

## **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, Master Plan Developments (M.P.D.), 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. Except as specifically ~~provided to the contrary in this ordinance~~ **called out**, each review and approval required ~~by this ordinance~~ shall be independent of every other review and approval, and ~~no review or approval shall be deemed to waive or satisfy any other requirement set forth herein~~ **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 ~~developer~~ **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 thereof in accordance with this ordinance.
- 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 in accordance with this ordinance.
- 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 in accordance with the provisions of this ordinance or in violation of this ordinance.

## 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 ~~Master Plan Development (M.P.D.)~~ 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, in its judgment, 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 Planning Director, 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 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 improvements that are adequate and 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 Development Services Director may be administratively processed through the City Engineer, Zoning Administrator or the Board of Adjustment to provide clarifications and amendments.

## Section 14-2-7 Enforcement and Penalties

### A. Enforcement

1. It shall be the duty of the Zoning Administrator and all officers of the City of Maricopa to enforce all the provisions of these regulations. The Administrator shall examine premises for which permits have been issued, and shall make necessary inspections to assure compliance with the provisions of these regulations. The Administrator shall, when requested by the City Council, or when the interests of the City require, make investigations in connection with any matter referred to in this Subdivision Code. For the purpose of enforcing compliance with law, the Administrator shall issue notices or orders as may be necessary. Any subdivision, land split, minor land division or other use of property in violation of this Subdivision Code shall be prevented or restrained through appropriate action instituted by the City in accordance with ARS Section 9-463.01, 9-240.B28 and 9-240.B29.

2. The Administrator may also take administrative action against violators which may include posting or recording public notices of violations of this Code, and the refusal to accept plats or applications for building permits while violations are occurring or during the pendency of court proceedings on alleged violations.
3. The Administrator may also request that the court issue an injunction against a violator to prevent further violations or irreparable harm to persons or property when the circumstances warrant it.

**~~B. Criminal Penalties~~**

- ~~1. Any person, firm, corporation, or other legal entity who violates any provision of this ordinance shall be guilty of a class one (1) misdemeanor, punishable as set forth in this ordinance and state law.~~
- ~~2. Each failure to obtain a required permit, clearance, certification, review, approval or inspection shall constitute a separate violation.~~

**~~C. Civil Penalties~~**

- ~~1. Any person, firm, corporation, or other legal entity who violates any provision of this ordinance shall be subject to a civil penalty as an alternative method of enforcing this ordinance.~~
- ~~2. No person shall be subject to a criminal penalty for a violation enforced under the civil penalty provision of this section.~~
- ~~3. The amount of the civil penalty for the violation of this ordinance shall be determined by the City Magistrate, subject, however, to the directions of the City Council which may, but is not required to, establish a schedule of such penalties. Said penalties shall not exceed the amount of one thousand (\$1,000) dollars for an individual or ten thousand (\$10,000) dollars for an enterprise for each offense. Each and every day that a violation of this ordinance is committed, continued or permitted to exist may constitute a separate offense.~~
- ~~4. Any person alleged to be subject to a civil penalty under this section shall be entitled to an administrative hearing regarding their liability and a review of that decision by the City Council if requested in writing within seven (7) days of the decision at the administrative hearing. The administrative hearing shall take place before the City Magistrate, subject to any rules of procedure for the same as may be adopted by the City Council from time to time.~~
- ~~5. The imposition of a civil penalty shall not exempt the offender from compliance with the requirements of these regulations.~~

Note: Regulatory items are planned to be relocated within other applicable sections of the zoning code.

## **Section 14-2-8      Conflicting Provisions**

- A.**      Where, in any specific case, 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.