follows: Development in the approved CMP overlay district shall commence within five years from the approval of the CMP, or as otherwise approved in the development agreement. If development has not commenced within five years or the period specified in the development

agreement, the City Council, after notification by certified mail to the owner and applicant who requested the CMP, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

8.7. CONDITIONAL USE PERMITS

8.7.1. Purpose and Applicability

This section provides a discretionary approval process for Conditional Use Permits for sites that have unique or widely varying operating characteristics or unusual site development features. Care should be taken to integrate conditional land uses with other uses in the area and to prevent adverse impacts on the community at-large. The procedure encourages public review and evaluation of a conditional use's operating characteristics and site development features.

8.7.2. Relationship to Site Plan Requirements

If Planning Commission site plan review is necessary for a project that also requires a Conditional Use Permit, then the review and approval of both the site plan and the Conditional Use Permit may be coordinated at the discretion of the applicant, in order to obtain both approvals at once. In such cases, the two applications should be filed together and review of each application should proceed simultaneously. The Planning Commission shall render separate decisions on the applications based on the applicable approval criteria in this Section 8.7 and Section 8.9.

8.7.3. Procedure

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.7-A.)

A. Step 1 (Pre-Application Conference)
Applicable.

B. Step 2 (Neighborhood Meeting)
Applicable.

C. Step 3 (Development Application Submittal)
Applicable.

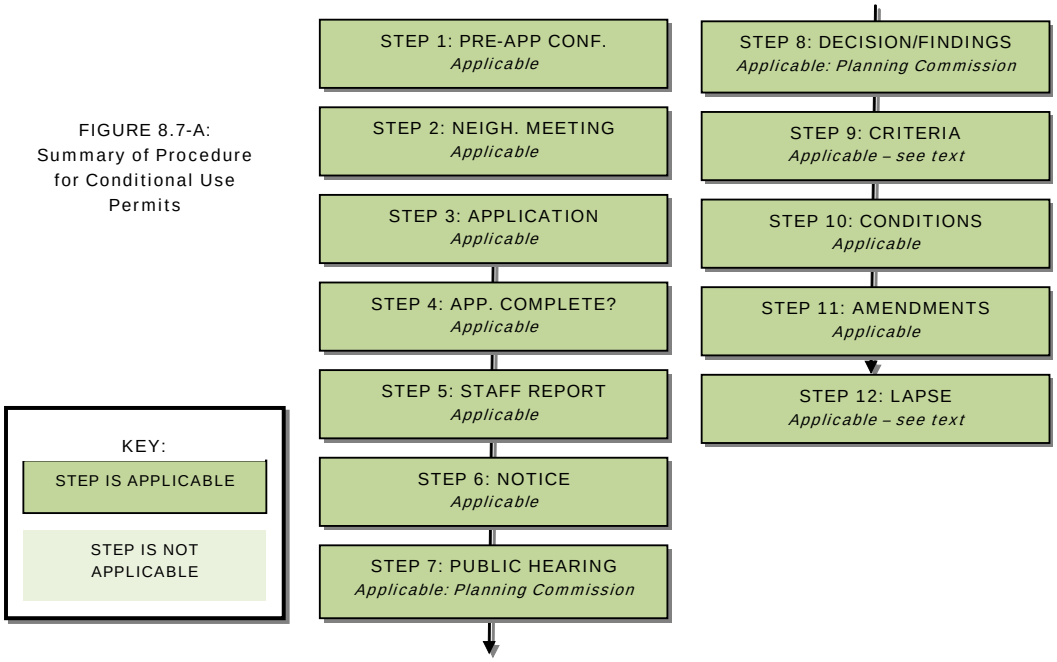
D. Step 4 (Determination of Application Completeness)
Applicable.

E. Step 5 (Staff Report)
Applicable.

F. Step 6 (Notice)
Applicable. Published, written and posted notice required.

G. Step 7 (Public Hearing)
Applicable.

FIGURE 8.7-A: Summary of Procedure for Conditional Use Permits



H. Step 8 (Decision and Findings)

Applicable. The following additional procedures shall apply:

1. Planning Commission's Review and Action

The Planning Commission shall hold a public hearing on the proposed application and shall approve, approve with modifications and/or conditions, or deny the application.

2. Issuance of a Conditional Use Permit

An approved conditional use shall not be established until a Conditional Use Permit has been issued by the Community Development Department. The permit shall cite the plans and documents on which the Planning Commission based its approval, as well as the specific modifications and/or conditions of the approval, if any.

I. Step 9 (Approval Criteria)

Applicable, as follows: A Conditional Use Permit may be approved only if the Planning Commission determines that all of the following criteria have been met:

1. The proposed use is consistent with the General Plan and all applicable provisions of this Development Code and applicable state and federal regulations;

2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards in Article 3 of this Development Code;

3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

4. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;

5. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;

6. Adequate assurances of continuing maintenance have been provided; and

7. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.

J. Step 10 (Conditions of Approval)
Applicable, with the following additions:

1. Any of the conditions imposed by the permit shall be considered as conditions precedent to the granting of a building permit for the conditional use allowed.

2. If a site plan is not processed concurrently with the Conditional Use Permit application pursuant to Section 8.7.2 *Relationship to Site Plan Review*, then a site plan meeting the conditions specified in the Conditional Use Permit shall be required and shall be submitted and processed pursuant to Section 8.9 *Site Plan Review* prior to issuance of any building permits for the subject property.

K. Step 11 (Amendments)
Applicable.

L. Step 12 (Lapse)
Applicable, as follows:

1. In the event of noncompliance by the applicant with the Conditional Use Permit or any conditions of approval, or if the Conditional Use is not in operation within two years after the date of its approval, the Planning Commission may initiate proceedings to review the Conditional Use Permit. Such review shall occur in the same manner as for original approval, and upon completion of such review the Planning Commission

may revoke the Conditional Use Permit or amend the original approval.

2. Should the Conditional Use cease operation for a period longer than one year, then the permit shall be considered void and shall require a new application.

8.8. SUBDIVISION

8.8.1. Purpose

The purpose of the subdivision review process is to ensure compliance with the subdivision standards and requirements in Article 6, *Land Subdivision*, while encouraging quality development consistent with the goals, policies, and objectives in the City's General Plan.

8.8.2. Applicability

The procedures of this Section 8.8, and the standards and requirements in Article 6, *Land Subdivision*, shall apply to all "subdivisions," "minor subdivisions," "re-subdivisions," and "land splits" as defined in Article 10, *Definitions*, of this Development Code, including any subdivisions or re-subdivisions created by an exercise of the power of eminent domain by an agency of the state or City, unless specifically excluded by state law.

8.8.3. Subdivision Approval is Prerequisite to Other Approvals

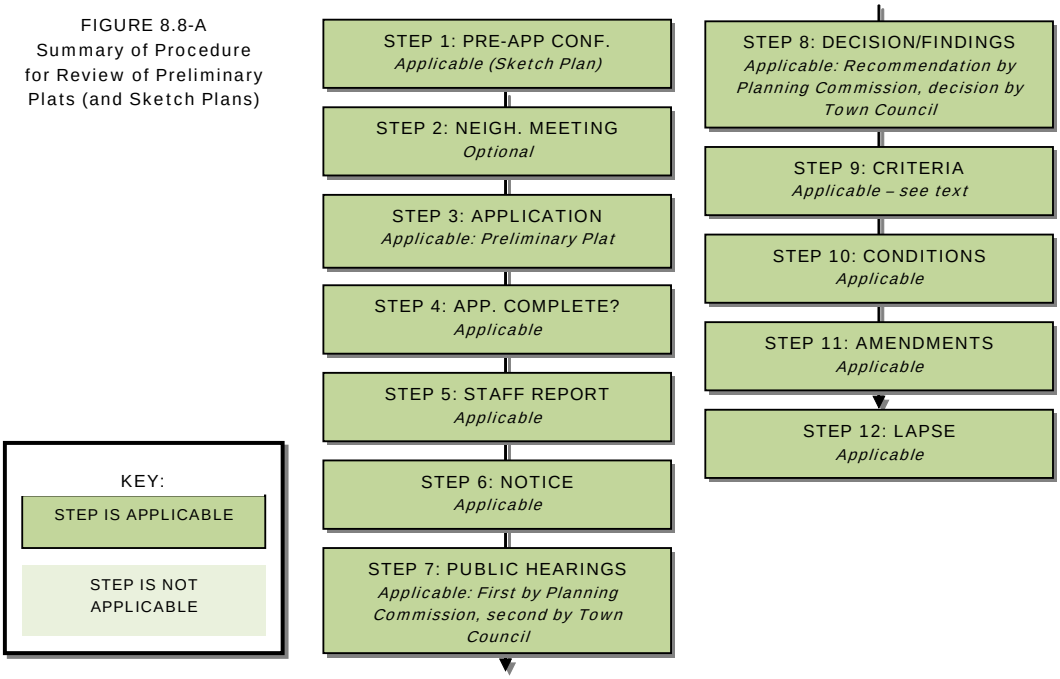
No building permit or certificate of occupancy may be issued for any building, structure, or improvement located within a subdivision, and no plat for a subdivision may be recorded, until:

A. A plan for the subdivision has been approved and all required dedications of land have been made and all required improvements have been installed in accordance with the procedures and requirements of this Development Code; or

B. A plan for the subdivision of land has been approved and, if applicable, a development agreement has been executed that provides for future improvements pursuant to Section 6.4, *Improvements,* of this Development Code.

The City shall not accept or maintain any street and shall not extend or connect any street lighting, water service, or sanitary sewer service to any subdivision of land, until and unless a final plat for the subdivision has been approved and recorded in accordance with the requirements in this Section 8.8.

FIGURE 8.8-A
Summary of Procedure for Review of Preliminary Plats (and Sketch Plans)



8.8.4. Restriction on Sale or Transfer of Subdivided Land Without Approved Plat

Any person who transfers or sells any land located within the City by reference to a plat that has not been approved by the City and recorded by the appropriate County shall be guilty of a violation of this Development Code. Any person who transfers or sells land located within the City without meeting the applicable requirements of this Development Code and A.R.S. Sections 9-463, 9-463.01, 9-463.02 and 9-463.03 shall be guilty of a violation of this Development Code.

8.8.5. Existing Lots of Record

No provision of this Section 8.8 or Article 6, *Land Subdivision*, applies to any lot in a subdivision legally created and filed of record before the effective date of this Development Code, unless any lot, parcel, or tract is further subdivided.

8.8.6. Procedure for Review of Preliminary Plats

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.8-A.)

A. Step 1 (Pre-Application Conference) (Sketch Plan)

Applicable, as follows: A sketch plan shall be submitted to the Director staff on a form contained in the application packet. A sketch plan represents a generalized land use plan and layout for the area proposed to be included within a subdivision. It is a mandatory step that allows early, informal evaluation of a proposed subdivision before detailed planning and engineering work is undertaken and substantial expenses are incurred. At a minimum, the sketch plan shall contain the following information:

1. Uses proposed;

2. Intensity or density of uses proposed;

3. Location of public and private open space;

4. Drainage facilities;

5. All public and private road, street, and pedestrian networks proposed; and

6. Existing or proposed utilities and public services for the development.

B. Step 2 (Neighborhood Meeting)
Optional at the applicant's discretion.

C. Step 3 (Development Application Submittal)
Applicable, with the following additional provision: If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract number and shall be considered a part of the preliminary and final plat. Requirements for surveying this remaining tract may be waived at the discretion of the Director.

D. Step 4 (Determination of Application Completeness)
Applicable.

E. Step 5 (Staff Report)
Applicable.

F. Step 6 (Notice)
Applicable. Mailed, posted, and published notice required.

G. Step 7 (Public Hearings)
Applicable. Two public hearings are required. The first hearing shall be held by the Planning Commission and the second hearing shall be held by the City Council.

H. Step 8 (Decision and Findings)
Applicable. The following additional procedures shall apply:

1. **Public Hearing and Recommendation by Planning Commission**
   a. A copy of the preliminary plat filed with the City shall be available for public viewing during regular business hours. Anyone may submit written comments recommending approval or denial of the preliminary plat, stating the reasons therefore, to the Planning Commission on or before the date for the public hearing.

b. The Planning Commission shall hold a public hearing on the preliminary plat and shall consider staff recommendations and any comments received from the referral entities. Within 30 days of the close of the hearing, based on the applicable approval criteria in Step 9, the Commission shall recommend that the City Council approve, conditionally approve, or deny the application; table the application for further review; or continue the hearing to a new date.

2. Review and Decision by City Council

The Council shall review the preliminary plat application at a regularly scheduled and noticed public hearing. The City Council shall consider the Planning Commission's recommendations and approve, conditionally approve, or deny the application, or table the application for further review, based on the applicable approval criteria in Step 9.

3. Denial of a Preliminary Plat

If a preliminary plat is denied by the City Council, the applicant shall be given in writing the specific reasons for the denial. The applicant may, within six months, resubmit the preliminary plat along with an affidavit stating that the deficiencies in the previous application have been corrected without paying an application fee.

4. Conditions of Approval

If the City Council specifies condition(s) for approval, the applicant may, within 60 days of such City Council action, resubmit the preliminary plat along with an affidavit to the City Council stating that the conditions specified by the City Council in the previous application have been met without paying an application fee. No public hearing by the Planning Commission is required in such cases. Such reapplication shall also be reviewed by the City Council according to the review procedures listed above for preliminary plats. Any re-application of this type after 60 days shall be considered a new preliminary plat and shall require a new application fee and a public hearing before the Planning Commission.

5. Effect of Approval

Approval of a preliminary plat shall be deemed an expression of approval to the layouts submitted on the preliminary plat as a guide for the future installation of streets, water, sewer, and other required improvements and utilities and to the preparation of the final or record plat. Except as provided for in this section, approval of the preliminary plat shall constitute permission to submit a final plat when all conditions of approval noted as provided in this section have been met.

6. Construction Work

No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat. The subdivider may undertake certain ground excavations for grading and drainage purposes if the proper permits are issued by the Director, at the subdivider's risk.

I. Step 9 (Approval Criteria)

Applicable, as follows: A preliminary plat may be approved only if the City Council finds that all of the following criteria have been met:

1. The subdivision is consistent with the General Plan.

2. The subdivision is consistent with and implements the intent of the specific zoning district(s) in which it is located.

3. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to meet the City's standards related to health and safety and in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Development Code.

4. The subdivision complies with all applicable use, development, and design standards set forth in this Development Code that have not otherwise been modified or waived pursuant to this Article 8. Applicants shall refer to the dimensional standards in Article 4 and the development standards in Article 5 of this Development Code and shall implement them in the layout of the subdivision in order to avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.

5. The plat complies with all requirements set forth in Article 6, *Land Subdivision*, of this Development Code.

6. The subdivision complies with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.

7. The subdivision will not result in adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.

8. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.

9. The subdivision will not result in adverse impacts on adjacent properties, or such impacts will be substantially mitigated.

10. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, schools, and fire stations are or may be available to serve the subject property, while maintaining sufficient levels of service to existing development.

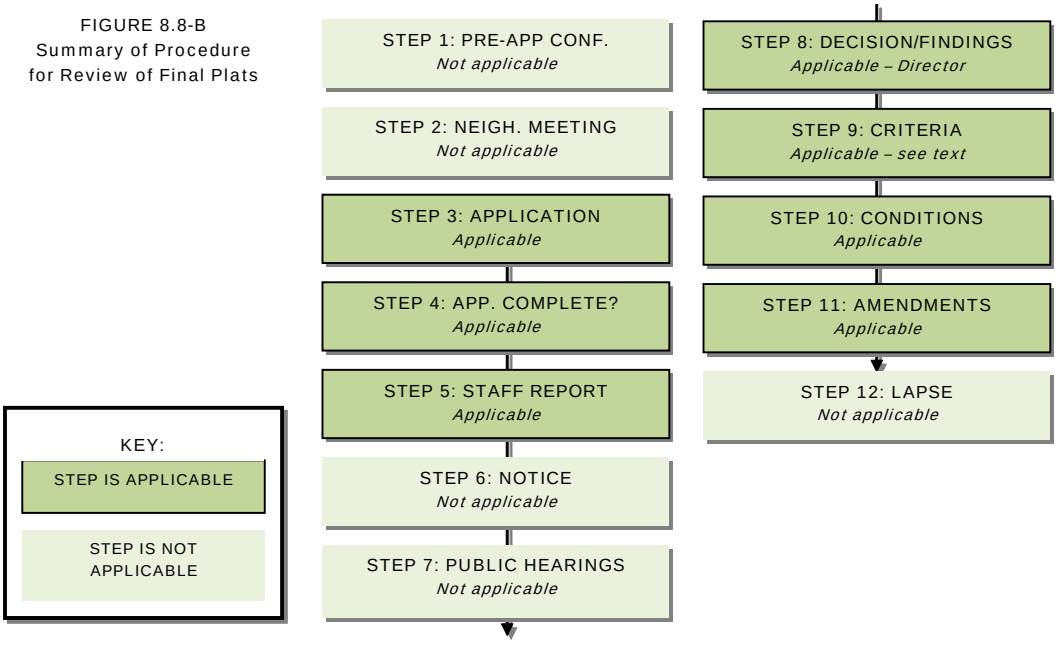
11. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capability.

J. Step 10 (Conditions of Approval)
Applicable.

K. Step 11 (Amendments)
Applicable.

L. Step 12 (Lapse)
Applicable, as follows: Approval of a preliminary plat shall be effective for two years. If no development or change in requirements has occurred that would affect the proposed plat at the end of such two-year period, the City Council may, at the request of the applicant, extend its approval another year without the submission of a new preliminary plat by re-approving the original preliminary plat. No extensions of approval shall be granted more than once.

FIGURE 8.8-B
Summary of Procedure
for Review of Final Plats



8.8.7. Procedure for Review of Final Plats

The common development review procedures of Section 8.2, *Common Development Review Procedures,* shall apply, with modifications as noted below. (See Figure 8.8-B.)

