

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 that 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 that 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 that 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, that of 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 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, landscaping and more.

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 Trail:** A paved or improved surfaced trail, located outside of a street right-of-way, utilized for bicycle, pedestrian or other non-motorized traffic. Public utility maintenance vehicles may be permitted use if joint access is allowed.~~

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.

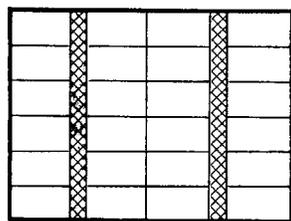
Building Setback Line: The required minimum distance, as prescribed by the City Zoning Ordinance, between the property line and the closest point of any building or structure.

~~**Bus Stops (School):** A curbside area designated for passengers for transit boarding and disembarking for transit. A small three-sided building or structure may be included to provide shelter for waiting passengers. designated by the School District as needed for the convenience and safety of the students and public per Arizona Administrative Code (A.A.C.) R17-9-104.~~

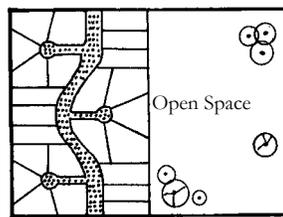
Chord: A straight line joining two points on a curve.

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 that approval will be forthcoming with satisfaction of certain specified conditions or stipulations.

Condominium (~~See also Time-Share Unit~~): 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, ~~a Master Plan Development (M.P.D.)~~ 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.

Developer (~~See also Subdivider~~): A person, firm, partnership, joint venture, trust, syndicate, association, corporation, limited liability company or other legal entity who desires to improve or otherwise engage in any development of property within the City of Maricopa, including the owner of the property; except that an individual serving as agent for such legal entity is not a developer.

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 ~~developer~~ 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: Soil, rock, or other material, ~~deposited at a location by man~~ deposited by humans that raises the grade at that location.

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 that 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.

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, and instructions and procedures to be followed in the construction of public or private improvements in the City of Maricopa that 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 which has been established by a plat, recorded subdivision or otherwise established by some legal instrument of record which is described and denoted as such.

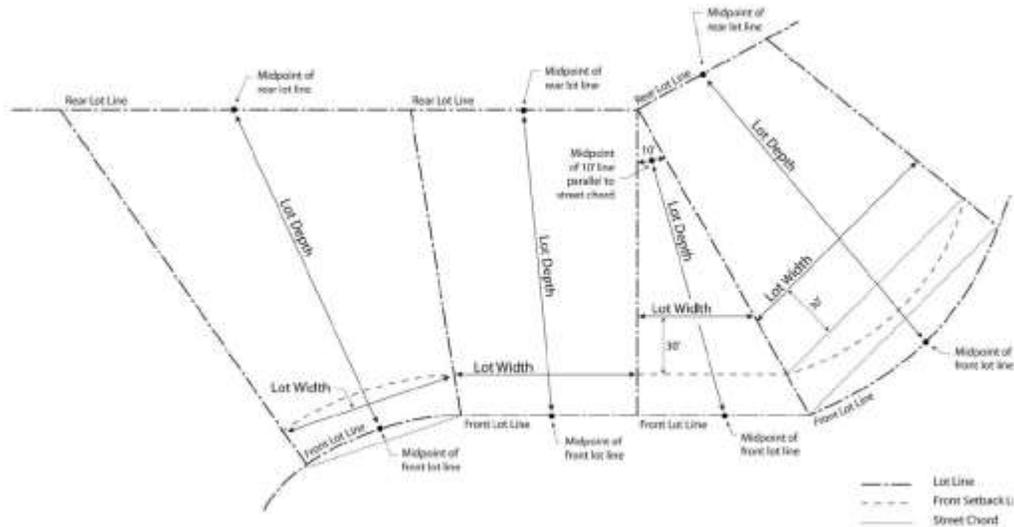
Lot Area: The area of a horizontal plane within the lot lines of a lot but not including any area in a public way.

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.

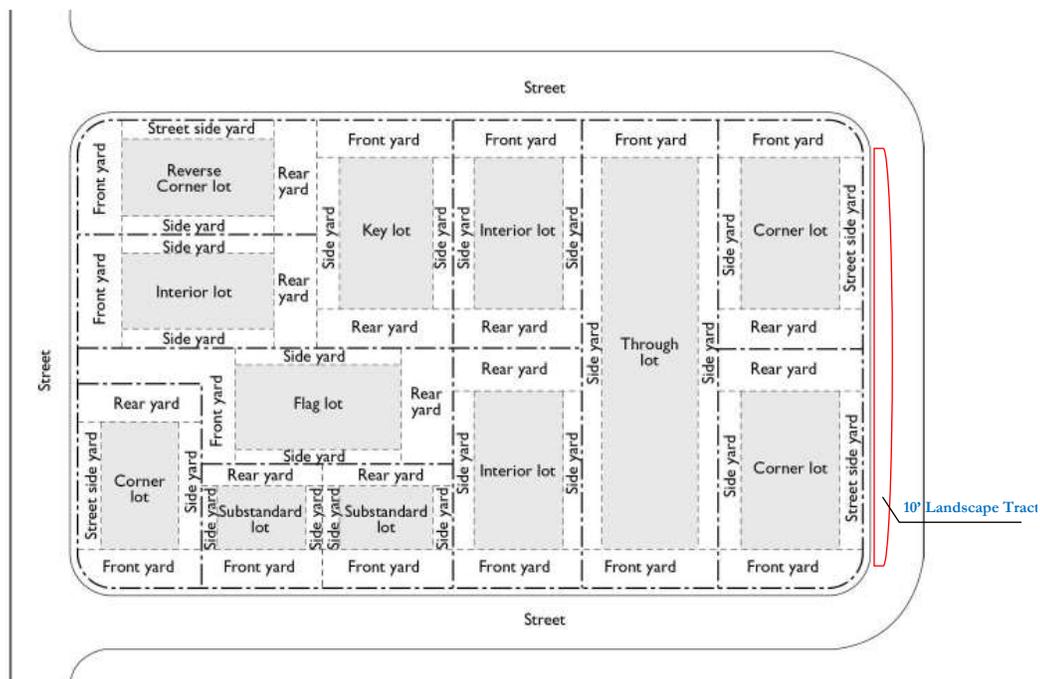


LOT WIDTH AND DEPTH

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: ~~A. For rectangular lots, †~~ Lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard setback line on a line parallel to the street or street chord; ~~B.~~ For lots on the inside of the curve of a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front yard setback line on a line parallel to the street or street chord.



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). ~~A lot located at the intersection of two (2) or more streets.~~ 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 its side lot line in common with the rear lot line of the corner lot and fronting on the street that forms the side boundary of the corner lot. (See above illustration).

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.

~~**Master Plan Development (M.P.D.):** A mandatory plan for any development that is 320 or more contiguous acres and/or will be a multi-phased development of a large or complicated development application which provides information and graphics meeting the requirements of the Zoning Ordinance and an overall master plan meeting the requirements of the Subdivision Ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed development. Each of the progressive stages of platting and development of a Master Plan Development shall be subject to Commission review and recommendation and Council approval.~~

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 ~~the area existing or required for~~ arterial or collector street right-of-way dedications and school/public site reservations. When calculating residential net acres within a ~~Master Plan Development (M.P.D.);~~ **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: Open space areas required for the preservation and conservation of plant and animal life, including habitat for wildlife species; and areas required for ecological, cultural and other scientific study purposes for long-term public benefit.

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 and 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, ~~golf courses~~, 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.

~~**Pedestrian Trail:** A paved or improved surfaced trail, located which may be located inside or outside of a street right of way, utilized for bicycle, pedestrian or other non-motorized traffic. Public utility maintenance vehicles may be permitted use if joint access is allowed.~~

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 ~~30~~ 10 but less than ~~320~~ acres ~~total~~ 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 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 ~~Commission or~~ 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 ~~developer~~ **the applicant** and municipal representatives that affords ~~developer~~ **the applicant** the opportunity to present their proposals informally and discuss the project and address any items of controversy or requirements 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 is owned and maintained by an individual or group of individuals and has been improved in accordance with City standards and plans approved by the City Engineer. A private access way is intended to apply where its use is logically consistent with a desire for neighborhood identification and control of access, and where special design concepts may be involved, such as within **master planned developments**, planned unit developments and condominiums.

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 Works Department: The Public Works 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 at the rear of retail, 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.** ~~The locations of arterial streets are designated in the Maricopa General Plan.~~

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, primarily by the owners or occupants of the common parcel, and necessary service and emergency vehicles, but from which the public may be excluded.

Subdivider (*See also Developer*): A person, firm, corporation, partnership, limited liability company, association, syndicate, trust, or other legal entity that files the application and initiates proceedings for a subdivision in accordance with the provisions of this ordinance and statutes of the State of Arizona, except that an individual serving as agent for such legal entity is not a developer; and said developer need not be the owner of the property as defined by this ordinance. The City Council may itself prepare or have prepared a plat for the subdivision of land under municipal ownership.

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, community apartment, 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 Unit (*See also Condominium*): A right of occupancy in a time-share project, ~~condominium or multiple residence unit~~, 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 area primarily for small children, usually no older than elementary school age.

Townhouse: A building on its own separate lot containing one (1) dwelling unit that occupies 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. Public utility maintenance vehicles may be permitted use if joint access is allowed.

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 Corp 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 written statement ~~assuring from the water company, providing water to the subdivision, that states~~ 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.