

ARTICLE 14-1

TITLE, AUTHORITY and DEFINITIONS

Section 14-1-1 Short Title

These regulations shall be known and may be cited as the “City of Maricopa Subdivision Ordinance” and will be referred to herein as “this code”, or “this ordinance”.

Section 14-1-2 Authority

This ordinance is adopted pursuant to the authority contained in the Arizona Revised Statutes (A.R.S.) § 9-463.01, *et seq.*

Section 14-1-3 Purpose and Intent

- A. The purpose of this ordinance is to implement the vision statement of the General Plan; to provide for the orderly growth and harmonious development of the City of Maricopa; to ensure adequate vehicular and pedestrian traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, flood protection, sanitary sewage, and other health and safety requirements; to ensure consideration for adequate sites for schools, open space, recreation areas, and other public facilities; to help ensure emergency services such as fire, ambulance and police services can be provided to all developed land; to promote the conveyance of land by accurate legal description; to provide comprehensive design standards; to promote a high quality of life; and to provide practical procedures for the achievement of this purpose.
- B. In the interpretation and application of this ordinance, it is intended a common ground of understanding and a sound and equitable working relationship exist between the public and private interests and to this end, the independent and mutual objectives of the public and private interests can be achieved in the subdivision of land.

Section 14-1-4 Adoption of Figures

All figures within this ordinance are hereby adopted and shall be incorporated herein as a part of this ordinance.

Section 14-1-5 Adoption of Appendices and Maps

Any appendices and/or maps within this ordinance are hereby adopted and shall be incorporated herein as a part of this ordinance.

Section 14-1-6 Definitions

For the purpose of carrying out the intent of this Subdivision Ordinance, certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense include the future; words used in the singular include the plural; and words in the plural include the singular. The words “shall” and “will” are mandatory. The words “may” and “could” are permissive. The words “guidelines”, “provisions”, “standards” and “regulations” are used interchangeably and are mandatory. The following additional words and phrases shall, for the purpose of this ordinance, have the following meanings:

Abandonment, Plat: The intentional relinquishment of a vested plat for the purposes of re-platting the property into a different configuration or dividing up the property.

Abandonment, Right-of-way: The intentional relinquishment of right-of-way and transferring rights of property to another owner.

Abutting: The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only at a corner(s).

Accessory Use: A use, building, structure, part of a building, or part of a structure which is subordinate to, and the use of which is incidental to, the main building, structure or use on the same lot, including a private garage. If a building otherwise qualified as an accessory building is attached to the main building by a common wall or roof, such building shall be considered part of the main building.

Air Space: The ownership or control of all land, property, and area of space at and above a horizontal plane over the ground surface of land defined by a survey and legal description of the lot. The horizontal plane shall be at a height that is reasonably necessary or legally required for the full and free use of the ground surface.

Alley: A right-of-way, dedicated to public uses, which gives a primary or secondary means of vehicular access to the rear or side properties otherwise abutting a street, and which may be used for utility access but is not intended for general traffic circulation.

A.L.T.A.: American Land Title Association.

Applicant: A property owner or any person or entity acting as an agent for the property owner or developer in an application for a development proposal, permit, or approval.

As-Builts: Construction or engineering plans prepared after construction which accurately identifies the location of on-site or off-site improvements such as sidewalks, curb and gutter, retention areas, utilities, and landscaping.

Basin, Detention: A stormwater storage facility that temporarily stores surface runoff and releases it at a controlled rate through a positive outlet. A detention basin and park may be joined to serve both recreational needs and as a water storage facility (see design criteria in Article 14-6, Section 14-6-4 and 14-6-13).

Basin, Drainage: A geographical area that contributes surface runoff to a particular concentration point. The terms “drainage basin”, “tributary area” and “watershed” are used interchangeably.

Basin, Retention: A storm water storage facility that stores surface runoff. Stored water is infiltrated into the subsurface or released to the downstream drainage system or watercourse (via gravity outlet or pump), or evaporated after the storm event. A retention basin and park may be joined to serve both recreational needs and as a water storage facility (see design criteria in Article 14-6, Section 14-6-4 and 14-6-13).

Berm: An earthen mound, either natural or man-made.

Bicycle Lane: A paved area located within a street right-of-way and within the pavement section that is designated for bicycle or other non-motorized traffic.

Bicycle Path: A paved area located within a street right-of-way but not between curbs that is designated for bicycle or other non-motorized traffic.

Block: A piece or parcel of land or group of lots bounded by public or private streets and public land, railroad rights-of-way, state highway rights-of-way, washes, parks, or a combination thereof creating a physical barrier of sufficient magnitude as to interrupt the continuity of development.

Board of Adjustment: The Board of Adjustment for the City of Maricopa.

Buffer Area: An area of land, including landscaping, berms, walls and fences but not building setbacks, that is located between land uses of different character or density and is intended to mitigate negative impacts of the more intense use on residential or vacant parcels.

Buildable: A lot or parcel that has the area, shape, slope, street frontage, or other attribute in order for a permitted use, based on the lot or parcel's Zoning District, to be developed, without the need for any variance from the City Zoning Ordinance.

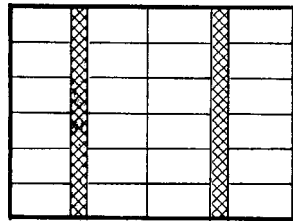
Building Setback Line: The required minimum distance, as prescribed by the City Zoning Ordinance, between the property line and the closest point of any building or structure.

Bus Stops: A designated curbside area for embarking and disembarking of transit passengers. A small three-sided structure may be included to provide shelter for waiting passengers.

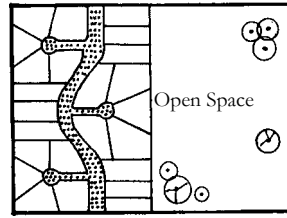
Chord: A straight line joining two points on a curve.

City: The City of Maricopa, Arizona.

Cluster Development: A development pattern that concentrates development in specific areas on a site through a density transfer rather than distributed evenly throughout a parcel as in conventional lot-by-lot development with the remaining portion of the site retained as natural open space or parks.



24 Conventional Lots
Minimum Open Space



24 Clustered Lots
50% Open Space

Commission: The Planning & Zoning Commission of the City of Maricopa.

Committee: The Technical Advisory Committee of the City of Maricopa.

Conditional Approval: An affirmative action by the Commission or Council indicating approval will be forthcoming with satisfaction of certain specified conditions or stipulations.

Condominium: Real estate, portions of which are designated for separate ownership of air space and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. The term “condos” may also be used in the ordinance.

Conservation Easement: A conservation easement is a permanent open space easement granted to the City or to a public land trust to limit or prohibit development of the property; to protect archaeological sites, ecologically significant lands, scenic highways, hiking trails, biking trails, equestrian trails, and; to preserve the land for the scenic enjoyment of the general public.

Conventional Development: Development other than a Cluster Development or a Planned Area Development (P.A.D.).

Council: The City Council of the City of Maricopa.

County: Pinal County, Arizona.

Cut: The removal of soil, rock, or other materials from a location which shapes and lowers the grade at the location.

Department: The Development Services – Planning Division of the City of Maricopa.

Development: The utilization of land for public or private purposes.

Easement: A grant by the owner of the use of land by the public, a corporation, or person for the specific uses designated.

Engineer: The City Engineer of Maricopa or his designated representative.

Exception: Any parcel of land that is not owned by the applicant or not included in the recorded plat. All such exceptions must be noted on the final plat as “not a part of this subdivision.”

Figure: Any graphic representation noted as “Figure” within this ordinance; that is used to illustrate and exemplify certain standards and regulations contained within the language of this ordinance. If a figure and text of the ordinance conflict, the written text of the ordinance shall control.

Fill: Any soil, rock or other material, installed to raise the grade.

Finished Grade: The final grade and elevation of the ground surface after grading is completed and in conformance with the approved grading plans.

Flood Hazard Zone: Any land area partially or wholly within a delineated floodplain susceptible to flood related damage as designated on the Flood Management Maps. Such flood hazard zones may include, but not be limited to, areas highly susceptible to erosion, stream meander sensitivity, moveable bed, scour, and subsidence.

Floodplain: Low lands adjoining the channel of a river, stream or watercourse, lake or other body of water, which have been or may be inundated by floodwater, and those other areas subject to flooding. A floodplain may be an area further defined by the Drainage Policy of the City of Maricopa and as shown on Federal Emergency Management Agency (F.E.M.A.) flood insurance rate maps (F.I.R.M.) or an approved flood control study.

Flood Prone Area: Any area within a floodplain.

Floodway: The channel of a wash or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot.

General Plan: A voter ratified municipal document of the development policies and goals, which may include maps, charts, graphs and text which set forth objectives, principles and standards for local growth and redevelopment enacted under the provisions of A.R.S. §9-461 *et seq.*

Health Department: Pinal County Health Department.

Homeowner’s/Property Owner’s Association: A nonprofit corporation or unincorporated association of owners created pursuant to a declaration of restrictions to own and operate portions of a planned community and which has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration.

Improvements: Required installations, pursuant to this Subdivision Ordinance and any zoning stipulations, including but not limited to: grading, sewer, water, utilities, streets, curbs, gutters, sidewalks, trails, alleys, street lights, traffic control devices and landscaping; as a condition to the approval and signing of the final plat, before recordation.

Improvement Plans: A set of plans setting forth the profiles, cross-sections, details, specifications, instructions and procedures to be followed in the construction of public or private improvements in the City of Maricopa which are prepared and bear the seal of an Arizona - Registered Land Surveyor, Engineer, Architect or Landscape Architect in accordance with the approved preliminary plat, and zoning stipulations, and in compliance with standards of design and construction that are to be approved by the City Engineer,

other City Departments, the applicable County Departments, and all applicable utilities.

Improvements Standards: A set of regulations and exhibits setting forth the details, specifications and instructions to be followed in the design and construction of required improvements.

Irrigation Facilities: Includes laterals, ditches, conduits, pipes, gates, pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water and the construction, operation and maintenance of such.

Landscape: Includes vegetation and irrigation, hardscape, public art or a combination thereof that may be calculated as open space (refer to the definition of *Open Space*).

Lot: A single piece of property having frontage on a publicly dedicated and accepted street or a private road approved and accepted by the City and established by a plat, recorded subdivision or otherwise established by some legal instrument of record which is described and denoted as such.

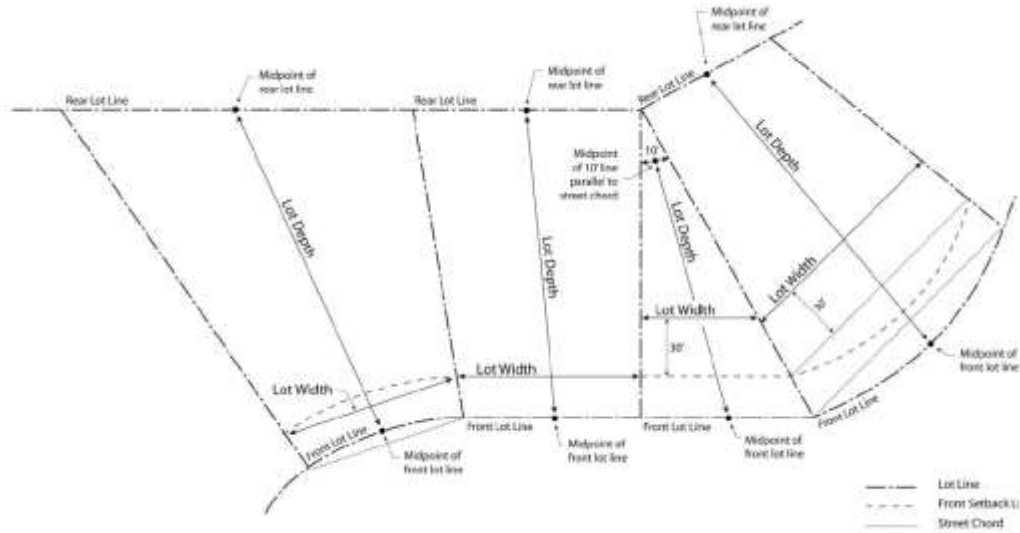
Lot Area: The area of a horizontal plane within the lot lines of a lot but not including any area in a public way.

Lot Combination: The process to combine separate parcels or re-parcel lots.

Lot Corner: The intersection of two (2) or more lot lines, or angle point or change in direction of a lot line.

Lot Coverage: The percentage of the area of a lot that is occupied by all buildings or other covered structures using the roof outline for all outer dimension, excluding overhangs less than two and one-half (2 ½) feet and pergolas, trellis, and other similar open-air structures.

Lot Depth: The horizontal length of a straight line connecting the midpoints of the front and rear lot lines; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

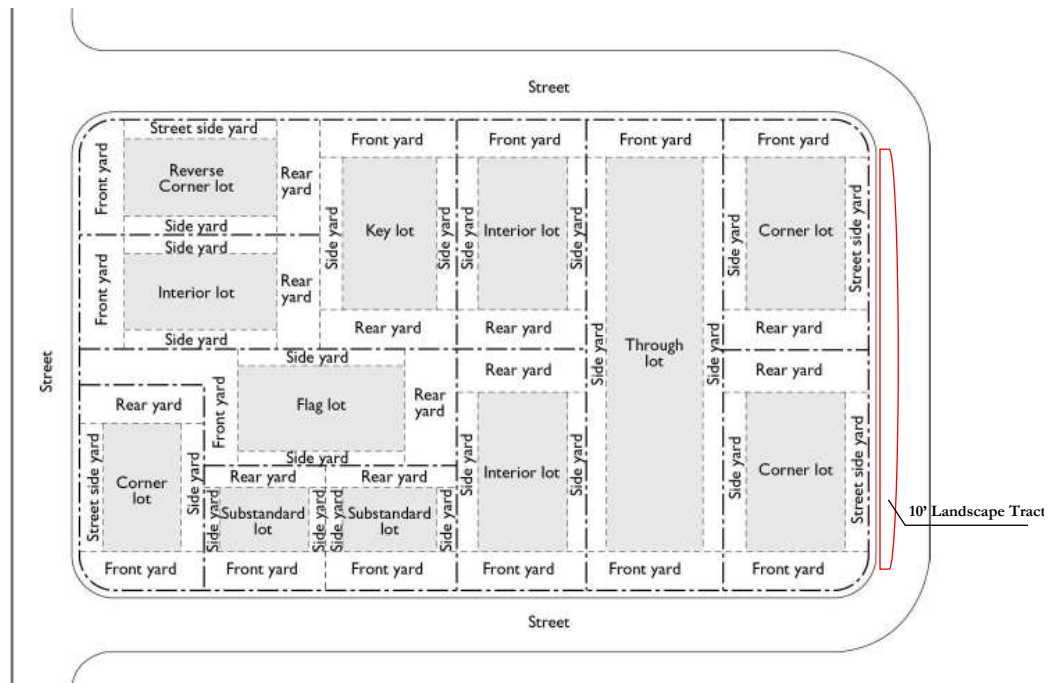


LOT WIDTH AND DEPTH

Lot Line: A line dividing one (1) lot from another or from a street or any public place.

Lot Splits: The division or re-division of improved or unimproved land or established lots, the area of which is two and one-half (2½) acres or less, into two (2) or three (3) tracts, parcels of land or lots for the purpose, whether immediate or future, of sale, lease, or conveyance (refer to the definition of *Minor Land Division* if greater than 2½ acres in size).

Lot Width: The horizontal distance between the side lot lines, measured at right angles to the lot depth. Minimum lot width is measured perpendicular to the lot depth at both the front and rear setbacks.



LOT AND YARD TYPES

Lot, Corner: A lot abutting on two or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. A corner lot shall be considered to be in that block in which the lot fronts. Corner lots may also have a landscape tract between the lot and the road as required for open space and landscaping. (See above illustration). Corner lots are required a ten (10) foot landscape setback adjacent to the street side yard.

Lot, Flag: A parcel of land taking access by a strip, owner of which lot or parcel of land has fee-simple title to said strip extending from the main portion of the lot or parcel of land to the adjoining street. (See above illustration).

Lot, Improvement: Any building, structure, place, work of art or other object or improvement of the land on which they are situated constituting a physical betterment of real property.

Lot, Interior: A lot other than a corner lot. (See above illustration)

Lot, Key: A lot adjacent to a corner lot having the side lot line in common with the rear lotline of the corner lot and fronting on the street that forms the side boundary of the corner lot. (See above illustration 1.8).

Lot Line, Front: In the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two (2) lot lines adjoining a street right-of-way.

Lot Line, Rear: A lot line which is opposite and most distant from, the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

Lot Line, Side: The boundary of a lot that is not a front lot line or a rear lot line.

Lot, Through: A lot having a part of opposite lot lines abutting two (2) streets, and which is not a corner lot, (Also known as a “double frontage lot”). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant front the lot line containing the non-access easement. (See previous illustration).

Map of Dedication: The form of subdivision plat that dedicates right-of-way and/or easements and is processed as a minor subdivision.

Minor Land Division: The division of improved or unimproved land, the area of which is greater than two and one-half (2½) acres and either requires creating a road and/or the land does not constitute a subdivision, as defined herein or by Arizona Revised Statutes, due to the size of the original parcel or number of lots being created for the purpose, whether immediate or future, of sale, lease, or conveyance (refer to the definition of *Lot Splits* if less than **two and one-half** (2½) acres in size).

Mixed-Use Development: A building or group of buildings developed for residential uses

that are integrated with non-residential uses such as, but not limited to, office, retail, service, commercial, public, or entertainment, in a compact urban form.

Natural Features, Significant: Includes washes, significant vegetation, and significant rock outcroppings provided these features are in their undisturbed natural state.

Natural Grade: The undisturbed natural surface of the land, including washes. On lots that have been disturbed previously, the natural grade is the pre-existing grade if it can be determined; otherwise it shall be determined by an average of on-site elevations at points taken around the boundary of the site.

Natural Wash, Desert: Any creek, stream, wash, channel, or other body of water having historical banks and with a flow rate equal to or greater than two (2) cubic feet per second based on a 100-year storm event.

Net Acres: The total acreage of a tract or parcel of land exclusive of arterial or collector street right-of-way dedications and school/public site reservations. When calculating residential net acres within a Planned Area Development (P.A.D.), any multi-family, commercial, or industrial land use must be excluded in addition to those uses listed above.

Off-Site: Not located within the area of the property to be developed.

Open Space: Any parcel or area of land or water, natural or improved and set aside, dedicated, designated, or reserved for the use and enjoyment of all the residents of the development or the public in general. Open space does not include vacant or undeveloped lots, bike lanes or sidewalks attached to the back of the curb.

Open Space, Common: Open space usable by all people within a certain development and such area is owned in common by all property owners in that development.

Open Space, Natural Area (NAOS): Open space areas required for the preservation and conservation of plant and animal life, including habitat for wildlife species.

Open Space, Public: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, state or county agency, or other public body for recreational or conservational uses.

Open Space, Useable: Land which can be enjoyed by people. This could include landscaped or hardscaped plazas, paseo, promenades, fountains, and sitting areas meant to provide an open park like atmosphere. Also natural areas, landscaped buffers, landscaped retention basins if designed in accordance with specific open space standards, playgrounds, bicycle trails (but not bike lanes), pedestrian trails (not residential sidewalks), trail heads and parks. (See Section 14-6-4 for more information.)

Owner: The person or persons holding title by deed to land, or holding title as vendor under a land contract, or holding any other title of record.

Parks: A public/private tract of land that contains a mix of active and passive recreation facilities including for example but not limited to tot lots, defined and improved play fields and/or sport court areas, and/or other recreational components, and picnic/seating/shade areas that are landscaped/hardscaped in a pleasing manner.

Patio Home: See Townhouse.

Pedestrian Way: A public walk dedicated entirely through a block from street to street and/or providing access to a school, park, recreation area, trail system, or shopping area.

Planned Area Development (P.A.D.): A development with a minimum of 10 acres or more all of which must be contiguous, in which flexibility can be sought in the zoning standards, in order to encourage cluster development or more creativity and sustainable design, thereby providing usable open spaces within and about the development and enhancing the residential character of the City. Planned Area Developments shall be subject to Planning Commission review and recommendation and City Council approval.

Plat: A map that provides for changes in land use or ownership.

- A. **Preliminary Plat:** A tentative map, including supporting data, indicating a proposed subdivision design, prepared by a registered civil engineer, or a registered land surveyor, in accordance with this ordinance and the Arizona Revised Statutes. A preliminary site plan for a condominium development shall be considered a preliminary plat.
- B. **Final Plat:** A final map of all or part of a subdivision, including supporting data, in substantial conformance to an approved preliminary plat and all stipulations or conditions placed upon it by the Council, prepared by a registered land surveyor, in accordance with this ordinance and the Arizona Revised Statutes.
- C. **Recorded Plat:** A final plat bearing all certificates of approval required by this ordinance and the Arizona Revised Statutes and duly recorded in the Pinal County Recorder's Office.
- D. **Reversionary Plat:**
 - 1. A plat for the purpose of reverting previously subdivided acreage to unsubdivided acreage, or;
 - 2. A plat for the purpose of vacating rights of way previously dedicated to the public and abandoned under procedures prescribed by the City Code, or;
 - 3. A plat for the purpose of vacating or redescribing lot or parcel boundaries previously recorded.

Pre-Application Meeting: An initial meeting between the applicant and municipal representatives that affords the applicant the opportunity to present their proposals informally and discuss the project and address any items before the rezone or preliminary plat application is submitted.