A. Step 1 (Pre-Application Conference)
Not applicable.

B. Step 2 (Neighborhood Meeting)
Not applicable.

C. Step 3 (Development Application Submittal)
Applicable.

D. Step 4 (Determination of Application Completeness)
Applicable.

E. Step 5 (Staff Report)
Applicable.

F. Step 6 (Notice)
Not applicable.

G. Step 7 (Public Hearings)
Not applicable.

H. Step 8 (Decision and Findings)
Applicable. The following additional procedures shall apply:

1. Director's Review and Decision

The Director and staff shall review each proposed final plat application in light of the applicable approval criteria in Step 9. All construction plans for subdivision-related public improvements shall be referred to the City Engineer for review and approval. Based on the results of those reviews, the Director shall approve, approve with conditions, or deny the proposed final plat. If the Director finds that the final plat submittal documents do not comply with the applicable requirements of this Development Code, the Director may refer it back to the applicant for modification or further study.

2. Final Plats that Differ from Approved Preliminary Plats

If the final plat does not substantially conform to the approved preliminary plat, based upon the determination of the Director, the Director shall refer the application to the Planning Commission, and the final plat submittal shall require review and approval in the same manner as the preliminary plat (i.e., hearings before the Planning Commission and the City Council).

3. Effect of Approval

Following the approval of a final plat, which shall have all permitted modifications, waivers, or variances expressly noted thereon, the final plat shall be signed by the Director, the City Engineer, and the City Attorney. The final plat shall then be recorded no later than 10 days after the final plat is executed by the City.

4. Acceptance of Dedications

Execution of the approved final plat shall constitute the City's preliminary acceptance of any public dedication, subject to an improvements guarantee.

5. Improvements Guarantee

The subdivider shall provide any required guarantees and warranties required by Article 6, *Land Subdivision*, to the City Clerk prior to the recording of the plat. For a period of two years after receipt of an acceptance letter from the City, the applicant shall guarantee the conditions of all public facilities and be responsible for the structural maintenance and the repair of any defects that may emerge during that period. Ownership and maintenance of those areas not formally accepted shall be the responsibility of the applicant or a private association. At the end of two years, the applicant shall petition the City for formal final release from the responsibility for the improvements. The City shall then inspect the improvements and determine whether the applicant has met the conditions specified in the preliminary acceptance. If conditions have been met, the City shall release the applicant from responsibility for the improvements. Upon

final acceptance, it shall be the City's responsibility to maintain and repair all such improvements, unless stated otherwise on the final plat or within any development agreement recorded in connection with the development.

I. Step 9 (Approval Criteria)

Applicable, as follows: The Director shall approve a final plat if it meets the following criteria:

1. In the Director's discretion, the final plat substantially conforms to the approved preliminary plat and incorporates all recommended changes, modifications, and conditions attached to approval of the preliminary plat.

2. Plans and specifications for improvements connected with development of the subdivision comply with the standards in Article 6, *Land Subdivision,* of this Development Code, and any other relevant City, county, state, or federal regulations, except to the extent modifications, variances, or exceptions have been expressly allowed by the terms of the preliminary plat approval. All construction plans for improvements shall be approved by the City Engineer prior to the Director's action on the final plat.

3. The applicant has either installed all required improvements or has executed a development improvement agreement required under Section 6.4, *Improvements,* of this Development Code.

4. The applicant has paid or satisfied all applicable fees and charges, including recording fees.

J. Step 10 (Conditions of Approval)

Applicable.

K. Step 11 (Amendments)

Applicable, with the following additional provisions:

1. Minor Amendments

The Director may approve minor amendments to approved plats, which shall be recorded and shall control over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and the sole purpose of the amending plat is to:

a. Correct an error in a course or distance shown on the preceding plat;

b. Add a course or distance that was omitted on the preceding plat;

c. Correct an error in a real property description shown on the preceding plat;

d. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

g. Correct an error in courses and distances of lot lines between two adjacent lots if:

(i) Both lot owners join in the application for amending the plat;

(ii) Neither lot is abolished;

(iii) The amendment does not attempt to remove recorded covenants or restrictions; and

(iv) The amendment does not have a material adverse effect on the property rights of the owners in the plat;

(v) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or

(vi) Relocate one or more lot lines between one or more adjacent lots if all of the following have been met:

(1) The owners of all those lots join in the application for amending the plat;

(2) The amendment does not attempt to remove recorded covenants or restrictions; and

(3) The amendment does not increase the number of lots.

Notice, a public hearing, and the approval of other lot owners shall not be required for the approval and issuance of a minor amending plat. Minor amendments shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a revised plat certified by a land surveyor licensed with the State of Arizona, and shall be filed with the appropriate County Clerk and Recorder.

L. Step 12 (Lapse)

Not applicable.

8.8.8. Procedure for Review of Minor Subdivisions

The procedure in this section shall apply to subdivisions that create three or fewer lots or tracts, provided that parcels are eligible for minor subdivision only once, and further subdivisions or newly created parcels shall be processed as regular subdivisions. The common development review procedures of Section 8.2 shall apply, with modifications as noted below.

A. Step 1 (Pre-Application Conference)
Applicable.

B. Step 2 (Neighborhood Meeting)
Not applicable.

C. Step 3 (Development Application Submittal)
Applicable.

D. Step 4 (Determination of Application Completeness)
Applicable.

E. Step 5 (Staff Report)
Applicable.

F. Step 6 (Notice)
Applicable. Posted notice only.

G. Step 7 (Public Hearings)
Not applicable.

H. Step 8 (Decision and Findings)
Applicable. The following additional procedures shall apply:

1. Director's Review and Decision
The Director shall review each proposed minor subdivision in light of the applicable approval criteria in Step 9 and shall act to approve, approve with conditions, or deny the proposed minor subdivision. The Director shall make a final decision on the final plat application within 30 days of receipt of a complete application.

I. Step 9 (Approval Criteria)
Applicable, as follows: The Director shall approve a minor subdivision application if it meets the following criteria:

1. The minor subdivision is consistent with and implements the intent of the specific zoning district in which it is located and complies with all applicable use, development, and design standards set forth in this Development Code;

2. As applicable, the minor subdivision is consistent with the terms and conditions of any previously approved CMP; and

3. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development.

J. Step 10 (Conditions of Approval)
Applicable.

K. Step 11 (Amendments)
Applicable.

L. Step 12 (Lapse)
Not applicable.

8.8.9. Procedure for Lot Split

All the procedures for a minor subdivision under Section 8.8.8, *Procedures for Review of Minor Subdivisions,* shall be applicable, with the following modifications:

A. A lot split is permitted only for the division of improved or unimproved land whose area is two and one-half acres or less into two or three tracts or parcels of land, as defined in A.R.S. § 9-463.

B. The lots, tracts, and parcels resulting after the land split shall meet the requirements of the underlying zoning district.

8.8.10. Procedure for Subdivision Re-Plat

All the procedures for a final plat shall be applicable, with the following modifications:

A. There are two types of re-plat review: administrative and City Council review. The following applications shall qualify for administrative review:

1. Up to 10 percent change in the overall density of the plat;

2. Shift in internal lot line of no more than five feet provided the new lot sizes conform to the minimum zoning district standards; and

3. Any application that, in the Directors opinion, does not cause a fundamental change in the overall function of the plat.

All other re-plat applications shall require review and decision by the City Council.

8.9. SITE PLAN REVIEW

8.9.1. Purpose

The site plan review process is intended to ensure compliance with the development and design standards of this Development Code and to encourage quality development reflective of the goals, policies, and objectives of the General Plan. For land uses requiring a site plan review, such uses may be established in the City, and building or land use permits may be issued, only after a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this Section 8.9.

8.9.2. Applicability

A. Administrative Site Plan Review

The following types of projects may be approved by the Director through the administrative site plan approval process:

1. A single use proposed in a structure that is less than 10,000 square feet in building size for that use, not including a single-family detached dwelling.

2. A combination of uses proposed in a single structure, such as a shopping center or a multi-building development, that is less than 20,000 square feet in building size, not including a single-family detached or duplex dwelling.

3. Antenna co-location on existing tower; non-concealed freestanding towers; and concealed antennae and towers

B. Planning Commission Site Plan Review

The following types of projects shall require site plan review by the Planning Commission:

1. Any development, with the exception of single-family detached or duplex dwellings, that exceeds the size threshold for administrative site plan approval and does not meet the threshold for City Council site plan review.

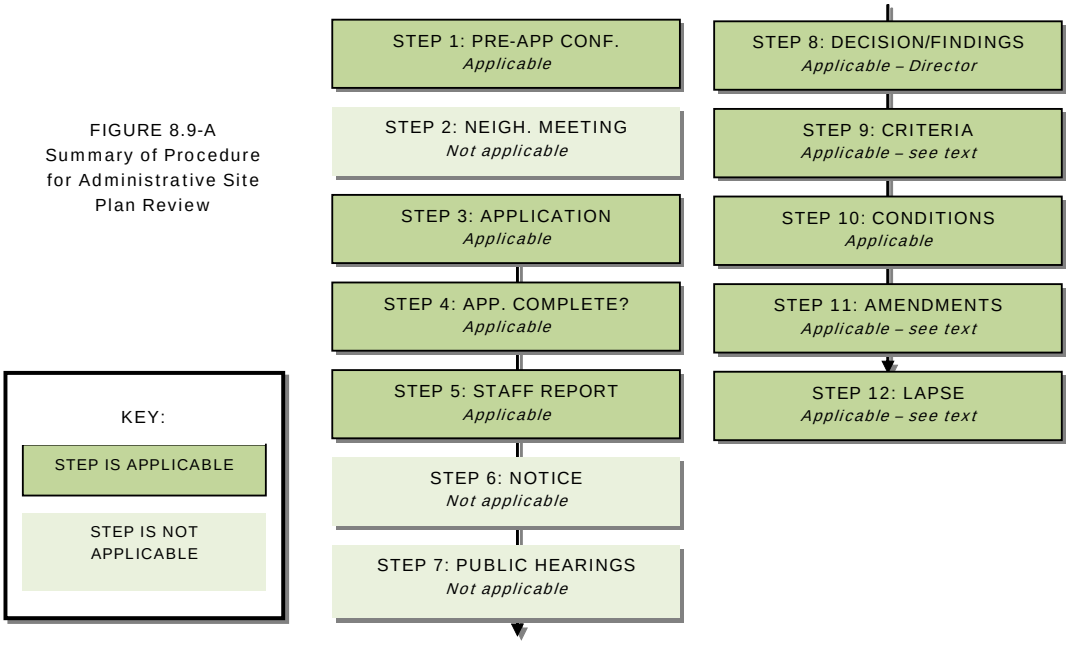
2. Any administrative site plan referred to the Planning Commission by the Director.

C. City Council Site Plan Review

The following types of projects shall require site plan review by the Planning Commission:

1. A single use/building that is greater than 120,000 square feet.

FIGURE 8.9-A
Summary of Procedure for Administrative Site Plan Review



2. A combination of uses in a single structure or a multi-building development that is greater than 250,000 square feet.

3. Any Administrative or Minor site plan referred to the City Council by the Planning Commission.

D. Exemptions

The following types of projects are exempt from site plan review:

1. Single-family detached or duplex dwelling;

2. Tenant improvements in which the existing building is not expanded.

8.9.3. Procedure for Administrative Site Plan Review

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.9-A.)

A. Step 1 (Pre-Application Conference)
Applicable.

B. Step 2 (Neighborhood Meeting)
Not applicable.

C. Step 3 (Development Application Submittal)
Applicable.

D. Step 4 (Determination of Application Completeness)
Applicable.

E. Step 5 (Staff Report)
Applicable.

F. Step 6 (Notice)
Not applicable.

G. Step 7 (Public Hearings)
Not applicable.

H. Step 8 (Decision and Findings)
Applicable. The following additional procedures shall apply:

1. Action by Director
The Director shall review each administrative site plan application and distribute the application to other reviewers as he or she deems necessary. Based on the results of those reviews, the Director shall take final action on the application and approve, approve with conditions, deny, or defer decision on the application based on the applicable approval criteria below. The Director's review and decision, including referral to other agencies and bodies, shall be completed within 45 days of receipt of a complete application.

2. Referral to Planning Commission
The Director may refer any application to the Planning Commission that in the Director's discretion presents issues that require Planning Commission attention.

3. Appeal to the Planning Commission
Appeals of decisions made by the Director under this Section shall be made to the Planning Commission.

I. Step 9 (Approval Criteria)
Applicable, as follows: A site plan may be approved upon a finding that the application meets all of the following criteria:

1. The site plan is consistent with the General Plan;

2. The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable;

3. The site plan complies with all applicable development and design standards set forth in this Development Code, including but not limited to the provisions in Article 2, *Zoning Districts*; Article 3, *Use Regulations*;

Article 4, *Dimensional Standards*; Article 5, *Development and Design Standards and Guidelines*; and Article 5, *Land Subdivision*; and

4. The development proposed in the plan and its general location is or will be compatible with the character of surrounding land uses.

J. Step 10 (Conditions of Approval)
Applicable.

K. Step 11 (Amendments)
Applicable, with the following modification: The following amendments are offered as examples of amendments to approved site plans that the Director may reasonably determine to be "minor":

1. Changes in street alignment if such changes further the intent of the General Plan and this Development Code and are acceptable to the City Engineer.

2. Changes in building envelope, setback, and similar provisions of 10 percent or less.

3. Changes in landscaping, sign placement, lighting fixtures, etc. to further the intent of the General Plan and this Development Code.

L. Step 12 (Lapse)
Applicable, as follows:

1. The site plan shall be effective for a period of two years from the date of approval, unless stated otherwise in such approval. Building permits shall not be issued based on site plans that have lapsed.

2. The Director may grant a one-time extension, of not more than six months, upon a written request by the applicant, prior to the expiration of the site plan. Failure by the applicant to request a time extension prior to the expiration of the plan shall render the unbuilt portion of the plan null and void. The submittal of a revised site plan and fees shall be required to obtain a building permit for further site improvements.

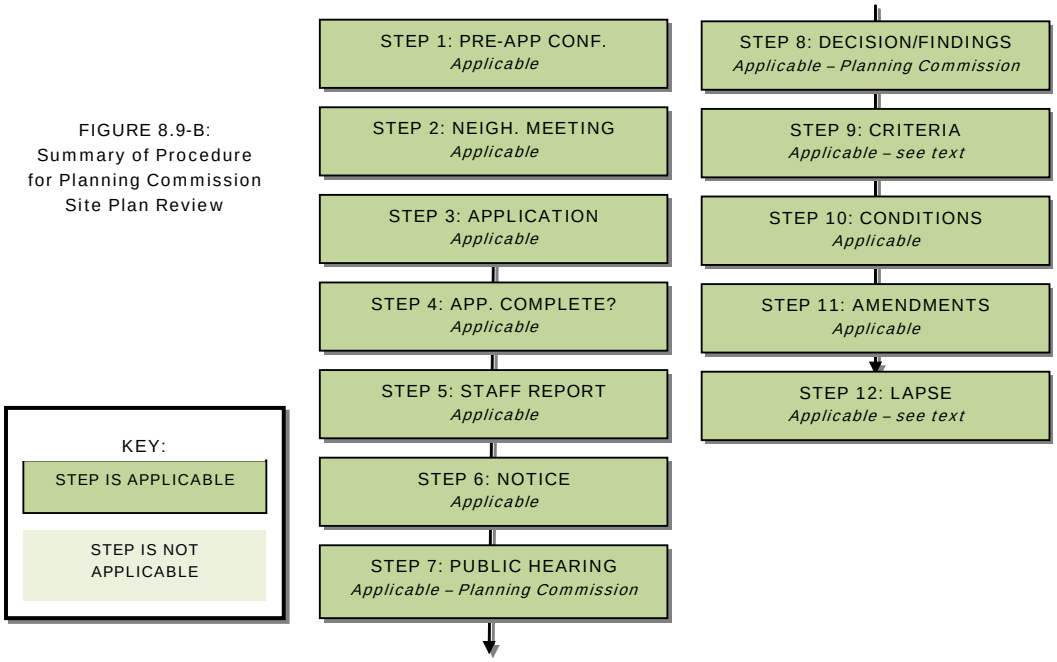
8.9.4. Procedure for Planning Commission Site Plan Review

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.9-B.)

A. Step 1 (Pre-Application Conference)
Applicable.

B. Step 2 (Neighborhood Meeting)
Applicable.

FIGURE 8.9-B: Summary of Procedure for Planning Commission Site Plan Review



C. Step 3 (Development Application Submittal)
Applicable.

D. Step 4 (Determination of Application Completeness)
Applicable.

E. Step 5 (Staff Report)
Applicable.

F. Step 6 (Notice)
Applicable. Mailed, published, and posted notices required.

G. Step 7 (Public Hearing)
Applicable.

H. Step 8 (Decision and Findings)
Applicable. The following additional procedures shall apply:

1. Planning Commission's Review, Hearing, and Decision
The Planning Commission shall hold a hearing on the proposed application and approve, approve with conditions, or deny the proposed site plan, based on the applicable approval criteria in Step 9.

I. Step 9 (Approval Criteria)
Applicable. A site plan may be approved upon a finding that the application meets all of the approval criteria set forth above under Section 8.9.3.I. *Approval Criteria* for administrative site plans.

J. Step 10 (Conditions of Approval)
Applicable.

K. Step 11 (Amendments)
Applicable.

L. Step 12 (Lapse)
Applicable. See Section 8.9.3.L. for the applicable lapse provisions for all site plans.

8.9.5. Procedure for City Council Site Plan Review

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.9-C.)

