

ORDINANCE NUMBER 05-07

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AMENDING CHAPTER 14 OF THE MARICOPA CITY CODE RELATING TO SUBDIVISION REGULATIONS ADDING DEFINITIONS PERTAINING TO OPEN SPACE, TOT LOTS AND TRAILS, ADDING DESIGN STANDARDS FOR BICYCLE LANES AND ADDING NEW SECTION 407 "OPEN SPACE REQUIREMENTS AND DESIGN STANDARDS."

WHEREAS, Chapter 14 of the Maricopa City Code adopted by reference the "Pinal County Subdivision Regulations," as its Subdivision Code, subject to certain amendments thereto; and

WHEREAS, after review and recommendation by the City's Planning and Zoning Commission and Staff, it appears that further amending the Subdivision Code to include new definitions regarding open space, tot lots and trails, adding design standards for bicycle lanes and adding new Section 407 "Open Space Requirements and Design Standards," would be in the best interests of the efficient development of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF MARICOPA, ARIZONA AS FOLLOWS:

Section 1. The Maricopa Subdivision Code, as previously amended, is further amended as follows:

A. Article II - Definitions, is amended by adding the following definitions:

Sec. 215 "OPEN SPACE". Any parcel or area of land or water, natural or improved, and set aside, dedicated, designated, or reserved for public or private use and enjoyment.

Sec. 216 "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.

Sec. 217 "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.

Sec. 218 "OPEN SPACE, PUBLIC". An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school district, state or county agency, or other public body for recreational or conservational uses.

Sec. 219 "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, playgrounds, golf courses, bicycle trails (but not bike lanes), pedestrian trails (not residential sidewalks), trail heads and parks.

Sec. 220 "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.

Sec. 221 "TOT LOT". An improved and equipped play area primarily for small children, usually no older than elementary school age.

Sec. 222 "TRAIL, MULTI-USE". A hard surfaced trail designed for all types of non-motorized use. These trails should be ten (10) feet in width, and constructed of either concrete or an all-weather surface such as rubberized asphalt, or similar material.

Sec. 223 "TRAIL, UNPAVED". A designated trail designed to accommodate primarily equestrians, off-road bicycles, and pedestrian users. These trails should be a minimum of ten (10) feet in width except for equestrian trails which should be fifteen (15) feet in width.

Sec. 224 "TRAILHEAD". A trailhead serves as the beginning point of a trail and must include parking, trail information, trash receptacles, water, sanitary facilities and shade structures/ramada.

B. ARTICLE IV – DESIGN STANDARDS, is amended by adding the following sections:

1. Sec 400.14 Bicycle lanes are designated on-street facilities that shall be provided on arterial and collector streets. Within all new developments a bike lane no larger or smaller than 6.5 feet shall be constructed on main collector roads throughout the development and arterial streets adjacent to the development. All bike lanes shall be marked with a white stripe no wider than five inches and clearly marked "bicycles only."

2. Sec 407 OPEN SPACE REQUIREMENTS AND DESIGN STANDARDS.

A. General Open Space Requirements. The purpose of these open space regulations is to provide for open space, recreational opportunities and trails within each subdivision and connectivity to the greater community.

1. Regardless of the density of the individual developments, single family residential subdivisions, and condominium or multi-family subdivisions shall be required to provide open space, provide buffering to adjacent developments, provide landscaping, and provide physical connections to adjacent neighborhoods and to community open space networks and trail systems.

2. 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 are defined as: total acres exclusive of the area required for arterial or collector street right-of-way dedications and school/public site dedications. Further, in calculating the net acres for residential developments all commercial and/or industrial acreage shall also be excluded. Required open space for all types of subdivisions shall be as prescribed in the following TABLE 1 or per the Council approved M.P.D. or P.A.D.; whichever is greater.

TABLE 1 - OPEN SPACE REQUIREMENTS

TYPE OF DEVELOPMENT	REQUIRED PERCENTAGE OF OPEN SPACE
Rural Residential (CR-1A and larger)	0 %
Residential (CR-1)	10 %
Residential (CR-2)	15 %
Residential (CR-3)	20 %
Multi-Residential (CR-4 and CR-5)	100% 1 st Floor F.A.R. 50% 3 rd Floor F.A.R.

3. The development, through the Planned Area Development (P.A.D.) process as described in Article 33 of the City of Maricopa Zoning Ordinance, upon the requisite findings, may vary the minimum lot area and minimum lot width from the standards specified in the zoning district(s), in effect over the area considered for the subdivision provided that such variations are approved by the City Council prior to or in conjunction with the preliminary plat approval for the subdivision. Every P.A.D. shall provide a minimum of twenty percent (20%) of the net acreage as open space unless otherwise approved by the City of Maricopa through the PAD review process.

4. The development, through the Master Plan Development (M.P.D.) process as described in Article 33 of the City of Maricopa Zoning Ordinance, shall provide a minimum of twenty percent (20%) of the net acreage as open space unless otherwise 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.