Preliminary Approval: Affirmative action on a preliminary plat, noted upon prints of the plat, indicating that approval of a final plat will be forthcoming upon satisfaction of specified stipulations; and which constitutes authorization to submit final engineering plans and the final plat.

Private Access Way: A private way of access dedicated as a tract to one (1) or more lots or air spaces, which has been improved in accordance with City standards and plans approved

by the City Engineer.

Protected Development Rights Plan: A final subdivision plat that meets all the requirements of this ordinance and A.R.S. §9-463.01, and which has been recorded with the County Recorder shall constitute a Protected Development Rights Plan.

Public Utility Easement (P.U.E): Land, which by conveyance of easement is dedicated for public use of a utility line and associated appurtenances.

Public Services Department: The Public Services Department of the City of Maricopa.

Recorder: The Recorder of Pinal County.

Recreation Facilities: Planned areas for public or private use for residents and guests to enjoy activities within a development, such as but not limited to parks, tot lots, golf courses, swimming pools, and community centers.

Right-of-Way: Any public or private access way required for ingress or egress, including any area required for public use pursuant to any official plan; rights-of-way may consist of fee title dedications or easements.

Roadway Easement: A recorded conveyance to the public over a described area for roadway related uses.

Service Easement: An area provided for in the subdivision design, commercial or multi-family dwelling use of sufficient size and accessibility to facilitate the provision of necessary services.

Sidewalk: A hard surfaced path, course, route, track, or footway constructed of but not limited to: concrete, asphalt, decomposed granite or decorative pavers.

Sidewalk, Attached: A sidewalk adjacent to a street or curb, not separated by a strip of landscaping or pavers.

Sidewalk, Detached: A sidewalk separated from the street or curb by a strip of landscaping or pavers.

Sketch Plan: A preliminary presentation of a proposed subdivision or site plan of sufficient accuracy to be used for discussion purposes and identification of any items of controversy or issues of concern.

Staging Area: A staging area is a trailhead specifically designed to accommodate equestrians. It includes areas for horse trailer parking, and facilities for hitching, mounting, and watering horses.

Street, Arterial: Arterial streets provide a high level of mobility for City-wide through traffic movement and are typically spaced at one-mile or greater intervals, have limited access, and no on-street parking. Design standards can be found in the City of Maricopa Design Standards Manual.

Street, Collector: The collector streets provide mobility and access and link the arterial and local roadways as well as allowing access to adjacent properties. Design standards can be

found in the City of Maricopa Design Standards Manual.

Street, Cul-De-Sac: A local street having one end permanently terminated in a vehicular turnaround, or an equally convenient form of turning, and backing areas as may be recommended by the City Engineer. Design standards can be found in the City of Maricopa Design Standards Manual.

Street, Frontage: A local street parallel to an arterial or collector road which intercepts the residential traffic and controls access to the arterial and collector roads. Design standards can be found in the City of Maricopa Design Standards Manual.

Street, Local: Provides for direct access to residential or other abutting land and serve local traffic movement with connections to roadways of higher classification. Design standards can be found in the City of Maricopa Design Standards Manual.

Street, Private: Any road or street that is not publicly owned and maintained providing access to lots or units over a common parcel,

Subdivision: Improved or unimproved land or lands divided for the purpose of financing, sale, lease, or conveyance whether immediate or future, into four (4) or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into two (2) or more parts. “Subdivision” also includes any condominium, cooperative, townhouse, patio home, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

“Subdivision” does not include the following:

- a. The sale or exchange of parcels of land between adjoining property owners if such sale or exchange does not create additional lots.
- b. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
- c. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil, or gas leases.

Technical Advisory Committee: The selected group of technically qualified individuals, appointed by the Administrator, made up of City Staff and other public or private agencies and utility company representatives responsible to ensure compliance with City Ordinances, Codes and Standards as they relate to the subdivision process.

Technical Review: The detailed review of proposed preliminary plats, by the Technical Advisory Committee, for compliance with City Codes, Ordinances, Standards, or conditions of approval by the Commission or City Council. Other utilities and public agencies are invited to review the plat as it relates to their conditions of service or need.

Time-share: A right of occupancy in a time-share project, which is owned, occupied, or possessed, under either interval ownership or fractional fee interests as may be determined by the City Council.

Tot Lot: An improved and equipped play structure primarily for small children, usually no older than elementary school age.

Townhouse: A building on its own separate lot containing one (1) dwelling unit occupying space from the ground to the roof, and is attached to one (1) or more other townhouse dwelling units by at least one (1) common wall. Shall also mean patio home.

Trail, Multi-Use: A hard-surfaced trail designed for all types of non-motorized use.

Trail, Pedestrian: A paved or improved surfaced trail, which may be located inside or outside of a street right-of-way, utilized for bicycle, pedestrian or other non-motorized traffic.

Trail, Unpaved. A designated trail designed to accommodate primarily equestrians, off-road bicycles, and pedestrian users.

Trailhead: A trailhead serves as the beginning point of a trail and must be ADA accessible and include parking, trail information and may also include trash receptacles, water, sanitary facilities and shade structures/ramadas.

Usable Lot Area: That portion of a lot usable for, or adaptable to, the normal uses made of property, excluding any areas which may be covered by water, are excessively steep, or are included in certain types of easements. Areas covered by water shall include areas within the defined flood plain, flood prone areas, or are within the perimeter of a given body of water that will remain after the development is completed.

U.S.C.& G.S.: United States Coast and Geodetic Survey.

U.S.A.C.O.E.: United States Army Corps of Engineering.

Utility Services: Service to the public of water, sewer, gas, electricity, telephone and cable television. The foregoing shall be deemed to include facilities and appurtenances to the above uses but shall not include public utility treatment and generating plants or offices.

View Fencing (View Fence): Shall mean fencing that is constructed in such a manner as to achieve between thirty (30%) and eighty (80%) percent overall openness.

Watercourse: Any lake, river, stream, creek, wash, arroyo, or other body of water or channel having banks and bed through which waters flow at least periodically.

Water Supply, Assurance (100 Years): A certificate of assured water supply when land is divided into six or more parcels; written statement **that** the water supply and flows to the subdivision are adequate and in accordance with City and the Fire Department requirements and provide evidence that it meets the Arizona Department of Water Resources requirements for a one hundred (100) year assured supply.

Workforce Housing: The base price of the housing is affordable, according to the Federal Department of Housing and Urban Development, for either homeownership or rental, and that it is occupied, reserved, or marketed for occupancy by households with a gross income that is greater than fifty (50%) percent but does not exceed eighty (80%) percent of the median gross household income for households of the same size within the City of Maricopa, as determined by the latest U.S. Census information.

Zone: A district classification established by *The Zoning Ordinance of the City of Maricopa* that limits or permits various and specific uses.

Zoning Administrator (Administrator): The Zoning Administrator for the City of Maricopa or her/his representative.

Zoning Clearance: The approval by the Zoning Administrator of a plan that is in conformance with *the Zoning Code of the City of Maricopa*.

Zoning District: A zoned area in which the same zoning regulations apply throughout the district.

Zoning Code: The Zoning Code of the City of Maricopa.

ARTICLE 14-2 ADMINISTRATION

Section 14-2-1 Responsibility

- A.** The Maricopa Planning and Zoning Commission is charged with the duty of reviewing the design and improvements of proposed subdivisions and is hereby authorized to make recommendations to approve, conditionally approve or disapprove applications for rezoning and Planned Area Developments (P.A.D.) in accordance with this ordinance. The Maricopa Planning and Zoning Commission is also charged with the duty of reviewing the design and improvements of proposed subdivisions and is hereby authorized to approve, conditionally approve or disapprove and provide extensions for preliminary subdivision plats and to designate the kinds, nature and extent of the improvements to be installed in the subdivisions.
- B.** The City Council for the City of Maricopa is hereby authorized to receive, process and otherwise act upon applications for final subdivision plats and Planned Area Developments (P.A.D.) in accordance with this ordinance.
- C.** The City Council shall have final jurisdiction over all matters pertaining to the implementation of this ordinance.
- D.** All applications for action under this ordinance shall be filed initially with the Zoning Administrator or her/his designee for processing in accordance with this ordinance.
- E.** All applications shall be reviewed, from a technical aspect, by the Subdivision Technical Advisory Committee (T.A.C.) which shall act in an advisory capacity to the Planning and Zoning Commission. The TAC shall, at a minimum, consist of the following City Staff and agency members: Zoning Administrator, Planning staff, City Engineer, Parks and Recreation Director, and representatives from the Emergency Services, Irrigation District(s), Water Companies, Sanitary District(s), School District, and utility companies. Additional members may be consulted on an as needed basis for their expertise.

Section 14-2-2 Application

- A.** Where this ordinance imposes a greater restriction upon land, land improvement, or development, and land use than is imposed by existing provisions of law, ordinance, contract or deed, this ordinance shall control.
- B.** This ordinance shall apply to all subdivisions, land splits, lot combinations, abandonments and minor land divisions as defined in Section 14-1-6 of this ordinance.

Section 14-2-3 Compliance

- A.** No building permit for individual lots within a subdivision, within a lot split, or within a minor land division may be lawfully issued until the Zoning Administrator or her/his designee has given authorization indicating all requirements of this Subdivision Ordinance, all conditions and stipulations of approval, and any other specific project related requirements have been met.
- B.** Applicants should refer to the Design Standards Manual for the minimum set of technical data and design requirements for development of public and private infrastructure.
- C.** Except as specifically discussed herein, each review and approval required shall be independent of every other review and approval, and shall meet the requirements of this Ordinance as a stand-alone submittal.

Section 14-2-4 Filing Fees

The Mayor and City Council of the City of Maricopa may from time to time establish and set by resolution, administrative fees considered necessary to process subdivision applications, and to review improvement plans and construction documents. The applicant shall, at the time of filing, pay to the City those established fees. These fees shall be non-refundable.

Section 14-2-5 Prohibition of Circumvention

- A.** No person, firm, corporation or legal entity shall sell, offer to sell, or divide any lot, piece, or parcel of land which constitutes a subdivision, as defined herein, or part thereof without first having recorded a final plat.
- B.** No person, firm, corporation or legal entity shall sell, offer to sell, or divide any lot, piece, or parcel of land that is not within a subdivision but which constitutes a lot split or minor land division, as defined herein, without first obtaining approval by the Zoning Administrator.
- C.** The County Recorder shall not record a plat unless the plat has been approved and signed by the City Council. The City shall not issue any permits for work on any lot, piece or parcel of land which is not a part of a recorded subdivision plat or has not been approved by the Zoning Administrator.

Section 14-2-6 Modifications

- A.** Where, in the opinion of the Council, and after review by the Zoning Administrator or the Planning and Zoning Commission, there may exist extraordinary conditions of topography, land ownership or adjacent development, or other circumstances not provided for in this ordinance, the Council may modify these provisions in such a manner and to such extent as it may deem appropriate to the public interest.
- B.** In the case of a plan and program for a Planned Area Development (P.A.D.), the Council may modify this ordinance in such manner as appears necessary and desirable to provide adequate space and improvements for the circulation,

recreation, light, air, and service needs of the development when fully developed and populated and may require stipulations to assure conformance with the achievement of the approved plan.

- C.** In modifying the standards or requirements of this ordinance, as outlined above, the Council may make such additional requirements as appear necessary to secure substantially the objectives of the standards or requirements so modified.
- D.** With an approval of, or amendment to, a rezoning, the City Council may approve modifications to the requirements and specifications required if the City Engineer recommends approval of the modification. The City Engineer, in consultation with the Director of Economic & Community Development, may recommend the elimination, reduction, or approval of alternatives to the requirements and specification required by this Ordinance. If the City Engineer recommends approval of such modification, the recommendation, which may be subject to conditions or stipulations, shall be forwarded to the Planning and Zoning Commission for recommendation to the City Council. City Council may approve the modification as recommended. The City Engineer’s recommendation shall be based upon a finding that the modification:
 - a. Is consistent with the intent of these regulations;
 - b. Will result in an equivalent level of service for health, safety and welfare to the general public;
 - c. Will result in adequate improvements that meet the City’s needs;
 - d. Is not contrary to the public interest.
- E.** Minor modifications as determined on a case by case basis by the Director of Economic & Community Development may be administratively processed through the City Engineer, Zoning Administrator or the Board of Adjustment to provide clarifications and amendments.

Section 14-2-8 *Conflicting Provisions*

- A.** Where different sections of this ordinance or any other City ordinance or code specify the use of different standards, different construction or other requirements, the most restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall apply.
- B.** This ordinance also is not intended to interfere with, abrogate, or annul any private agreements between persons, such as easements, deeds or covenants, except that if this ordinance imposes higher standards or a greater restriction on land, buildings or structures than an otherwise applicable provision of a law, ordinance, or a private agreement, the provisions of this ordinance shall prevail.
- C.** Where other private agreements, covenants or restrictions are more restrictive, the City cannot enforce the more restrictive private agreements, covenants or restrictions as a part of this Subdivision Ordinance.

Section 14-2-9 Severability

- A.** If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.
- B.** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

ARTICLE 14-3

TYPES of SUBDIVISION DEVELOPMENTS

Section 14-3-1 Rural and Estate Residential

Rural subdivisions may include detached single dwelling unit, ranching, farming, and agricultural uses within the appropriate zoning district. Estate subdivisions may include single-family residential developments of larger lots that are rural in character with much of the open space predominantly provided on the individual lots, small scale ranching operations, and limited agricultural uses within the appropriate zoning districts. These uses are described in the General Plan as having a residential density of one dwelling unit per acre or less (≤ 1 DU/AC). A rural or estate subdivision may have modified public improvement requirements (i.e. street width, pavement section and sidewalks).

Compliance with all regulations of the Zoning Ordinance shall be required.

Section 14-3-2 Low Density Residential

May include large lot single-family residential development for detached conventional built dwellings within the appropriate zoning districts. Low Density Residential is classified in the General Plan as having two dwelling units per acre or less (< 2 DU/AC). A low-density subdivision will have additional public improvements (i.e. street widths and sidewalks) and more public open space requirements.

Compliance with all regulations of the Zoning Ordinance shall be required.

Section 14-3-3 Medium Density Residential

Medium density residential is typified as a single-family residential development of small lots for detached conventional built dwellings within the appropriate zoning districts, at a density of 2-6 dwelling units per acre. The urban density and traffic volumes will require increased public improvements and greater public open space

Compliance with all regulations of the Zoning Ordinance shall be required.

Section 14-3-4 High Density Residential

Attached and multiple family residential development, cluster development, attached single family and mixed-use developments at a density of 6-18 DU/AC in locations that are suitable and appropriate taking into consideration adjacent land uses, existing conditions, future land use needs and availability of utilities. The urban density and traffic volumes will require increased public improvements and greater public open space.

Compliance with all regulations of the Zoning Ordinance shall be required.

Section 14-3-5 Mixed Use Residential

A building or group of buildings developed for residential uses that are integrated with non-residential uses such as, but not limited to, office, retail, service, commercial, public, or entertainment, in a compact urban form. The purpose is to promote pedestrian-oriented infill development, intensification, and reuse of land consistent with the General Plan and the Heritage District Redevelopment Area Plan.

Compliance with all regulations of the Zoning Ordinance shall be required.

Section 14-3-6 Planned Area Development (P.A.D.)

A development, which is a minimum of 10 acres in size, designed to encourage and promote developments involving a variety of residential and nonresidential land uses, which together form an attractive and harmonious unit of the community through creative site design, design innovation, diversity of lot sizes and product styles.

- A. The overall project density, land uses, site design and development standards shall be determined through the P.A.D. rezoning process.
- B. Open space requirements, based on net acres, shall be determined through the P.A.D. zoning process. Each parcel within a P.A.D. shall contain open space and contribute to the overall open space requirement.
- C. Buffering of adjacent land uses shall be required through either landscaping, creative architecture or building orientation to minimize impacts. If there is existing buffering in place, additional buffering shall not be required.
- D. Compliance with the additional provisions for P.A.D. developments as outlined in Article 207 of the Zoning Ordinance.

Section 14-3-7 Commercial Development

Commercial development as a conventional subdivision or as part of an approved P.A.D. in locations that are suitable and appropriate taking into consideration adjacent land uses, size and scale of development, traffic and availability of utilities.

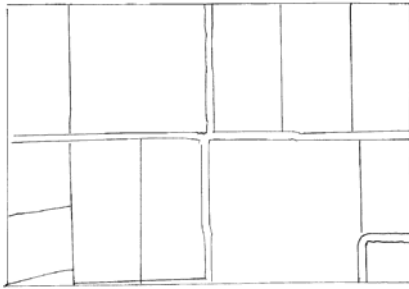
Compliance with all regulations of the Zoning Ordinance shall be required

Section 14-3-8 Industrial Development

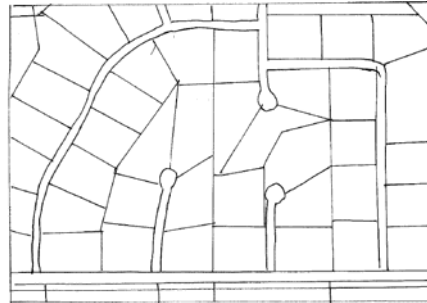
Industrial development in locations that are suitable and appropriate taking into consideration adjacent land uses, the availability of utilities, and which provide for large scale developments and/or individual industrial development.

Compliance with all regulations of the Zoning Ordinance shall be required.

Section 14-3-9 Type of Subdivision Examples



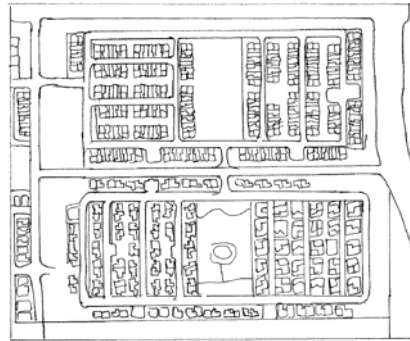
Rural and Estate Residential



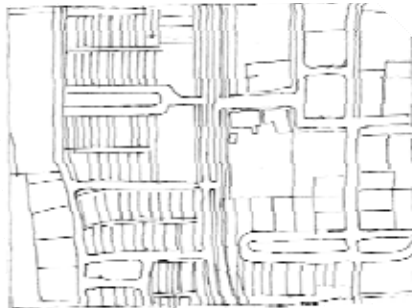
Low Density Residential



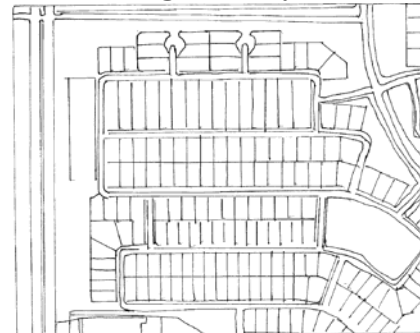
Medium Density Residential



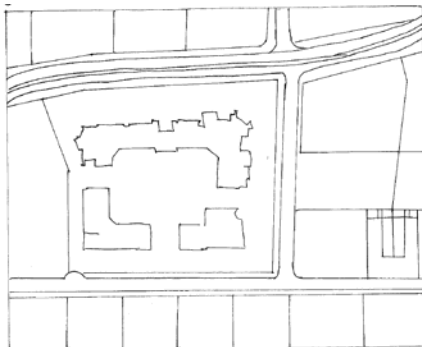
High Density Residential



Mixed Use Residential



Planned Area Development (P.A.D)



Commercial Development



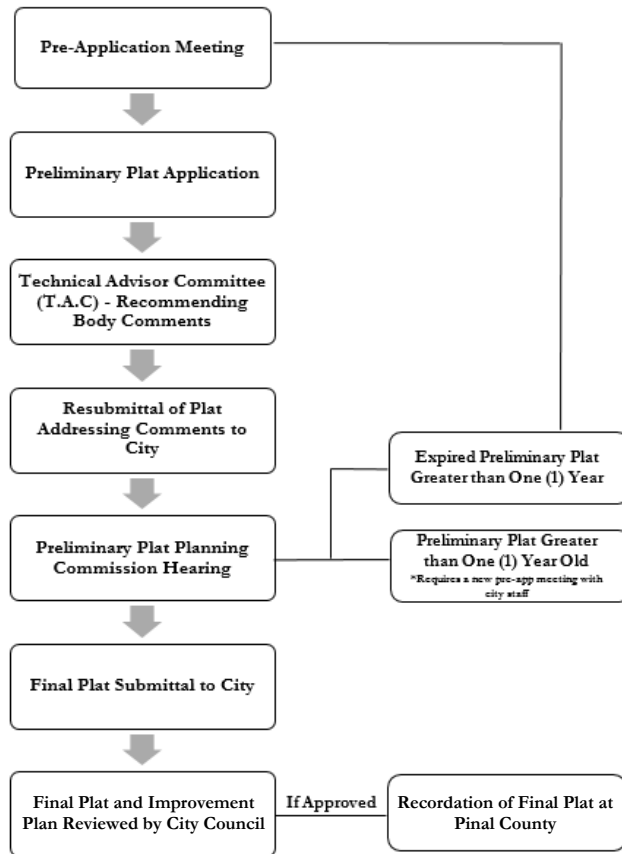
Industrial Development

ARTICLE 14-4 PLATTING PROCEDURES AND REQUIREMENTS

Section 14-4-1 Outline of Procedures and Requirements

- A. The preparation, submittal, review, and approval of all subdivision plats located inside the jurisdictional boundaries of the City of Maricopa shall proceed through the following:

Pre-Application Meeting
Preliminary Plat Application
Technical Advisor Committee
Preliminary Plat Approval
Final Plat and Improvement Plan Approval
Recordation of Final Plat



- B. If a submittal is determined to be incomplete or inaccurate at/or during any of the different stages of the process the applicant shall be required to correct the inaccuracy and/or produce the omitted information before proceeding any further through the process.