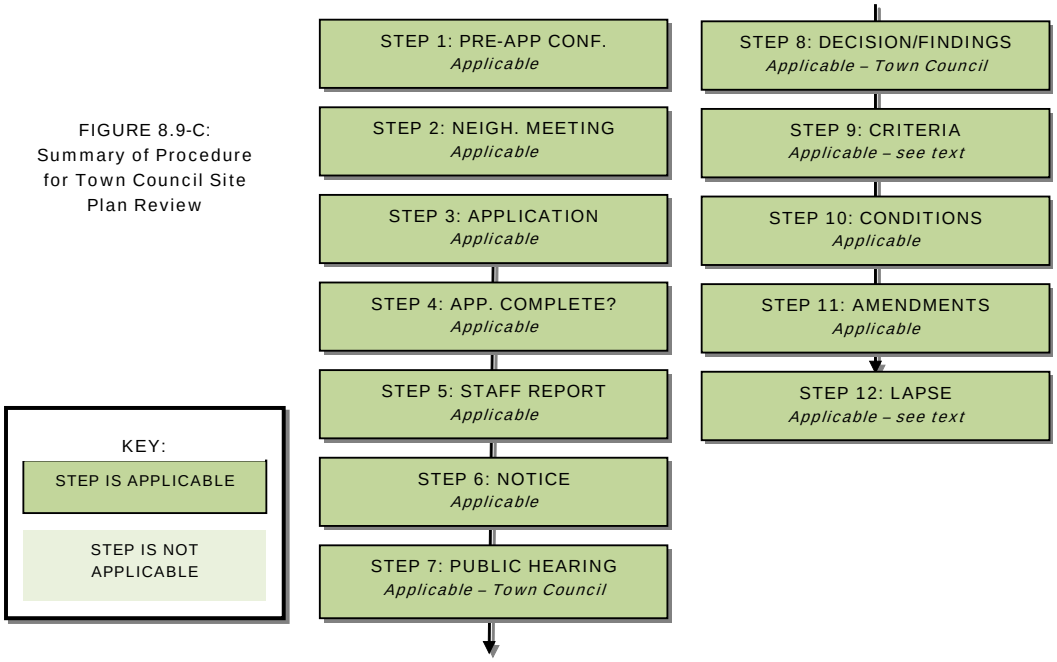
A. Step 1 (Pre-Application Conference)
Applicable.

B. Step 2 (Neighborhood Meeting)
Applicable.

C. Step 3 (Development Application Submittal)
Applicable.

D. Step 4 (Determination of Application Completeness)
Applicable.

FIGURE 8.9-C: Summary of Procedure for Town Council Site Plan Review



E. Step 5 (Staff Report)
Applicable.

F. Step 6 (Notice)
Applicable. Mailed, published, and posted notices required.

G. Step 7 (Public Hearing)
Applicable.

H. Step 8 (Decision and Findings)
Applicable. The following additional procedures shall apply:

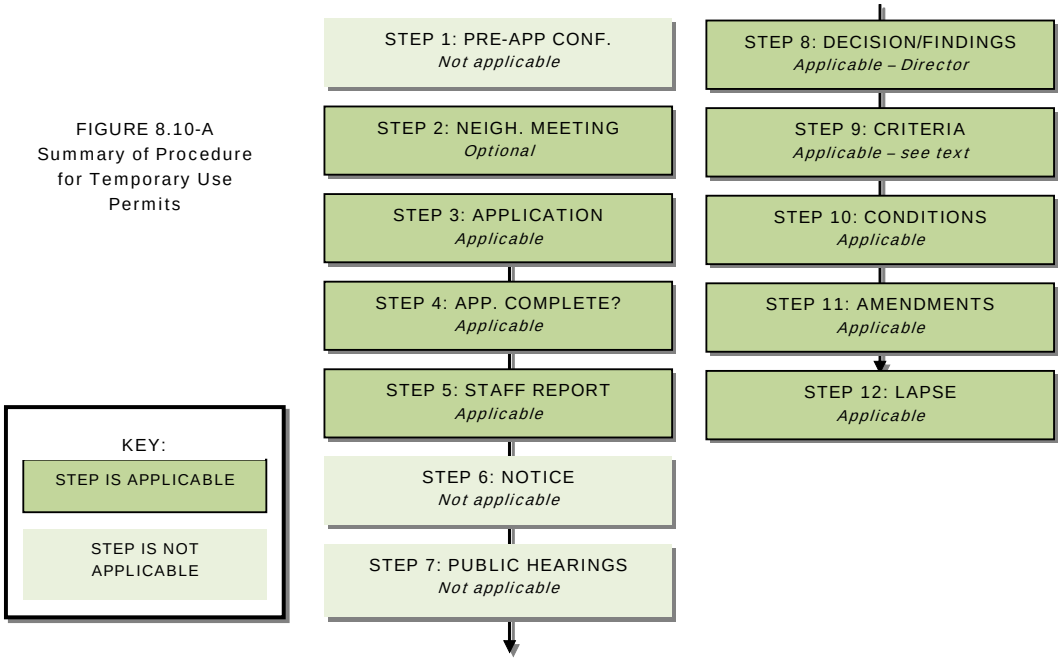
1. City Council's Review, Hearing, and Decision
The City Council shall hold a hearing on the proposed application and approve, approve with conditions, or deny the proposed site plan, based on the applicable approval criteria in Step 9.

I. Step 9 (Approval Criteria)
Applicable. A site plan may be approved upon a finding that the application meets all of the approval criteria set forth above under Section 8.9.3.I.for administrative site plans.

J. Step 10 (Conditions of Approval)
Applicable.

K. Step 11 (Amendments)
Applicable.

FIGURE 8.10-A
Summary of Procedure for Temporary Use Permits



L. Step 12 (Lapse)
Applicable. See Section 8.9.3.L. for the applicable lapse provisions for all site plans.

8.10. TEMPORARY USE PERMITS

8.10.1. Applicability

No use that is classified as a temporary use in the zoning district in which it is to be located shall be placed or established on the property without first receiving a temporary use permit, unless exempted from the permit requirements by Article 3, *Use Regulations*.

8.10.2. Procedure

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.10-A.)

A. Step 1 (Pre-Application Conference)
Not applicable.

B. Step 2 (Neighborhood Meeting)
Optional at the applicant's discretion.

C. Step 3 (Development Application Submittal)
Applicable, with the following modification: All applications for temporary use permits shall be filed at least four weeks prior to the date the temporary use will commence, or at least six weeks prior to the date the temporary use will commence if public safety support is requested from the City. The Director

may waive this filing deadline requirement in an individual case for good cause shown.

D. Step 4 (Determination of Application Completeness)
Applicable.

E. Step 5 (Staff Report)
Applicable.

F. Step 6 (Notice)
Not applicable.

G. Step 7 (Public Hearings)
Not applicable.

H. Step 8 (Decision and Findings)
Applicable. The following additional procedures shall apply:

1. Action by Director
The Director shall review each application and distribute the application to other reviewers as he or she deems necessary. Based on the results of those reviews, the Director shall take final action on the application and approve, approve with conditions, or deny the application based on the applicable approval criteria.

2. Duration of Permit
A temporary use permit shall be valid only for the time period stated on the permit unless otherwise authorized in this Development Code. A maximum of two 30-day extensions may be granted by the Director.

I. Step 9 (Approval Criteria)
Applicable, as follows: The Director shall issue a temporary use permit only upon finding that the proposed temporary use satisfies the requirements set forth in Article 3, *Use Regulations*.

J. Step 10 (Conditions of Approval)
Applicable.

K. Step 11 (Amendments)
Applicable.

L. Step 12 (Lapse)
Applicable, as follows: The temporary use permit shall lapse and be null and void upon expiration of the time limit specified in the permit.

8.11. VARIANCES

8.11.1. Purpose and Scope

The variance process is intended to provide limited relief from the requirements of this Development Code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Development Code. It is not intended that variances be granted to (1) allow a use in a zoning district where it is not permitted by this Development Code; or (2) merely remove inconveniences or financial burdens that the requirements of this Development Code may impose on property owners in general. Rather, it is intended to provide limited relief where the requirements of this Development Code render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the City.

8.11.2. Procedure

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.11-A.)

A. Step 1 (Pre-Application Conference)
Not applicable.

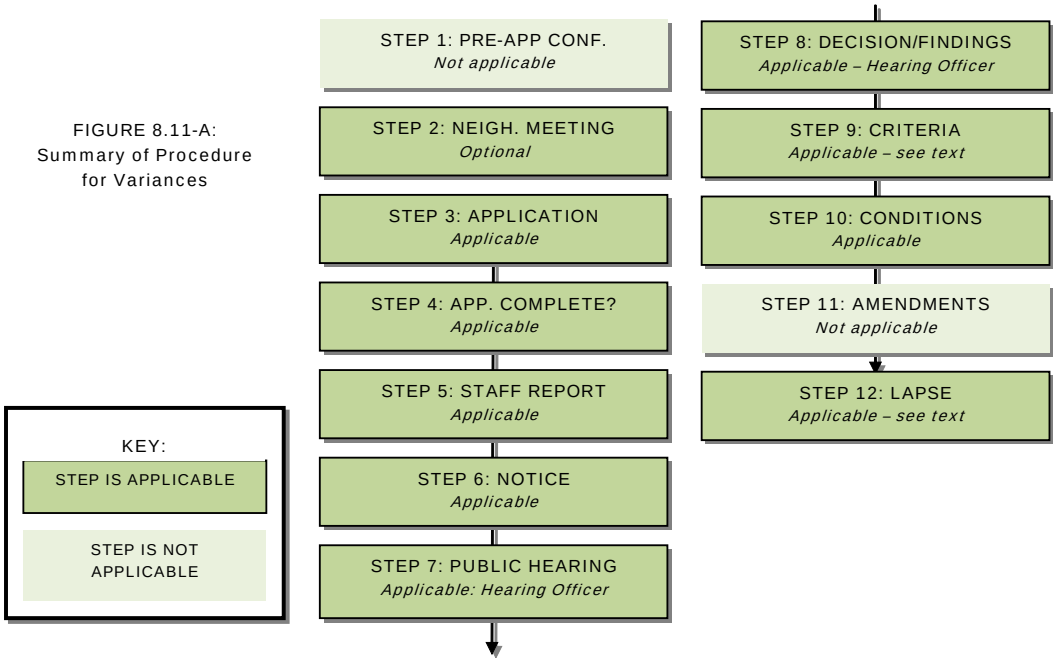
B. Step 2 (Neighborhood Meeting)
Optional.

C. Step 3 (Development Application Submittal)
Applicable.

D. Step 4 (Determination of Application Completeness)
Applicable, with the following modification: A request for variance may be initiated only by the property owner or the owner's authorized representative. The application must state with particularity the relief sought and must specify the facts or circumstances that are alleged to show that the application meets the approval criteria of Step 9.

E. Step 5 (Staff Report)
Applicable.

FIGURE 8.11-A: Summary of Procedure for Variances



F. Step 6 (Notice)
Applicable. Published and posted notice required.

G. Step 7 (Public Hearing)
Applicable. One public hearing is required before the Hearing Officer.

H. Step 8 (Decision and Findings)
Applicable. The following additional procedures shall apply:

1. Action by the Hearing Officer

a. The Hearing Officer shall hold a public hearing on the proposed variance. In considering the application, the Hearing Officer shall review the application materials, the staff report, the applicable approval criteria, and all testimony and evidence received at the public hearing.

b. After conducting the public hearing, the Hearing Officer may: deny the application; continue the hearing on the application; or grant the requested variance. Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the criteria set forth below, stating the reasons for such findings.

I. Step 9 (Approval Criteria)
Applicable, as follows:

The Hearing Officer may approve a variance only upon finding that all of the criteria below have been met:

1. There are unique physical circumstances or conditions, such as size, irregularity, narrowness or shallowness of lot, location, surroundings, or exceptional topographical or other physical conditions peculiar to the affected property;

2. The unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;

3. Such physical circumstances or conditions were not created by the applicant or any previous owner of the property;

4. Because of such physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Development Code because such conformance with the Code would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;

5. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property; and

6. The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Development Code that are in question.

7. No variance shall be granted that violates the intent of this Development Code or its amendments. No variance may make any changes in the terms of this Development Code provided the restriction in this subsection shall not affect the authority to grant variances pursuant to this Section 8.11.

8. No variance shall be granted from any written conditions attached by another decision-maker to the approval of a rezoning, Community Master Plan, Conditional Use Permit, subdivision plat, or site plan.

9. No variance shall be granted if the conditions or circumstances affecting the applicant's property are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

10. No variance may authorize a use other than those permitted in the district for which the variance is sought; also, an application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a rezoning request has not been finally acted upon by both the Planning Commission and the City Council.

J. Step 10 (Conditions of Approval)
Applicable.

K. Step 11 (Amendments)
Not applicable.

L. Step 12 (Lapse)
Applicable, as follows: A variance that has not been utilized within two years from the date of the order granting the variance shall thereafter be void. No time extensions of an approval can be granted. However, if a lesser time limit than two years has been placed on the variance, then the lesser time limit shall apply. For the purposes of this provision, utilization shall mean actual use or the issuance of a building permit, when applicable, provided construction is diligently carried to completion. A variance may be voided only after review by the Hearing Officer. Such review shall occur in the same manner as for approval of a variance.

8.12. MINOR MODIFICATIONS

8.12.1. Purpose and Scope

This section sets forth the required review and approval procedures for "Minor Modifications," which are minor deviations from otherwise applicable standards that may be approved by the Director, the City Council, or the Planning Commission. Minor modifications are to be used when the small size of the modification requested, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, make it unnecessary to complete a formal variance process.

8.12.2. Applicability

A. Minor Modifications to General Development and Zoning District Standards
As part of the review and approval of any procedure set forth in this Article, the City Council, the Planning Commission, or the Director may approve Minor Modifications of up to a maximum of ten percent from the following general development and zoning district standards as applied, provided that the applicable approval criteria are met. The maximum allowable modification is calculated by applying the ten percent modification to the resulting units derived from the application of the numerical development standard stated in the Code.

1. Minimum lot area requirements (Section 4.2.2, *Lot Size*)

2. Setback requirements (Section 4.2.3, *Setbacks*); and

3. Numerical development standards set forth in Article *5*, *Development and Design Standards and Guidelines* (e.g., number of parking spaces).

B. Exceptions to Authority to Grant Minor Modifications

Notwithstanding subsection A., in no circumstance shall any decision-making body approve a Minor Modification that results in:

1. An increase in overall project density;

2. A change in permitted uses or mix of uses;

3. An increase in building height;

4. A deviation from the use-specific standards set forth in Article 3; or

5. A change in conditions attached to the approval of any site plan or Conditional Use Permit.

8.12.3. Procedure

A. Minor Modifications Approved by Director

The Director may initiate or approve a Minor Modification allowed under this Section at any time prior to submittal of the staff report on an application to another decision-making body, or prior to final decision if the Director is the final decision-maker.

B. Minor Modifications Approved by City Council or Planning Commission

The City Council or Planning Commission may initiate or approve a Minor Modification allowed under this section at any time before it takes final action on a development application under its respective jurisdiction; a separate application is not required.

C. Noted on Pending Application

Staff shall specify any approved Minor Modifications and the justifications for such modifications in the staff report.

D. Approval Criteria

The decision-making body may approve the Minor Modification only if it finds that the modification meets all of the criteria below:

1. The requested modification is consistent with the General Plan and the stated purposes of this Development Code;

2. The requested modification meets all other applicable building and safety codes;

3. The requested modification is necessary to either: (a) compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general; or (b) accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing

design standard to be modified. In determining if "practical difficulty" exists, the approval criteria for variances in Section 8.11, *Variances*, shall be considered.

8.13. APPEALS OF ADMINISTRATIVE DECISIONS

8.13.1. Authority

The Planning Commission is empowered by this Development Code and Arizona law to hear appeals of administrative decisions made in the interpretation and enforcement of this Development Code.

8.13.2. Appeals to Planning Commission

A. Decisions that may be Appealed

Except for actions listed in Section 8.13.3, *Appeals of Dedications or Exactions to Hearing Officer*, any asserted error in any order, requirement, permit, decision, determination, refusal, or interpretation made by any administrative officer, including the Hearing Officer, of the City in interpreting and/or enforcing the provisions of this Development Code may be appealed to the Planning Commission, unless otherwise provided in this Development Code, by filing with the Director and with the Planning Commission a notice of appeal specifying the grounds for such appeal.

B. Filing of Appeal; Effect of Filing

1. An appeal to the Planning Commission may be brought by any person, firm, corporation, office, department, board, bureau, or commission aggrieved by the order, requirement, permit, decision, or determination that is the subject of the appeal.

2. An application for an appeal shall be filed with the Director and with the Planning Commission on the form contained in the application packet. Once the application is complete, the Director shall schedule the appeal for consideration at a public hearing before the Planning Commission. The Director and the administrative officer from whom the appeal is taken shall promptly transmit to the Commission all records pertaining to such appeal. The application shall be filed no later than 20 days after the date of the contested action. The Commission shall fix a reasonable time for hearing the appeal, and shall give published and posted notice, both as provided in Section 8.2, of the hearing. Posted notice shall be in conspicuous places on the property affected.

3. An appeal to the Planning Commission stays all proceedings in the matter appealed from, unless the Director certifies to the Commission that, in the Director's opinion by the facts stated in the certificate, a stay would cause imminent peril to life or property. Upon such certification proceedings shall not be stayed, except by restraining order granted by the Planning Commission or by a court of record on

application and notice to the Director. Proceedings shall not be stayed if the appeal requests relief that has previously been denied by the Planning Commission.

8.13.3. Appeals of Dedications or Exactions to Hearing Officer

Any requirement of a dedication or exaction as a condition of granting approval for the use, improvement, or development of real property may be appealed to a Hearing Officer appointed by the City Council. This Subsection 8.13.3 shall not apply to legislatively imposed dedications or exactions in which no discretion by the Director or administrative officer to determine the nature or extent of the dedication or exaction was exercised. In the event of such an appeal, the Director shall submit a takings impact report to the Hearing Officer. No fee shall be charged for filing an appeal under this Subsection 8.13.3 and such appeal shall be conducted as required by A.R.S. § 9-500.12, et seq.

8.14. BUILDING PERMITS

8.14.1. Applicability

No building or other structure should be erected, constructed, enlarged, or altered in such manner as to prolong the life of the building, nor shall the use of any land or building or other structure be changed, without a building permit issued by the Building Inspection Division of the City of Buckeye and authorizing such construction, alteration, or use changes as being in compliance with provisions of this Development Code.

8.14.2. Application

A. A building permit application shall be made to the Building Inspection Division by the owner or such owner's authorized representative, or proposed occupant of the building or land to be occupied or used. The application shall state the location and legal description of the property and set out in detail the character and nature of the use to be conducted.

B. All applications for building permits shall be accompanied by a plat or drawing drawn to scale, showing the dimensions of the lot to be built upon, the size and location of the building to be erected, and such other information as required by the City's Building Code or as may be necessary to provide for the enforcement of this Development Code and regulations.

C. A building permit fee will be charged in accordance with the schedule set forth in the City's Building Code, as adopted on the date the application is made.

8.14.3. Review and Decision

A. The Building Inspection Division shall grant or deny the building permit in accordance with the terms of this Development Code and all applicable City requirements.