5. Through the P.A.D. or M.P.D. approval process the City of Maricopa may reduce the required amount of open space, but never to an amount less than 15%, if the P.A.D. or M.P.D. meets the intent and the design requirements of Article IV; and, when locating and designing open space, careful consideration is given to the surrounding natural and man made elements by designing view corridors preserving and creating focal elements; providing trails and connectivity to adjacent developments; locating open space to be visually and/or physically useable, accessible and safe; and designing open space for a wide variety of activities for all ages such as walking, sports, neighborhood events, etc.

6. 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 be maintained by the Homeowners Association (HOA) except for when the park has been accepted, by the City of Maricopa, into the City Park System for maintenance responsibilities.

7. Those portions of the Maricopa Trail System, as identified in the General Plan for the City of Maricopa or otherwise, 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 subdivider/developer 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, should/may be dedicated to the public upon completion of the improvements. Public access easements may be required to provide access to the Maricopa Trail System from public parks and open spaces and, where appropriate, from the private parks within the residential developments when adjacent to the Maricopa Trail System.

8. Park lands and those portions of an individual development's open space system should be developed adjacent to the Maricopa Trail System whenever possible and provide linkages to the greater Maricopa Trail System. Construction of the development's park lands and the open space areas shall be the responsibility of the subdivider/developer 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 unless otherwise approved by the City of Maricopa.

B. Open Space Design Standards.

1. If the subdivision is part of a Master Plan Development (M.P.D.) or a Planned Area Development (P.A.D.), which has been approved by the City of Maricopa, the open space requirements and amenities shall be in accordance with the provisions of the approved M.P.D. or P.A.D.

2. Open space, in general, could include landscaped or hardscaped plazas, any parking area landscaping that exceeds that which is required by the Zoning Ordinance, fountains, and sitting areas all meant to provide an open park like atmosphere. Also playgrounds, golf courses, parking lots for trail heads and/or for the neighborhood/subdivision parks (not parking lots required for other uses), bicycle trails (not bike lanes within the public right-of-way), pedestrian trails (not residential sidewalks integrated with the curb), equestrian tracts and trail heads. Not more than fifty (50) percent of the required open space shall be attributed to golf course use or ancillary golf uses. Open space does not include parking areas (except those specified elsewhere in this Section 407), retention/detention basins that are concrete lined or non-landscaped, vacant or undeveloped lots.

3. At a minimum sixty percent (60%) of the required open space for any development should be developed as "useable" open space with the recreational amenities needed to support the new neighborhood demand incorporated into that open space.

4. The open space areas shall be designed in such a manner as to be easily accessible to all lots. Accessible means that there is no more than 1/6 of a mile or 880 feet of pedestrian travel between any one lot

and an entrance area allowing people, bikes or equestrians to enter into the open space area or view the open space area.

5. 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 (½) acre, shall be designed, turfed and equipped to accommodate a play/sport field rather than being landscaped with decomposed granite. All other recreational facilities, play equipment, and amenities shall be located above the 50-year 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.

6. Multi-use trails and unpaved trails shall be used to interconnect the neighborhood parks of a development to one another and to the Maricopa Trail System. 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.

7. 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 paths may also be within or over local utility easements/corridors in order to allow utility access while achieving neighborhood connectivity.

8. Developments adjacent to the community open space network and/or trail system of the Santa Rosa Wash and the Santa Cruz Wash may be required to provide a public trailhead and/or a staging area depending upon the location and type of development and the adjacent community amenities.

9. All P.A.D. developments shall provide a trail system connecting internal open spaces, external trails and destination points.

10. 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 above the 50 year storm if located within a retention or detention area.

11. Tot Lot playground surface must consist of sand and a rubberized material, commonly referred to as "tot turf," in the designated fall zones as designated in or by the playground equipment manufacturer's specifications.

12. Wood chips shall not be a permitted material for use within the Tot Lot area.

13. All grass installed in a development for general landscape use and for open space must be hypo-allergenic sod or stollons (no seed).

14. A ramada within an Open Space areas must be constructed with stone columns or other durable material of equal quality, as approved

by the Planning Director, and a solid roof structure, such as but not limited to, standing seam metal, corrugated metal, concrete tile, clay tile or similar roof material. They must also include a BBQ grill, a minimum of two tables, and two trash cans.

15. 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 that is set-back at least ten (10) feet from the sidewalk and twenty (20) feet from a body of water.

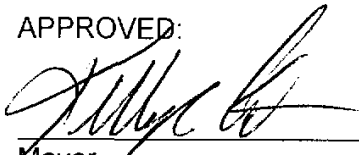
Section 2. To the extent of any conflict between other City Ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing City Ordinance, Resolution or regulation except as expressly set forth herein.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. This Ordinance shall become effective thirty (30) days after its adoption.


PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 12th day of July, 2005.

APPROVED:



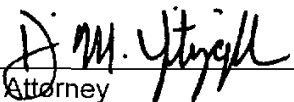
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney