

ORDINANCE NO. 23-35

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND ENTITLED “2023 AMENDMENTS TO SECTION 18.050.060: INTRODUCTORY PROVISIONS, SECTION 18.95.050: PROHIBITIONS, SECTION 18.120.240: GROUP HOMES, SECTION 18.140.160: INTERPRETATIONS, SECTION 18.160: VARIANCES, AND SECTION 18.205.020: LIST OF DEFINITIONS” BY REFERENCE TO AMEND THOSE SECTIONS OF THE MARICOPA CITY CODE AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.

WHEREAS, the City previously adopted Ordinances which established rules and regulations for a Hearing Officer to be the initial decision maker in certain circumstances, rather than a Board of Adjustments; and

WHEREAS, after review, City staff determined that the Maricopa City Code needed to be updated related to the role of the Hearing Officer; and

WHEREAS, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending Section 18.050.060: Introductory Provisions, Section 18.95.050: Prohibitions, Section 18.120-240: Group Homes, Section 18.140.160: Interpretations, Section 18.160: Variances, and Section 18.205.020: List of Definitions, of the City Code to update the rules and regulations related to the role of the Hearing Officer would be in the best interest of the City of Maricopa; and

WHEREAS, A.R.S. §9-802 allows a City to adopt a public record by Ordinance as a means to reduce publication costs while ensuring that the public gets fair notice and opportunity to review its operative provisions.

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

SECTION 1. Those certain documents filed with the City Clerk and entitled “2023 Amendments to Section 18.050.060: Introductory Provisions, Section 18.95.050: Prohibitions, Section 18.120-240: Group Homes, Section 18.140.160: Interpretations, Section 18.160: Variances, and Section 18.205.020: List of Definitions” as set forth in Exhibits A through L, attached hereto and incorporated herein by reference, is hereby declared a public record. One paper copy and one electronic copy of Exhibits A through L shall be maintained in compliance with A.R.S. § 44-7041 and available for public inspection during normal business hours in the Office of the City Clerk and shall be available on the City’s website at: www.maricopa-az.gov.

SECTION 2. Section 18.050.060: Introductory Provisions, Section 18.95.050: Prohibitions, Section 18.120-240: Group Homes, Section 18.140.160: Interpretations, Section

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18.160: Variances, and Section 18.205.020: List of Definitions of the Maricopa City Code are hereby amended as set forth in Exhibits A through L, and that the amendments depicted therein are hereby approved and adopted.


SECTION 3. 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 4. 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 5. This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

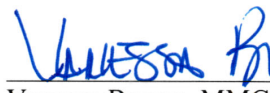
PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 18th day of July, 2023.

APPROVED:



Nancy Smith
Mayor


ATTEST:



Vanessa Bueras, MMC
City Clerk



APPROVED AS TO FORM:



Denis Fitzgibbons
City Attorney

Pursuant to A.R.S. 9-802(A), EXHIBITS A through L are on file at:

**Office of the City Clerk, City of Maricopa and
www.maricopa-az.gov.**

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Strikethrough = Deletion

Red Font = Proposed Change

18.05.060 Rules of transition – Effect of this code on approved projects and projects in process.

Administration of this title is not intended to modify or in any way replace the preexisting zoning district regulations or Planned Area development (PAD) overlay districts and subsequent approvals that were granted prior to the adoption of this zoning code. In the event of a conflict between the provisions of this title and the preexisting code and approvals, the applicant may request a formal interpretation and may appeal the decision to the ~~board of adjustment~~ **Hearing Officer** subject to MCC [18.140.160](#). The following rules shall apply to all properties in the city on the effective date of the zoning code:

A. *Violations Continue.* Any violation of the zoning code previously in effect will continue to be a violation under the zoning code and shall be subject to penalties and enforcement under Chapter [18.190](#) MCC, Enforcement, unless the use, development, construction, or other activity complies with the provisions of this zoning code.