B. A building permit shall be issued only after a subdivision final plat, minor subdivision, or lot split application as required by Section 8.8 *Subdivision* of this Article and a site plan, if required, have been approved. However, with the approval of the Director, an applicant may submit a building permit application to the Building Inspection Division concurrent with the site plan application, which permit may be issued upon site plan approval by the Director or Planning Commission, whichever is applicable. Building permits shall not be issued for any development that is not in conformance with the approved site plan.

C. Inspections of the construction activity shall be made by the City in accordance with the Building Code.

8.15. ADEQUATE SCHOOL FACILITIES

8.15.1. Applicability

The provisions of this Section 8.15 shall apply only to those applications that, in the Director's opinion and sole discretion, will increase the projected number of students for any school district's school attendance area as a result of the proposed development. A school district's school attendance area shall be the attendance boundaries adopted for each public school by the applicable school district. By way of example and not limitation, the following applications would require certification pursuant to this Section 8.15:

A. Any application requesting approval for any new residential uses, including a change in zoning district classification from a non-residential to a residential classification.

B. Any application requesting a change in residential zoning district classifications to a higher-density residential classification.

8.15.2. Certification

A. In the event the Director determines that any application submitted pursuant to this Article 8 is governed by this Section 8.15, then such application shall not be considered complete until the applicant provides a letter from the appropriate school district certifying any of the following, or the time period for the school district's response to a request for certification has expired under subsection 8.15.3.B, *Request for Certification from School District*:

1. That the school district has adequate school facilities to accommodate the projected number of new students within the school district's attendance area; or

2. That the school district will have adequate school facilities by a planned capital improvement to be constructed within a time frame

jointly established by the school facilities board and the affected local school district(s); or

3. That the applicant and the school district(s) have entered into an agreement to provide, or help to provide, adequate school facilities within the school district's attendance area in a timely manner, or

4. That the school district does not have adequate school facilities to accommodate projected growth attributable to the application.

B. The projected number of new students resulting from the application shall be based upon a student-per-household ratio methodology adopted by the appropriate school district. If a school district fails to adopt a student-per-household ratio methodology for projecting the number of new students resulting from an application, then the certification may be based upon an authoritative source accepted within the education community.

C. For purposes of this Section 8.15, adequate school facilities shall be determined by the appropriate school district in accordance with the minimum school facility adequacy guidelines adopted by the school facilities board pursuant to A.R.S. Section 15-2011, and any subsequent amendments made thereto, as applied to each individual school site's attendance for each individual school serving the property that is the subject of the application.

8.15.3. Procedure

Applications subject to this Section 8.15 shall comply with the following procedures:

A. Letter Request Required with Application

At the time of filing or within 15 days thereafter, the application shall include a copy of a letter delivered to the superintendent(s) of all applicable school districts. Such letter shall contain a request to meet with school district representatives to discuss the school district's certification required by subsection 8.15.2, C*ertification*.

B. Request for Certification from School District

After filing of the application, the City shall deliver by certified or registered mail a copy of the application and a site location map to each affected school district located within the subject area. In addition, the City shall request the school district to provide, within 30 days of the mailing of the City's request, an appropriate certification as provided for in subsection 8.15.2, C*ertification,* to the City Community Development Department. For good cause, the 30-day time period may be extended at the request of the applicant or the school district(s). In the event the City does not receive certification from the school district(s) within 30 days or any extension thereof, it shall be deemed that there are adequate school facilities for the application. For purposes of computing the 30-day certification time period, the date of mailing of the

City's request for certification shall not be included. In the event the last day for receipt of the certification by the City occurs on a Saturday, Sunday or legal holiday, the applicable certification time period runs until the end of the next work day.

C. Processing of Application

After the certification required by subsection 8.15.2, *Certification,* has been received by the City, or the school district has failed to respond to the request for certification within 30 days, or any extension thereof, the application shall proceed to be processed in accordance with this Article 7 and all other applicable ordinances and regulations.

D. Certification of Lack of Adequate School Facilities

In the event that one or more of the school district(s) certifies that there are not adequate school facilities for the application, the Director shall promptly notify the applicant in writing that the school district(s) has determined that it does not have adequate school facilities for the application.

8.16. ANNEXATION

8.16.1. Applicability

The provisions of this Section 8.16 shall apply to all applications to extend or increase the corporate limits of the City of Buckeye through the annexation of real property that is "contiguous," as defined in A.R.S. § 9-471, to the City's boundaries.

8.16.2. Procedure

The common development review procedures of Section 8.2 shall apply, with modifications as noted below. (See Figure 8.16-A.)

A. Step 1 (Pre-Application Conference)

Not required. If a pre-application conference is held, then at the conference staff should advise the applicant of the following policies (and provide copies to the applicant) that staff may consider in evaluating the proposed annexation and preparing the report under Subsection 8.16.2.E:

1. Right-of-way annexation priorities: These policies guide the extent to which the City will annex rights-of-ways along with annexation areas.

2. Annexations in the Municipal Planning Area: These policies provide Buckeye's priorities for annexing areas within the Municipal Planning Area.

3. General Plan and Development Code: These documents guide the overall development patterns for land uses and densities in both incorporated and unincorporated portions of the Buckeye Municipal Planning Area.

Discussion issues at the pre-application conference may, but are not required, to include such items as the City's current incorporated boundaries, recent local or state regulatory changes affecting annexations, and other regulatory aspects related to zoning, subdivision, building codes, the General Plan, an annexation schedule, and submittals to be required in connection with the proposed annexation.

B. Step 2 (Neighborhood Meeting)
Not applicable.

C. Step 3 (Application Submittal)
Applicable, with the following modifications:

1. The application shall include the Application for Annexation and the Initial Submittal Items Checklist, as produced in the application packet. Application materials may be required to be updated and resubmitted from time to time as required by the project coordinator.

2. If state land, other than state land utilized as state rights-of-way or land held by the state by tax deed, is included in the territory, written approval of the state land commissioner and the selection board established by A.R.S. § 37-202 shall be included with the application and subsequently included with any annexation petition to be filed with the County.

3. Upon submission of the application for annexation, the Director shall appoint a project coordinator from the Community Development Department staff. The coordinator will be the primary contact for the applicant during the remainder of the annexation process.

D. Step 4 (Determination of Application Completeness)
Applicable. The project coordinator shall review the application for completeness and inform the applicant if the application is incomplete. Subsequent determinations of application completeness may be made by the project coordinator from time to time as may be necessary throughout the annexation procedures set forth in this Section 8.16. In addition, the project coordinator shall execute a sworn affidavit stating that no part of the property is already subject to filing for annexation in Buckeye or any other municipality. The project coordinator shall inform the applicant if such verification is not successful.

E. Step 5 (Staff Report)
Applicable. In preparing the staff report, the following procedures shall be followed:

1. The project coordinator shall circulate the application to the Buckeye Public Works and Public Safety Departments. Buckeye Public Safety

and Public Works Department (fire, police, emergency response, streets and sanitation, and relevant responsibilities) will evaluate the application for conformance with Buckeye policies for annexations, public safety, and public services, and then return comments to the project coordinator. This review may result in adding or altering boundaries of the annexation area, adding or altering rights-of-way, and changes that may require coordination with the applicant for revising the application. Applicants may have to revise or resubmit the application. Annexation petitions for Planning Commission reviews or City Council hearings shall not be scheduled until the applicant addresses all staff review comments. The project coordinator shall determine if the application, as revised in response to the staff comments, is complete. The procedures in this Subsection 8.16.2.E.1. shall be carried out concurrently with those contained in Subsection 8.16.2.E.2..

2. The project coordinator shall ensure that the proposed annexation is in compliance with this Section 8.16, all applicable state laws, and any other applicable laws, rules, or regulations. The City Engineer shall verify that the application includes an acceptable legal description, prepare a map of all the exterior boundaries of the territory proposed to be annexed, and provide any additional documentation necessary and in the appropriate format (both narrative and map form) for completing the annexation petition intended to be filed with the County. The map shall include all county rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of the area of the proposed annexation. The City Engineer will provide the blank annexation petition to the project coordinator. The applicant shall determine and submit to the project coordinator a sworn affidavit verifying that no part of the territory for which the filing is made is already subject to an earlier filing for annexation. The project coordinator shall attach such affidavit the blank petition.

3. Upon completion of all requirements contained in Subsections 8.16.2.E.1. and 8.16.2.E.2., no alteration to increase or decrease the annexation area may be allowed and the project coordinator shall submit notice and a copy of all application materials to the City Clerk. In the event changes have to be made by the applicant after completing this step, the applicant must restart the application process with a new application and new fees.

4. The City Clerk shall file the blank petition with the recorder's office in the county in which the annexation is proposed. The City Clerk shall also send notice and a copy of the filing to the clerk of the county board of supervisors and to the county assessor.

5. After 30 days from the date of the filing in paragraph 4, the applicant shall circulate the blank, recorded petition to all owners of the property proposed to be annexed, as required by state law. Applicant must include a vicinity map and description of the annexation area with the blank petition. Each person signing the petition shall, at the time of signature, write upon the petition the date on which the petition is signed. All required owner signatures must be obtained within one year from the end of the 30-day waiting period. The project coordinator and City attorney shall verify dates and signatures, as well as any other information, on the petition to ensure conformance with all applicable state laws, and shall promptly notify the applicant of any deficiencies. The City Clerk shall file the fully executed petition with the recorder's office in the county in which the annexation is proposed within one year from the end of the 30-day waiting period.

F. Step 6 (Notice)

Applicable. Published, written, and posted notice are required. In addition, notice of the City Council hearing referenced in G.1. shall be provided as follows:

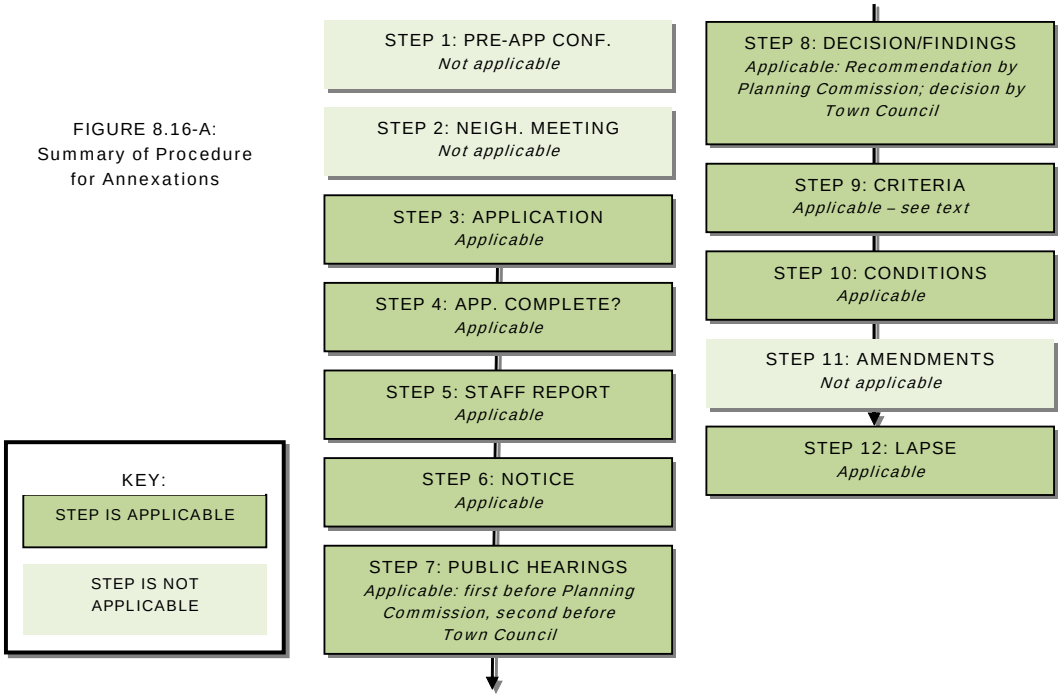
1. In addition, notice of the City Council hearing referenced in G.1 shall be provided as follows:

a. At least six days before the hearing under Subsection G *Public Hearings*. and 15 days before the end of the 30-day waiting period set forth in Subsection 8.16.2.E.4, publication at least once in a newspaper of general circulation that is published or circulated in the City and the territory proposed to be annexed. The applicant shall submit proof of such publication to the project cordinator prior to the public hearing date. Applicant's failure to submit proof of publication will result in the public hearing not being held and the application process being restarted from Step 8.16.2.E.4.

b. At least six days before the public hearing, posting in at least three conspicuous public places in the territory proposed to be annexed. The applicant shall provide a notarized affidavit of the posting of signs to the project coordinator prior to the public hearing date. Applicant's failure to submit such affidavit will result in the public hearing not being held and the application process being restarted from Step 8.16.2.E.4.

c. At least six days before the hearing, the project coordinator shall send notice by first-class mail to the chairman of the board of supervisors of the county in which the territory proposed to be annexed is located.

FIGURE 8.16-A: Summary of Procedure for Annexations



d. At least six days before the hearing, the project coordinator shall send notice by first-class mail, with an accurate map of the territory proposed to be annexed, to each owner of real and personal property that would be subject to taxation by the city or City in the event of annexation in the territory proposed to be annexed. The applicant shall provide the necessary stamped, blank envelopes to the project coordinator, who will then verify the property owner names and addresses from the county records before mailing the notices. For purposes of this paragraph, "real and personal property" includes mobile, modular and manufactured homes and trailers only if the owner also owns the underlying real property.

2. The project coordinator shall submit the Community Development Department staff report on the proposed annexation to the Planning Commission.

G. Step 7 (Public Hearings)
Applicable as follows:

1. All public notices, meetings, and hearings shall comply with applicable requirements of A.R.S. 9-471(A)(3).

2. The Planning Commission shall review the Community Development Department staff report, conduct a hearing on the proposed annexation, and issue a recommendation based on the approval

criteria referenced in Step 9. The projector coordinator is responsible for scheduling such hearing. The project coordinator shall forward the Planning Commission's recommendation to the City Council.

3. After receiving the Planning Commission's recommendation, the City Council shall hold a public hearing within the last 10 days of the 30-day waiting period set forth in Subsection 8.16.2.E.4., *Procedures,* to discuss the annexation proposal and hear comments from the public. The projector coordinator is responsible for scheduling such hearing.

H. Step 8 (Decision and Findings)

Applicable. The following additional procedures shall apply:

1. Preparation of Annexation Ordinance

a. The project coordinator shall prepare the official ordinance necessary for City Council action on the annexation petition. The ordinance shall include the following:

(i) Map and the legal description of the territory to be annexed,

(ii) Zoning classifications for the territory to be annexed; and

(iii) A statement that the annexation ordinance as recorded shall not be effective until the date authorized by state law.

2. Action by City Council

a. The City Council shall hold a public hearing on the proposed annexation and within 90 days, based upon the recommendations of the Director and Planning Commission, approve or deny the ordinance to annex, or refer the application back to the Planning Commission or to a committee of the City Council for further consideration. If the ordinance is approved, it shall be signed by the Mayor, the City Attorney, and the City Clerk. Within 10 days of adoption of the ordinance, the City Clerk shall record the same in the property records of the County.

b. The projector coordinator shall send a notice of annexation by first-class mail to all property owners referenced in 8.16.2.F.d.. The notice shall include a full copy of the ordinance. The applicant shall provide the necessary stamped, blank envelopes to the project coordinator for such mailing. The project coordinator shall verify the property owners' names and addresses from county records before mailing the notices.

c. The annexation shall become final after the expiration of 30 days from the City Council's adoption of the ordinance annexing the territory.

d. Upon annexation, zoning classifications for the property shall permit densities and uses no greater than and no less than those

permitted by the county immediately before annexation. City zoning shall not be effective until after the expiration of 30 days from the adoption of the ordinance annexing the territory. Subsequent changes in zoning of the annexed territory shall be made according to the procedures in Section 8.5, *Amendments to the Zoning Map*.

3. Post-Adoption

a. The project coordinator shall file a copy of the recorded ordinance in the project file in the records of the Community Development Department, along with all related reports and other documents.

b. The Director shall update the City zoning map, annexation map, and any other related official maps and databases with the new incorporated boundaries.

c. Upon expiration of the 30-day period referenced in subsection 8.16.2.H.2.c, *Action by City Council*, the City Clerk shall send notice of the annexation to Arizona Public Service Company, the Maricopa County Recorder, Maricopa County Assessor, Maricopa County Planning, and the U.S. Department of Justice's Voting Rights Section. In addition, the City Clerk shall send notice to all utility providers that provide services in the newly annexed areas.

d. See A.R.S. 48-813 regarding areas that are annexed and are part of a fire service district.

I. Step 9 (Approval Criteria)

Applicable, as follows: The Planning Commission may recommend approval, and the City Council may approve the annexation, if the annexation meets all of the criteria contained in the annexation policies referenced in Step 1. In addition, on or before the date the City Council adopts the annexation ordinance, it shall have approved a plan, policy or procedure to provide the annexed territory with appropriate levels of infrastructure and services to serve anticipated new development within 10 years after the date when the annexation becomes final.

J. Step 10 (Conditions of Approval)

Applicable. No approval of an application for annexation may be approved unless the applicant(s) and any other required signatories, as determined by the City Attorney, have executed the proposed annexation and a waiver, acceptable to the City Attorney, of all claims for diminution in value authorized by A.R.S. § 12-1134 et seq.

K. Step 11 (Amendments)

Not applicable.

L. Step 12 (Lapse)

Applicable, as follows: Failure, for whatever reason, to complete any step within the time frame set forth in either this Section 8.16 or applicable state law shall result in the application process restarting from Step 5 and payment of a new application fee.

ARTICLE 9: ENFORCEMENT

9.1. GENERAL PROVISIONS

9.1.1. Purpose

This Article establishes procedures through which the City seeks to ensure compliance with the provisions of this Development Code and obtain corrections for violations. The Article also sets forth the remedies and penalties that apply to violations of this Development Code.

9.1.2. Compliance Required

No person shall develop or use any land, building, or structure within the City in violation of this Development Code, regulations authorized under this Development Code, or the terms and conditions of permits or other approvals or entitlements issued under this Development Code.

9.1.3. Permits and Approvals

No permit or approval may be issued under this Development Code unless all structures and uses of land and structures to be authorized by the permit or approval conform to this Development Code, regulations promulgated under this Development Code, and the terms and conditions of other applicable permits and approvals issued under this Development Code. A permit or approval issued in violation of this Development Code is void.