Section 14-4-2 Pre-Application Meeting

This stage affords the applicant the opportunity to obtain advice and assistance by informally providing a cursory review of the proposed subdivision with the appropriate city departments prior to the expense of a preliminary plat preparation. It also allows the City the opportunity to give informal guidance at a time when potential points of conflict can be most easily resolved, subsequent relations improved, official action simplified, and undue expense and delay saved by the applicant.

A. Actions by the Applicant

1. The applicant shall schedule a mandatory “Pre-application Meeting” with the Development Services Department and Public Works Department staff. When scheduling the mandatory pre-application meeting, the applicant shall submit the required documents for staff to review in preparation for the pre-application meeting (see City of Maricopa Application Submittal Requirement Checklist and Zoning Ordinance for specific requirements).

B. Actions by the City

The City may ask for submittal items to distribute to other city departments and outside agencies, depending on the scope of the proposed development.

The City shall:

1. Discuss the proposal with the applicant in general terms and provide advice on procedural steps, design and improvement standards, and general platting requirements.
2. Check the existing zoning of the proposed development and advise the applicant if a zoning change or a General Plan Amendment is necessary or desirable.
3. Review the proposal and its relationship to adjacent land uses and the General Plan’s goals and objectives.
4. Determine the amount and type of parks, open space or other public facility needs for the area as determined by the Maricopa General Plan; to then determine what space needs shall be reserved or set aside with any special requirements for such site.
5. Review for compliance with these Subdivision Ordinance regulations and any other applicable regulations.
6. Determine if the complexity of the proposed development would warrant the preparation of a Planned Area Development (P.A.D.). If a P.A.D. is required such shall be processed prior to or concurrent with subsequent consideration of a preliminary plat.
7. If a General Plan Amendment is required, such amendment must be obtained prior to the zoning application being heard. (See Article 508 in Zoning Ordinance.)
8. Inspect the site and review the relationship of the property to major streets, utility systems and adjacent land uses and determine any unusual problems such as utilities, drainage or flooding.

9. Determine street width and right-of-way requirements, intersection relationships and other traffic control related characteristics.
10. Identify possible off-site public improvements and dedications.
11. Review the wastewater disposal system.
12. Help the applicant determine the providers of water, sewer, electricity, gas, telephone, cable and refuse.
13. Provide the applicant with the necessary City application forms, review the submittal requirements, and discuss tentative timetables for the project.

Section 14-4-3 Preliminary Plat Application

The preliminary plat stage of land and airspace subdivision includes detailed planning, submittal, review, and approval of the preliminary plat. This stage is intended to resolve all major issues pertinent to the land development according to the City’s policies, standards, codes, and requirements. To avoid delay in processing the application, the applicant shall provide the City with all information essential, as determined by the City, regarding the character and general acceptability of the proposed development.

A. Submittal Requirements

The required information shall be shown graphically, by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale which shall not be less than 1”=100’, adjusted to produce an overall drawing measuring 24” x 36” when printed and in conformance with requirements contained in this Ordinance and by the City Engineer and other reviewing departments and agencies. Refer to the City of Maricopa Submittal Requirement Checklist for the submittal details. The following information is required as part of the preliminary plat submittal:

- The proposed preliminary plat, along with all other required supporting data prepared in accordance with requirements set forth in this Article shall be filed with the Zoning Administrator. The preliminary plat shall be able to be reproduced in the form of blue line or black line prints on a white background, but submitted digitally. Scheduling of the case for the Technical Advisory Committee (T.A.C.) meeting shall be dependent upon adequacy of data presented and completion of processing.
- If the proposed preliminary plat is within an approved P.A.D., copies of the approved P.A.D. site plan and the conditions/stipulations shall also be submitted as supporting documentation.
- All subdivision submittals shall provide:
 - A. “Identification and Descriptive Data”
 - B. “Existing Conditions Data”

- C. “Proposed Conditions Data”
- D. “Proposed Utility Methods”
- E. “Environmental Assessment Report” information by graphic representation or note as further outlined in the following sub-sections.

- If the applicant is planning to plat the proposed development in separate phases it must be so indicated on their preliminary plat when submitted for Technical Advisory Review. If the applicant later decides to phase the development in sub-phases, it will be necessary to re-submit for a second review.
- The Preliminary Drainage Report: see Design Standards Manual for more specific details.
- The Traffic Impact Analysis in a separate bound folder. See Article 14-7, Sec 14-7-3 (D)(4) Design Standards Manual for more specific details.
- The Preliminary Geotechnical/Soils Report in a separate bound folder. See Article 14-7, Sec 14-7-3 (D)(3) for more specific details.
- Submit a Lot Statistical Table.
- The Preliminary Landscape and Open Space Plan for all off-site, open space, trails, retention area, and landscaping. See the Design Standards Manual for more specific details.
- The subdivision fencing detail, if applicable, depicting the type of fencing being proposed; including color elevations, and general locations.
- The conceptual “Residential Design Guidelines” shall provide both a narrative and graphical description of the character, site planning, architecture and landscaping that can be expected from the development for Planned Area Developments.
- Documentation letter from the Arizona State Historic Preservation Office that a site records check, for potential cultural resources, has been conducted.
- The A.L.T.A Survey
- The subdivision closure calculations in both print and electronic format for the plat boundary only.
- A Title Report that is not more than two (2) months old.
- A letter from the owner giving authorization to process the application for the subdivision if the owner is not the applicant.

- A “will serve” letter from the respective utility companies proposed to serve the subdivision. The City may require additional documentation establishing the sufficiency of access and adequacy of service.

B. Identification and Descriptive Data

1. The proposed name of the subdivision shall be clearly indicated (which shall be retained through Final Plat and include phasing designations) and include the location by Section, Township and Range with reference by dimension and bearing to two (2) Section or 1/4 Section Corners. Basis of bearings must be stated on the plat.
2. Name, address, phone number, and seal of Registered Civil Engineer preparing the preliminary plat improvements.
3. Name, address, and phone number of applicant.
4. Scale, north point (pointing up or to the right), and date of preparation including any subsequent revision dates.
5. Location map which shall show the relationship of the proposed subdivision to arterial and collector streets.
6. A surveyed boundary, including distances, lengths and bearings, the total size and benchmark data of the proposed subdivision.

C. Existing Conditions Data

1. Topography by contours and “spot elevations” on North American Vertical Datum of 1988 (N.A.V.D. 88) and related to U.S.G.S. survey datum shown on the same map as the proposed subdivision layout. Contour intervals shall be one (1) foot and shall be shown extending a minimum of fifty (50) feet from the external boundaries of the proposed development so to adequately reflect the character and drainage of the land.
2. Location of fences, existing structures, wells, canals, irrigation materials, private ditches (open or covered), washes, stock ponds or other water features and characteristics that could have a bearing on the review.
3. Location, direction of flow, and extent of areas subject to flooding or storm runoff must be defined (FEMA data and any Federal Clean Water Act, Section 404 designation), whether such inundation is frequent, periodic, or occasional.
4. Show all driveways, streets and median openings within 325 feet of any proposed driveway or street intersection on the opposite side of the perimeter streets.
5. Name, book, and page numbers of any recorded subdivision adjacent to or having common boundaries with the proposed development.
6. The existing base zone of the subject and adjacent parcel(s), the zoning case

number, if any, and the case number of the approved P.A.D. of which the proposed development is a part of if applicable.

7. The gross acreage of the subject parcel(s). Do not include previously dedicated rights-of-way in this figure.
8. Boundaries of the parcel(s) to be subdivided shall be fully dimensioned.
9. Engineers' calculations for each tributary area of the runoff for 10 year and 100 year frequency storms. The values to be indicated along the boundary of the parcel for all points of drainage entering and exiting the property.

D. Proposed Conditions Data

1. Street layout, including design cross section, preliminary curve data, curve lengths, proposed street names based on existing projected alignments wherever possible, and pedestrian connections to adjoining developments.
2. Typical lot dimensions (scaled), dimensions of all corner lots, lots on curvilinear sections of streets, and all lots where the number of sides exceed four (4). Each lot shall be numbered individually and the total number of lots or dwelling units provided. Where plats will consist of a number of units/phases, utilizing the same subdivision name, the lot numbering shall be consecutive through the total number of lots or units.
3. Designation of all land to be dedicated or reserved for open space, parks, schools, well sites, or other public or private use with use indicated.
4. If multiple uses are planned (multiple residential, commercial, industrial, or office) such areas shall be clearly designated together with existing zoning classification, if any. However, each shall require a separate preliminary plat exhibit.
5. Show minimum setback lines. Where there are lots with more than four (4) sides or whose shape may be considered atypical, show all setbacks.
6. Proposed storm water disposal system, preliminary calculations, and layout of proposed drainage system. The direction of proposed street drainage to be indicated by arrows on the plat; the 100-year floodplain delineation and a proposal to provide for the retention of storm water generated on the property. Retention and detention of storm water to comply with Design Standards Manual.
7. Compliance with rules as may be established by the State Department of Environmental Quality and/or State Department of Water Resources relating to the provision of domestic water supply and sanitary sewage disposal.

E. Proposed Utility Methods

1. **Sewage Disposal** - A statement as to the method for sanitary sewage

disposal for the development shall appear on the preliminary plat. The plat shall also show the preliminary sewer layout indicating line sizes, manholes, direction of flow, and cleanout locations. If the sewer provider designated for the area of the development is not being used, a letter from the provider approving the use of an alternative system is required.

2. **Water Supply** - A statement as to the assured water supply that equals or exceeds the projected groundwater replenishment obligation for the one hundred calendar years following the submission of the plan for the development shall appear on the preliminary plat. The preliminary layout of the water system shall be shown, indicating fire hydrants, valves, meter vaults, water line sizes and locations.
3. **Electric Supply** - A statement as to the electric supply for the development shall appear on the preliminary plat. Any necessary proposed easements must be shown on the preliminary plat.
4. **Gas Supply** - A statement as to the gas supply for the development shall appear on the preliminary plat. Any necessary easements shall be shown on the preliminary plat.
5. **Telecommunications Service** - A statement as to the telephone and/or cable service for the development shall appear on the preliminary plat. Any necessary easements shall be shown on the preliminary plat.
6. **Refuse Service** - A statement as to the garbage service for the development shall appear on the preliminary plat.

F. Applicability

These requirements shall apply to all subdivisions as defined in Article 14-3 “Types of Subdivisions”, including residential, mixed-use, commercial and industrial subdivisions.

Section 14-4-4 Technical Advisory Committee

In order for a preliminary plat and final plat to be scheduled for a particular Technical Advisory Committee (T.A.C.) meeting, a complete preliminary plat application must be received and accepted by the City.

- A. Upon receipt of a preliminary plat application the City shall determine if the application is a complete submittal. If complete, the City shall forward the preliminary plat to the appropriate reviewing agencies and entities for their review and comments. These reviewing agencies shall transmit their written comments and recommendations to the City.
- B. The City shall host a Technical Advisory Committee (T.A.C.) meeting where the applicant is provided an opportunity to meet with the representatives from all applicable utilities and other interested governmental agencies to receive comments regarding the preliminary plat application.
- C. At this meeting, the applicant may also receive written comments from the City,

detailing the extent to which the plans are required to be revised in order for the City to schedule the preliminary plat for consideration by the Planning and Zoning Commission.

- D. Extensive revisions caused by the comments received at the T.A.C. meeting or by voluntary action of the applicant, may require additional T.A.C. meetings. Additionally, circumstances may exist where the project may experience delay due to the applicant's timeline in addressing agency comments.
- E. Failure to resubmit plans which address all of the T.A.C. comments, or subsequent redline comments, within six (6) months of the T.A.C. meeting shall cause the application to be null and void and fees will not be refunded.

Section 14-4-5 Preliminary Plat Approval

The preliminary plat approval stage involves the re-submission of the preliminary plat to address the T.A.C. comments. Included in this stage is the review of the resubmitted plans, reports, and required studies and acceptance of the preliminary plat. The applicant shall provide the City with all information essential to determine the character and general acceptability of the proposed development.

A. Preliminary Plat Re-submission

1. The applicant shall resubmit submittal items of the preliminary plat and each sheet/exhibit and all other required or requested supporting data to the City (see the City of Maricopa Submittal Requirement Checklist submittal details).
2. Preliminary plats that correctly contain all of the information requested or required by the T.A.C., as determined by the City, shall be scheduled for Planning and Zoning Commission for review.
3. Incomplete or incorrect re-submittals could cause delays in a preliminary plat being presented to the Planning and Zoning Commission. Scheduling of the case for Commission hearing shall be determined by the Zoning Administrator and shall be dependent upon adequacy of data presented, completion of processing, and other legalities that may be required if the subdivision involves rezoning, P.A.D and other land use exceptions.
4. As a prerequisite to the Commission hearing for any preliminary plat or P.A.D a neighborhood meeting may be required to be conducted by the applicant; if determined by the Zoning Administrator to be necessary. The purpose of the meeting is to provide information to the adjacent property owners and citizens.
5. The applicant shall notify all landowners, adjoining or adjacent to, the boundaries of the proposed development, the City of Maricopa, and any Neighborhood Associations on record with the City by first class mail no less than 30 days prior to the scheduled Commission meeting.

6. The applicant shall submit documentation of the attendees and minutes of the meeting(s) to the Zoning Administrator. All meeting(s) shall be held within the City of Maricopa corporate limits.
7. An applicant has six (6) months from the date of the T.A.C. meeting, or six (6) months from the date of receipt of later comments, in which to resubmit said plans. All applications need to be actively pursued to a decision. If the City has completed any and all appropriate reviews and no activity has occurred for the continued processing of the application on behalf of the applicant for at least six (6) months, the application will be considered inactive, deemed to be withdrawn, and the file will be closed. Thirty (30) days prior to the inactive date, staff will notify the applicant in writing of the impending action. The applicant may submit a written request for the application to remain active along with an explanation for the inactivity. The Director may grant an extension for up to six (6) months for good cause if there is reasonable belief that the application will be actively pursued during the extension period. Failure to resubmit plans which address all of the T.A.C. comments, or subsequent redline comments, within this deadline shall cause the application to be null and void and fees will not be refunded.
8. An applicant shall be required to submit a new preliminary plat application, including fees and another review of the subdivision by the T.A.C. if the re-submittal is not in substantial conformance to the original submittal. Substantial non-conformance is considered to be, but not limited to, the following:
 - a. An increase in the number of lots or units.
 - b. A change in the size or configuration of the development parcel.

B. Preliminary Plat Review

1. **Zoning** - The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. However, in the event that rezoning is necessary for the preliminary plat to conform with the Zoning District regulations, or if a P.A.D. approval is sought, said action shall be initiated concurrently with the preliminary plat by the property owner or his authorized agent. In any event, any such zoning amendment required in relation to the preliminary plat shall have been adopted prior to a preliminary plat approval.
2. **Planning** - The subdivision shall be designed to comply with the Design Standards of this Ordinance, Design Standards Manual, Zoning Ordinance, and the goals and objectives of the adopted Maricopa General Plan. If the proposed subdivision is in conformance with existing zoning, the plat does not require an amendment to the General Plan. In the event that an amendment to the General Plan is necessary for the preliminary plat to conform with the specific land use, circulation, or open space elements, said amendment(s) required in relation to the preliminary plat shall have been adopted prior to a preliminary plat approval.

3. **Utilities and Services** - As a prerequisite of preliminary plat approval by the City, the **applicant** shall have reviewed tentative concepts with but not limited to, Pinal County Environmental Health Department, the Arizona Department of Water Resources (A.D.W.R.), appropriate city departments, Maricopa Fire Department, and the public utility companies that serve the area proposed for development. The applicant shall have “will serve letters” from the water and sanitary sewer providers, and the electric, gas, and telecommunications companies servicing the development and general approval of the preliminary design to be used. The City may require additional documentation establishing the sufficiency of access and adequacy of service.
4. **Reports** – Reports should be resubmitted after two (2) years with updated data based on current conditions. Any report at this level shall not be considered an approved document.

C. Requirements for Preliminary Plat Approval

1. A preview meeting may be scheduled for Commission by staff, if determined to be necessary, in which no action is taken by the Commission. With the purpose to inform the public about the project and allow to ask questions and voice concerns.
2. When all requirements of this Ordinance have been satisfied the case will be scheduled for a Commission hearing. The Development Services Department report shall be submitted for Commission review and action. The Commission shall consider the preliminary plat, T.A.C. comments, and the Development Services and Public Works Department report and recommendations. If satisfied that all objectives have been met, the Commission may approve the preliminary plat and make a notation of the Commission’s approval on the copy of the preliminary plat retained in the office of the Zoning Administrator.
3. If the plat is generally acceptable, but requires minor revisions, the Commission may conditionally approve the preliminary plat and the required revisions noted in the minutes of the meeting. At the direction of the Commission, the Zoning Administrator may approve the preliminary plat when it has been satisfactorily revised in accordance with the stated conditions.
4. If the Commission finds that all of the objectives and requirements of this Ordinance have not been met, the Commission may continue the preliminary plat pending revisions, or deny of the preliminary plat. Resubmittals due to revisions, for the same parcel or any part thereof, shall follow the aforementioned procedure.

D. Significance of Preliminary Approval

Preliminary plat approval constitutes authorization for the applicant to proceed with preparation of the final plat and the improvement plans and specifications for public improvements. Preliminary plat approval does not authorize the applicant to cut roads or other easements, begin site preparation and grading, or any similar such

work unless authorized in writing by the City. Preliminary approval is based on the following terms:

1. **Subject to the Basic Approval** - The basic conditions under which preliminary approval of the preliminary plat is granted will not be substantially changed prior to the expiration date.
2. **Approval** - Approval of a preliminary plat approved by the City of Maricopa, shall be effective for two (2) years in accordance with an approved phasing plan, but may be extended upon reapplication and review by the Commission and verification that the development is in compliance with all current applicable codes of the city for an additional two years. For phased plats, the Commission has authority to grant additional extensions if it can be seen that there is progress being made on other phases.
3. **Multi-phased developments** - The use of block plats or platting by phases is allowed. The recording of a final plat of one phase shall extend the next phase preliminary plat approval for one (1) year and each phase follows suit. Development of 75% of the project vests the remaining 25%.
3. **No Authority to Record** - Preliminary approval, in itself, does not assure final acceptance of streets for dedication nor continuation of existing zoning requirements for the development or its environs nor constitute authorization to record the plat.

Section 14-4-6 Final Plat and Improvement Plan Approval

This stage includes the final design of the subdivision, engineering of public improvements, and submittal by the applicant of the final plat, final reports, and plans for all of the required subdivision improvements, to the City, the State and County Departments, and the utility companies for approval; including the submittal of the final plat for review and action by the City Council.

A. Submittal Requirements

1. Final Plat Preparation

- a. **Presentation** - The final plat shall be presented in accordance with requirements set forth in this section and shall substantially conform to the approved preliminary plat and applicable zoning stipulations.
- b. **Zoning** - The final plat shall meet all requirements of the zoning district in which it is located; and necessary zoning amendments shall have been adopted by the City Council prior to filing the final plat with the Zoning Administrator.
- c. **Pre-Final Review** - The applicant shall file blue or black line submittal items of the final plat with the City who in turn will distribute submittal items to the various reviewing agencies, including utilities (see the City of Maricopa Submittal Requirement

Checklist for submittal requirements).

The reviewing agencies shall make known their recommendations in writing. The City shall review the plat for substantial conformity to the approved preliminary plat.

- d. **Final Plat Submission** – Only after approval from City Council, the applicant shall file with the City the full size “mylars”, full size blue or black line copies, and required copies of the Final Plat and final landscape, recreation and open space plans (see the City of Maricopa Submittal Requirement Checklist submittal requirements). The final plat shall be, measuring exactly 24” x 36” with a left hand margin of two (2”) inches and be drawn to an accurate engineering scale from an accurate survey. The applicant shall also submit an electronic copy of the final plat in a file format (.DWG) as required by the City of Maricopa.

2. **Improvement Plans & Reports** - Improvement plans and reports shall be submitted in accordance with the procedures and standards established in the Design Standards Manual. Complete sets of improvement plans shall be submitted to the City (see the City of Maricopa Submittal Requirement Checklist for the specific submittal requirements). If the submittal is complete, the City shall distribute sets of the plans to the appropriate reviewing departments, and agencies who shall make known their recommendations in writing.