B. *Projects with Approvals or Permits.*

1. *Building Permit Issued Prior to Effective Date of the Zoning Code.* Any building, structure, or sign for which a lawful building permit is issued prior to the effective date of the zoning code may be completed in conformance with the permit and other applicable permits and conditions, even if such building, structure, or sign does not fully comply with the zoning code. If construction is not commenced in compliance with the applicable terms, the building official may grant an extension pursuant to the provisions of the building code adopted by the city. If the building, structure, or sign is not completed in conformance with the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed, or occupied only in compliance with this zoning code.

2. *Building Permit Application Filed Prior to Effective Date of the Zoning Code.* Any building, structure, or sign for which a completed building permit application is filed prior to the effective date of this zoning code may be issued a building permit if found to be in compliance with the zoning code existing at the time of application and may be constructed in compliance with the building permit and other applicable approvals, permits, and conditions, even if such building, structure, or sign does not fully comply with the zoning code. If construction is not commenced in compliance with the applicable permit terms, the building official may grant an extension pursuant to the provisions of the city's building

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code. If the building, structure, or sign is not completed pursuant to the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the zoning code.

3. *Site Plan Review Approved Prior to Effective Date of the Zoning Code.* A project that received site plan review (a development review permit under this zoning code) approval prior to the effective date of this zoning code may file an application for a building permit in compliance with the site plan review and conditions of approval, even if the project does not comply with the provisions of this zoning code. Upon approval of the construction plans, a building permit may be issued. The site plan review approval for projects approved prior to the effective date of the zoning code shall be valid for two years from the effective date of this code, unless otherwise specified in the existing conditions of approval. A time extension may be permitted upon submission of a completed application, fee, and other documentation requested at the zoning administrator's discretion. All requests for extensions shall be reviewed for compliance to the existing development standards of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations of this code shall prevail. All requests for extensions shall be processed in the same manner as the original approval. Requests may be denied, approved, or approved with new or modified conditions by the original approving authority. Site plan approvals that expire shall require submittal of a new development review application and shall comply with the provisions in subsection (D)(3) of this section.

4. *Preliminary Subdivision Plat Approved Prior to Effective Date of the Zoning Code.* A project that has a preliminary plat approved prior to the effective date of this zoning code may file an application for a final subdivision plat and improvement plan approval in compliance with the provisions of the zoning district in which the site is located, the standards and conditions of approval of the PAD overlay if applicable, and MCC Title 17, Subdivisions. If a final plat application is not filed prior to the date of preliminary plat expiration, the preliminary plat shall expire unless a time extension is requested. A time extension may be permitted upon submission of a completed application, fee, and other documentation requested at the zoning administrator's discretion. All requests for extensions shall be reviewed for compliance to MCC Title 17, Subdivisions, the existing development standards

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of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations of this code shall prevail. All requests for extensions shall be processed in the same manner as the original approval. Requests may be denied, approved, or approved with new or modified conditions by the original approving authority. Subsequent preliminary plat applications not located in a preexisting PAD overlay shall comply with this zoning code. Subsequent preliminary plat applications located in a preexisting PAD overlay shall comply with the provisions in subsection ~~(D)~~(4) of this section.

5. *Use Permit Approved Prior to Effective Date of this Zoning Code.* A project that received a use permit prior to the effective date of this zoning code may file an application for a building permit, even if the project does not fully comply with the provision of this zoning code. If a building permit application is not filed within two years of the date of use permit approval, the use permit shall expire. In the event a building permit was previously issued, however not all development has been completed and no valid building permit exists upon the effective date of this code, the undeveloped portions of the use permit shall expire. No time extensions shall be permitted. New use permit requests and expired use permits shall comply with the provisions of this zoning code, unless the property is located in a zoning district and PAD overlay in existence prior to the effective date of this zoning code. All such requests shall be reviewed for compliance to the development standards of the existing zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations of this code shall prevail. 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.

C. *Planning Applications Filed Prior to and Approved After the Effective Date of the Zoning Code.*

1. *Applications for Site Plan Review and Use Permits Submitted Prior to and Approved After the Effective Date of this Zoning Code.* Complete applications filed prior to the effective date of this zoning code may be approved under the provisions of this code upon request of the applicant. Applicants may elect to develop under the provisions of the prior zoning code,

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but in that case shall comply with all provisions of the prior zoning code and PAD overlay if applicable. If a building permit application is not filed within one year of the date of approval of the site plan review or use permit the approval shall expire unless otherwise specified in the conditions of approval.

a. If a building permit application is not filed within one year of the date of approval, the approval shall expire unless otherwise specified in the conditions of approval. A time extension may be permitted upon submission of a completed application fee, and other documentation requested at the zoning administrator's discretion.

b. All requests for extensions shall be reviewed for compliance to the existing development standards of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations of this code shall prevail. Extension requests may be denied, approved, or approved with new or modified conditions by the original approving authority.

2. *Applications for Preliminary Plats Submitted Prior to and Approved After the Effective Date of this Zoning Code.* Complete applications filed prior to the effective date of this zoning code may be approved under the provisions of this code. Applicants may elect to develop under the provisions of the prior zoning code, but in that case shall comply with all provisions of the prior zoning code and PAD overlay if applicable. If the final subdivision plat and associated improvement plans are not filed within two years of the date of the preliminary plat approval, the approval shall expire.

a. If a final plat application is not filed prior to the date of preliminary plat expiration, the preliminary plat shall expire, unless a time extension is requested and approved. A time extension may be permitted upon submission of a completed application fee, and other documentation requested at the zoning administrator's discretion.

b. All requests for extensions shall be reviewed for compliance to the existing development standards of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations

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of this code shall prevail. Extension requests may be denied, approved, or approved with new or modified conditions by the original approving authority.

3. *Applications for Use Permits Submitted Prior to and Approved After the Effective Date of this Zoning Code.* Complete applications filed prior to the effective date of this zoning code may be approved under the provisions of this code. Applicants may elect to operate a use under the provisions of the prior zoning code, but in that case shall comply with all provisions of the prior zoning code and PAD overlay if applicable. If building permits and improvements specified under conditions of approval are not filed within the time specified in the approval, the approval shall expire. New use permit requests and expired use permits shall comply with the provisions of this zoning code, unless the property is located in a zoning district and PAD overlay in existence prior to the effective date of this zoning code. All such requests shall be reviewed for compliance to the development standards of the existing zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations of this code shall prevail. 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.

4. *Applications for Rezoning and PAD Overlay Amendments Filed Prior to and Approved After the Effective Date of this Zoning Code.* Rezoning and/or PAD overlay amendment applications filed prior to the effective date of this zoning code shall be governed by the provisions, standards and conditions of approval of the preexisting zoning district and PAD overlay and shall follow the applicable procedures identified in Division 5, Administration and Permits, unless the applicant elects to comply with the applicable procedures of the prior zoning code. In either case, the balance of the property within a preexisting PAD overlay shall retain its preexisting zoning district and the conceptual land use plan, provisions, standards and conditions of approval of the PAD overlay unless otherwise requested by the applicant. In the event an applicant requests compliance to any provisions of this zoning code, all provisions of this zoning code shall apply to the amendment request. 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.

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a. In the case of an application for rezoning, if the applicant elects to comply with this zoning code, the parcel shall be rezoned to one or more zoning districts established in this code. Should the applicant elect to comply with the prior zoning code, the parcel shall be rezoned to one or more of the zoning districts of the prior zoning code.

b. In the case of an application for an amendment to a preexisting PAD overlay, if an applicant elects to comply with this code, the amendment procedure shall follow the applicable provisions of this code. Should the applicant elect to comply with the prior zoning code, the amendment process shall follow the provisions identified in the prior zoning code.

D. Development of Projects in a Zoning District and Planned Area Development Overlay Approved Prior to the Effective Date of this Zoning Code. The zoning district designations and the Planned Area Development (PAD) Overlay zoning district existing prior to the adoption of this zoning code are retained. Subsequent planning applications within the boundary of a preexisting PAD overlay shall comply with the approved conceptual land use plan, standards, conditions of approval and, in the case of residential zoned property, the approved Residential Design Guidelines and MCC Title [17](#), Subdivisions. The development standards and requirements of this zoning code shall apply only if not specifically modified by the PAD overlay or specifically regulated by the prior zoning code. 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.