9.1.4. Continuation of Prior Enforcement Actions

Nothing in this Development Code shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous regulations.

9.1.5. Continuing Violations

Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this Development Code. This subsection shall not apply to any outdoor advertising use or structure violation unless the violation constitutes an immediate threat to the health and safety of the general public.

9.1.6. Responsibilities for Enforcement

The provisions of this Development Code shall be administered and enforced by the Director or such other person as may be designated by the Director.

9.1.7. Remedies Cumulative

The remedies provided for violations of this Development Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

9.2. VIOLATIONS

Each of the following activities constitutes a violation of this Development Code:

A. Activity Inconsistent with Code

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign, in contravention of any provision of this Development Code or any regulation promulgated under this Development Code.

B. Activity Inconsistent with Permit or Approval

Any development, use, or other activity in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this Development Code.

C. Illustrative Examples

Examples of activities inconsistent with this Development Code or with any permit or approval issued under this Development Code include, but are not limited to, the following:

1. Increasing the density or intensity of any use of any land or structure except in accordance with the requirements of this Development Code;

2. Reduction or diminishment of lot area, setbacks, vegetative buffers, open space, or other standards below the minimum requirements set forth in this Development Code;

3. Damage to or removal of vegetation inconsistent with this Development Code;

4. Creation, expansion, replacement, or change of a nonconformity inconsistent with this Development Code and all other applicable regulations;

5. Failure to remove any sign installed, created, erected, or maintained in violation of this Development Code, or for which the sign permit has lapsed;

6. Failure to remove a temporary use once authorization for the temporary use under this Development Code and all other applicable regulations has lapsed;

7. Failure of a private association to construct, improve, or maintain any amenity, landscaping, buffers, fencing, or other improvements required by the terms of any permit or approval;

8. Failure to abide by the condition(s) of any application approval or agreements executed in connection with a grant of approval; and

9. Failure to comply with applicable provisions or requirements of a certificate of occupany.

9.3. REMEDIES AND PENALTIES

The Director shall have the following remedies and powers to enforce this Development Code:

9.3.1. Deny/Withhold Entitlements

The Director may deny or withhold all entitlements, including building permits, certificates of occupancy, business licenses, or other forms of authorization to use or develop any land, structure, or improvements, until an alleged violation, associated civil penalty, and/or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.

9.3.2. Revoke Entitlements

A. Any entitlement or other form of authorization required under this Development Code may be revoked, after notice and a hearing, when the Director determines that:

1. There is a departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;

2. The entitlement was procured by false representation;

3. The entitlement was issued in error; or

4. There is a violation of any provision of this Development Code.

B. Written notice of revocation shall be served upon the property owner, agent, applicant, or other person to whom the entitlement was issued, or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.

9.3.3. Stop-Work Orders

A. Whenever any building, structure, site, or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or local building law, or in a manner that endangers life or property, the Director has the authority to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.

B. With or without revoking permits, the Director may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Development Code or a provision of an entitlement or other form of authorization issued under this Development Code.

C. The stop-work order shall be in writing directed to the person doing the work, and shall specify the provisions of this Development Code or other law allegedly in violation. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.

D. Once conditions for resumption of the work have been met, the Director shall rescind the stop-work order.

9.3.4. Criminal and Civil Penalties

A. Any person, firm, or corporation violating any provision of this Development Code, or any amendments to it, shall be guilty of a Class One Misdemeanor punishable by a fine not exceeding $2,500, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment, for each violation.

B. Violation of any provision of this Development Code, or any amendments to it, may also subject the offender to a civil monetary penalty in an amount to be established by the City Council. If the offender fails to pay this penalty within 15 days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of a debt. A civil penalty may not be appealed to the Planning Commission if the offender was sent a final notice of violation in accordance with this Section and did not take an appeal to the Planning Commission within 20 days of the date of such final notice.

9.3.5. Injunctive Relief

The Director may seek injunctive relief or other appropriate relief in Superior Court or other court of competent jurisdiction against any person who fails to comply with any provision of this Development Code or any requirement or condition imposed pursuant to this Development Code. In any court proceedings in which the City seeks a preliminary injunction, it shall be presumed that a violation of this Development Code is a real, immediate, and irreparable injury to the public; that the public will be

irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject Code violation.

9.3.6. Abatement

A. The City may abate the violation pursuant to this subsection.

B. Any abatement of a violation of this Code shall be conducted and any lien imposed shall be done in accordance with the provisions of ARS §9-499.

ARTICLE 10: DEFINITIONS

10.1. GENERAL RULES OF CONSTRUCTION

The following rules shall apply for construing or interpreting the terms and provisions of this Development Code.

10.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Development Code shall be construed according to the general purposes set forth in Section 1.3, *Purpose of this Development Code*, and the specific purpose statements set forth throughout this Development Code. When, in a specific section of this Development Code, a different meaning is given for a term defined for general purposes in this Article 10, the specific section's meaning and application of the term shall control.

10.1.2. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Development Code and any heading, caption, figure, illustration, table, or map, the text shall control.

10.1.3. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

10.1.4. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

10.1.5. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

10.1.6. Delegation of Authority

Any act authorized by this Development Code to be carried out by a specific official of the City may be carried out by a designee of such official.

10.1.7. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar

and appropriate meaning in law shall be construed and understood according to such meaning.

10.1.8. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Buckeye, Arizona, unless otherwise indicated.

10.1.9. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

10.1.10. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

"And" indicates that all connected items, conditions, provisions or events apply; and

"Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

10.1.11. Tenses, Plurals, and Gender

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

10.2. INTERPRETATIONS

The Director has final authority to determine the interpretation or usage of terms used in this Development Code. Any person may request an interpretation of any term by submitting a written request to the Director, who shall respond in writing within 30 days. The Community Development Department shall keep a public record of all interpretations and determinations on usage of terms rendered by the Director.

10.3. DEFINITIONS OF GENERAL USE CATEGORIES AND SPECIFIC USE TYPES

This section defines the general use categories and specific use types listed in Table 3.1-1, *Table of Allowed Uses*.

10.3.1. Residential Uses

A. Household Living

This use category is characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the "Public Accommodation" category). Common accessory

uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. Specific use types include, but are not limited to:

1. **Dwelling, Duplex**
   A dwelling designed for or used by two families living independently of each other.

2. **Dwelling, Multi-Family**
   A dwelling designed for occupancy by three or more families.

3. **Dwelling, Single-Family Attached**
   A dwelling designed for or used by one family and having any portion of one or more walls in common with adjoining dwellings.

4. **Dwelling, Single-Family Detached**
   A dwelling designed for or used by one family and having no walls in common with adjoining dwellings.

5. **Dwelling, Manufactured Home**
   A structure built on or after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974.

6. **Dwelling, Mobile Home**
   A structure, transportable in one or more sections, that is at least eight feet in width and thirty-two feet in length and that is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to on-site utilities, and that was not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974.

7. **Dwelling, Zero Lot Line**
   A detached dwelling that has only one side yard.

8. **Mobile Home Park**
   A site with required improvements and utilities for the long-term parking of mobile homes, which may include services and facilities for the residents.

9. **Mobile Home Subdivision**
   A subdivision with required improvements and utilities for the long-term parking of mobile homes on individual home lots, which may include services and facilities for the residents.

B. Group Living

This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include, but are not limited to:

1. Assisted Living, Residential

Premises used for the housing of and caring for the ambulatory, aged or infirm, other than a hospital, licensed by the Arizona State Department of Health Services for not more than ten persons in a residential setting.

2. Assisted Living, Commercial

Premises used for the housing of and caring for the ambulatory, aged or infirm, other than a hospital, licensed by the Arizona State Department of Health services for more than ten persons.

3. Boarding House/Guest Room

A building arranged or used for lodging with no more than five bedrooms, with or without meals, for compensation and not occupied as a single-family unit. The occupancy of one or two bedrooms for compensation shall not be considered a boarding, dormitory, or rooming house, provided not more than two guests occupy each bedroom.

4. Group Home

A residential facility licensed by the Arizona State Dept of Health Services that provides residence and treatment for no more than 10 persons who are mentally and/or physically handicapped.

5. Group Recovery Home

A residential facility licensed by the Arizona State Dept of Health Services which provides residence and treatment for no more than ten persons who are in the process of recovery and/or adjustment from alcoholism, drug abuse, or mental health afflictions.

6. Nursing Home

A health care facility, other than a hospital, licensed by the Arizona State Department of Health Services, designed to provide housing, meals, and treatment, and skilled nursing care on a long-term basis to individuals who, because of age, illness or infirmity, are unable to care for themselves.

7. Shelter Care Facility

A residential care facility for no more than ten persons which provides temporary lodging, meals, counseling, and full time supervision to individuals and groups such as pregnant teenagers, victims of domestic violence, neglected children, and runaways for periods of less than 30 consecutive days.

8. Shelter Care Facility, Homeless

A facility which provides temporary lodging, meals, and sanitary facilities for no more than ten persons without permanent housing.

10.3.2. Public/Institutional Uses

A. Community Service

Uses including buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public. Specific use types include, but are not limited to:

1. Assembly Hall, Public

A building or structure, or group of buildings or structures, owned or operated by a public entity, intended primarily for the conducting of organized assembly. Accessory uses may include meeting rooms, kitchen facilities for preparation of food to be consumed on the premises, parking, and childcare provided for persons while they are attending assembly functions. Schools associated with assembly uses are not an accessory use.

2. Cemetery

Land used or dedicated to the interment of human or animal remains, including columbaria, mausoleums, mortuaries, and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.

3. Community Recreation Center

A facility providing recreation/pool facilities and/or meeting rooms, and typically oriented to the recreational needs of the residents of the surrounding area.

4. Crematorium or Funeral Parlor

A location containing properly installed, certified apparatus intended for use in the act of cremation, or an establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation. This definition may include a facility for the permanent storage of cremated remains of the dead.

5. Government Administration and Civic Buildings
An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: post offices, employment offices, public assistance offices, or motor vehicle licensing and registration services.

6. Public Safety Facility
The conduct of publicly owned safety and emergency services, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service.

7. Religious Assembly
A facility used primarily to provide assembly and meeting areas for religious activities. Accessory uses include cultural events, parking, caretaker's housing, buildings ancillary to a religious function, pastor's housing, and group living facilities such as convents.

8. Social Service Facility
A public or nonprofit facility that is not a hospital, nursing home, day care center, group care home, residential facility, boarding house, or health clinic.

B. Cultural Facility
A cultural facility displays or preserves objects of interest or provides facilities for one or more of the arts or sciences. Accessory uses may include parking, storage areas, offices, and gift shops. Specific use types include, but are not limited to:

1. Art Gallery or Museum, Public
Any permanent institution for the collection and display of objects of art or science, sponsored by a public or quasi-public agency and open and available to the public.

2. Library, Public
A permanent facility for storing and loaning books, periodicals, reference materials, audio and videotapes, computers, and other similar media open and available to the public.

C. Day Care Facility
Day Care uses include facilities that provide care for children or adults on a regular basis away from their primary residence. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity. Accessory uses include offices, recreation areas, and parking. Specific use types include, but are not limited to:

1. **Day Care, Commercial**
An establishment licensed by the Arizona State Dept of Health Services providing care and supervision for five or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, day care centers for children or adults, and any other day care facility licensed by the State.

2. **Day Care, Residential**
An establishment licensed by the Arizona State Dept of Health Services that provides either child day care for at least six and not more than ten children or adult day care for at least six and not more than ten adults. The following uses are not a Residential Day Care use: Group Home; Group Recovery Home; Shelter Care Facility; Shelter Care Facility, Homeless; and Day Care, Home Occupation.

D. Education

Education uses are public (including charter), private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, which provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Specific use types include, but are not limited to:

1. **College or University**
A degree-granting institution, other than a trade school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories.

2. **Private Elementary or Middle School**
A private educational institution that satisfies the compulsory education laws of the State of Arizona for students in elementary grades.

3. **Private High School**
A private educational institution that satisfies the compulsory education laws of the State of Arizona for students in secondary education.

E. Health Care Facility

Health Care uses are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to:

1. **Medical Office or Clinic**
   A public or private facility primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals, including the offices of chiropractors, physicians, dentists, drug therapists, and other health practitioners, medical and dental laboratories, outpatient care and outpatient care facilities. Patients are not kept overnight except under emergency conditions.

2. **Hospital**
   A public or private facility, which can include multiple buildings, for the accommodation of sick, injured, or infirm persons, and for the provision of related outpatient services. Services regularly include the keeping of patients overnight. Accessory uses include heliports and related facilities, and parking.

F. Parks and Open Space

Park and Open Space uses focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include, but are not limited to:

1. **Arboretum or Botanical Garden**
   A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants. Permitted accessory uses include gift shops, cafes, snack bars, and parking.

2. **Campground**
   A parcel of ground where two or more campsites are located, established, or maintained for occupancy by camping units of the general public, including cabins, or tents, as temporary living quarters for recreation, education, or vacation purposes.

3. **Community Playfields and Parks**
   A tract of land owned by a public entity and available to the general public for recreational purposes. This definition includes indoor recreational facilities, swimming pools, playgrounds, and lighted and unlighted athletic fields.

4. **Parks and Nature Preserves, Not-For-Profit**
   An area that preserves or protects desert lands, associated endangered species, washes, critical environmental features, viewsheds, or other natural elements. Such areas may include pedestrian or equestrian easements.

G. Telecommunication Facility

Telecommunications facilities transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development. Specific use types include, but are not limited to:

1. Tower (Including any facility with a tower)

A structure in a fixed location used as an antenna or to support antennas for the primary purpose of transmitting and/or receiving electronic signals. This use includes wireless communication facilities with towers. This definition also includes non-residential broadcast, communication, transmission, and similar towers, either freestanding or attached to an adjacent broadcasting or transmitting facility.

2. Broadcasting or Recording Studio (no tower)

A building or portion of a building used as a place for radio or television broadcasting or recording but without a transmission tower.

3. Satellite Earth Station

A telecommunication facility that transmits to and/or receives signals from an orbiting satellite.

4. Transmitting Station (no tower)

Any facility utilized for the transmission of broadcast information but without a transmission tower. This use includes wireless communication facilities without towers.

H. Transportation Facility

This category includes facilities that receive and discharge passengers and freight. Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities. Specific use types include, but are not limited to:

1. Airport

A place where aircraft can land and depart, usually equipped with landing field facilities for refueling and repair, and various accommodations for passengers.

2. Bus Terminal

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

3. Heliport

An area designed to be used for the landing or takeoff of helicopters, which may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

I. Utility

This category includes both major utilities, which are infrastructure services providing regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood where the service is provided. Services may be publicly or privately provided. Accessory uses may include control, monitoring, data, or transmission equipment.

1. Utility Facility, Major

A service of a regional nature that normally entails the construction of new buildings or structures, and that typically has employees on the site on an ongoing basis. Examples include, but are not limited to: wastewater treatment plans, water works, reservoirs, power or heating plants, and steam generating plants.

2. Utility Facility, Minor

A service that is necessary to support development within the immediate vicinity and that involves only minor structures. Employees typically are not located at the site on an ongoing basis. Examples include, but are not limited to: electric transformer stations; gas regulator stations; telephone exchange buildings; well, water, and sewer pumping stations; water storage tanks; and water pressure regulating stations.

3. Solar Generation Station

An electrical energy generation plant comprised of one or more free-standing, ground-mounted devices that capture solar energy and convert it to electrical energy for use by an off-site electric utility provider. Solar generation stations typically utilize photovoltaic solar cells, but they can also be combinations of light reflectors, concentrators, and heat exchangers. A solar generation station is also known as a solar plant, solar generation plant, solar farm, concentrated solar power plant, solar power plant, or solar thermal power plat (if non-photovoltaic).

10.3.3. Commercial Uses

A. Agriculture and Ranching

The use of land for purposes including farming and crop production, dairying, pasturage, horticulture, animal and poultry husbandry, and the necessary accessory uses for treating or storing of farm products and parking of equipment. Specific use types include, but are not limited to:

1. Agriculture

The growing and harvesting of crops for commercial purposes.

2. **Commercial Ranch**
An animal or crop production enterprise that may include employee housing, heavy equipment storage, and other related improvements.

3. **Dairy**
Area where dairy animals are kept for milking and from which a part or all of the milk is sold, offered for sale or supplied for human consumption, and includes all buildings, yards, and premises occupied or used in connection with the production of milk.

4. **Meat Processing**
The production, processing, or packing of meat that is intended for human consumption or for use as animal food.

5. **Residential Ranch**
A single-family dwelling, with accessory uses such as non-commercial raising of crop and animals, farm buildings, storage of related equipment, and similar types of hobby farm activities. A residential ranch does not include caretaker housing, or other uses associated with a commercial ranch such as heavy equipment storage and commercial breeding.

6. **Roadside Stand**
A temporary structure for the seasonal retail sale of locally grown food products such as fruits and vegetables.

B. **Animal Sales and Services**
Animal Sales and Services uses involve the selling, boarding, or care of animals on a commercial basis. Accessory uses may include internal and/or external confinement facilities for animals, parking, and storage areas. Specific use types include, but are not limited to:

1. **Animal Hospital**
A place where household pets or livestock are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

2. **Animal Pet Shop, Retail**
A retail establishment offering small animals, fish, or birds for sale as pets and where all animals are housed within the building.

3. **Animal Training School**
A facility that specializes in the training of household animals.

4. **Kennel**
Any structure or premise where five or more domestic animals over five months of age are kept. Also, any structure or premises on which five or more domestic animals, the majority of which are under five months of

age are kept, which such animals are of the same species but are not related within three degrees. Among the domestic animals counted for this purpose shall be dogs, cats, miniature pigs, or any combination thereof.

5. Veterinary Clinic

An office or a clinic of a veterinarian where small animals, household pets, or large animals are given medical, surgical, or health maintenance treatment. The boarding of animals is limited to short-term care incidental to the treatment clinic and must be a secondary use of the property.

C. Assembly

Assembly uses include facilities owned or operated by associations, corporations, or other persons for social, educational, or recreational purposes primarily for members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities. Specific use types include, but are not limited to:

1. Assembly Hall, Private

A building or structure, or group of buildings or structures, owned or operated by a private entity, intended primarily for the conducting of organized assembly. Accessory uses may include meeting rooms, kitchen facilities for preparation of food to be consumed on the premises, parking, and childcare provided for persons while they are attending assembly functions. Schools associated with assembly uses are not an accessory use.