3. **Environmental Assessment Data**

The purpose of the Environmental Site Assessment is to provide a written and graphic analysis of the environmental characteristics of the site so that the City of Maricopa can evaluate the future use of the site. The “Phase 1 Environmental Report” will identify any hazardous waste site within the proposed subdivision. Environmental site assessments are required for all preliminary plat applications. This study shall include written reports and maps that provide the information outlined below:

The “Phase 1 Environmental Report” shall:

- a. Describe the site and identify uses or activities which might indicate the presence of disposed hazardous substances, and;
- b. Be prepared through the review of readily available information, including but not limited to engineering, regulatory, and historical records of the site, and through-interviews of the current and any past owners of the site, tenants and neighbors, and;
- c. Be prepared through the review of the regional geology and hydrology of the site and the site's vicinity, available records of groundwater contamination up/and down gradient from the site, obtainable reports of compliance violations and/or containment discharges in the site's vicinity, and the proximity of the site to known environmental conditions or problems within approximately

one mile of the site, and;

- d. Reference the data, records and source of information.
 - e. Follow report’s guidelines and any state requirements when items are found on site.
4. **Submittal with Final Plat** - The following plans and reports, along with the required fees, shall be submitted to the Development Services Department (see City of Maricopa Fee Schedule and Submittal Requirement Checklist and Section 14-4 for specific fees and requirements):
- a. Improvement plan review fees (paid to City & utility companies)
 - b. Final Plat review fee
 - c. Final Plat
 - d. Water and Sewer Improvement Plans
 - e. Paving, Grading, and Drainage Improvement Plans
 - f. Landscape and Open Space Improvement Plans
 - g. Utility Improvement Plans (submitted directly to utility companies serving the development)
 - h. Final Drainage Report
 - i. Final Geotechnical/Soils Report
 - j. Final Traffic Report
 - k. Final Water Report
 - l. Final Sewer Report
 - m. Landscape Preservation Plan (if required by staff)
 - n. Boundary Closure Report
 - o. Street Lighting Plan
 - p. Subdivision Deed Restrictions or Covenants, Conditions and Restrictions (C.C.&R.’s), if any
 - q. A.L.T.A. Survey
 - r. Title Report (conducted within the last two (2) months)
5. **Covenants, Conditions & Restrictions (Deed Restrictions)** - The subdivision deed restrictions shall be submitted to the City for review as part of the final plat and improvement plan submittal package.
6. **Title Report** - The applicant shall, at the time of filing the application(s) for the final plat and improvement plans, submit Title Report, not more than two (2) months old, certifying that the applicant has title, acceptable to the City Attorney, for all of the land being subdivided.
7. **Filing Fees** - The applicant shall, at the time of filing the application(s) for the final plat and improvement plans, pay the City the final plat application fee, improvement plan review fee, and the recordation fee, which are established by the City Council.
- B. **Identification Data** - The following identification data shall be required as a part of the final plat submittal.
- 1. A title, which includes the name of the subdivision and its location by

number of Section, Township, Range, and County.

2. Name, address and seal of the Arizona-Registered Land Surveyor preparing the final plat.

3. Scale, north arrow, and date of plat preparation.

4. The name, address and telephone number of the property owner.

C. Survey Data - The following survey data shall be required as a part of the final plat submittal.

1. The corners of the plat shall be located on the monument lines of abutting streets; boundaries of the parcel(s) to be subdivided fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field. The surveyor of record shall also provide a copy of the computer closure, properly stamped and signed showing registration number. All dimensions shall be expressed in feet and decimals thereof.

2. Any excepted parcel(s) within or surrounded by the plat boundaries shall be noted as "Not a Part of This Subdivision" and show all bearings and distances of the excepted parcel as determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.

3. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced. Each of two (2) separate corners of the subdivision traverse shall be tied by course and distance to separate section corners or quarter-section corners. The Certifying Land Surveyor shall submit subdivision boundary and lot closure and area calculations to the City.

4. Location of all physical encroachments upon the boundaries of the plat.

5. Total subdivision gross acres.

6. Total number of lots and parcels, and the size, in square feet, of each lot or parcel. The size of lots or parcels greater than ten acres in size may be expressed in acres.

D. Descriptive Data - The following descriptive data shall be required as part of the final plat submittal.

1. Names, centerlines, right of way lines, courses, length and width of all public streets, alleys, pedestrian ways, and utility easements; radii, point of tangency, curve lengths, and central angles of all curvilinear streets, and alleys, radii of all rounded street line intersections.

2. All drainage easements shall be shown on the plat. No structure will be allowed in the easements that will obstruct drainage. The rights-of-way of all major drainage ways shall be dedicated drainage easements or right-of-way as determined by the City Engineer.

3. All lots shall be numbered by consecutive numbers throughout the plat. All "tracts" and "parcels" shall be designated, lettered, or named and clearly dimensioned; parcels which are not part of the subdivision shall be so designated. Ownership and maintenance responsibility for open space and common open space areas shall be indicated on the plat.
4. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
5. Location of all adjoining subdivisions with name, date, book, and page number of recordation noted, or if unrecorded, so noted.
6. Any proposed private deed restrictions to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land, and to be recognized by the City, shall be noted on the plat (see Sec.14-4-6 (F) for details).
7. All existing private easements within, on, or over the plat shall be indicated, dimensioned, and noted as to their use. The location and widths of all easements for right-of-way provided for public services, utilities, or drainage, and any limitations of the easements.
 - a. The following notation shall be placed on all final plats which provide drainage easements: “No structure of any kind shall be constructed or any inappropriate vegetation be planted nor be allowed to grow within, on or over the drainage easement, which would obstruct or divert the flow of storm water. The City may, if it so desires, construct and/or maintain drainage facilities on or under the land of the easement”.

E. Final Plat Criteria for Approval

1. Upon approval of the improvement plans and final reports; letters from all involved utility companies approving the utility installation plans and confirming the availability of services; all required certifications from State and County agencies; and receipt of a request for City Council action from the City Engineer; the City Clerk shall place the plat on the agenda of a Council meeting, where upon the City Council shall approve or deny the plat.
2. If the City Council approves the plat, the Mayor shall sign the plat and the City Clerk shall attest the Mayor's signature.
3. When the certificate of approval by the City Council has been transcribed on the plat, the Zoning Administrator shall retain the recording copies until the City Engineer certifies that the subdivision has been staked; the improvement plans and final reports have been approved; a computer closure of the plat has been received; recording fees submitted; that the subdivision improvement construction assurances are in the form and amount to the satisfaction of the City Engineer and the City Attorney, along with the Engineer's estimated cost of said improvements has been received; and that any drainage or other restrictive covenants have been signed,

notarized and received from the applicant.

4. Approval of the final plat is valid for a period of twelve (12) months from the date of City Council approval. If the applicant fails to provide the required material or perform the necessary work, as indicated in Sec 14-4-6 (G)(3), within this twelve (12) month period, the final plat approval by council shall become null and void. Any further action on said plat, after the expiration of the approval, shall require a complete re-submittal of the plat.
5. Final Plat Expiration. ~~Final plat approval shall be valid for a period of twelve (12) months from the date the City Council approved the final plat.~~
6. The final plat must be recorded with Pinal County Recorder within twelve (12) months of Council approval unless an extension has been obtained prior to the expiration of the plat as provided below.
 1. If the approval expires, any further attempt to subdivide the property will require the submittal of a new application and filing fee.

F. Final Plat Extension

- i. Final Plat approval shall expire if the final plat is not recorded with the Pinal County Recorder within twelve (12) months from the date Council approved the final plat except as provided below.
- ii. Prior to the expiration of the final plat approval, the applicant may request an extension of the final plat approval.
 - a. If a request for extension ~~is~~ filed prior to the expiration of the final plat approval, the final plat approval shall continue in effect until Council acts on the request.
 - b. Council may grant a maximum of one (1) ~~six~~ (6) month extension of the final plat approval if applicant demonstrates that there has been no significant substantive change in the Engineering Standards; that the final plat, including the supporting documents, continue to comply with all applicable requirements; and that the applicant has expended substantial effort and made substantial progress towards the completion of the engineering construction plans and required items, as indicated in Sec. 14-4-6 (G)(3).
 - c. If the extension is granted, the final plat approval shall be valid for six (6) months from the date Council approved the request for an extension, and the final plat approval shall expire if the final plat is not recorded with the Pinal County Recorder within six (6) months from the date the Council approved the request for an extension of the final plat approval.
 - d. If the request for extension is denied, the final plat shall expire

upon the date the Council denied the request for an extension or six (6) months from the date Council approved the final plat, whichever is later.

Section 14-4-7 Recordation of Plat

- A. Upon receipt of the required material, documents, and fees, and performance of the necessary work the City shall then cause the final plat to be recorded in the Office of the County Recorder of Pinal County.

Section 14-4-8 Replats

- A. Any division of a lot in a recorded subdivision, or any change in lot lines in a recorded subdivision, shall be processed in accordance with Section 14-4-6 of this Ordinance, after a pre-application conference with City staff as provided in Section 14-4-2 of this Ordinance.
- B. Any replat involving the dedication of land for a public street or any off-site public improvements shall comply with all procedures set forth in Article 14-4 of this Ordinance.
- C. An affidavit of correction as an administrative process may be utilized in instances, such as when a lot line is being adjusted, to correct an error when an additional lot is not being created.

Section 14-4-9 Abandonment of Recorded Plat

- A. Pursuant to the provisions of A.R.S. 28-7201 et. seq., the abandonment of all or part of a recorded subdivision may be initiated by written petition to the City Council. The petition shall be signed by all owners of real property in said subdivision requesting abandonment of all streets, alleys and easements within said subdivision and giving the legal description and recording information thereof.
- G. Applications for the abandonment of a recorded subdivision are filed with the Zoning Administrator and referred for recommendation to the appropriate City staff and utility companies.
- H. The subdivision is removed from the official maps after:
 - 1. City Council approval of the abandonment of any streets, alleys and easements within the subdivision,
 - 2. City Council approval of the abandonment resolution for the recorded subdivision, and
 - 3. The abandonment resolutions are recorded with the County Recorder's Office.

Section 14-4-10 Abandonment of Right-of-Ways

- A.** Pursuant to the provisions of A.R.S. 28-7201 et. seq., the abandonment of all or part of a recorded right-of-way may be initiated by written petition to the City Council. The petition shall be signed by all owners of real property in said right-of-way requesting abandonment of all streets, alleys and easements within said right-of-way and giving the legal description and recording information thereof.
- B.** After the abandonment application has been submitted to the City, reviewed and found to be complete, the applicant shall notify all public utilities serving the proposed abandonment area to request their review and comments.
- C.** City Staff will schedule a public hearing to solicit input on the proposed abandonment. The applicant shall post a notice of the proposed abandonment at the subject location at least 10 days prior to the public hearing.
- D.** City Staff will send letters to public agencies notifying them of the proposed abandonment. City Staff will formulate a recommendation to City Council following receipt and evaluation of comments from the public agencies.
- E.** In the event that the recommendation is to proceed with the abandonment, the affected property owners shall select an appraiser from the City's approved list to establish the fair market value. After a fair market value has been established, the applicant shall submit a cashier's check in that amount to the City.
- F.** In instances when an abandonment or compensation is not required, the Zoning Administrator and City Engineer shall review each case for approval.
- G.** City Staff will prepare a Staff Summary Report with the City Staff recommendation for the signature of the Public Works Director and the request will be placed on an upcoming Council agenda. The party requesting the abandonment shall be notified in writing of the date, time and place that said request will be heard by the City Council.
- H.** The City Council may, at its sole discretion, elect to abandon the right-of-way for a sum equal to the present fair market value or elect not to abandon said right-of-way. Upon adoption of Council resolution, it shall be recorded in the Office of the Pinal County Recorder. Upon receipt of the recorded ordinance, the said ordinance will be copied with one copy retained in electronic format in the Public Works Department and the original ordinance forwarded to the City Clerk's office for recorded retention.
- I.** After City Council approval of the abandonment of any streets, alleys and easements, and after City Council approval of the abandonment resolution for the right-of-way, and after the abandonment resolutions are recorded with the County Recorder's Office, the right-of-way is removed from the official maps.
- J.** If the abandonment of a street, alley or public utility easement or other recorded easement in a previously recorded subdivision is necessary, either a replat or a certificate of correction, as determined by the Zoning Administrator, shall be processed concurrently with the abandonment and recorded immediately

subsequent to the recordation of the abandonment.

Section 14-4-11 Condominium Developments

- A. The application requirements, process and approval regulations contained within this Ordinance and the Zoning Code shall apply to all condominium developments.
- B. All condominium subdivisions shall comply with the provisions of this Ordinance and *The Zoning Code for the City of Maricopa*, and the location of building shown on the plat and the manner in which the airspace is to be divided in conveying the condominium shall be clearly defined and shall not violate any provision of this Ordinance.
- C. In order for the condominium subdivision application to be considered complete, the applicant shall provide to the City any plans, specifications, and/or analysis needed to show that the proposed condominium subdivision is in compliance with this Ordinance and *The Zoning Code for the City of Maricopa*, including but not limited to grading plans, site plans, floor plans, elevations, and landscape plans.
- D. Include the following warranty statement and notarization on each condominium plat:
 - 1. Owner warrants to the City of Maricopa that it is the sole owner of the property on this plat, and that every lender, easement holder or other person having any interest in the property adverse to or inconsistent with the dedications, conveyances or other property interests created or transferred by this plat has consented to or joined in this plat, as evidenced by the instruments which are recorded in the Pinal County Recorder's Office or which the owner will record not later than the date on which this plat is recorded
 - 2. A notary public or other authorized officer, as set forth in Arizona Revised Statutes, must acknowledge the owner's signature.
 - 3. Conform all condominium plats to the land survey requirements in this Ordinance.
 - 4. Dedicate public streets, public easements, private streets, and private easements as required.
 - 5. Dedication statements must describe the ownership, formation of units, streets, tracts, and easements; and include information on maintenance, rights conveyed to the public, and/or rights conveyed to public, property owners, or adjacent property owners.
- E. Identify each individual unit by number and all tracts for common areas by letter. Provide bearings, distances, dimensions, and curve data necessary for the complete description of each individual unit or tract. Any area not occupied by an individual unit is common area and must be designated as a tract.
- F. Tie floor elevations for each residential unit to the city's vertical control data. Tie

horizontal residential unit boundaries to the project’s property lines by bearing and distance.

- G. Include the following note on the condominium plat for private streets within the condominium
 1. The streets are private streets, maintained by the property owners association.
 2. Usually, after this plat is recorded, the City of Maricopa will not accept dedication of the streets to the public to relieve the property owners association of street maintenance responsibilities.
- H. If the common area for a condominium is used as a “blanket easement” for public utilities, show the areas that will be used for swimming pools, saunas or other permanent structures (other than individual units) as exceptions to the “blanket easement.”
- I. Include a ratification block and acknowledgement.

Section 14-4-12 Minor Land Divisions, Lot Splits and Lot Combinations

- A. The provisions in this section shall apply to any improved or unimproved property not yet recorded, including a lot, parcel, tract, or combination thereof, for the purpose of financing, sale or lease, whether immediate or future, if one of the following conditions exists:
 1. Any lot or parcel of land, not a part of a recorded subdivision plat, that has a tax parcel established by the county and is being divided into two (2) or three (3) lots shall be processed as either a lot split or minor land division.
 - a. The division of land whose area is two and one-half (2½) acres or less and is being divided into two (2) or three (3) tracts or lots of land for the purpose of sale, lease or conveyance, shall be processed under a lot split request.
 - b. The area of the property to be divided is greater than two and one-half (2½) acres, is five (5) lots or less and requires the creation of a public or private street or easement to provide legal access to one (1) or more additional lots, shall be processed under a Minor Land Division request.
 - c. The division of land into more than two (2) parts, or the combination of land from two parts and when the boundaries of such property have been fixed by a recorded plat, shall be processed as a final plat amendment.
 - d. The combination of any size parcels to create a new, single parcel shall be processed as a lot combination, unless part of an existing

subdivision.

- B.** A minor land division and/or lot split does not include the adjustment of a property line, where land taken from one (1) lot is added to an adjacent lot, provided the proposed adjustment does not create a substandard lot. A certificate of correction shall be required if the property line adjustment is for lots within a recorded subdivision plat.
- C.** An application for a minor land division, lot split and/or lot combination shall be submitted to the Zoning Administrator prior to any deeds related to a minor land division lot split and/or lot combination with the Pinal County Recorder's office. The City may approve minor land divisions, lot splits and lot-combinations administratively.
- D.** Except where expressly modified or permitted by staff all minor land divisions, lot splits and/or lot combinations shall be in general conformity with the design standards and principles outlined for subdivisions in Article 14-6 of this Ordinance. All lots created by a minor land division, lot split and/or lot combination shall be designed to conform to the existing zoning and the General Plan.
- E.** If dedicated and/or public improvements are required for minor land divisions, lot splits and/or lot-combinations, the applicant shall be responsible for the preparation of a complete set of improvement plans, prepared by an Arizona registered civil engineer, satisfactory to the City Engineer for the construction of the required improvements. The plans shall be prepared in conjunction with the minor land division, lot split and/or lot combination map and the requirements outlined in Article 14-7 of this Ordinance.
- F.** The minor land division, lot split and/or lot combination map shall not be recorded, nor shall any improvement work commence until the City Engineer has approved the improvement plans.
- G.** No minor land division, lot split and/or lot combination, which creates a substandard or nonconforming lot or structure, shall be approved except by council action.
- H.** If any improvements are required for the minor land division, lot split and/or lot combination pursuant to regulations contained herein, no building permit for any lot created will be issued until such improvements are completed and the work accepted by the City Engineer unless the applicant provides construction assurance in a form acceptable to the City Attorney as outlined in Article 14-7 of this Ordinance.

Section 14-4-13 Map of Dedication

- A. A map of dedication is:**

 - a. Used to dedicate land to the City of Maricopa or other public agency or to grant an easement to the City for roadway, drainage, flood control, utilities,

emergency or service vehicle access, other public uses or the granting of an easement for a utility line.

- b. Reviewed in relation to their consistency with the preliminary plat applications.
- c. Shall not be used to create any new lots owned or to be owned by any person not a public agency.
- d. Shall be prepared and process in accordance with procedures and requirements set forth herein for minor land divisions.

B. City Council Review and Approval

- 1. Following the completion of the Substantive Review, the Director will schedule the application for review by the City Council at a Regular or Special Meeting of the Council for which due and proper notice can be provided. The applicant will be notified of the date, time and place for this meeting and is expected to be present.
- 2. Following its consideration of the application, the City Council shall render a decision to approve the application, approve the application with conditions, or deny the application.
- 3. A decision of the City Council on a Map of Dedication request is final. Persons with standing are who are aggrieved by a decision by the Council may, within thirty (30) days after the Council has rendered its decision, file a complaint for special action in the superior court of Maricopa County to review the Council’s decision.

C. Recording a Map of Dedication

- 1. The applicant shall be responsible for submitting Map of Dedications (i.e. mylars) to the department for recordation purposes. The format, contents, and information to be included in the Map of Dedication and any attachments to be attached to the Map of Dedication that is submitted for recordation shall be in accordance with the Subdivision Regulations, the Design Standards Manual, and any stipulations and/or conditions of approval.
- 2. The map of dedication shall not be recorded until the City Engineer has approved the engineering construction plans for the subdivision improvements and certified that all necessary financial assurances are in place.
- 3. Once all applicable approvals and signatures have been obtained, the department will be responsible for recording the final plat with the Pinal County Recorder.
- 4. **Map of Dedication Expiration**
 - a. Map of dedication approval shall be valid for a period of twelve

(12) months from the date the City Council approved the Map of Dedication.

- b. The map of dedication must be recorded with the Pinal County Recorder within three (3) months of Council approval unless an extension has been obtained prior to the expiration of the Map of Dedication as provided below.
- c. If the approval expires, any further attempt to subdivide the property will require the submittal of a new application and filing fee.

5. Map of Dedication Extension

- a. Map of dedication approval shall expire if the map of dedication is not recorded with the Pinal County Recorder within twelve (12) months from the date Council approved the Map of Dedication except as provided below.
- b. Prior to the expiration of the map of dedication approval, applicant may request an extension. If a request for extension is filed prior to the expiration of the map of dedication approval, the approval shall continue in effect until Council acts on the request.
- c. Council may grant a three (3) months extension of the Map of Dedication approval if applicant demonstrates that there has been no significant substantive change in the Engineering Standards; that the map of dedication, including the supporting documents, continue to comply with all applicable requirements; and that the applicant has expended substantial effort and made substantial progress towards the completion of the engineering construction plans for the subdivision improvements.
- d. If the extension is granted, the map of dedication approval shall be valid for three (3) months from the date Council approved the request for an extension, and the approval shall expire if the map of dedication is not recorded with the Maricopa County Recorder within three (3) months days from the date the Council approved the request for an extension of the Map of Dedication approval. If the request for extension is denied, the Map of Dedication shall expire upon the date the Council denied the request for an extension or three (3) months from the date Council approved the Map of Dedication, whichever is later.

ARTICLE 14-5 PLANNED AREA DEVELOPMENT (P.A.D.)

Section 14-5-1 Purpose

The purpose of this Article of the Subdivision Ordinance is to provide the citizens of Maricopa and the development community with general provisions for Planned Area Development (P.A.D.) communities desired by the City of Maricopa. The intention of a P.A.D. District is to provide alternative development standards from conventional zoning if a higher level of design and amenity is provided. Overall conformance to the General Plan is required, especially when located in or near a Village Center as determined by the City's zoning. This entails the need to set forth good precedent for future development in the City of Maricopa with connectivity, walkability, and sustainability in mind.

The guidelines, standards, and procedures for P.A.D. communities can be found in Article 207 of the Zoning Ordinance. Previously entitled Master Plan Developments (M.P.D.) shall automatically be recognized as P.A.D. per previous City policy.