1. *Rezone Applications Filed After the Effective Date of this Zoning Code.* If a parcel is rezoned after the effective date of this zoning code, the parcel shall be rezoned to one or more of the zoning districts of this code. If the parcel is part of a preexisting PAD overlay, the balance of the property within the PAD overlay shall retain its preexisting zoning district and the conceptual land use plan, provisions, standards and conditions of approval of the PAD overlay. City council may rescind or amend prior approved zoning or PADs per A.R.S. [§ 9-462.01](#).E. If the preexisting zoning and PAD overlay have been rescinded by city council, all planning applications shall comply with this zoning code.

2. *Amendments to Preexisting PAD Overlays After the Effective Date of this Zoning Code.* Amendments to preexisting PAD overlays shall comply with the provisions of this zoning code

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3. *Development Review Permit Applications Filed After the Effective Date of this Zoning Code.* Site plan approvals that have expired, requiring submittal of a new development review permit application shall comply with the existing development standards of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this zoning code, the regulations of this zoning code shall prevail.

4. *Preliminary Subdivision Plat Applications Filed After the Effective Date of this Zoning Code.* Preliminary subdivision plat approvals that have expired, requiring submittal of a new preliminary plat application, shall comply with the existing development standards of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this zoning code, the regulations of this zoning code shall prevail.

E. *Planning Applications Filed After the Effective Date of the Zoning Code and Not Covered by Preexisting Zoning and PAD Overlay or development agreement.* All new applications for rezoning, development review permits, use permits, Planned Area Development (PAD) zoning district or PAD plan approval, and preliminary subdivision plats filed after the effective date of this zoning code, including modifications and amendments to those new applications, shall conform to the provisions of this zoning code. [Ord. 14-12 § 1; Res. 14-36 § 101.06.]

The Maricopa City Code is current through Ordinance 23-09, passed March 7, 2023.

Disclaimer: The city clerk's office has the official version of the Maricopa City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.maricopa-az.gov](http://www.maricopa-az.gov)

[City Telephone: \(520\) 568-9098](tel:(520)568-9098)

[Code Publishing Company, A General Code Company](#)

18.05.060 Rules of transition – Effect of this code on approved projects and projects in process.

Administration of this title is not intended to modify or in any way replace the preexisting zoning district regulations or Planned Area development (PAD) overlay districts and subsequent approvals that were granted prior to the adoption of this zoning code. In the event of a conflict between the provisions of this title and the preexisting code and approvals, the applicant may request a formal interpretation and may appeal the decision to the Hearing Officer subject to MCC [18.140.160](#). The following rules shall apply to all properties in the city on the effective date of the zoning code:

A. *Violations Continue.* Any violation of the zoning code previously in effect will continue to be a violation under the zoning code and shall be subject to penalties and enforcement under Chapter [18.190](#) MCC, Enforcement, unless the use, development, construction, or other activity complies with the provisions of this zoning code.

B. *Projects with Approvals or Permits.*

1. *Building Permit Issued Prior to Effective Date of the Zoning Code.* Any building, structure, or sign for which a lawful building permit is issued prior to the effective date of the zoning code may be completed in conformance with the permit and other applicable permits and conditions, even if such building, structure, or sign does not fully comply with the zoning code. If construction is not commenced in compliance with the applicable terms, the building official may grant an extension pursuant to the provisions of the building code adopted by the city. If the building, structure, or sign is not completed in conformance with the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed, or occupied only in compliance with this zoning code.

2. *Building Permit Application Filed Prior to Effective Date of the Zoning Code.* Any building, structure, or sign for which a completed building permit application is filed prior to the effective date of this zoning code may be issued a building permit if found to be in compliance with the zoning code existing at the time of application and may be constructed in compliance with the building permit and other applicable approvals, permits, and conditions, even if such building, structure, or sign does not fully comply with the zoning code. If construction is not commenced in compliance with the applicable permit terms, the building official may grant an extension pursuant to the provisions of the city's building

code. If the building, structure, or sign is not completed pursuant to the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the zoning code.