2. Auditorium, Private

An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for commercial entertainment events, expositions, and other public gatherings.

3. Fraternal or Social Club, Nonprofit

Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried on as a business.

4. Country Club, Private Membership

An area of 25 acres or more containing, but not limited to, a golf course and a club house and available only to a private specific membership. Such a club may contain as adjunct facilities, a private club and dining room, swimming pool, tennis courts and similar service and recreation facilities.

D. Financial Service

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money, but does not include bail bond brokers. Accessory uses may include automatic teller machines, offices, and parking. Specific use types include, but are not limited to:

1. Financial Institution, With Drive-Thru

An establishment that provides banking services, lending, or similar financial services to individuals and businesses. This definition includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. The establishment has a drive-thru facility.

2. Financial Institution, Without Drive-Thru

Same as the above use, but with no drive-thru facility.

3. Check-Cashing Facilities

Any person(s) or establishment engaged in the business of cashing checks or accepting deferred deposits for a fee, service charge, or other consideration. Such uses are not licensed banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, thrift companies, pawn brokers, or insurance companies.

E. Food and Beverage Service

Food and Beverage Service businesses serve prepared food or beverages for consumption on or off the premises. This use category does not include grocery stores, which are included in the General Retail category. Accessory uses may include food preparation areas, offices, and parking. Specific use types include, but are not limited to:

1. Food Sales, Wholesale

A facility that makes food on-site, and may sell food items directly at the facility provided that any such sales are secondary and incidental to the primary operation of food production.

2. Bar, Lounge, or Tavern

A structure or part of a structure used primarily for the sale or dispensing and on-site consumption of alcoholic beverages or liquor by the drink, which may or may not serve food. Any facility providing both food and alcoholic beverages or liquor by the drink for on-site consumption that does not meet the definition of a restaurant shall be considered a bar, lounge, or tavern.

3. **Catering Service**
An establishment that prepares food for service at a remote site.

4. **Drive-In Restaurant**
A restaurant where customers purchase and consume prepared food on the premises in their automobiles.

5. **Farmers Market**
A building, structure, or tract of land with open air stands that is used for the primary purpose of retail sales of fresh fruits, vegetables, flowers, herbs, or plants. This definition may also include the accessory sales of other unprocessed foodstuffs, home processed food products, baked goods, and home-made handicrafts.

6. **Nightclub**
A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainments are permitted.

7. **Restaurant, Without Drive-Thru**
An area or structure in which the principal use is the preparation and sale of food and beverages. Operations may or may not include outdoor seating areas or outdoor food service, but the operation does not include a drive-through or drive-in facility.

8. **Restaurant, With Drive-Thru**
An eating/drinking establishment in which the principal business is the sale of foods or beverages to the customer in a ready-to-consume state and in which the design or method of operation of all or any portion of the business allows food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

F. **Office**
A facility generally focusing on business or professional services. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited to:

1. **Office, Business or Professional**
An establishment that provides executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use, and not including a medical office or clinic. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, broadcasting, call centers, and similar offices.

2. Research Laboratory

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

G. Recreation and Entertainment, Outdoor

Outdoor Recreation and Entertainment uses provide recreation or entertainment activities outside of an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to:

1. General Outdoor Recreation, Commercial

Intensely developed recreational uses, lighted or unlighted, such as amusement parks, miniature golf courses, commercial tennis courts, batting cages, skateboard or skate parks or courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, courses for paramilitary games, and archery facilities.

2. Golf Course, Unlighted

A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course, nor shall it include lighted golf courses.

3. Golf Course/Driving Range, Lighted

A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term includes a lighted driving range without a golf course, but shall not include miniature golf courses as a principal or accessory use.

4. Major Entertainment Facility, Outdoor

A large open or partially enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.

5. Race Track (Auto, Dog, and Horse)

A measured course where animals or machines are entered in competition against one another or against time, including tracks used only in the training of animals.

6. **RV Campground**
Any plot or parcel of real estate upon which recreational vehicle sites are located for sleeping purposes for the general public as temporary (not to exceed 14 days) living quarters for recreation or vacation purposes, regardless of whether a charge is made for such accommodation.

7. **RV Park**
Any plot or parcel of real estate upon which two or more recreational vehicle sites are located, established, maintained, or occupied for dwelling or sleeping purposes, on a longer-than-temporary basis.

8. **Shooting Range, Outdoor**
An outdoor facility wherein firearms are shot at targets under strict rules of conduct and safety.

9. **Zoo**
An area, building, or structure(s) that contains wild and/or domesticated animals on exhibition for viewing by the public.

H. Recreation and Entertainment, Indoor
Indoor Recreation and Entertainment uses provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include, but are not limited to:

1. **Art Gallery or Museum, Private**
Any permanent institution for the collection and display of objects of art or science, not operated by a public or quasi-public agency.

2. **Fitness and Recreational Sports Center**
A facility primarily featuring equipment for exercise and other active physical fitness and/or recreational sports activities, such as swimming, skating, racquet sports, aerobic dance, gymnasium facilities, indoor soccer, yoga, and other kinds of sports and fitness facilities.

3. **General Indoor Recreation, Commercial**
An establishment offering entertainment, game playing, rides, or similar amusements to the public within an enclosed building. This shall include arcades, bowling alleys, billiard parlors, bingo parlors, laser tag parlors, and indoor shooting ranges.

4. **Major Entertainment Facility, Indoor**
A place or facility designed to accommodate activities that generally draw 1,000 persons or more to specific indoor events or shows. Activities are generally of a spectator nature. Examples include auditoriums, performing arts centers, and coliseums. Accessory uses may

include restaurants, bars, concessions, parking, and maintenance facilities.

5. Movie Theater
An indoor theater for the showing of motion pictures.

I. Personal Services
Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer, which have been treated or processed at that location or another location. Specific use types include, but are not limited to:

1. Dry Cleaning and Laundry Service
An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers and that also includes on-site laundry and/or cleaning activities, including related operation of equipment and machinery. Establishments that do not include on-site cleaning activities are classified as "general personal services."

2. General Personal Services
An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or similar semi-technical, technical, or experienced assistance, other than the practice of a profession and wholesale or retail sale of goods. Examples included, but are not limited to, shoe repair, beauty and barber shops, massage therapy, rehabilitation therapists, tanning salons; and dry cleaning pick-up and drop-off shops that do not conduct dry cleaning on the premises.

3. Instructional Services or Trade School
A specialized instructional establishment that provides on-site training of business, artistic, or commercial skills, or a trade school that prepares students for jobs in a trade (e.g., carpentry). Examples include, but are not limited to, fine arts schools, computer instructional services, and driving schools.

J. Retail (Sales)
Retail (Sales) firms are involved in the sale, lease, or rent of new or used products to the general public. No outdoor display is permitted unless specifically authorized by this Development Code. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on site sale. Specific use types include, but are not limited to:

1. Alcoholic Beverages, Retail Sales
A retail establishment, such as a liquor store, licensed to sell alcoholic beverages such as beer, wine, and liquor. No on-site consumption is allowed.

2. Convenience Store with Gas Sales
An establishment with a gross floor area of less than 5,000 square feet engaged in the sale of convenience goods, such as pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other household goods; and which also provides the retail sale of petroleum products that are dispensed through gasoline pumps and other supplies for motor vehicles.

3. Feed Store
An establishment engaged in the retail sale of supplies directly related to ranching or dairy operations.

4. General Retail
A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. Examples include, but are not limited to: apparel shops, appliance sales, auto parts store, bait shop, bakeries, bookstores, convenience stores without gas pumps, department stores, factory outlet stores, and florists.

5. Large Retail
A building that meets the definition of "general retail" and is 75,000 square feet or greater, but not including a building materials sales establishment.

6. Plant Sales, Retail
Land or greenhouses used for retail sale of flowers, shrubs, and plants.

7. Nursery and Plant Sales, Wholesale
The use of land, buildings or structures for the production of flowers, shrubs, and plants and their sales at wholesale. Incidental retail sales are allowed.

8. Open-Air Market or Flea Market
An indoor or outdoor premises where the main use is the sale of new or used household goods, personal effects, tools, art work, appliances, and similar merchandise, objects, or equipment in small quantities, in stalls, lots, parcels, or in bulk, for the use, sale or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. This definition does not include retail sidewalk sales or garage sales.

9. Sexually Oriented Business
Shall be as defined in Chapter 8 of the City Code. In addition, all use standards adopted by Ordinance 72-04 shall remain in full force and effect.

K. Vehicles and Equipment

Vehicles and Equipment uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage, offices, and sales of parts. Specific use types include, but are not limited to:

1. Boat, RV Storage

A facility where boats and/or recreational vehicles are stored outside for 72 hours or more.

2. Boat, RV Sales and Rental

An establishment primarily engaged in the display, sale, or lease of marine vehicles and/or recreational vehicles.

3. Car Wash

A facility, coin operated, automatic, or hand wash, for the cleaning of automobiles, providing either self-serve facilities or employees to perform washing operations.

4. Gasoline Sales

Any area used for retail sale of gasoline or oil fuels, or automobile accessories and incidental services. The use may only include facilities allowed under either "major or minor vehicle service and repair" if such use is allowed in the zoning district.

5. Parking Structure

A structure designed with one or more levels partially or fully enclosed, used for the parking of motor vehicles. The facility may be above, below, or partially below ground. This use does not include private carports or garages.

6. Truck Stop

A commercial facility whose primary purpose is to provide service and maintenance to diesel powered trucks and tractor trailers, including bays for truck washing and fuel dispensing, but excluding the overhaul of large diesel trucks or engines. Other facilities may also be present, such as convenience markets, motels and restaurants.

7. Truck Repair and Overhaul

A facility for the overhaul of large diesel engines and/or the performance of major repairs to or rebuilding of large diesel trucks or tractor/trailer combinations.

8. Vehicle Sales and Rental

An establishment engaged in the display, sale, leasing, or rental of new or used motor vehicles. Vehicles included, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles,

motorcycles, personal watercraft, utility trailers, all-terrain vehicles, and mobile homes. Minor vehicle repair is allowed as an accessory use.

9. Vehicle Service and Repair, Major

An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, mobile homes, or snowmobiles. Services include engine, transmission, or differential repair or replacement; body, fender, or upholstery work; tire replacement; and painting.

10. Vehicle Service and Repair, Minor

An establishment engaged in light maintenance activities such as engine tune-ups; oil change or lubrication; carburetor cleaning; muffler replacement; brake repair; seasonal tire shops; and detailing and polishing. Vehicle parts are sold and are ordinarily installed on the premises. Major automotive repairs are prohibited except where specifically permitted by terms of a specific use approval.

11. Vehicle Storage

Storage of operable vehicles on a commercial basis; provided, however, that such Vehicle Storage shall not include junk and salvage yards or storage of abandoned vehicles.

L. Visitor Accommodation

For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period. Specific use types include, but are not limited to:

1. Bed and Breakfast

One building containing no more than eight sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation, but not including a trailer court or camp, hospital, asylum, orphanage, or building where persons are housed under restraint. The building is occupied by either the owner or a resident manager.

2. Hotel or Motel

A building or group of buildings with continuous on-site management and containing nine or more sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation.

3. Resort

A group or groups of buildings containing more than five dwelling units and/or guest rooms and providing outdoor recreational activities that may include golf, horseback riding, swimming, shuffleboard, tennis, and

similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge, and convention facilities.

M. Industrial Service

Industrial Service firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage. Specific use types include, but are not limited to:

1. Building Material Sales, Indoor Retail

An establishment for the sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, and where most display and sale of materials occurs inside the primary structure. Outdoor storage is allowed as an accessory use.

2. Building Material Sales, Outdoor or Wholesale

Outdoor sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, including facilities for storage.

3. Drilling Company, No Outside Storage

A permanent facility for the drilling or storage of fossil fuels and fossil fuel byproducts including, but not limited to, gasoline, diesel fuel, and motor oil. Uses include those that store such products for transportation. Storage of gaseous products such as liquefied natural gas (LNG), compressed natural gas (CNG), butane, and propane for immediate use by the final consumer are not included in this definition.

4. Drilling Company, With Outside Storage

A permanent facility for the drilling or storage of fossil fuels and fossil fuel byproducts including, but not limited to, gasoline, diesel fuel, and motor oil. Uses include those that store such products for transportation. Storage of gaseous products such as liquefied natural gas (LNG), compressed natural gas (CNG), butane, and propane for immediate use by the final consumer are included in this definition.

5. Resource Extraction

The on-site extraction of surface or subsurface mineral products or other natural resources, including but not limited to quarries, burrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

6. General Industrial Service

Establishments engaged in the storage, repair, or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Examples include: construction materials storage; welding shops, machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; repair, storage, salvage, or wrecking of heavy machinery; heavy truck servicing and repair; aircraft servicing and repair; tire retreading or recapping; and gas and liquid fuel distributors. Accessory activities may include retail sales, offices, parking, and storage.

N. Manufacturing and Production

This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific use types include, but are not limited to:

1. Assembly, Light

An establishment engaged only in the on-site assembly of goods. No manufacturing of parts occurs. Goods are shipped to the establishment, assembled, packaged, and reshipped. Assembly and packaging involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts. Typical light assembly uses include ceramic studios and custom jewelry manufacturing.

2. Manufacturing, Heavy

An establishment engaged in the manufacture or compounding process of raw materials. Such activities may include the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; meat slaughtering or packing house; and manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products.

3. Manufacturing, Light

An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Examples include, but are not limited to: airplane, automobile, or truck assembly, remodeling, or repair; bottling works; boat building, machine or blacksmith shops; metalworking or welding shops; paint shops; and printing and publishing shops.

O. Warehouse and Freight Movement

Firms involved in Warehouse and Freight Movement are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include, but are not limited to:

1. Mini-Storage, Indoor

A building or group of buildings with controlled access that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares, and in which only indoor access is provided to storage units.

2. Mini-Storage, Outdoor

A building or group of buildings with controlled access that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares, and which allows outdoor access to storage units.

3. Motor Freight Terminal

A facility for freight pick-up, distribution, and storage. This may include intermodal distribution facilities for truck or shipping transport.

4. Storage Yard

Any lot or portion of a lot that is used for the sole purposes of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment.

5. Office Warehouse

A structure containing both offices and a warehouse for storing products associated with the business. The office component of this use shall be least 50 percent of the overall floor area of the structure.

6. Warehouse

A structure containing an area available for the purpose of storing raw materials, goods, or property. Such storage may include heavy equipment and machinery, and incidental minor repairs to the equipment or machinery.

7. Wholesale Establishment

An establishment primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers, and limited retail uses when directly associated with the wholesale use. This term shall not include heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations.

P. Waste and Salvage

Waste and Salvage firms receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include, but are not limited to:

1. Auto Wrecking and Salvage Yard

Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale.

2. Recycling Center, Outdoor

A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production, and in which some of the operations or storage take place outside of an enclosed building. This facility is not a junkyard or salvage yard.

3. Recycling Center, Indoor

A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production, and in which no operations or storage take place outside of an enclosed building. This facility is not a junkyard or salvage yard.

4. Landfill

A planned and approved method or system of waste disposal in which the waste is disposed or buried in layers, compacted by earth or other approved methods, also known as sanitary landfill.

Q. Medical Marijuana Uses (See Section 3.2.3.K for applicable use specific regulations)

1. Medical Marijuana

"Marijuana" for "Medical Use" as those terms are defined in ARIZ. REV. STAT. § 36-2801.

2. Medical Marijuana Dispensary

A nonprofit medical marijuana dispensary as defined in ARIZ. REV. STAT. § 36-2801 and duly registered and certified pursuant to ARIZ. REV. STAT. § 36-2804.

3. Medical Marijuana Cultivation Location

Any facility, building, or location that grows, cultivates or processes medical marijuana, including, but not limited to the following: (i) a medical marijuana dispensary that cultivates medical marijuana on its site; (ii) the one additional location, if any, duly identified pursuant to ARIZ. REV. STAT. § 36-2806(E) during the process of registering a medical marijuana dispensary where marijuana will be cultivated for sale at a medical marijuana dispensary; (iii) any location for the cultivation of marijuana by a qualifying patient or designated caregiver permitted under ARIZ. REV. STAT. § 36-2801 *et seq.;* and (iv) includes a facility that incorporates or processes medical marijuana into a consumable or edible product.

10.3.4. Accessory Uses

A. Home Occupation

A commercial activity conducted entirely within a dwelling or accessory structure (in a residential zoning district) that can be conducted without any significantly adverse impact on the surrounding neighborhood.

1. Day Care, Home Occupation

A permanent residential unit where an occupant provides day care and supervision for no more than five children or adults not residing in the household, whether or not for compensation. The following uses are not a Home Occupation Day Care use: Group Home; Group Recovery Home; Shelter Care Facility; Shelter Care Facility, Homeless; and Day Care, Home Occupation.

2. **Foster Home, Home Occupation**
A home maintained by any individual(s) having the care or control of no more than 5 minor children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals which is licensed by the appropriate government agency.

10.4. OTHER TERMS DEFINED

Accessible Parking Space
A parking space that meets the requirements of applicable state and federal disabilities acts.

Abutting
The condition of two adjoining properties having a common property line or boundary including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

Accent Material
Material covering 25 percent or less of a wall elevation.

Access/Accessway
The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Development Code.

Adjacent
The condition of being near to or close to, but not necessarily sharing a common dividing line (e.g. two properties that are separated only by a street or alley shall be considered as adjacent to one another).

Alley
A minor way that is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.

Antenna Co-location on Existing Tower
Any structure or device used to collect, receive, transmit, or radiate electromagnetic waves, including both directional antennas (such as panels, microwave dishes, satellite earth station antennas over two meters in diameter) and omni-directional antennas (such as whips) that is placed upon an existing telecommunications tower or projection. This term does not include antennas two meters or less in diameter.

Area, Gross
The area of a lot or parcel including all dedicated streets, alleys, private accessways roadway and/or alley easements, and canal rights-of-way. Such boundaries shall extend to the center of existing abutting street or alley right-of way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication.

Area, Net
The area of a lot or parcel excluding all dedicated streets or alleys and roadway or alley easements.

Articulation
The manner in which various features are arranged on a building elevation.