ARTICLE 14-6

DESIGN STANDARDS

Section 14-6-1 Purpose

- A. The purpose of this Article of the Subdivision Ordinance is to provide the development community and the citizens of Maricopa with a minimum set of standards to guide the physical development and the visual quality of the subdivisions being developed throughout the community. The design standards in this article apply to all developments in the City. The intent is to create functional, attractive developments, to help preserve the natural beauty of the City by preserving open space, minimize adverse impacts on the community, and to ensure that future subdivisions will conform to the community's expectations while at the same time encouraging new development that is dynamic, creative and imaginative.

Section 14-6-2 General Provisions

- A. Every subdivision shall conform to the Maricopa Zoning Code, the Maricopa Design Standards Manual, other ordinances and regulations of the City, and the Arizona Revised Statutes, as well as implement the goals, objectives, and policies of the Maricopa General Plan. In the event two or more requirements conflict, the most restrictive requirement shall apply.
- B. All public improvements shown on the preliminary plat, and any additional improvements that may be required by the Commission as a condition for approval of the preliminary plat shall be the responsibility of the applicant. All public improvements shown on the final plat and the improvement plans, and any additional improvements that may be required by the City Council as a condition for approval of the final plat, shall be the responsibility of the applicant.
- C. All improvements must be acceptable to the Zoning Administrator prior to the issuance of building permits for lots within the subdivision. Building permits for model homes, sales offices and construction site trailers may be allowed, prior to the acceptance of the subdivision improvements by the City, with a Temporary Use Permit (T.U.P.) issued by the City, along with the written approvals of the Maricopa Fire/Medical Department, water, electric, sewer and other affected utility providers.
- D. Where the area proposed for development contains all or part of a park, a trail and/or a trailhead, a school, flood control facility, or other public site, as shown on the General Plan or as recommended by the Commission or City Council, such site shall either be dedicated to the public or reserved for acquisition by the public or appropriate agency or land trust within a specified period of time as prescribed in A.R.S. 9-463.01 (D) and (E).
- E. Land which is subject to periodic flooding, land which cannot be properly drained, land which has unstable soils or slopes (fissures), or land which is otherwise unsuitable for residential or commercial uses shall not be subdivided; except that the

City Council may approve the subdivision of such land upon receipt of evidence, including subdivision construction assurances, satisfactory to the City Engineer and City Attorney that the construction of specific improvements will render the land suitable. The construction of subdivision improvements shall not commence until after final plat approval and financial assurances have been secured to the satisfaction of the City Engineer, Zoning Administrator, and City Attorney.

- F. All utilities listed on Final Plat shall be operational prior to granting any “Certificate of Occupancy”.

Section 14-6-3 General Site Design Standards

- A. Regardless of the density of the individual developments, single family residential subdivisions, and condominium or multi-family subdivisions shall be required to provide the following: open space, buffering to adjacent developments, landscaping, and physical connections to adjacent neighborhoods and to the community open space network and/or the City of Maricopa’s green belt and trail system.
- B. Commercial and industrial subdivisions shall be subject to all the requirements set forth in the Zoning Ordinance and shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography; factors such as drainage, noise, odor, and surrounding land uses considered in sighting buildings; sufficient access shall be provided; adverse impacts buffered; and landscaping provided. In addition, the following standards shall apply to commercial and industrial subdivisions:
 - 1. Commercial and industrial lots/developments that back up to an existing or designated residential land use shall provide a landscaped open space buffer strip adjacent to the common property line to allow for a trail system and to mitigate any adverse effects to the residential neighborhood from a permitted commercial or industrial use. In the event that a landscape buffer equal to the required space already exists, it shall not be required. See the Zoning Ordinance for further detail.
 - 2. The Planning and Zoning Commission and the City Council may impose special requirements with respect to the design, construction and installation of the public utilities, street, curb, gutter and sidewalk.
- C. Those portions of the community open space network adjacent to, or within, the area proposed for development, whether residential, commercial, or industrial shall be incorporated by that development. Construction of the open spaces, trails, and trail amenities shall be the responsibility of the applicant and shall be part of the subdivision improvements. These trails shall be part of a “tract” and maintained by a Homeowners/Property Owners Association as designated by the applicant during the final plat approval unless the open space and/or trail has been accepted, by the City of Maricopa, into the City park system for maintenance responsibilities. Dedication of a trail and/or trailhead to a local land trust, established for the purpose of trail development and maintenance, may also be acceptable.
- D. When the intersection between a multi-use trail and an arterial and/or collector roadway is unavoidable the roadway shall be designed with a center median at the

location where the trail intersects the roadway so that the trail users are protected from a potential conflict with the vehicular traffic (see Figure 1). The minimum dimensions of these center medians will depend upon the type of multi-use trail that the road bisects. Alternative methods may be considered if approved by the City Engineer and the Zoning Administrator. Refer to the Design Standard Manual for further detail.

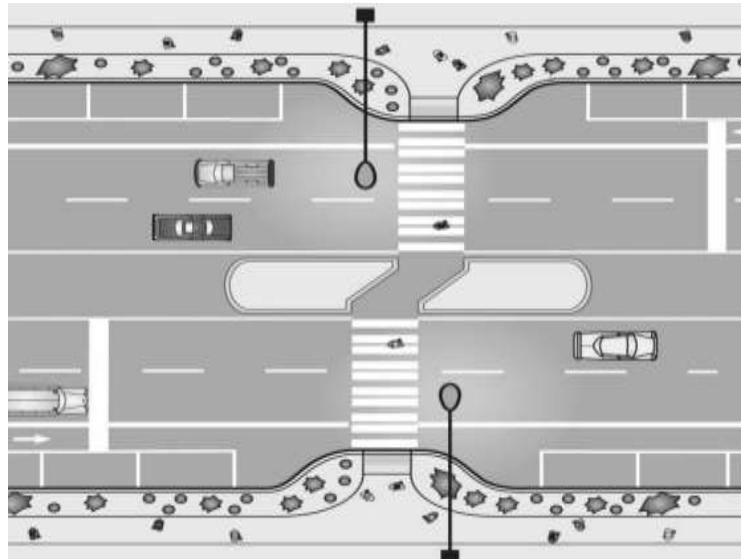


Figure 1
Pedestrian Center Median

- E. Tracts or parcels of land proposed for subdivision development that are adjacent to an Indian Reservation shall provide an adequate buffer to the Indian Community as determined by the Zoning Administrator.

Section 14-6-4 Open Space and Recreation Requirements

- A. **General Open Space Requirements** - The purpose of these open space regulations is to provide for open space, recreational, and alternative transportation opportunities and trails within each subdivision and connectivity to the greater community.
1. Open space intended to fulfill these open space requirements shall be calculated upon the net acres of the subdivision whether residential, commercial, or industrial. Net acres for a residential project are defined as: total acres exclusive of the area required for arterial or collector street right-of-way dedications, reserved school sites, multi-family parcels, and all commercial and/or industrial acreage. Net acres for nonresidential projects are defined as: total acres exclusive of the area required for arterial or collector street right-of-way dedications. Required open space for all types of subdivisions shall be as prescribed in the Zoning Ordinance following Table 2 or per the Council approved M.P.D. or P.A.D.
 2. For Planned Area Development (P.A.D.) open space requirements, Every

P.A.D. shall provide 20% open space in accordance with Table 1 in refer to Article 207 in the Zoning Ordinance. 14-5 and/or as approved by the City of Maricopa through the P.A.D. review process. The design of the open space shall be integrated throughout the development and to adjacent developments and the community in general.

3. The development, through the Master Plan Development (M.P.D.) process as described in the City of Maricopa Zoning Ordinance, shall provide open space in accordance with Table 1 in Article 14-5 and/or as approved by the City of Maricopa through the M.P.D. review process. The design of the open space shall be integrated throughout the development and connect the development to adjacent developments and the community in general.
4. Residential developments, excluding multi-family residential developments, shall be responsible for developing seven (7) acres of Neighborhood/Subdivision Parks per 325 lots. These parks will be calculated as part of the required open space and should shall be maintained by the Homeowners Association (H.O.A.) as designated by the applicant during the final plat approval, except when the parks have been accepted into the City Park System for maintenance responsibilities, by the City of Maricopa.
5. Public parks shall be designated as a separate tract and should not be combined with general tracts of a subdivision. Each public park parcel shall have an individual assessors's parcel number for addressing purposes and a name.
6. Those portions of the Maricopa-Trail System, as identified in the Parks, Trails and Open Space Master Plan, that are adjacent to, or within, the area proposed for development shall be incorporated by that development. Construction of those portions of the trail corridors shall be the responsibility of the applicant and shall be part of the subdivision improvements. Certain portions of the Maricopa Trail System, more specifically the Santa Rosa Wash and the Santa Cruz Wash, shall be dedicated to the public upon completion of the improvements or as agreed upon by the City. Public access easements shall be required to provide access to the Maricopa Trail System from public parks and open spaces and from the private parks within the residential developments when adjacent to the Maricopa Trail System as directed by the Zoning Administrator.

B. Open Space Design Standards

1. Neighborhood parks and those portions of an individual development's open space system should be developed adjacent to the Maricopa Trail System, whenever possible, to provide linkages to the greater community. Construction of the development's neighborhood parks and/or the open space areas shall be the responsibility of the applicant and shall be part of the subdivision improvements. The open space areas within an individual development shall be part of a "tract" and maintained by a Homeowners/Property Owners Association as designated by the applicant during the final plat approval unless otherwise approved by the City of

Maricopa.

2. The open space areas shall be designed in such a manner as to be easily accessible to all lots or units. Accessibility is encouraged so that there is no more than 1/6 of a mile or 880 feet of pedestrian travel between any one lot or unit and an entrance area allowing wildlife corridors, people, bikes or equestrians to enter into the open space area or view the open space area.
3. Retention or detention basins, which are required in accordance with the subdivision drainage report, shall qualify as open space only if they are landscaped, multi-tiered and designed to be used as an active multi-use area. Retention basins with a bottom area in excess of one half (1/2) acre, shall be designed, turfed and equipped to accommodate a play/sport field rather than being landscaped with decomposed granite.
4. All recreational facilities, tot lots, play equipment, and amenities within the basin shall be located at least one (1) foot above the 50-year, 2-hour storm level. The exception to this standard is for commercial and industrial developments, which shall be permitted to calculate the landscaped retention or detention area as part of the required open space area.
5. Terracing, berming and contouring may be required to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a four to one (4:1) slope.
6. All retention basins shall be designed to drain within thirty-six (36) hours of a major storm event.
7. Existing watercourses or drainage ways shall qualify as open space if they are incorporated into the design of the subdivision in their historic (unaltered) location, given a “natural” character (not ditch-like in design), constructed with/of natural materials, such as grass, gravel, and other similar landscaping, and incorporated into the larger open space design.
8. If the applicant chooses to provide a detached sidewalk with a tree-lined street cross section, as the local street cross section, the “landscape strip” area shall be a minimum of five fifteen (15) feet in order to be calculated as part of the required open space. Note that the “landscape strip” is inclusive of that portion of the public right-of-way starting from the back of curb and including any easement specifically granted for landscaping or pedestrian purposes.

C. Multi-Use Trails and Trail Requirements

1. New developments shall incorporate, at a minimum, and where appropriate, multi-use trails as an integral component of the required open space of the developments. These trails must be located and designed to assure complete separation from vehicular traffic. Trails shall have an average minimum separation of five (5) feet from the back of curb to where the trail is when adjacent to and parallel with a street.
2. Multi-use trails shall be used to interconnect the various parks and tot lots

of a development, the various neighborhoods of a larger development to each other, neighborhoods to commercial areas, and the overall development to the Maricopa Trail System. Particular care should be given to linkages with adjacent subdivisions within a larger development to promote internal pedestrian and bicycle traffic without crossing arterial or collector streets as much as possible. Signs, crossings, vegetation, rest and staging areas, and surface materials shall be developed, designed, and installed in conjunction with the development and in a manner appropriate to the specific users intended.

3. Pedestrian, bicycle and equestrian trails within and through a development shall connect to and be a part of the open space system of the neighborhoods and the City. These trails should be landscaped and minimally furnished to provide shade and rest areas in order to encourage their extensive use as a secondary mode of transportation, recreation, and access throughout the neighborhoods and the City.
4. Utilizing Crime Prevention Through Environmental Design (C.P.T.E.D), natural access control should limit opportunities for criminal activity by incorporating design entrances, exists, fencing, lighting and landscape which are strategically placed to limit access or control flow of persons into, out of, and through a development or trail system
5. Multi-use trails shall have a total right-of-way or easement width of not less than twenty (20) feet to accommodate landscaping, seatwalls, and furnishings as well as a thirteen (13) foot wide path that is a combination of a ten (10) foot hard surface constructed of either concrete or an all-weather surface such as rubberized asphalt, or similar material and four (4) foot of decomposed granite (see Figure 2). If the multi-use trails include an equestrian trail the total right-of-way or easement width should be not less than twenty-five (25) feet with the additional twelve (12) foot portion devoted to equestrians constructed of a softer-surface treatment consisting of finely ground gravel or other compatible dense, yet soft material; but not cinders.
6. When approved, unpaved trails shall be designated for limited and specific uses rather than for general use. The design and construction of these unpaved trails shall be in accordance with, and appropriate to, the specific uses allowed. Unpaved trails may also be within or over local utility easements/corridors in order to allow utility access while achieving neighborhood connectivity.
7. Those portions of the Santa Rosa Wash and the Santa Cruz Wash that are required, per the F.E.M.A. plan, to be retained as non-buildable for flood plain purposes shall be dedicated to the public by the adjacent development and constructed in accordance with the City approved open space and recreation plans for the public. Trails within the Maricopa Trail System associated with the Santa Rosa Wash and the Santa Cruz Wash shall be constructed in conjunction with the adjacent developments and credited towards the open space requirements (see Figure 3).

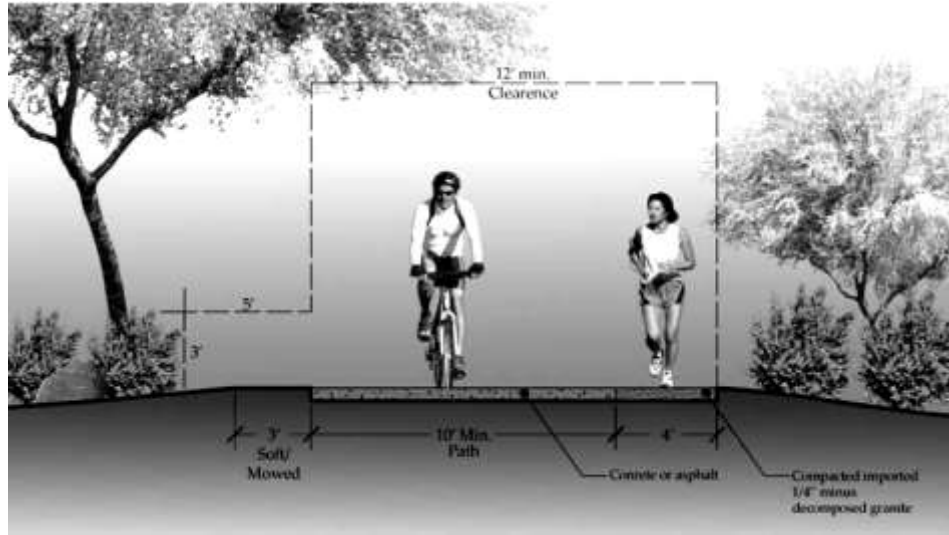


Figure 2
Multi-Use Trail

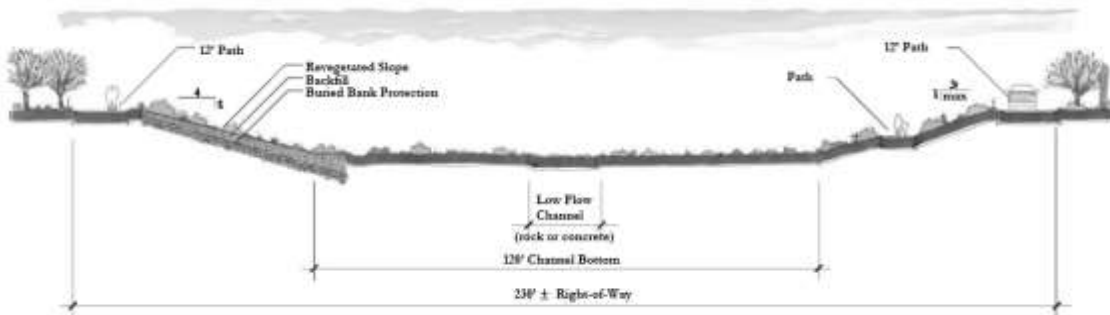


Figure 3
Flood Control Canal/Maricopa Trail System

D. Recreation and Tot Lot Design Requirements

1. All Tot Lots incorporated into Open Space must be covered with a shade structure over the play equipment. All Tot Lots and play structures shall be designed to be located at least one (1) foot above the 100-year, 2-hour storm level if located within a retention or detention area.
2. Recreational courts and fields to facilitate basketball, soccer, volleyball and other sports shall be designed to be located at least one (1) foot above the 50-year storm level if located within a retention or detention area.
3. Tot Lot playground surfaces must consist of a rubberized material, commonly referred to as "tot turf", or other resilient surface, in the designated fall zones as designated in or by the playground equipment manufacture's specifications.
4. Sand shall not be a permitted material for use within the Tot Lot area.

5. All grass installed in a development for general landscape use and for open space must be hypo-allergenic (midiron) sod or stolon. Seed can be utilized if grass is established prior to Certificate of Occupancy (C of O).
6. Outdoor lighting, in conformance with the standards outlined in Article 405 in the Zoning Ordinance, shall be required at both the Tot Lot and the Ramada area, as approved by the Zoning Administrator.
7. A Ramada provided within the Open Space areas must be constructed with stone columns or other durable material of equal quality, as approved by the Zoning Administrator, and a solid roof structure, such as but not limited to, standing seam metal, corrugated metal, concrete tile, clay tile or similar roof material. If associated with a recreational feature or a tot lot, the Ramada must also include a B.B.Q. grill, a minimum of two (2) tables, two (2) trash cans, and one (1) bike rack.
8. The location of neighborhood parks, mini parks, Tot Lots and similar recreation areas should wherever possible be internalized to the neighborhood and not adjacent to an arterial street or a body of water. If, however, a Tot Lot is placed adjacent to an arterial street or a body of water, it must be buffered with a wall constructed of stone or other durable material of equal quality, as approved by the Zoning Administrator, that is set-back at least ten (10) feet from the sidewalk and twenty (20) feet from a body of water.
9. Recreational features can include elements such as, but not limited to: basketball, baseball, bocce ball, pickle ball, soccer, badminton, tennis, and fitness stations. Each element is designed for inclusivity and participation from residents of all ages.
10. Restroom facility shall be required if a neighborhood park of five (5) acres or more has two (2) recreational activities (i.e. basketball court, soccer field, etc.), unless associated with a community center or school.

Section 14-6-5 Landscape Requirements

A. General Requirements - When different land uses are adjacent to each other, landscaping is one (1) method of minimizing the impact and establishing a transition between them. Plant materials can filter air, curtail erosion, provide shade and maintain privacy.

1. Preserve existing trees deemed healthy, salvageable, and significant located outside of the proposed roadway pavement, within retention/detention basins, adjacent to a pre-existing watercourse, or within the proposed subdivision open space areas shall be preserved in accordance with the approved landscape plan.
2. Landscape plant materials, in addition to the healthy cacti and trees retained on-site, should consist of drought tolerant indigenous plant materials and species listed in the landscape regulations of the Arizona Department of Water Resources Pinal A.M.A. Plant List or similar document.

3. Through the life of the development (residential and commercial), replacement of dead trees and required landscaping shall be perpetually provided by the Homeowner's/Property Owner's Association as designated by the applicant during the final plat approval or the individual property owner and shall be completed within three (3) months from the date that the Association or the property owner is notified by the City.
 4. Landscape and Open Space Requirements:
 - a. At Preliminary Plat, a Preliminary Landscape and Open Space Plan shall provide overview of landscape theme and integration of open space for the proposed development. Note the source of water for irrigation.
 - b. At Final Plat, an Improvement Plan submittal will require full details for construction of landscape and open space designs (as detailed in the Design Standards Manual). This plan shall show all required plant materials location, include a plant list/palette table (list species, size, quantity, and spacing specifications). Irrigation plans shall be included with the landscape plans.
 5. Landscape maintenance responsibility shall be clearly identified for all landscaped areas, including common area tracts and within the public rights-of-way. Identify responsible parties avoiding ambiguity, such as the individual property owner immediately adjacent or the Homeowners Association as designated by the applicant during the final plat approval.
- B. Neighborhood (Subdivision) Entry Monuments** - In order to enhance the appearance and help identify subdivision entrances, subdividers shall provide landscaping, identification signage and textured pavement at the entryways on at least one major access point to the subdivision to provide a sense of arrival.
1. Landscaping at entryways should be designed to visually enhance all arrival points. Clustering of trees, shrubs, and ground covers should accent focal points and provide variety to streetscape (Figure 4). Trees along the streets shall consist of drought tolerant indigenous plant materials and species listed in the landscape regulations of the Maricopa Zoning Ordinance.