3. *Site Plan Review Approved Prior to Effective Date of the Zoning Code.* A project that received site plan review (a development review permit under this zoning code) approval prior to the effective date of this zoning code may file an application for a building permit in compliance with the site plan review and conditions of approval, even if the project does not comply with the provisions of this zoning code. Upon approval of the construction plans, a building permit may be issued. The site plan review approval for projects approved prior to the effective date of the zoning code shall be valid for two years from the effective date of this code, unless otherwise specified in the existing conditions of approval. A time extension may be permitted upon submission of a completed application, fee, and other documentation requested at the zoning administrator's discretion. All requests for extensions shall be reviewed for compliance to the existing development standards of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations of this code shall prevail. All requests for extensions shall be processed in the same manner as the original approval. Requests may be denied, approved, or approved with new or modified conditions by the original approving authority. Site plan approvals that expire shall require submittal of a new development review application and shall comply with the provisions in subsection [\(D\)\(3\)](#) of this section.

4. *Preliminary Subdivision Plat Approved Prior to Effective Date of the Zoning Code.* A project that has a preliminary plat approved prior to the effective date of this zoning code may file an application for a final subdivision plat and improvement plan approval in compliance with the provisions of the zoning district in which the site is located, the standards and conditions of approval of the PAD overlay if applicable, and MCC Title [17](#), Subdivisions. If a final plat application is not filed prior to the date of preliminary plat expiration, the preliminary plat shall expire unless a time extension is requested. A time extension may be permitted upon submission of a completed application, fee, and other documentation requested at the zoning administrator's discretion. All requests for extensions shall be reviewed for compliance to MCC Title [17](#), Subdivisions, the existing development standards

of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations of this code shall prevail. All requests for extensions shall be processed in the same manner as the original approval. Requests may be denied, approved, or approved with new or modified conditions by the original approving authority. Subsequent preliminary plat applications not located in a preexisting PAD overlay shall comply with this zoning code. Subsequent preliminary plat applications located in a preexisting PAD overlay shall comply with the provisions in subsection [\(D\)\(4\)](#) of this section.

5. *Use Permit Approved Prior to Effective Date of this Zoning Code.* A project that received a use permit prior to the effective date of this zoning code may file an application for a building permit, even if the project does not fully comply with the provision of this zoning code. If a building permit application is not filed within two years of the date of use permit approval, the use permit shall expire. In the event a building permit was previously issued, however not all development has been completed and no valid building permit exists upon the effective date of this code, the undeveloped portions of the use permit shall expire. No time extensions shall be permitted. New use permit requests and expired use permits shall comply with the provisions of this zoning code, unless the property is located in a zoning district and PAD overlay in existence prior to the effective date of this zoning code. All such requests shall be reviewed for compliance to the development standards of the existing zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations of this code shall prevail. 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.

C. *Planning Applications Filed Prior to and Approved After the Effective Date of the Zoning Code.*

1. *Applications for Site Plan Review and Use Permits Submitted Prior to and Approved After the Effective Date of this Zoning Code.* Complete applications filed prior to the effective date of this zoning code may be approved under the provisions of this code upon request of the applicant. Applicants may elect to develop under the provisions of the prior zoning code,

but in that case shall comply with all provisions of the prior zoning code and PAD overlay if applicable. If a building permit application is not filed within one year of the date of approval of the site plan review or use permit the approval shall expire unless otherwise specified in the conditions of approval.

- a. If a building permit application is not filed within one year of the date of approval, the approval shall expire unless otherwise specified in the conditions of approval. A time extension may be permitted upon submission of a completed application fee, and other documentation requested at the zoning administrator's discretion.
- b. All requests for extensions shall be reviewed for compliance to the existing development standards of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations of this code shall prevail. Extension requests may be denied, approved, or approved with new or modified conditions by the original approving authority.

2. *Applications for Preliminary Plats Submitted Prior to and Approved After the Effective Date of this Zoning Code.* Complete applications filed prior to the effective date of this zoning code may be approved under the provisions of this code. Applicants may elect to develop under the provisions of the prior zoning code, but in that case shall comply with all provisions of the prior zoning code and PAD overlay if applicable. If the final subdivision plat and associated improvement plans are not filed within two years of the date of the preliminary plat approval, the approval shall expire.