Awning
A structure attached to a building or other permanent structure in a fixed position with a flexible or rigid covering, including such structures that are internally illuminated by fluorescent or other light sources.

Balcony
That portion of a building that projects into the required yard and where the floor height of such projection is not less than four feet above grade.

Banner
A flexible piece of material used as a symbol, decoration, or to provide a message that is attached on at least two of its sides to a building, poles, or other outdoor structure.

Basement
That portion of a building underground and having at least one-half of its height measured from its floor to its ceiling below grade. A basement shall be counted as a story if the vertical distance from grade to its ceiling is more than two feet.

Berm
An earthen mound designed to, screen undesirable views, decrease noise, and/or control or manage surface drainage.

Bicycle Parking Space
An area designated within a facility for the use of an individual bicycle.

Block
A piece or parcel of land or group of lots entirely surrounded by public streets, streams, railroads or parks or a combination thereof.

Borrow
Earth material acquired from an off-site location for use in grading a site.

Box Transplanting
A method of transplanting a tree in which the root ball is placed in a box.

Brushing
The selective removal of vegetation.

Buffer
Landscaped areas, fences, walls, berms, or any combination thereof, used to physically screen or block noise, lights, buildings, or nuisances.

Building
Any substantial structure that by nature of its size, scale, bulk, dimension, or use constitutes a visual obstruction or generates activity similar to that usually associated with a building. For purposes of determining required setbacks, the term includes (i) Gas pumps and overhead canopies or roofs. (ii) Fences running along lot boundaries adjacent to public rights-of-way that exceed six feet in height and are substantially opaque.

Building Facade Line
A line that is parallel to a lot line or public or private street curb line, as applicable, and the average distance from the lot line or curb line as the closest portion of a building.

Building Mass
The three-dimensional bulk of a building—height, width, and depth.

Building Scale
The size and proportion of a building relative to human scale, streets, surrounding buildings, and environs.

Carport
A structure open on a minimum of three sides designed or used to shelter not more than three vehicles and not to exceed 24 feet on its longest dimension.

Clearing
The removal of vegetation by manual or mechanical means.

CMU
Concrete masonry units.

Commercial Center
A development containing two or more retail stores, offices, restaurants, hotels, motels, and similar businesses.

Commercial Development
For purposes of this Development Code, development of any use meeting the definition of "Commercial Use," "Offices," "Places of Public Assembly," or "Service Establishment" in the Buckeye Development Code, as well as any mixed use development that combines commercial development and development of any residential use.

Commercial Use
A retail use operated for profit or compensation, where the general public is invited to purchase goods or services and the compensation is substantial and regular.

Common Area
Land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner.

Complete Application
An application that is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet, and is accompanied by the applicable fee. A pre-application conference shall have been held, if required by this Development Code.

Concealed Antennae and Towers
Any man-made trees, clock towers, bell steeples, light poles, water towers and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Concrete Panel Construction
A monolithic masonry wall unit, either poured in place, poured on site (commonly referred to as "tilt-wall construction"), or precast for assembly on site.

Condominium
An estate in real property consisting of an undivided interest in common in a portion of such real property, together with the right of exclusive occupancy of a unit located thereon.

Conservation Easement
An easement imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of real property.

Corral Fence
A fence-type structure consisting of vertical posts and horizontal members and so constructed that 75 percent or more of the vertical surface is open. Chain link or other similar types of wire fences are not intended to be included in this definition and shall be classified as a fence or wall.

Court
An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

Cul-de-Sac
A street with no outlet, which terminates in a circular right-of-way.

Culvert
A drain, ditch, or conduit, not incorporated in a closed system, which carries drainage water under a driveway, roadway, railroad, pedestrian walk, or public way, or other type of overhead structure.

Curb
A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

Cut
Vertical removal of earthen material.

Cutoff Angle
The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

Cut-off Light Fixture
A lighting fixture with a light distribution pattern that results in less than 2.5 percent of the rated lumens being projected at or above a horizontal plane located at the bottom of the fixture, and less than 10 percent of the rated lumens projected between that horizontal plane and a plane emanating at an 80 degree angle below the bottom of the fixture.

Decorative Paving
Paving that is made up of solid, pre-cast, decorative paving, flagstone, modular units, stamped concrete, seeded concrete, colored concrete, or any combination of the same.

Dedication
A conveyance of fee simple or property rights at no cost to the City or another public agency.

Demolition or Demolish
An act or process that removes one or more of the following from an existing building or buildings:

- Fifty percent or more of the roof area as measured in plan view.
- Fifty percent or more of the exterior walls of a building.
- A Street-facing facade.

Density
A ratio of the number of dwelling units to the gross land area unless otherwise stated.

Destroy
For purposes of the native plant preservation requirements of this Development Code, means to kill, or cause the death of any protected native plant by any means.

Development
Any activity that changes the use of land or makes a material change to the appearance of a structure or property. In addition, the following constitute development:

- Clearing of land as an adjunct of construction, including clearing or removal of vegetation or soil manipulation;
- Deposit of refuse, solid, or liquid waste or fill on a parcel of land;
- Placement of a sign;
- Changes or alteration of a watercourse, drainage way, or other waterway; or
- Paving, filling, grading, or covering of land.

Development Code
The City of Buckeye Development Code.

Direct Lighting
A source of external illumination located a distance away from the sign which lights the sign, but which is, itself, not visible from any normal position of view.

Director
The Community Development Director, or his or her designee.

Disability
A physical or mental impairment that substantially limits one or more of a person's major life activities, impairs their ability to live independently or a record of having such an impairment, but such term does not include current use of, nor addiction to, alcohol or a controlled substance.

Distribution Lines
Those electric lines used to distribute power from a feeder line to an end user. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.

Driveway
The principal access route from the roadway adjacent to a lot, to the lots primary off-street parking area.

Easement
A right to use another person's real property for certain limited purposes.

Electrical Sign
A sign in which electrical wiring and connections are used.

Elevation
(1) A vertical distance above or below a fixed reference level; or (2) a fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

Engineering Plan
Plans, profiles, cross sections, reports, and other required details for the construction of public improvements prepared by a registered engineer.

Envelope, Building
(1) A dwelling unit and all attached roofed structures, including carports or patio ramadas;

(2) For nonresidential development, the building envelope shall be the main building and all attached roofed structures.

Envelope, Development
The sum of the areas of the permit holder's land to be graded, including the building envelope, accessory buildings, and areas of related parking, driveways, swimming pools, walls and other accessory structures, but excluding individual sewage disposal systems.

Environmentally Sensitive Area
A definable area that is characterized by the presence of indigenous plants as referenced herein that has not been significantly or noticeably altered or modified through development, agriculture, or other activities associated with growth or expansion.

Equipment Building or Structure
An accessory building or structure used to house necessary equipment used by communication providers at a facility.

Erosion
The wearing away of the ground surface as a result of the movement of wind, water or ice.

Excavation
The mechanical, manual, blasting, or other such means for removal of earth material.

Exterior Trademarked Design Feature
An exterior design feature, including colors, shapes, and materials, of a building that is trademarked by a building occupant.

Facade
The exterior walls of a building exposed to public view, or that wall viewed by persons not within the building.

Fascia
Any broad, flat, horizontal surface, as the outer edge of a cornice or roof. Fascia board is a wide board set vertically to cover the lower ends of rafters or the joint between the top of a wall and the projecting eaves.

Feeder line
High voltage supply electric lines that emanate from substations used to distribute power through an area. This term is synonymous with "transmission lines."

Fencing, Protective
Fencing with a four-foot approximate height intended to provide the boundaries of something being protected.

Fencing, Temporary
A temporary barrier, approved by the city, which clearly and conspicuously delineates areas designated to remain undisturbed or that are to be protected during construction.

Fill
Vertical addition of earthen material.

Final Inspection
Field inspection conducted by the City prior to project acceptance.

Flag
A piece of material used as a symbol, decoration, or message that is attached on only one of its sides to a building, pole, or other outdoor structure.

Floor Area
The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

Freestanding
Any structure that is not attached to any other structure or portion of a structure. Structures that are linked by pedestrian walkways are deemed to be freestanding. Freestanding shall also apply to sole uses on an individual parcel.

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

Fully-Shielded Light Fixture
A lighting fixture constructed in such a manner that the light source is not visible when viewed from the side and all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

Full Cut-off Light Fixture
A lighting fixture with a light distribution pattern that results in no light being projected at or above a horizontal plane located at the bottom of the fixture, and less than ten percent of the rated lumens projected between that horizontal plane and a plane emanating at an 80 degree angle below the bottom of the fixture.

Garage, Detached
An enclosed (on at least three sides) accessory building not attached to a main building, used for storage of automobiles, and used solely by the occupants and their guests.

Garage, Parking
See "Parking Structure."

Glazing
The panes or sheets of glass or other material made to be set in frames, as in windows or doors.

Grade
The elevation of the ground surface, paving, or sidewalk.

Grading
The initial clearing, brushing or grubbing, and subsequent excavating, or filling of a site.

Grading Permit
An official document issued by the City authorizing the grading activity specified by the grading permit conditions.

Gross Floor Area
The sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. Gross floor area shall not include:

A. Underground parking space.

B. Uncovered steps.

C. Exterior balconies.

Gross Land Area
The area of a parcel of land excluding all streets and alleyways in existence at the time the development plan is submitted. Those portions of such parcels that subsequently may be designated as streets or alleyways, whether dedicated or not, shall be included in the determination of gross land area.

Ground Cover
A low growing, woody, or herbaceous vine or grass like material primarily used to cover large areas of ground. The term "ground cover" also means a plant species that normally reaches a height of less than three feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

Grubbing
The removal of trees and other large plants including their roots.

Guideline
An indication of policy or preferences; compliance is not mandatory like a standard, but rather compliance is encouraged to further the City's land-use goals and policies.

Gutter
A shallow channel, usually set along a curb or the pavement edge of a road or the edge of a building roof, for purposes of catching and carrying off water.

Habitat
The place or type of site where a plant or animal naturally or normally grows and lives.

Halo Lighting
Illumination produced by recessing a light source inside a hollow character with an open back or within the surface to which sign letters are mounted. An outline glow around the characters is created by this light reflecting off the background to which the characters are attached.

Home Owners Association (HOA)
An organization established for the ownership, care, and maintenance of private common areas, private streets, and other private facilities.

Hydrological Study
A report designed to show the effects of surface water on a specific area.

Illuminance[23]
A measure of the amount of light intercepting an object at a given distance from a light source measured in footcandles.

Infrastructure
Facilities and services needed to sustain manufacturing, residential, commercial and all other land use activities. Infrastructure includes water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire stations, parks, schools, and other similar type uses.

Impervious Cover
Any surface lacking the ability for air and water to pass through to natural ground.

Industrial Development
Development of any use primarily associated with heavy equipment, tractor trailers, material storage or processing, warehousing, manufacturing or chemical processing, where the general public is not invited to be part of the on-site activities.

In-line Commercial Center
Multiple retail stores laid out in an in-line arrangement. Individual stores share one or more side walls but have separate entrances. In-line centers typically share a single parking area.

Inspector
A person authorized by the City to perform inspection on work performed where the City is required to inspect.

Interior lot
A lot other than a corner lot.

Internal Lighting
A source of illumination entirely within the sign that makes the contents of the sign visible at night by the light being transmitted through a translucent material but wherein the source of the illumination is not visible.

Irrigation System
An underground automatic watering system, which consists of heads, valves, pipes, etc., used for the sole purpose of sustaining and promoting plant life. This definition shall also apply to drip and soaker hose irrigation.

Kiosk
A small, freestanding one-story structure having a maximum floor area of 100 square feet and used for purposes of the posting of temporary information and/or posters, notices, and announcements, an ATM, postal supplies, or similar uses where no attendant is required.

[23] Appears as established by Ordinance No. 10-13; June 18, 2013

Landscape Buffer
A combination of physical space and vertical elements such as plants, berms, fences, or walls, the purpose of which is to separate and/or screen incompatible land uses from each other.

Landscape Screening
An area of landscaping a minimum of three feet in height. It shall consist of trees, shrubs, and groundcover and may contain natural topping material such as boulders, rock, stone, granite or other approved material. The purpose of the landscape screen is to screen adjacent areas.

Light-Emitting Diode Display (LED) and Liquid Crystal Display (LCD)[24]
Flat, electronic display devices that channel light through tubes or modulate liquid crystals to create patterns that can produce changing video displays.

Light Fixture
The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket).

Loading Space
An off-street space or berth used for the delivery and loading or unloading of vehicles.

Logo
A graphic image or words representing an organization. This image shall be in the form of symbols (logo symbol) and/or words.

Lot Area
The total area, measured on a horizontal plane, included within lot lines.

Lot Coverage
The total structural coverage provided on a lot or site inclusive of all roofed areas, including roof overhangs or projections, or structures capable of supporting a roof divided by the net area of the lot or size.

Lot Width
The width of the lot shall be:

(1) If the side lot lines are parallel, the shortest distance between these sidelines.

(2) If the side lot lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear lot lines..

Lot Depth
The average horizontal distance between the front and rear lot lines.

[24] Appears as established by Ordinance No. 10-13; June 18, 2013

Lot Frontage
That dimension of a lot or portion of a lot abutting on a street, excluding the site dimension of a corner lot.

Lot Line
The lines bounding lots defined as follows:

(1) Front lot line. The owner shall designate and the City approve which lot line shall be the lot frontage.

(2) Rear lot line. The lot line most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line.

(3) Side lot line. Any lot lines not the front or rear lot line.

Lot Types
(1) Corner lot. A lot that has at least two adjacent sides abutting on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

(2) Double frontage lot. A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

(3) Flag (panhandle) lot. A lot having access to a street or alley by means of a width less than the minimum required lot width, but not less than 12 feet.

(4) Interior lot. A lot other than a corner lot.

(5) Key lot. A corner lot that is so designated that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

(6 Reversed frontage. A key lot, or the first lot to the rear of a corner lot, the front lot line of which is a continuation of the side lot line of the corner lot and fronting on the street that intersects the street upon which the corner lot fronts and/or that faces the street upon which the side of a corner lot abuts.

Luminance[25]
An objective measurement of the brightness of illumination, measured in candelas per square foot (cd/ft^2) or Nits.

Mansard Roof
A roof having on each side a shallower upper part and a steeper lower part.

Masonry Construction Materials
Materials that include, but are not limited to, brick, stone, concrete masonry units, stucco, and concrete-panel construction.

[25] Appears as established by Ordinance No. 10-13; June 18, 2013

Maximum Extent Feasible
Under the circumstances, no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken.

Maximum Extent Practicable
Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts.

Mechanical Equipment
All devices, appliances, and apparatus involved in the maintenance of environmental conditions within a building or recreational structure, such as a swimming pool or spa. Mechanical equipment shall include, but is not limited to HVAC units, air conditioners, pool heaters, pool filters, and pool circulation pumps.

Monument Base
A freestanding base of masonry construction to match the site building that supports the business establishment's signage.

Mutilate
For purposes of the native plant preservation requirements of this Development Code, means to deface, maim, damage or disfigure any protected native plant by shooting, chopping, pushing over, burning, cutting or any other means.

Native
Indigenous to the specific site or to areas contiguous to a parcel being developed.

Natural Cross Slope
The slope of the topographic configuration of land, graphically represented by contour lines, prior to any grading or other disturbance of the site.

Natural Grade
The topographic configuration of land prior to any grading or other human disturbance of the site.

Net Floor Area
For the purpose of determining parking requirements, the total floor area of a building measured from the interior faces of load-bearing walls, excluding air shafts, stairwells, elevator shafts, restrooms, mechanical equipment rooms, atriums, and other such features as determined by the Director.

Non-Concealed Freestanding Tower
Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae, including guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

Outdoor Gathering Space
Open air or semi-enclosed public spaces for the benefit of residents, employees, or visitors to a site. In calculating the size of an outdoor gathering space in order to meet the requirements of this Development Code, the following must not be included: private yards, public or private streets or rights-of-way, parking areas and driveways, and water quality and stormwater detention ponds.

Pad-Site Building
A building that is intended for a single commercial use and that is physically separate from the principal or primary building on the site. The term is typically used in the context of retail shopping center development.

Parapet Wall
A wall extending above the plate line of a building.

Parking Aisle
The aisles on which vehicles are allowed access to the individual parking stalls and are characterized by slow speeds and high turning movements.

Parking Space
A permanently surfaced area, enclosed or unenclosed, and a permanently surfaced driveway connecting with a street or alley, permitting ingress or egress of an automobile.

Parking Structure
A structure or portion thereof that is fully or partially enclosed, composed of one or more levels or floors, and used exclusively for the parking or storage of motor vehicles.

Pedestrian Way
A public walk dedicated entirely through a block, from street to street, or providing access to a school, park, recreation area, or shopping center.

Pennant
A piece of material that tapers to a point and is used as a symbol, decoration, or to provide a message and that is attached on only one if its sides to a building, pole, or any other item used to display the pennant.

Perimeter Roads
The roads along the perimeter of buildings and at the ends of parking aisles where they abut property lines and provide customer drop-off and pickup as well as emergency access to the building.

Person
A natural person, a corporation, a partnership, an association, a trust, or any other entity or any combination thereof.

Primary or Principal Building
The building or structure on a commercial development site used to accommodate the majority of the principal permitted use(s). When there are multiple buildings on a commercial development

site, such as in a shopping center, the primary or principal building shall be the one containing the greatest amount of gross floor area. Buildings sited on pad sites or free-standing kiosk/ATM machines cannot be "primary" or "principal" buildings.

Principal Entrance
The place of ingress and egress most frequently used by the public, and which is most visible and most easily identifiable from the principal street.

Pristine
For purposes of the native plant protection requirements of this Development Code, means unaltered from its naturally occurring state, not spoiled, corrupted, or polluted.

Private Street Lot
A separate lot owned by the property owners association whereupon a private street is constructed.

Public Art
Sculptures, paintings, murals, and other forms of artwork that are placed in public spaces or in public view to enrich and add visual interest to the built environment.

Relocate
To transplant a protected native plant to another location on the premises.

Remove
To transport a protected native plant from the premises on which it has been growing.

Residential Thoroughfare
A thoroughfare indicated on the city master thoroughfare plan, and as the same may be from time to time amended.

Retaining Wall
A wall designed to withstand lateral and hydrostatic pressures and built to keep earth from sliding.