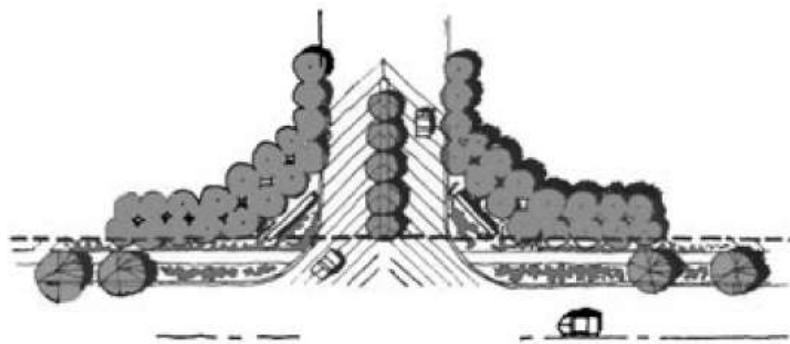


Figure 4 Landscaping at Entryways

2. Signage shall be attractively designed and submitted along with the required landscape plans for approval. Signs shall be integrated to complement the streetscape and landscaping frontages using a decorative monument base. Soft lighting shall be provided to provide a clear image of the subdivision name. Monument signs shall not exceed those allowed and outlined in the Maricopa Zoning Ordinance.
3. Textured entryway drives (such as decorative stone, stamped concrete or brick) may be incorporated into access points from any collector or arterial frontages (Figure 5).

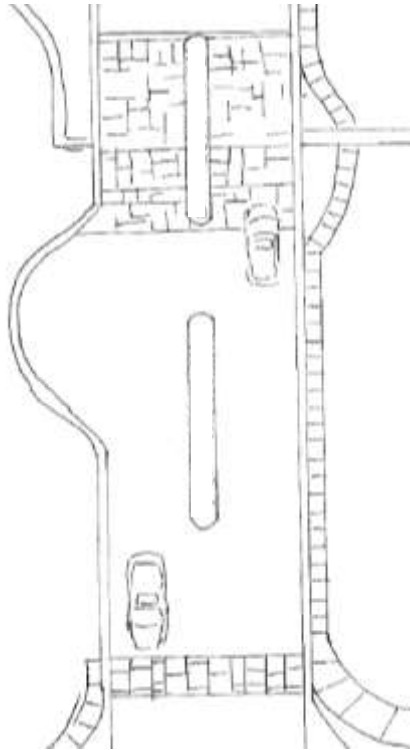


Figure 5 – Textured Entryway Drives

- C. **Wall/Fencing Requirements** - In order to enhance the appearance of the community, through access paths between neighborhoods rather than individual subdivisions are desired.
 1. Single and Multiple Residential Standards:
 - a. The use of solid view-obscuring perimeter walls along the boundary of the subdivision is not permitted except where specifically indicated on the final plat and approved by the Economic & Community Development Director. Perimeter walls adjacent to the community open space system shall be view-fences. External orientation of the subdivision to the surrounding arterial, collector and local streets (depending on the project density) as well as adjacent residential development is strongly encouraged and should limit the need for solid view-obscuring perimeter walls.

- b. Openings in the perimeter view-fence are required at the end of abutting interior cul-de-sac streets and along the community trail system, if applicable, to provide the desired connectivity to the community.

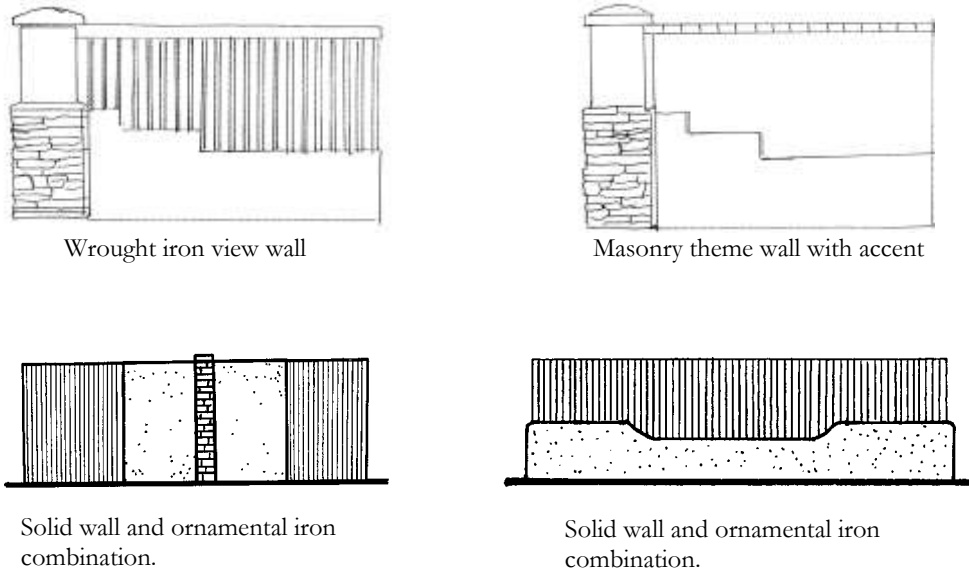


Figure 6 - Residential View Walls and Fences (illustrative only)

- c. Vegetative screening is encouraged, in addition to walls and fencing, when a residential subdivision is adjacent to a neighborhood commercial development.

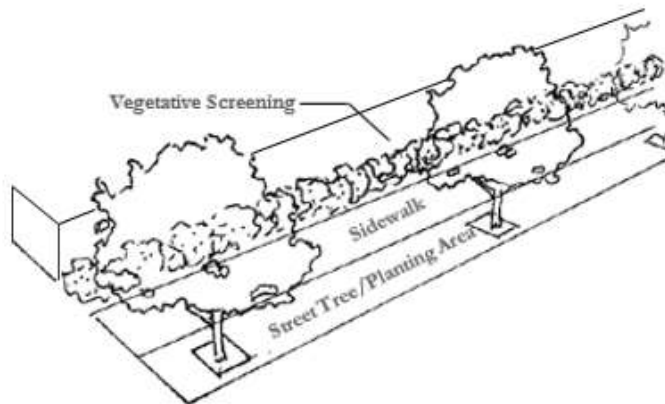


Figure 7 – Vegetative Street Screening

- d. A solid wall is required when a residential subdivision is adjacent to an existing industrial development or land zoned for future industrial use.
- e. In the cases where a solid wall is used solely, or in combination

with view-fencing, the solid portion shall be decoratively treated (split face, single-score, fluted, etc.) on all sides visible to the public to match the residential product architectural style and design (Figures 8 and 9). Any other decorative material accent – or plain block with a finished treatment – stone or brick veneer, should be used on portions of walls exposed to open areas.



Figure 8 – Split Face Block Wall



Figure 9 – Fluted Concrete Block Wall Texture

- f. Walls shall be off-set and/or undulating with decorative pillars at a minimum of one hundred (100) feet apart and a different finish than the wall infill between the pillars. A low planter wall with landscaping may be built, on the public street side of the perimeter wall, in lieu of or in combination with the required decorative pillars.
 - g. Wire mesh no higher than the top rail, may be used when in conjunction with a pipe rail or corral style fencing but not as a stand alone fencing material. Pipe rail and corral style fencing shall not be higher than four (4) feet. The use of slat-filled chain link fences shall be prohibited.
2. Commercial and Industrial Standards:

When solid view-obscuring perimeter walls are necessary or required they shall be decoratively finished (with materials such as rod iron, stone, tile, etc.) on all sides visible to the public to match the commercial and/or industrial product architectural style and design.

Section 14-6-6 Access Requirements

- A. Medium Density Residential developments should be designed to provide lots that back or side onto streets classified as arterial or collector streets as set forth in the Circulation Element of the General Plan. A non-buildable tract, easement or additional right-of-way equal to the streetside side yard setback of the applicable zoning district, or twenty-five-(25) feet, whichever is greater, shall be platted between any street side or rear yard property line of any developable lot and the right-of-way of any arterial or collector street (see Figure 10).

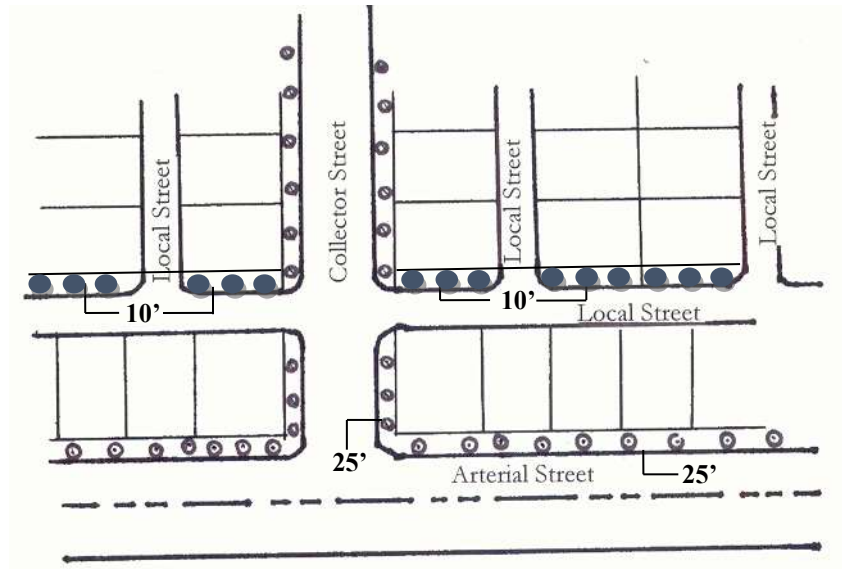


Figure 10 – Access Requirements
for Arterial and Collector Roads

- B. Every lot shall have frontage onto a fully-improved, publicly-dedicated and accepted street that meets all City of Maricopa street standards. Private streets that meet all City of Maricopa street standards may provide frontage to lots if the development is approved by the Planning and Zoning Commission and City Council for private streets.
- C. Every subdivision (residential, commercial and industrial) shall have at least two (2) separate and distinct access points both of which shall provide fully-improved and accepted access from public, or approved private streets, developed to City of Maricopa street standards. For subdivisions over 3,000 lots or 750 acres, a third access point shall be required. Additionally, every subdivision shall provide a multi-use trail/pathway from an access point other than those used to address the vehicular access requirements, where possible.

- D. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half (1/2) of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. Zoning Administrator, with concurrence of the City Engineer and Fire Marshall, may approve an alternative access design.
- E. Where a residential subdivision borders on or contains an existing or proposed arterial street, the City may require that access to such streets be limited so that the lots back onto the arterial street and front onto a parallel local street; no direct access shall be provided from the arterial street.

Section 14-6-7 Street Location and Arrangement

- A. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic and pedestrians; meet the needs of present and future population served; have a simple and logical pattern; respect natural features and topography, provide multi-modal connectivity throughout residential and retail uses, and present an attractive streetscape.
- B. In residential subdivisions, the road system shall be designed to serve the needs of the greater neighborhood. Traffic calming methods, such as but not limited to chicanes and bulb outs (Figure 11) should be used as defined by the Institute of Traffic Engineers (I.T.E.) and as required by the City Engineer.

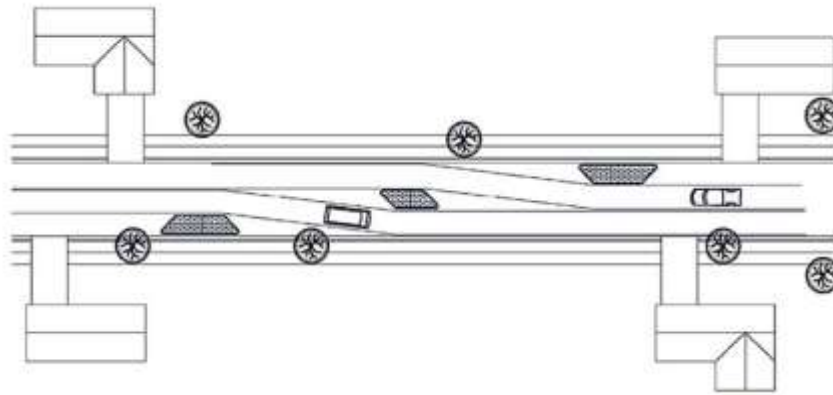


Figure 11 – Chicane

- C. There shall be no development of roadways built to Principal or Arterial standards unless and until that roadway and roadway alignment is shown within the latest Maricopa Transportation Plan of the city. Street layout shall provide for the continuation of such streets per the latest Transportation Plan of the City or as determined by the City Engineer.
- D. Adjacent to a railroad or limited access highway right-of-way the development of either open space or a street running parallel to the railroad or limited access highway shall be provided for the use of, and to act as a buffer to, the intervening residentially zoned property along with a protective barrier that must be approved by the City Engineer.

- E.** Certain proposed streets, as designated by the City Engineer, shall be extended to the subdivision boundary to provide future connection with adjoining unsubdivided lands.
- F.** Local streets shall be so arranged as to discourage cut through vehicular traffic, while still allowing for pedestrian connectivity. Pedestrian connections shall be provided from buildings to common areas, sidewalks, trails, and to other buildings or portions of the development.
- G.** Subdivision design should provide convenient pedestrian access via sidewalks to transit stops shaded with structures or landscaping along major or collector streets. Refer to the Design Standards Manual for bus pullout and shelter design details.
- H.** Where a proposed subdivision of Medium Density Residential development abuts or contains an existing or proposed Arterial or Collector right-of-way, a non-buildable landscaped tract equaling at least twenty-five (25) in depth should be platted with non-vehicular access easements along the Arterial or Collector right-of-way. The exception to this would be for Rural, Estate, and Low Density Residential Developments where frontage onto Collector roadways may be desirable and/or encouraged.
- I.** Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility, streets of reasonable gradient, and the facilitation of adequate drainage.
- J.** Where private streets are approved, such streets shall be constructed to City public street standards and specifications and shall be placed into specific “street tracts” of land. Statements shall be contained on the plat and in both the Deed Restrictions and the Homeowners Association By-laws that those streets are declared private subject to an easement authorizing use by emergency and public service vehicles and utilities, and remain the permanent responsibility of the Homeowners Association as designated by the applicant during the final plat approval. If at any time the streets are dedicated to, and accepted by the City, the streets must first be developed to the current standards specified by the City at the time of dedication.
- K.** Alleys may be required in commercial and industrial subdivisions or may be desired in residential developments to facilitate rear loading garages. Where needed, and approved by City Council, they shall be a minimum of twenty-four (24) foot in width for commercial and industrial and a minimum of twenty (20) foot in width for residential alleyways. See the Design Standards Manual for further detail.

Section 14-6-8 Lot Planning

- A. Single-family residential lots shall not have a depth-to-width ratio greater than three to one (3:1). Special lot designs that do not meet this requirement may be permitted through the P.A.D. process on a case-by-case basis.
- B. Prior to final plat approval the City may require additional documentation, including but not limited to engineered concept plans, for lots with questionable development ability.
- C. Corner lots shall generally be designed larger to accommodate the increased setback requirements of the Zoning Ordinance.
- D. Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment may be justified in the opinion of the Zoning Administrator.
- E. Residential lots extending through the block and having frontage on two parallel streets which are both local streets or one of which is a local street and the other is a collector street shall not be permitted; except when there are Commercial or Industrial Zoning Districts on the opposite side of the street and except where approved by the Zoning Administrator.

Section 14-6-9 Street Naming

- A. Street names shall comply with the City of Maricopa Street Naming and Addressing Procedures (S.N.A.P.).

Section 14-6-10 Drainage

Proper and adequate provisions shall be made for disposal of storm water; this shall apply equally to grading of private properties and to public streets.

Section 14-6-11 Sanitary Sewage Disposal

- A. All subdivisions within the City of Maricopa shall install sewer collection lines, and all dwelling units shall be required to connect to the sanitary sewer collection system. If there is no sewer main available, then the applicant must apply to the Sanitary Sewer Provider for sewer extension information. If sewer service is not available and the Sanitary Sewer Provider issues a written waiver approving the use of an alternative sewage disposal system, an alternative sewage disposal system may be approved by the City.
- B. All subdivisions not in the Sanitary Sewer Provider service area shall submit a sewer service plan acceptable to Pinal County Health Department, Arizona Department of Environmental Quality (A.D.E.Q.), and the Sanitary Sewer Provider for possible annexation into the district’s service area.
- C. Refer to the Design Standards Manual for detailed utility requirements

Section 14-6-12 Water System

- A.** Each lot or building unit shall be supplied with potable water in sufficient volume and pressure for domestic use and fire protection purposes. Design and construction of any and all facilities relating to the supply, storage, transmission, treatment and distribution of potable water within or outside of any subdivision must meet with the written approval of the water provider and Maricopa Fire/Medical Department.
- B.** All design and construction must meet all applicable City and A.D.E.Q. specifications and requirements in force at the time of plan review and approval. If it is necessary for the City to apply specifications or requirements not in force at the time of plan review, but necessary to achieve the orderly and proper development of any portion of the water system, the City reserves the right to enforce such specifications and requirements to insure and protect the public welfare.
- C.** The developer of a subdivision may be required by the City of Maricopa and/or the water provider to supply to the water system an amount of new water supply and/or storage facilities to offset the demand on the existing or planned water system imposed by owners of property or building units within the subdivision.
- D.** The City assumes no liability for providing water to any proposed or actual subdivision. All water supply within the City is provided by water companies or districts.
- E.** Refer to the Design Standards Manual for further information.
- F.** Fire Hydrants: Refer to the city's latest adopted Fire Department code for fire hydrant location requirements.
- G.** Water distribution lines shall be extended to the boundaries of the plat to provide service connections to abutting unsubdivided land.
- H.** Refer to the Design Standards Manual and Article 402 of the Zoning Ordinance for further information.

Section 14-6-13 Outdoor Lighting

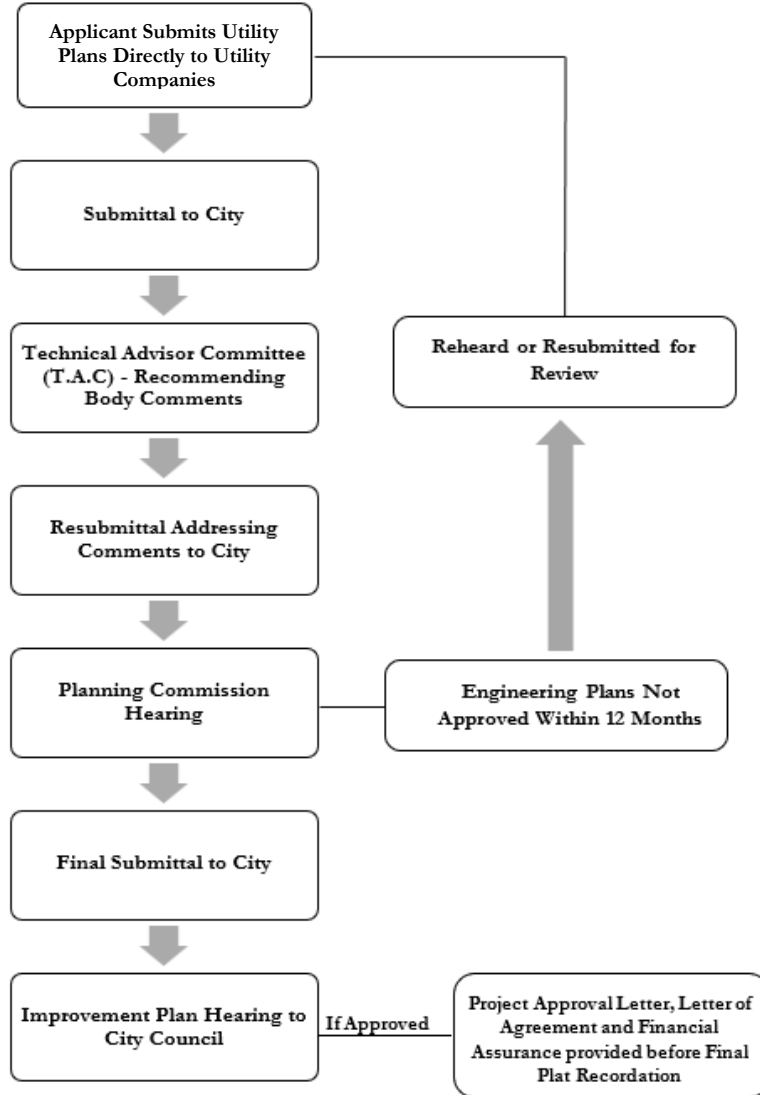
- A.** Regulations and guidelines for outdoor lighting in subdivisions can be found in applicable Zoning Code Article 405 and the Design Standards Manual.

Section 14-6-14 Public Utilities

- A.** Regulations and guidelines for public utilities in subdivisions can be found in the Design Standards Manual.

ARTICLE 14-7 IMPROVEMENT REQUIREMENTS

Improvement Plan Final Plat Review Process



Section 14-7-1 Purpose

The purpose of this chapter of the Subdivision Ordinance is to further describe the subdivision platting and improvement plan approval process. This chapter describes the specific responsibilities of the developer in the design, construction, and financing of the required public improvements and describes the procedures for the improvement plan review and approval, and the construction and acceptance of the required public improvements.