Revegetation
Placement of living plant materials including, but not limited to, seed, on sites or cut and fill slopes where the natural vegetation has been removed.

Right of Way
A strip of land dedicated to the public and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another public use. The usage of the term "right-of-way" for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and are not included within the dimensions or areas of such lots or parcels. "Rights-of-way" intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Screen
An opaque barrier designed and installed to conceal areas used for storage, refuse, mechanical equipment, parking or delivery service loading bays from street and public view, or to buffer adjacent uses.

Screening Wall
An approved structure or fence at least six feet in height intended to minimize adverse impacts associated with contiguous or adjacent land uses, or effects of site operations such as dumpsters.

Semi-cutoff Light Fixture
A lighting fixture with a light distribution pattern that results in less than five percent of the rated lumens being projected at or above a horizontal plane located at the bottom of the fixture, and less than 20 percent of the rated lumens projected between that horizontal plane and a plane emanating at an 80 degree angle below the bottom of the fixture.

Setback
The required minimum distance between the building line and the related front, side, or rear lot line and over which no part of any building may extend, except as otherwise provided. When the property abuts a dedicated right-of-way, the distance shall be measured from the dedicated right-of-way line or future right-of-way line. When the property abuts a private street, the distance shall be measured from the back of the tract or easement used for the private accessway.

Sewer
Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving streams.

Sewer System, Community
Any sewer system, whether treatment plant, septic tank or lagoon, designed with a sewer collection system to be used by a legally constituted association of property owners. The system may or may not be a public system.

Shaded Sidewalk
For purposes of this Development Code, a shaded sidewalk shall be any one of the following:

- A sidewalk at least ten feet wide made of pervious concrete with shade trees at 30-foot intervals or of standard concrete with the trees planted in grates at the same distance.

- A five-foot sidewalk adjacent to a landscape strip at least ten feet wide planted with shade trees at 30-foot intervals.

- A sidewalk at least six feet wide covered with weather-protection materials (such as awnings, an arcade, or other structure).

Sidewalk
A paved surface separated from the street and used as a pedestrian walkway.

Sign
Any device, name, number, identification, description, announcement, declaration, demonstration, flag, banner, pennant, illustration, light, or insignia, and the supporting structure of any of the same, placed upon or affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land which directs attention to any object, product, service, place, activity, person, institution, organization, or business. Any interior illuminated or moving sign or light that is visible from the exterior may be determined as being erected on the exterior of the building or structure. Signs may contain commercial and/or noncommercial speech.

Sign Area[26]
The total square footage of all lettering and logos placed on the sign face. Each side of the sign shall be calculated individually.

Sign Height[27]
The vertical distance of a sign as measured from the average elevation of the finished grade within 20 feet of the sign base to the highest point on the sign. With respect to Digital Billboards, height shall be determined in accordance with Section 5.11.8.b.3.a.

Sign Permit
A written authorization to erect a sign, obtained pursuant to Section 5.11.2, *Permit Required,* of this Development Code.

Sign Types[28]
(1) Advertising. A sign relating to a business activity, use, or service not conducted on the premises upon which the sign is placed; or a product not sold, handled, produced, or fabricated on the same premises upon which the sign is placed.

(2) Billboard. Any large, standardized off-site sign relating to a business, activity, use, or service conducted off the site, or to a product not sold on the site, and intended for viewing from extended distances, generally more than 50-feet.

(3) Business sign. A sign relating to a business, use, or service conducted on the premises upon which the sign is placed; or a product sold, handled, produced, or fabricated on the premises upon which the sign is placed.

(4) Freeway-Oriented Identification Sign. An on-site freestanding sign that is placed on property adjacent to, but not closer than a distance equal to the height of the sign from the freeway right-of-way or an attached sign with exposure to a freeway. Separation distance of not less than 500 feet shall be observed between any such on-site sign located on the same side of the freeway.

(5) Garage sale, estate sale, yard sale, or similar sign. A sign for the occasional sale of tangible personal property.

[26] Appears as established by Ordinance No. 10-13; June 18, 2013
[27] Appears as established by Ordinance No. 10-13; June 18, 2013
[28] Appears as established by Ordinance No. 10-13; June 18, 2013

(6) Identification sign. A sign used to identify the manufacturer, builder, or seller of a structure that does not exceed 70 square inches in size.

(7) Illuminated sign. A sign lighted by or exposed to artificial lighting either by lights directed toward the sign or within the sign, behind the face of the sign.

(8) Monument sign. Signage constructed on a monument base identifying the name of the business or retail center on the premises upon which the sign is placed. A sign face manufactured and constructed clearly to be a portable sign shall not be used in any form to be made into a permanent sign.

(9) Political sign. A sign relating to the election of a person to public office; relating to a political party; or relating to a matter to be voted upon at an election called by a public body.

(10) Portable sign. Any sign, which is specifically manufactured so that it can easily be relocated from one location to another. A sign that could have wheels or four legs for easy mobility that is supported by the ground or other object (not allowed). A sign face manufactured and constructed clearly to be a portable sign shall not be used in any form to be made into a permanent sign.

(11) Real estate sign. A sign giving off-site direction to property for sale or for lease; or placed upon a property (on-site) advertising that particular property for sale or for lease; or placed on the on-site premises of the area outlined in an approved plat of a subdivision, advertising the sale of lots within such subdivision. A real estate sign shall not exceed 32 square feet.

(12) Residential information sign. Any informational sign located in a district zoned for residential uses that contains no commercial message.

(13) Temporary sign. An approved sign erected or maintained on a premises for a short duration of time. Temporary signs may supplement any permanent signs on the premise. Temporary signs include, but are not limited to, garage, estate, yard or similar sale; lost pet; political campaign; real estate; development and residential information signs; banners and pennants.

(14) Temporary event sign. Signs for the advertisement of temporary events limited to religious, public gatherings, Christmas tree sales and other temporary uses that may be approved under this Development Code.

(15) Transportation sign. A sign specifically for the conveyance of information concerning transportation systems or vehicular movement.

(16) Vehicular sign. Any sign that is affixed or attached to a moving vehicle.

(17) Wall sign. Signage that is erected against, attached to, or supported by the main building on any given property.

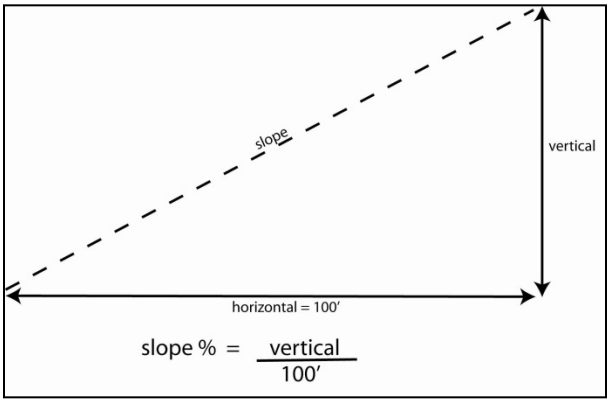
(18) Off-Site Sign. A sign directing attention to a specific business, product, service, entertainment event or activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located.

(19) On-Site Sign. A sign whose message and design relates to a business, profession, product, service, event, or other commercial activity sold, offered, or conducted on the same property or unified development where the sign is located.

(20) Digital Billboard (Digital Off-Site Sign). A variable-message sign directing attention to a specific business, product, service, entertainment event or other activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located, and that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays and devices with sign faces that are comprise of matrices of light using LEDs, LCDs, light-emitting devices, or other electronic messaging technology.

(21) Digital Reader Panel. A variable-message sign directing attention to a specific business, product, service, entertainment event or other activity, or other commercial activity that is sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located, and that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using LEDs, LCDs, a flipper matrix, or other electronic messaging technology.

Slope
The vertical rise in feet measured over a horizontal distance of 100 feet, expressed as a percentage, measured generally at right angles to natural contour lines, and extending across property lines if necessary to obtain the 100 foot measurement, but not extending across significant changes in grade. See illustration.



Spade Transplanting
A method of transplanting a tree by use of a mechanical spade.

Stand
A cluster or grouping of two or more mature plants.

Standard
A definite rule, principle, or measure with which compliance is mandatory unless expressly modified through the Administrative Modification process in Section 1.3 of this Development Code or varied according to the Development Code. A development application may be denied for failure to meet one or more standards established by this Development Code.

Street
A right-of-way other than an alley, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.

Street, Arterial
A major street in the City's street system that serves as an avenue for the circulation of traffic onto, out, or around the City and carries high volumes of traffic.

Street, Collector
A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties.

Street, Local
A street whose sole function is to provide access to abutting properties.

Street, Principal
The street adjacent to a lot or site with the highest priority. Street priorities are as follows, from highest to lowest:

- Major Arterial
- Minor Arterial
- Collector
- Sub-Collector
- Local

If a lot is adjacent to more than one street of equally high priority, the principal street is: the street with the highest level of transit service, as determined by the Director; or, if the streets do not have transit service or the level of transit service is equal, the street designated by the lot owner.

Street, Private
A platted street providing limited local traffic circulation among adjacent lots which is privately owned and maintained, contained within a private street tract, and constructed in accordance with the requirements of this Development Code.

Street, Sub-Collector
A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets.

Street-Facing Facade
A wall of a building that is within 60 degrees of parallel to a street lot line; and is not behind another wall, as determined by measuring perpendicular to the street lot line.

Street Furniture
Those features associated with a street that are intended to enhance the street's physical character and be used by pedestrians, such as benches, trash receptacles, and kiosks.

Sustainable Roof
A "cool roof" that has a Solar Reflectance Index of 78 for flat roofs, or 29 for roofs with a slope greater than 2:12; or a vegetated roof that includes vegetation on at least 50 percent of the roof area of all buildings in the project, and that uses only drought-tolerant landscaping.

Traffic Calming
Measures that make permanent, physical changes to streets to slow traffic and/or reduce volumes; also can include education and enforcement measures to promote changes in driver behavior.

Under-story
An underlying layer of vegetation, especially the plants that grow beneath a tree's canopy.

Unified Development[29]
A large development with a comprehensive and consistent development theme typically composed of retail, office, and other commercial businesses. Such developments share access, parking and circulation and are typically designed as regional entertainment, employment or commercial destinations and are often collectively marketed and identified. This definition includes shopping centers areas of over 100,000 square-feet GFA, auto malls, business parks, and industrial parks.

Unsalvageable Plant
A protected native plant that cannot be successfully relocated due to any of the following:

[29] Appears as established by Ordinance No. 10-13; June 18, 2013

- Deteriorated health from disease, infestation, or natural causes, or
- Physical constraints related to plant location, orientation, or general condition which obstruct and/or prevent the application of approved relocation techniques.

Wash
A watercourse that flows during flood events or intermittently. Washes are important environmental areas that serve as wildlife corridors and habitat.

Xeriscape
The practice of conserving water and energy through landscaping design that limits lawn areas, irrigates efficiently, improves soils, uses mulches, chooses low water use plants, and employs other good maintenance practices.

Yard
An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, Front
A yard extending across the front lot line between the side lot lines, and being the minimum horizontal distance between the front lot line and the front wall of any building.

Yard, Rear
A yard extending across the rear lot line between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building. The rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, Side
A yard between the main building and the side-line of the lot, and being the minimum horizontal distance between the building and the side lot line and extending from the front lot line to the rear lot line.

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APPENDIX A: PROTECTED NATIVE PLANTS

"Protected Native Plants" include trees that are four inches or greater in caliper, and cacti that are three feet or greater in height as noted in the following tables:

TREES	
Botanical Name	**Common Name**
Acacia constricta	Whitethorn Acacia
Acacia greggii	Catclaw Acacia
Canotia holocantha	Crucifixion Thorn
Celtis reticulate	Hackberry
Cercidium floridum	Blue Palo Verde
Cercidium microphylum	Foothill Palo Verde
Chilopsis linearis	Desert Willow
Juniperous species	Juniper
Olneya tesota	Ironwood
Prosopis species	Mesquite
Vauquelinea Californica	Arizona Rosewood

CACTI	
Botanical Name	**Common Name**
Carnegiea gigantea	Saguaro
Echinocactus Grussonii	Golden Barrel
Echinocereus Engelmannii	Hedgehog
Ferocactus species	Barrel
Fouquieria splendens	Ocotillo
Opuntia species	Prickly Pear and Cholla
Yucca species	Soaptree Yucca

APPENDIX B: OBSOLETE DISTRICTS DEVELOPMENT STANDARDS

TABLE 5-I REQUIRED BUILDING SETBACK FOR NEW DEVELOPMENT (BY ZONING DISTRICT)

	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback
Rural Residential	40	20	20	40
Planned Residential	Setbacks shall be as required by the Rural Residential district or as determined by an approved plat			
Mixed Residential	10	5	5	10
Planned Community	Setbacks shall be as required by the Rural Residential district or as determined by an approved plat			
Commercial Center	0	0	0	15
General Commerce	20	50	50	50
Special Use	40	30	40	40

*Rear setbacks shall be for principal buildings only.
*All distances are in feet and are measured from their respective property line.
*Residential setbacks in existing subdivisions shall be those in place at the time of plat approval.
*Commercial uses in Mixed Residential may use setbacks stated for the Commercial Center district.
*See appendix B in the City of Buckeye Development Code for the Setbacks of existing developments.

TABLE 5-J RESTRICTIONS ON BUILDING HEIGHT AND SEPARATION FOR NEW DEVELOPMENT (BY ZONING DISTRICT)

	Maximum Building Height	Minimum Building Separation
Rural Residential	30	20
Planned Residential	30	20
Mixed Residential	30	20
Planned Community	Building heights and separation will be as allowed in the Rural Residential District or if approved, as determined by the Community Master Plan	
Commercial Center	45	20
General Commerce	45	25
Special Use	45	25

TABLE 5-K RESTRICTIONS ON LOT WIDTH AND COVERAGE FOR NEW DEVELOPMENT (BY ZONING DISTRICT)

	Maximum Lot Coverage (in percent)	Minimum Lot Width (in feet)
Rural Residential	20%	100
Planned Residential	Lot coverage and width will be as allowed in the Rural Residential District or as determined by an approved plat	
Mixed Residential	30%	75
Planned Community	Lot coverage and width will be as allowed in the Rural Residential District or as determined by the Community Master Plan	
Commercial Center	50%	100
General Commerce	50%	100
Special Use	N/A	N/A

*All dimensions are in feet
*The lot width requirements do not apply to existing lots

TABLE 5-L REQUIRED MINIMUM LOT AREA FOR NEW DEVELOPMENT (BY ZONING DISTRICT)

Rural Residential	Ten (10) acres unless part of an approved subdivision, in which case the minimum lot size shall be one (1) acre per dwelling unit.
Planned Residential	Lot size shall be as required in the Rural Residential district unless part of an approved subdivision, in which case there shall be no minimum lot size.
Mixed Residential	Ten thousand (10,000) square feet for single-family dwellings or two thousand (2,000) square feet per multiple family dwelling.
Planned Community	Lot size shall be as required in the Rural Residential district unless part of an approved Community Master Plan, in which case there shall be no minimum lot size.
Commercial Center	Ten thousand (10,000) square feet or three thousand (3,000) square feet per dwelling unit.
General Commerce	One (1) acre unless part of an approved subdivision, in which case there shall be no minimum lot size.
Special Use	Ten (10) acres.

*Lot area is the amount of land contained within a lot, measured in acres or in square feet.
*Existing lots are exempted from lot area requirements listed above. Refer to Section 7-5-12 (C)(3).

APPENDIX C: OBSOLETE DISTRICTS PERMISSIBLE USES

Note: Conditional Uses are designated with a "C" all other permitted uses are designated with a "P"

PRINCIPAL USE	ZONING DISTRICT						
	RR	PR	MR	PC	CC	GC	SU
Airport and related uses						C	C
Amusement facility						C	C
Animal production/breeding	P						P
Automotive service/repair					P	P	
Bar, lounge, or tavern					C	C	
Bed and Breakfast	C		C		C		
Boarding house	C		C		C		
Bowling alley					P	P	
Building material sales (outdoor)						P	
Cabinet making/woodworking	P				P	P	
Campgrounds, overnight	C						C
Cellular/radio tower	C					C	C
Cemetery	C				C		C
Clinic/health care facility	P				P	P	
Club, private nonprofit					P		P
Commercial Ranch	P						P
Convenience storage					P	P	
Crop production	C	P		P		P	P
Dairy	C						P
Day care center	C		C		C	C	
Equipment and tool rental					P	P	
Feed store	P				P	P	
Funeral home					C	C	
Golf course/resort	C	P	P			P	P
Group home			P		P		
Guest room	P				P		
Home occupation	P	P	P		P		
Hospital					C	C	
Hotel/motel					P	P	
Kennel	C						
Liquor store					C	C	
Machine shop						P	

APPENDIX C: OBSOLETE DISTRICTS PERMISSIBLE USES

PRINCIPAL USE	ZONING DISTRICT						
	RR	PR	MR	PC	CC	GC	SU
Machinery and equipment storage						P	
Machinery sales and service						P	
Manufactured home park			C		C		
Manufactured home subdivision	C	C					
Manufacturing, custom	P				P	P	
Manufacturing, general						P	
Master Planned Community				P			
Meat processing, commercial						C	
Multiple family dwelling			P		P		
Museum					P	P	P
Nursing home			C		C		
Office building			P		P	P	
Places of public assembly					P	P	P
Places of worship		P	P		P		
Plant nurseries, retail					P	P	
Plant nurseries, wholesale	P					P	
Quarters for caretaker	P				P	P	P
Recreational vehicle park	C				C		C
Residential facility	P	P	P	P	P		
Residential ranch	P	P					
Retail, convenience establishment					P	P	
Retail, general establishment					P	P	
Riding stables and corral	P						P
Roadside stand	P						
Rodeo arena						P	P
Satellite earth station	C					C	C
Schools, public and private			P		P		P
Service establishment					P	P	
Shopping center/plaza mall					P	P	
Single family dwelling	P	P	P	P	P		
Social service facility			C				
Swap meet						P	P
Truck repair and overhaul						P	
Truck stop						P	
Vehicle and RV sales/service						P	
Vehicle storage						P	
Veterinary clinic					P	P	
Veterinary hospital					P	P	
Warehousing, retail					P	P	
Warehousing, wholesale						P	
Zoo, private or public	C					C	C