Section 14-7-2 General Provisions

- A. Responsibility - All plans and reports submitted to the City shall be dated, signed and stamped/sealed by the professional who prepared them. Such plans shall be based on the approved preliminary plat and be prepared in conjunction with the final plat and in accordance, with all applicable City, County, or State standards.
- B. An “Architectural Review Board/Committee” shall be established by the HOA/master developer for the entire subdivision as part of the Covenants, Conditions and Restrictions (C.C.&R.’s).
 - 1. The process, by which all architectural plans within the subdivision are submitted and reviewed by the board/committee, shall be established in writing by the master developer.
- C. Utilities - The developer shall be responsible to make the necessary arrangements with each of the serving utility companies (i.e. water, sewer, electric, gas, telecommunications etc.) involved for the installation of the underground facilities, including payment of all deposits, fees and miscellaneous expenses.
 - 1. Utility improvement plans for all utilities shall be submitted directly to the respective utility companies.
- D. Scale - The scales chosen for plans shall be such that existing features, proposed construction and any other information to be provided will be depicted in a clear and concise manner. Refer to the Design Standards Manual for horizontal and vertical scale of water system, sewer system and street paving improvements.
- E. Failure to resubmit plans which address all of the T.A.C. comments, or subsequent redline comments, within six (6) months of the T.A.C. meeting shall cause the application to be null and void and fees will not be refunded. An extension to go beyond the six (6) months may be granted at the Zoning Administrator’s discretion.

Section 14-7-3 Preliminary Plat Requirements

- A. **Responsibility** - The applicant shall be responsible for paying all improvement plan/report review fees at the time of plan/report submittal. The applicant shall be responsible for paying all costs for the installation of the improvements as a stipulation of zoning and/or preliminary plat which shall include at a minimum, but is not limited to, the following improvements:
 - 1. Sanitary Sewer System
 - 2. Water Supply System
 - 3. Grading, Drainage, and Drainage Structures
 - 4. Streets (public and private) and Access Ways
 - 5. Alleys (where applicable and approved)
 - 6. Utilities (electric, telephone, cable television, gas, Fiber Optic/Communications Network, if applicable)
 - 7. Traffic Signals, Street Lights (where applicable and approved)
 - 8. Monuments and Signage

9. Landscaping and Streetscape
10. Sidewalks, Pedestrian and Multi-Use Trails
11. Street, Pedestrian, Trail Lights

It shall be the responsibility of the applicant to have an Arizona Registered Professional Engineer, in the correct discipline, prepare a complete set of engineering plans and reports for construction of all required improvements and an Arizona Registered Landscape Architect prepare a complete set of landscape plans.

- B. Landscape Plans** - A preliminary landscape-plan, prepared a Registered Landscape Architect, shall be submitted as part of the Preliminary Plat Application. Refer to the Design Standards Manual for information on specific submittal requirements.
- C. Drainage Report** - A preliminary drainage report shall be submitted as part of the Preliminary Plat Application, and shall at a minimum contain information as required in the Design Standards Manual.
- D. Traffic Impact Analysis** - All traffic impact analysis shall be completed by a Registered Arizona Professional Engineer with adequate experience in traffic/transportation engineering. A traffic impact analysis shall be submitted as part of the Preliminary Plat Application and shall adhere to the guidelines in the Design Standards Manual.
- E.** Refer to Section 14-4 “Platting Procedures and Requirements” for additional submittal requirements of the preliminary and final plat. All submittals shall be formatted in accordance with the Design Standards Manual.

Section 14-7-34 ~~Submittal~~ Final Plat Requirements

- A. Streets and Public Easements** - All streets and public easements within the boundary lines of the subdivision shall be improved to the minimum cross-sections, grades, and standards outlined in the City of Maricopa Design Standards Manual. If there are extenuating circumstances the City Engineer may approve modifications.
- B. Utilities** -Letters from each of the serving utility companies indicating that said arrangements have been made shall be submitted to the Development Services Department at the time the improvement plans and final plat are submitted. Refer to the Design Standards Manual for further information.
- C. Monuments** - Permanent survey monuments shall be installed along the right-of-way lines, in accordance with current City standards ~~and~~ at all corners, angle points, and points of curvature. Refer to the Design Standards Manual for further information.
- D. Water and Sewer**
 1. Water and sewer improvement plans may be submitted shown on the same set of plans.
 - a. The water and sewer improvement plans must also be shown on the paving plans.

- b. Approval numbers signature block for Arizona Department of Environmental Quality (A.D.E.Q.) approval shall be provided on the front page of the water and sewer improvement plans as well as on the Storm Water Pollution Prevention Plans (S.W.P.P.P.) shall provide the Arizona General Permit of Intent Registration Number (A.Z.C.O.N.) prior to the issuance of a permit.
 - c. It shall be the applicant’s responsibility to obtain approval signatures from A.D.E.Q.
 - d. See the Design Standards Manual for additional requirements.
2. Separate grading and drainage plans shall be submitted.
- E. Refer to Section 14-4 “Platting Procedures and Requirements” for additional submittal requirements of the final plat. All submittals shall be formatted in accordance with the Design Standards Manual.
 - F. Specified plans and reports for final plat, along with the required fees, shall be submitted to the Development Services Department. Refer to the Design Standards Manual and City of Maricopa Fee Schedule and Submittal Requirements Checklist for Improvement Plan submittal requirements.
 - G. The final plat shall be in recordable form showing all information including dedication statement, signature blocks, and other notations as necessary. The Pinal County Recorder signature block shall be included on every page of the Final Plat.
 - H. Subsequent submittals of improvement plans and reports will require that the comments be submitted in the same format as in the initial submittal ~~requirements~~.
 - I. Final Landscape, Recreation and Open Space Plan - A final landscape, recreation and open space plan shall be prepared by an Arizona Registered Landscape Architect and/or Registered Professional and shall be submitted as part of the final plat and improvement plan submittal. Refer to the Design Standards Manual for information on specific submittal requirements.
 - J. Final Drainage Report - A final drainage report (see City of Maricopa Submittal Requirement Checklist for submittal requirements number of copies) shall be submitted as a part of the improvement plan submittal for all developments. The report shall be a complete report and not an addendum to the preliminary drainage report. The format shall be as previously described required in the Design Standards Manual and Pinal County Drainage Manual.
 - K. Final Traffic Report - The traffic report submitted and approved with the preliminary plat will be considered to be final unless significant changes are made to the previously approved plat. This Final Approved Traffic Report shall be submitted with the final plat. If significant changes occur (lot quantity, lot size, land use, street network, functional classification, etc.) or if adjacent development has impacted the proposed development, an amended traffic report shall be submitted and approved for the re-subdivision.
 - L. Water Analysis Report - A water analysis report shall be submitted along with the improvement plan submittal that meets the requirements in the Design Standards

Manual and the water provider.

- M.** Sewer Report – A sewer report shall be submitted along with the improvement plan submittal that meets the requirements in the Design Standards Manual and the utility provider.
- N.** All of these reports shall be reviewed and approved by the City Engineer or consultant experts designated by the City Engineer.
- O.** Improvement Plan Review Process
 - 1.** The project Engineer shall submit utility improvement plans (i.e. gas, electric and telecommunications) directly to the utility companies serving the development. All fees for review of the plan(s), reports, and other submittals shall be paid by the applicant (see City of Maricopa Fee Schedule for specific fees). Design and/or review fees, for all utilities, shall be paid to the respective utility companies (per utility company fees and policies).
 - 2.** The City staff will review the submittal for accuracy, completeness, compliance with stipulations made by the Planning Commission or City Council, requirements of the Technical Advisory Committee (T.A.C.), and conformance with all City Codes.
 - 3.** Failure to resubmit plans which address all of the T.A.C. comments, or subsequent redline comments, within six (6) months of the T.A.C. meeting shall cause the application to be null and void and fees will not be refunded. An extension past the six (6) month period may be granted at the Planning Director’s discretion.
 - 4.** Redline c Comments, including ED3/APS the electric provider preliminary design plan, will be returned to the applicant’s Engineer and Landscape Architect of Record for corrections, additions, revisions and in the case of the ED3/APS electric provider, plan for conflict checks.
 - 5.** Subsequent submittals of the improvement plans and reports shall also include a response letter from the applicant for the latest review redline set of plans/comments. It shall be the applicant’s responsibility to resubmit the ED3/APS electric provider preliminary design plan after it has been checked by the applicant’s Engineer for potential conflicts.
 - 6.** Within ninety twelve (90 12) days months from the date of City Council approval, and prior to the recording of the Final Plat and Covenants, Conditions and Restrictions (CC&R’s), the following items must be submitted:
 - a.** A project approval letter, signed by the City Engineer, stating that all of the subdivision improvement plans and reports have been approved by the City
 - b.** A project approval letter, signed by the Administrator, stating that any and all required agreements between the City and applicant have been executed

- c. A letter of agreement from the serving utilities stating the availability of utilities and the approval of improvement plans for the subdivision
 - d. The required “Financial Assurance for Construction”
 - 7. If the engineering plans have not been approved within ninety twelve (12) months, solely due to reasons on the part of the applicant, the Council may City shall require that the final plat be reheard pending current or additional fees or resubmitted for review for current applicable codes if greater than twelve (12) months have passed.

P. Assurances by Developer

1. Agreement by Developer

- a. The subdivision improvements in an approved development may be constructed in practical increments in accordance with a Council approved Phasing Plan subject to provisions for satisfactory drainage, traffic, circulation, utilities, landscaping and other elements of the total development plan.
- b. The improvements shall be constructed in accordance with plans approved by the City Engineer, State agencies and utility companies and shall be completed within an agreed specific time period.
- c. The developer shall give adequate Financial Assurance for Construction for each phase in accordance with this Ordinance and to the satisfaction of the City Engineer and City Attorney.
- d. Once a construction permit has been issued for improvements under the Financial Assurance of Construction, work shall proceed without interruption until the City Engineer accepts the improvements.
- e. Any work shown on approved plans that has been abandoned for a period of twelve (12) months or not completed by the developer in accordance with an agreed upon time period, may be completed by the City, which then may recover the construction costs from the developer.
- f. When in the opinion of the City and the developer, it is in the best interest of both parties to delay installation of development, required improvements to coincide with adjacent work, the City Council may elect to accept payment of the estimated cost of said improvements in-lieu of construction by the developer. The timing of this payment will be specified in a Council approved Phasing Plan.
- g. Financial Assurances of Construction
 - i. The City Council shall require that the applicant provide cash, a performance bond from a corporate surety licensed to do

business as a surety in Arizona, an irrevocable letter of credit, or funds in escrow at the time of application for final subdivision approval in the amount sufficient to secure to the City the satisfactory construction, installation, and dedication of the required improvements. The amount of the financial guarantee shall be no less than 120 percent and no more than 150 percent of the cost of the installation and materials necessary to complete the subdivision, depending on conditions.

- ii. Such financial guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution, as set forth in this Ordinance. The periods within which required improvements must be completed shall be incorporated in the financial guarantee and shall not, in any event exceed two (2) years from the date of final approval. The City shall require that ten (10%) percent of the gross total cost of public improvements be retained by the City for the duration of the warranty period which begins from the “Date of Acceptance” of said improvements by the City Council.
 - iii. Whenever it is deemed appropriate or necessary by the City Engineer and the City Council to defer, for an additional two (2) year period, the construction of any required public improvements, because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other suitable reasons, the applicant shall provide renewed assurances based on updated costs as determined by the City Engineer to secure completion of the required public improvements.
- h.** City council may approve a development agreement permitting an existing or new subdivision applicant to delay or modify the financial security requirement set forth in this section. The development agreement shall contain provisions deemed necessary or appropriate by city council to ensure that purchasers of lots have adequate assurance that required subdivision infrastructure necessary to serve that lot will be installed at or prior to development of the lot, including but not limited to provisions that:
- a. Prohibit the sale of any lots, or block of lots, without prior approval of the City Manager, or Deputy City Manager, Zoning Administrator and City Engineer until such time as:
 - i. Financial securities have been posted for all required subdivision improvements; or
 - ii. The subdivision improvements, or phased portion thereof (as approved by the Zoning Administrator and City Engineer), have been completed and accepted by the city, and a maintenance bond meeting the requirements of the city has been posted.

- b. Prohibit the issuance of any building permits until such time as:
 - i. Water infrastructure has been installed, tested and hydrants operational and
 - ii. Paved access exists up to the boundary of the parcel and
 - iii. An approved temporary fire apparatus access road exists to each lot being permitted.
- c. Allow for the city to require the construction of all, or a portion, of the required subdivision improvements as a condition to allowing for non-financial security for the subdivision plat, including but not limited to:
 - i. Perimeter walls,
 - ii. Perimeter landscaping,
 - iii. Perimeter streets and sidewalks.
- d. Permits the partial release of assurances as isolated portions of subdivision infrastructure have been completed, provided that the remaining assurance is sufficient, in the opinion of the city engineer, to complete all remaining required improvements.

Section 14-7-5 Construction and Inspection

- A. All improvements whether public or private shall be constructed to the latest Uniform Standard Specifications for Public Works Construction as written and promulgated by the Maricopa Association of Governments (M.A.G.), the latest standards and specifications adopted by the City, or standard specifications of the utility provider; whichever is greater.
- B. All improvements shall be constructed with the inspection and approval of the City Engineer. Refer to the Design Standards Manual for information on specific requirements.

Section 14-7-6 Subdivision Improvement Acceptance

- A. General - Upon completion of all subdivision improvements and installation of monumentation the City Engineer will perform a final inspection and review the final reports and “as-built” drawings for approval.
- B. Final Inspection - At completion of the project a final inspection shall be requested with the City Engineer. See procedures in the Design Standards Manual.
- C. Final Report - A final report shall be submitted upon completion of the project. The final report shall be compiled by the applicant’s engineer and shall meet the guidelines in the Design Standards Manual.

- D.** Warranty Period on Public Improvements - The warranty period begins on the day that the City Council accepts the public improvements. At a minimum a warranty period of one (1) year for all utilities, roadway pavement and structure, landscaping and other public improvements shall apply to all subdivision improvements; however the warranty period may extend beyond that time period as determined by the City Engineer. During the warranty period the applicant is responsible for repair work to any of the public improvements. The City Engineer will periodically inspect the public improvements and will notify the applicant of the necessary repair work. The applicant is responsible for having the repair work completed prior to the end of the warranty period. Upon completion of the warranty period and acceptable repair of any necessary warranty items the remainder of the financial assurances retained by the City will be released.

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Article 207 Planned Area Development District

Sections:

207.01	Purpose
207.02	Applicability
207.03	General Provisions
207.04	Zoning Map Designation
207.05	Modify Development and Land Use Regulations
207.06	Minimum PAD Elements
207.07	Procedures
207.08	Review of Plans

207.01 Purpose

- A. The specific purpose of the Planned Area Development (PAD) District is to provide opportunities for creative and flexible development approaches—that accommodate, encourage, and promote innovatively designed developments involving a mixture of residential and/or non-residential land uses not prescribed within the zoning districts of the City.
- B. This zoning designation recognizes that adherence to the bulk and use specifications contained elsewhere in this Ordinance would prevent the application of such unique developments. Therefore, where PAD zoning is deemed appropriate or necessary, traditional zoning regulations are replaced by standards and design which fulfill the objectives of the Maricopa General Plan.
- C. The PAD zoning designation may be tailored to meet the specific development representations of an applicant, relative to permitted uses, design standards, and other details. Hence, a single PAD district may vary considerably from another district as they are evaluated and reviewed individually in accordance to their respected standards within.
- D. Such a planned development may be designed as a large-scale separate entity, able to function as an individual community, neighborhood, or mixed-use development; as a small-scale project which requires flexibility because of unique site circumstances or design characteristics; or as a transitional area between dissimilar land uses.

207.02 Applicability

- A. The size for any development utilizing the PAD process shall be a minimum 10 acres.

- B. The City Council may approve a PAD District that contains less than 10 acres upon a finding that special site characteristics exist and that the proposed development will result in specific community benefits.
 - 1. Any PAD less than 10 acres shall be at least 5 acres and for land uses other than conventional detached single-family.
- C. The provisions of this section are applicable to all land within the City limits or proposed for annexation to the City.

207.03 **General Provisions**

- A. **Ordinances.** Applications for a PAD development shall abide by this Zoning Ordinance and the provisions of the Subdivision Ordinance unless otherwise modified by the City Council at the time of zoning approval.
- B. **General Plan.** Residential densities for a PAD shall be consistent with the Maricopa General Plan.
- C. **Special Areas.** When located near a designated Village Center per the General Plan and as determined by staff, the PAD shall incorporate the goals and objectives for the area.
- D. **Open Space Reduction.** If workforce housing is provided, the percentage of open space shall be adjusted to allow the applicant flexibility in their design. In this instance, the minimum open space requirement shall be reduced by 5%. See Article 404.03 for more information about open space requirements.
- E. **Integration.** The project location, design and size are such that the development shall be well integrated with the surroundings, is planned and developed with the intention to harmonize with any existing development in the adjacent neighborhood.
 - 1. Non-residential development should seek to relate, both visually and functionally, with the surrounding neighborhood including providing diversity of land uses, varieties of character and multi-modal connectivity.
 - 2. If the proposed development departs from the community character of surrounding uses, the City may require additional buffering, landscape or setbacks, not to exceed similar zoning requirements, so that it will not be detrimental to adjacent properties.
- F. **Connection.** The PAD shall connect to the rest of the Maricopa community through the use of multi-modal transportation opportunities and the overall design and layout of the development.
- G. **Open space connection.** All PAD developments shall provide a pedestrian circulation system that connects open space areas within the development and creates pedestrian linkages with surrounding residential and commercial developments. Recreation space and multi-purpose pathways are employed as means to allow employees or customers from the adjacent neighborhood to access shopping, jobs and recreational opportunities for a healthy lifestyle.

- H. Transitional buffering.** Provide separation setbacks, landscaping, walls or mixed-use areas to provide privacy and soften the impacts and edges between non-residential and residential areas where required.
- I. Impact mitigation.** Noise, glare, dust, and industrial emissions should be abated to acceptable residential levels at residential property lines. Exposure to hazardous materials of any type is prohibited outside of enclosed, controlled environment structures.
- J. Lot Size Variation.** Not one residential lot size category shall comprise more than 60% percent of the lots on PADs of 50 acres or more.
- K. Minimum Land Uses.** The PAD shall incorporate a variation of lot sizes and land uses according to Table 207.03 PAD Minimum Land Uses.

TABLE 207.03: PAD MINIMUM LAND USES		
<i>Minimum Acres</i>	<i>Minimum Residential Lot Types</i>	<i>Minimum Number of Land Uses</i>
0-49	1	1
50-100	2	1
101-200	3	2
201-499	3	3
500+	4	3

- (1) For the purposes of this Ordinance “distinctly different” shall be defined as a minimum of 1,100 square foot differential in lot area in combination with a lot width differential of 10 feet.
- (2) Open space is not an acceptable land use under the minimum required. See Article 404.03 for open space requirements.
- (3) Land Use Types for the purposes of this chart are defined as: Residential, Commercial, Office, Mixed-Use, Public Institutional, or Industrial.
- (4) The Planning and Zoning Commission, upon recommendation by the Zoning Administrator may reduce the minimum number of land uses if it is determined the site provides linkages and connectivity to adjacent existing varied land uses.

- L. Design Standards.** The homebuilder and/or parcel buyer shall be encouraged to develop “Master Architectural Design Standards & Guidelines”. The standards developed for the PAD shall not be any less than the minimum standards outlined in Maricopa’s Single Family Residential Design Guidelines when provided.
- M. Diversity.** Provide distinctive design and architectural diversity through creative and efficient site design in exchange for open space, increased recreational opportunities, and architectural enhancements and landscaping.
- N. Association.** All PAD developments shall form a master association (i.e. Homeowner’s Association, Property Management Association, Condominium Association, etc.)
- O. Design.** Adhering to the minimum design requirements prescribed within Section 207.06 is applicable to all proposed PAD’s.
- P. Zero Lot Line.** Zero lot line setbacks may be allowed under the following circumstances;
 - 1. The setback on the adjacent lot must be either 0 feet or 5 feet with an aggregate of 10 feet or greater.

2. The opposite side yard of no less than 10 feet must be kept perpetually free of permanent obstructions such as a storage shed or fence without a gate.
3. Similar zero lot line exceptions can be made for the rear yard for detached garages, but not for both the side and rear yards of the same lot.

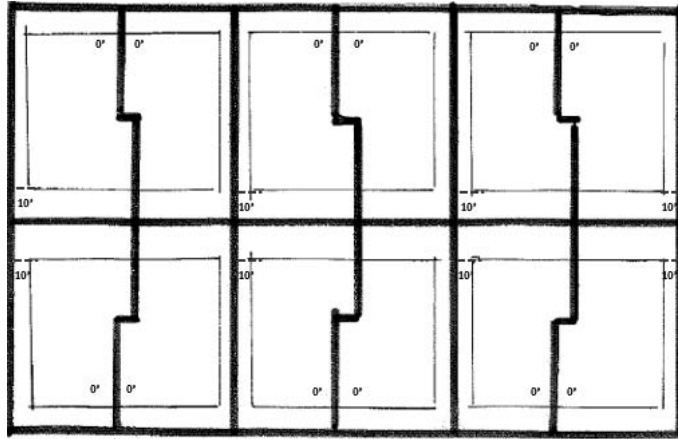


FIGURE 207.06: ZERO LOT LINE SETBACKS

207.04 Zoning Map Designation

A PAD District shall be noted on the Zoning Map by the designation “PAD,” followed by the Case Number based on order of most recent adoption.

207.05 Modifying Development and Land Use Regulations

A. Permitted Uses.

1. Permitted uses shall be established by the approved PAD Plan. Land uses within a PAD District must be consistent with the General Land Use Plan, Land Use Category definitions, and policies of the Maricopa General Plan.
2. No use other than the uses called out within a PAD District shall be permitted and any use not listed within the PAD is considered a non-permitted use. Adding a new permitted use shall be reviewed administratively for meeting the intent of the PAD or shall go through the PAD amendment process as determined by the Zoning Administrator.

B. Residential Unit Density. The total number of dwelling units in a PAD Plan shall not exceed the maximum number permitted by the General Plan density for the total area of the PAD designated for residential use, excluding public facilities and permanent open space which is restricted from development by recorded covenants.

C. Other Development Regulations. General standards and regulations of other applicable City ordinances and regulations, including, but not limited to, the City drainage ordinance,

floodplain management ordinance, Subdivision Ordinance and Design Standards Manual shall not be amended by the PAD unless approved by the City Engineer.

1. In considering a proposed PAD, the Commission and/or City Council, with recommendation by the Zoning Administrator, may approve modifications of these provisions. Justification for such modification shall be supplied by the applicant in written form as part of the application submittal.

207.06 PAD Design Elements

A. Applicability. The minimum design elements required is based on the size of the development and the land use type. The design elements listed below in Table 207.05.A and B are intended to guide the applicant on additional design elements to be incorporated into the PAD to provide justification for the deviations within the PAD.

TABLE 207.05.A.: ADDITIONAL RESIDENTIAL PAD DESIGN ELEMENTS	
<i>PAD Development Size (Acres)</i>	<i>Design Element Points</i>
0-49	4
50-100	5
101-200	6
201-499	7
500+	8
TABLE 207.05.B.: ADDITIONAL NON-RESIDENTIAL PAD DESIGN ELEMENTS	
<i>PAD Development Size (Acres)</i>	<i>Design Element Points</i>
0-49	4
50-100	5
101-200	6
201-499	7
500+	8

- (1) Request for lot coverage increase allowed up to 15% requires an additional 4 design elements from the minimum required.
- (2) Request for density increase allowed up to 20% requires an additional 3 design elements from the minimum required.
- (3) Request for reducing minimum lot area, setbacks, maximum building height or development type standards requires an additional 2 design elements from the minimum required.

B. Design Elements. The design elements listed in Table 207.05.C. are intended to guide the applicant on the appropriate required and additional design element options to be incorporated into the PAD. A PAD must justify deviations to the code by incorporating the appropriate number of design elements. As PADs are mixed-use in nature, every element in the table can be applied to the overall design element points received. Deviations of the design elements and rationale must be provided in the Development Narrative.

TABLE 207.05.C.: PAD DESIGN ELEMENTS		
Residential Land Uses		
Required Elements		
	Provide a sense of arrival utilizing landscaping, monumentation, decorative paving etc.	
	Provide a distinctive project theme.	
	Provide view fencing along arterial and collector streets when internal roadway abuts perimeter property line.	
	Buffer the rear property lines for all lots backing onto an arterial street by 10 feet or more (no rear yard setback to be less than 20 feet for single-story and 30 feet for two-story).	
	Provide a minimum 30-foot landscape parkway from R.O.W. line to fence in a common area when lots back onto an arterial street and 5 feet when backed to a local or collector.	
	Provide staggers or other visual breaks in perimeter fence walls at points no longer than 250-foot sections.	
	Provide irregular shaped retention basins, maximum 4:1 slope.	
	Enhance entry features with elements such as community signage, wall themes, and distinct landscape design.	
	Provide detached sidewalks within local ROW's.	
Additional Design Elements		Value
Yards	Provide wider side yards on at least 50% of lots dispersed throughout the subdivision – not less than 20 feet combined width.	1
	Provide deeper rear yard setbacks – 30-feet; 2 story.	1
	Group wider side yards on adjoining lot or arrange lots in another fashion to add diversity.	1
	Stagger front yard setback to achieve a range of 6 feet or more.	1
	Provide a minimum 30-foot total side yard setback width between homes for at least 50% of the total lots distributed throughout the subdivision.	2
Architecture, Landscaping and Open Space	Orient building envelope on corner lots to be angled rather than parallel with side property lines.	1
	Provide alternative garage locations (3.g. rear or side entry, off a private lane, etc.) for 10% of the houses.	2
	Provide alley loaded garage type standard to a minimum of 25% of the subdivision.	3
	Provide alternate driveway surfaces, such as exposed aggregate, tire strips, patterns or textures, etc.	2
	Provide landscape open spaces visible from arterial street and residential street view.	1
	Provide a 38% maximum lot coverage on at least 50% of the total lots, 42% maximum lot coverage on at least twenty-five percent (25%) of lots with the balance of the lots in a subdivision not to exceed forty-five (45%) lot coverage.	1
	Incorporate standard front porches, defined courtyards, or other defined front yard outdoor living spaces of at least sixty percent (60%) of the home elevations	2
	Single-story or combination 1 and 2 story homes on all corner lots.	1
	Limit the amount of 2 story homes along arterial and collector streets to no more than every third lot.	1
	Incorporate varied building height standards.	1
	Incorporate architectural enhancements to community mailboxes for residents such as lighting, shade, bulletin board, etc.	1
	Design and improve retention areas to be usable and ADA accessible.	2
	Add additional amenities interior to the project	2

Streets, Connectivity and Parking	Provide street patterns that minimize the impact of sequential garages, e.g. culs-de-sac, short block lengths, eyebrows, etc.	2
	Commit to a formal street grid with no greater than 1,600 linear feet in block perimeters.	1
	Provide a high level of connectivity, internal and external, to promote multi-modal efficiency and improve public healthy by encouraging physical activity by providing exercise stations throughout the PAD connected by a trail system and at least 140 intersections per square mile.	2
	Offer physically separated bicycle facilities on collector street sections.	2
	Include a pedestrian or bicycle through connection in at least 90% of any new cul-de-sac.	2
	Provide additional guest parking at the end of block or street.	2
	Add street calming elements as approved by Planning and the Transportation departments	1
Community	Provide a variety of mixed residential uses such as apartments, townhomes, detached and attached single family residential, auto courts, green courts, and other residential types.	3
	Designate mixed housing land use types including multi-family units with attention to affordability.	3
	Construct and convey to the HOA a clubhouse which includes an outdoor recreation area and an indoor area for meetings, exercise, entertainment, etc.	1
	Promote human comfort by providing shaded areas, courtyards, colonnades, and other areas as site amenities.	1
Sustainability	Building orientation that responds to climate and enables passive/active solar strategies and energy efficiency techniques.	1
	Use low-impact storm water design to reduce the size of retention basins.	2
	Provide a permanent and viable growing space or related facility such as greenhouses or raised bed gardens.	1
	Maintain washes in a natural state with native vegetation and topography	2
	Maintain the sites natural topography and features (only applicable to sites with topography changes greater than 5% across the site)	2
	Any other subdivision feature not listed as approved by the Zoning Administrator.	1

Non-Residential Land Uses		
Required Elements		
	Provide four-sided architecture especially for portions of building visible from arterial street.	
	Incorporate architectural and landscape elements at the pedestrian level.	
	Enhanced rear elevations along arterial and collector streets and open spaces.	
	Variety of roofing colors, textures, and shapes where available.	
	Durable exterior materials and finishes (brick, masonry, stone, stucco facades).	
	Provide at least 1 body color and 2 accent colors and/ or accent materials for each commercial, office or industrial building.	
	Provide at least 4 building materials and finishes (brick, masonry, metal, stone, stucco facades, etc.).	
	Break-up the main ridgelines on roof slopes.	
	Front building entrances accentuated by architectural elements, lighting and/ or landscaping. All front doors that open to the outside are well lit and visible from the street, parking area or neighboring units.	
Additional Design Elements		Value
Architecture, Landscaping and Open Space	Provide all front doors with one or more of the following usable entry transition elements attached or otherwise integrated: covered porches; arbors; pergola; low-walled, shaded front patio areas and courtyards.	2
	Highlight the character of the development by displaying signage and art displays appropriate to the development theme to act as a focal point.	2
	Prohibit series of roof slopes visible from arterial street, which are parallel with, or perpendicular to the street by limiting no more than two (2) adjacent lots having identical rear elevation roof lines.	1
	Incorporate varied building height standards.	1
	Vegetative screening, in addition to walls and fencing, when a residential subdivision is adjacent to a neighborhood commercial development.	1
	Architectural enhancements to transit stops such as lighting, shade, etc.	2
	Include outdoor furniture, shade structures to enhance pedestrian comfort, low-water use fountains to passively cool immediately adjacent outdoor areas, cool towers in appropriate areas, low water use shade tree bosque, lighting along sidewalks.	2
Streets, Connectivity and Parking	Along streets, maximize the experience of the pedestrian by providing fifty percent 50% shade along walkways, upgrading the walkway surface with decorative pavement, or using distinctive landscaping that integrates changes in grade, boulders, and accent flowering shrubs and ground covers.	3
	Minimize parking impact by locating parking on the sides or rear of building and not in front.	3
	Provide bike racks and lockers to accommodate for 15% of the anticipated users	2
	Shade 20% parking lots with permanent shade structures.	2

Community	Provide incubator space, ample opportunities and an array of resources or service programs to secure small/local business development; locate in close proximity to residential land uses.	1
	Commit to providing a publicly accessible meeting place (i.e. shops, cafes, makerspace, co-working, public square) that is within a ½ mile walk of 3 different land uses.	1
	Leverage unique site assets to yield market advantage for job creation. Show feasibility study within PAD Narrative.	2
	Integrate commercial and light manufacturing in ways to foster local production and market.	1
Sustainability	Install minimum 72 cell photovoltaic solar panel(s) to community building or parking shade structures over a minimum of 40% of parking spaces for PADs with 25 parking spaces or more or over a minimum of 30% of parking spaces for PADs with 24 spaces or less.	3
	Install pervious paving materials to 2 public parking areas to reduce storm water runoff.	2
	Any other design features – porte-cochere, extended porches or approved “Green” building design element approved by the Zoning Administrator as meeting the intent of the PAD.	1

207.07 Procedures

Please refer to Article 510 of this Code for PAD District administrative procedures. A PAD District must be adopted by the City Council as a rezoning, according to the procedures and criteria of Article 510, and the provisions of this Article. An application for a rezoning to the PAD District shall be accompanied by a PAD Plan, which will be processed according to the procedures and criteria in Article 510, and the provisions of this Article. Additional provisions for Planned Area Development subdivisions are in the Subdivision Ordinance.

207.08 Review of Plans

All applications for a PAD District shall be prepared and reviewed in accordance with this Code and the applicable provisions of the Subdivision Ordinance, the City of Maricopa Parks, Trails and Open Space Master Plan and all other applicable policies of the City. Once a PAD Plan has been approved through the zoning procedures established in Article 510 of this Code, all future improvements on the property governed by the PAD Plan shall follow the standards and approval criteria in the 500 Series, Administration and Permits, unless specifically modified by the approved PAD Plan. No project may be approved and no building permit issued unless the project, alteration, or use is consistent with the approved PAD Plan.

Article 510 Planned Area Development Procedure

Sections:

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510.01 Purpose

In accordance with Article 207 of this Code, the Planned Area Development (PAD) District is intended to work in support with the Subdivision. Where PAD zoning is deemed appropriate or necessary, unique zoning regulations are created for the PAD to fulfill the objectives of the General Plan. Individual PAD Districts may be tailored to meet the specific development representations of an application. Hence, one PAD District may vary considerably from another PAD District. This Article provides procedures for establishing a PAD District sites in the City consistent with the General Plan.

510.02 Applicability

PAD Districts may be applied to undeveloped or underdeveloped land in the City, including land proposed for redevelopment, and shall be processed as a Zoning Map amendment under the provisions of Article 509. The procedures in this Article shall apply to all proposals to establish a new PAD District and to all proposals to amend specific provisions of pre-existing PAD Overlays approved under the prior Code, in which case the procedures in this Article shall apply to the specific provisions being modified. Properties covered by a recorded Development Agreement shall not require compliance with provisions of this Zoning code, if the provisions are superseded by the Development Agreement.

510.03 Procedures

- A. **Applications:** Applicants for a PAD development shall be required to submit, for City approval, a “Preliminary Development Plan”.
- B. **Rezoning:** Any rezoning necessary for the development of a PAD shall be processed prior to or in conjunction with an application for a preliminary plat.
- C. **Decision-Making Body.** A PAD District must be adopted by the City Council in accordance with the public notice and review procedures of Section 509.03 of this Code. A public hearing before the Planning & Zoning Commission and City Council is required, and the Planning & Zoning Commission shall make a recommendation to the City Council prior to City Council consideration.
- D. **Procedure.** See Section 502 of this Ordinance for notification and hearing procedure.
- E. **Review Procedures.**
 - 1. **Rezoning.** An application for rezoning to a PAD District shall be processed as an amendment to the Zoning Map and shall include a PAD Plan.
 - 2. **PAD Plan.** The PAD Plan shall be accepted and processed as a part of and in the same manner as an amendment to the Zoning Map, although additional information is required to be submitted in order to determine that the intent of this Code, the Subdivision Ordinance, and the General Plan will be fulfilled. A PAD Plan is defined as the documents accompanying a PAD rezoning application and may include, but not limited to: a land use plan, a phasing plan, an open space and landscaping plan, engineering documentation and reports, a narrative explaining the proposal and expressing the design and character of the proposed development, development standards and uses, and any other documentation and imagery intended to support the proposed development being requested as identified in Section 510.03D. Once approved, the conditions of approval become a part of the PAD Plan, unless otherwise specified.
 - 3. **Preliminary Subdivision Plat.** A PAD may be submitted, processed, and reviewed prior to or concurrently with the submission of a preliminary subdivision plat application pursuant to Chapter 14 of the City Code, but no permits may be issued unless or until the PAD has been approved and a final plat has been approved and recorded with the Pinal County Recorder’s Office.
- F. **Initiation.** An amendment to reclassify property to a PAD District shall be initiated by a property owner or authorized agent or a motion of the Planning & Zoning Commission or the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.

G. **Application Content.** An application for a PAD, made on the prescribed form, shall be filed with the Development Services Department, accompanied by the required fee. Applications shall contain all of the following:

1. **Legal Description.** A legal description of the site and a statement of the gross number of acres, or square feet if less than one acre, contained therein.
2. **Title Report.** A title report not more than 60 days old verifying the description and the ownership of the property.
3. **Project Narrative.** A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed development, including proposed uses and activities, proposed residential densities if appropriate, and the general conformance of the proposed PAD to the General Plan.
4. **Development Schedule.** A development schedule, including anticipated timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses, and an indication of the proposed number and type of dwelling units and open space by phase of development, if applicable.
5. **Maps and Diagrams.** Maps, diagrams, and other graphics necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. These graphics shall at a minimum indicate:
 - a. A map showing the perimeter boundaries of the project site, the ownership, the location and dimensions of any existing property lines and easements within the site, and all uses and structures within a 300-foot radius of the project area boundaries;
 - b. Demonstration that development is in conformity with the Maricopa Parks, Trails and Open Space Master Plan, the City's most current adopted transportation plans, and the General Plan, including but not limited to circulation of proposed movement of vehicles, goods, and pedestrians within the district and to and from adjacent areas, streets and driveways, sidewalks and pedestrian ways, transit stops, and off-street parking and loading areas;
 - c. A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed;
 - d. A detailed tabulation of the proposed number of lots, the lot dimensions, maximum building coverage including height(s),

minimum setbacks, landscaped areas, and parking spaces provided and required;

- e. A “Master Outdoor Lighting Plan” for all areas of the proposed development, including but not limited to pedestrian travel areas; and
- f. A “Master Signage Plan”, including the size and location of all proposed signs and deviations from the sign code if applicable.

- 6. ***Open Space and Landscaping Plan.*** An existing and proposed open space and landscaping plan including landscape concept and type of plant materials, recreation area, parking, service and other public areas used in common on the property and a description of intended improvements to and responsible party of the open space area maintenance, such as the HOA or City (if expressly agreed to by City).
- 7. ***Other Information.*** All provisions required by Article 207 of this Ordinance and any other information deemed necessary by the Zoning Administrator to ascertain if the project meets the required findings for a PAD Plan.

510.04 Required Findings

A PAD Plan and the re-zoning of a PAD District shall only be approved if all of the following findings are made:

- A. The proposed development is consistent with the General Plan, the Subdivision Ordinance, and any applicable specific plan or master plan, including the density and intensity limitations that apply;
- B. The subject site is physically suitable for the type and intensity of the land use being proposed;
- C. Adequate transportation facilities and public services exist or will be provided in accordance with the conditions of PAD plan approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
- E. The development complies with applicable adopted design guidelines; and
- F. The proposed development carries out the intent of the Planned Area Development provisions by providing a more efficient use of the land and an excellence of

architecture and site design greater than that which could be achieved through the application of the base district regulations.

G. Residential densities shall be determined on the basis of the following:

1. The densities of the surrounding development;
2. The urban development goals and other policies of the General Plan;
3. The topography and character of the natural environment;
4. The impact of a given density on the specific site and adjacent properties.

H. Minimum Lot Area. Single-family residential developments may propose lotting arrangements with a portion of the site in parcels with less than a 5,000 square foot lot area when achieving a minimum of 6 points from the PAD Design Element Table.

I. Modify Development Land Use Regulations

1. ***Criteria for Modifications to Default Standards.*** At a minimum, the following criteria when evaluating all requests for modifications to Zoning Ordinance Standards and/or General Development Standards:

- a. The modification is consistent with the application of design requirements designated in the PAD;
- b. The modification will result in a project design that meets or exceeds the design goals and guidelines as expressed by the PAD; and
- c. The modification results in a building of superior architectural design, as determined by building form and massing, use of materials and colors, and relationship of the building to the building site;
- d. The modification is in accordance with the City of Maricopa adopted Building Code and adopted Design Standards Manual, as may be applicable.

2. ***Applicable Zoning Code.*** Development standards not established within the PAD Plan shall refer to the applicable zoning code.

510.05 Conditions

In approving a PAD Plan, the City Council may impose reasonable conditions deemed necessary to:

- A.** Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;

- B. Achieve the general purposes of this Code;
- C. Achieve the findings listed in Section 510.04;
- D. Mitigate any potentially significant impacts identified as a result of review of the proposed PAD Plan; or
- E. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Code are met.

The City Council may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

510.06 Amendments of Approved Plans

- A. **Changed Plans.** Amendments to a PAD District or PAD Plan may be requested by the applicant or its successors. Amendments to an approved PAD Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Zoning Administrator shall determine if the proposed amendment constitutes a major or minor amendment.
- B. **Major Amendments.** Any major amendment to the PAD shall be reviewed by the Zoning Administrator to determine if the proposed changes will be processed as a new application, or an amendment to the existing plan requiring modifications to only portions of the PAD Plan. An amendment will be deemed major if it involves one or more of the following changes:
 1. A change in the exterior boundary of the PAD District that is 10% or more of the existing PAD boundary;
 2. An increase in the number of dwelling units for the PAD District that is more than 10 percent greater than the maximum stated in the PAD Plan;
 3. A 10% increase in trip generation per a Traffic Impact Analysis (TIA) report;
 4. Any change in parks, public recreation areas, or school sites that is likely to negatively impact or burden the City's ability to provide parks and recreational facilities or the school district's ability to serve the future school-age population;
 5. Any change in phasing or timing that would have a significant impact on the completion of infrastructure improvements, parks, public recreation areas or school districts;
 6. Any change in land use or density that is likely to have a negative impact or create a burden on public facilities and utilities infrastructure;
 7. Any change resulting in a 20 percent or more increase in the allowable height of buildings, or increase to the number of stories allowed;

8. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PAD District or the overall major street system, as determined by the City Engineer; or
9. Any other proposed change to the PAD Plan or the conditions of approval that substantively alters one or more of its components with potentially significant adverse consequences, as determined by the Zoning Administrator.

C. Minor Amendments. Amendments not meeting one or more of the criteria listed in Subsection (B) above shall be considered minor if they are consistent with the original findings and conditions of approval. Minor Amendments may be approved by the Zoning Administrator. The Zoning Administrator may, at his/her discretion, refer any request for an amendment to a PAD Plan that may generate substantial public interest to the Planning & Zoning Commission for a decision. Amendments to an approved PAD are considered minor and may be approved by the Zoning Administrator. Minor PAD amendments include, but are not limited to:

1. Changes in phasing, including the size and number of housing units in individual development units provided there is not a significant change in the overall development program that results in an increase in the number of units and/or non-residential floor area.
2. Any change resulting in less than a 20 percent increase in the allowable height of buildings.
3. Changes in the location and size of a school site provided the appropriate school district approves such a change in location and acreage.
4. Changes in the location and size of individual park sites provided the total park acres is not reduced and City standards for park service areas continue to be met with such changes.
5. Changes in the location or alignment of proposed roadways and other plan modifications to comply with adopted City policies. Should the proposed changes potentially impact surrounding uses, the Zoning Administrator shall determine if the request is processed as a Major or Minor Amendment.

510.07 Planned Area Development Plan Review

Development Plans for a PAD shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PAD Plan and any conditions of approval. No project may be approved, and no building permit issued unless the project, alteration or use is consistent with an approved PAD.

510.08 Failure to Comply with Conditions

Failure to comply with any PAD permit condition or development schedule is a violation of this Article and subject to Article 512, Enforcement. The Planning & Zoning Commission or City

Council may suspend the applicant's permit until such time as the applicant conforms to the conditions thereof.