- a. If a final plat application is not filed prior to the date of preliminary plat expiration, the preliminary plat shall expire, unless a time extension is requested and approved. A time extension may be permitted upon submission of a completed application fee, and other documentation requested at the zoning administrator's discretion.
- b. All requests for extensions shall be reviewed for compliance to the existing development standards of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations

of this code shall prevail. Extension requests may be denied, approved, or approved with new or modified conditions by the original approving authority.

3. *Applications for Use Permits Submitted Prior to and Approved After the Effective Date of this Zoning Code.* Complete applications filed prior to the effective date of this zoning code may be approved under the provisions of this code. Applicants may elect to operate a use under the provisions of the prior zoning code, but in that case shall comply with all provisions of the prior zoning code and PAD overlay if applicable. If building permits and improvements specified under conditions of approval are not filed within the time specified in the approval, the approval shall expire. New use permit requests and expired use permits shall comply with the provisions of this zoning code, unless the property is located in a zoning district and PAD overlay in existence prior to the effective date of this zoning code. All such requests shall be reviewed for compliance to the development standards of the existing zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this code, the regulations of this code shall prevail. 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.

4. *Applications for Rezoning and PAD Overlay Amendments Filed Prior to and Approved After the Effective Date of this Zoning Code.* Rezoning and/or PAD overlay amendment applications filed prior to the effective date of this zoning code shall be governed by the provisions, standards and conditions of approval of the preexisting zoning district and PAD overlay and shall follow the applicable procedures identified in Division 5, Administration and Permits, unless the applicant elects to comply with the applicable procedures of the prior zoning code. In either case, the balance of the property within a preexisting PAD overlay shall retain its preexisting zoning district and the conceptual land use plan, provisions, standards and conditions of approval of the PAD overlay unless otherwise requested by the applicant. In the event an applicant requests compliance to any provisions of this zoning code, all provisions of this zoning code shall apply to the amendment request. 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.

a. In the case of an application for rezoning, if the applicant elects to comply with this zoning code, the parcel shall be rezoned to one or more zoning districts established in this code. Should the applicant elect to comply with the prior zoning code, the parcel shall be rezoned to one or more of the zoning districts of the prior zoning code.

b. In the case of an application for an amendment to a preexisting PAD overlay, if an applicant elects to comply with this code, the amendment procedure shall follow the applicable provisions of this code. Should the applicant elect to comply with the prior zoning code, the amendment process shall follow the provisions identified in the prior zoning code.

D. Development of Projects in a Zoning District and Planned Area Development Overlay Approved Prior to the Effective Date of this Zoning Code. The zoning district designations and the Planned Area Development (PAD) Overlay zoning district existing prior to the adoption of this zoning code are retained. Subsequent planning applications within the boundary of a preexisting PAD overlay shall comply with the approved conceptual land use plan, standards, conditions of approval and, in the case of residential zoned property, the approved Residential Design Guidelines and MCC Title [17](#), Subdivisions. The development standards and requirements of this zoning code shall apply only if not specifically modified by the PAD overlay or specifically regulated by the prior zoning code. 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.

1. *Rezone Applications Filed After the Effective Date of this Zoning Code.* If a parcel is rezoned after the effective date of this zoning code, the parcel shall be rezoned to one or more of the zoning districts of this code. If the parcel is part of a preexisting PAD overlay, the balance of the property within the PAD overlay shall retain its preexisting zoning district and the conceptual land use plan, provisions, standards and conditions of approval of the PAD overlay. City council may rescind or amend prior approved zoning or PADs per A.R.S. [§ 9-462.01.E](#). If the preexisting zoning and PAD overlay have been rescinded by city council, all planning applications shall comply with this zoning code.

2. *Amendments to Preexisting PAD Overlays After the Effective Date of this Zoning Code.* Amendments to preexisting PAD overlays shall comply with the provisions of this zoning code

3. *Development Review Permit Applications Filed After the Effective Date of this Zoning Code.* Site plan approvals that have expired, requiring submittal of a new development review permit application shall comply with the existing development standards of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this zoning code, the regulations of this zoning code shall prevail.

4. *Preliminary Subdivision Plat Applications Filed After the Effective Date of this Zoning Code.* Preliminary subdivision plat approvals that have expired, requiring submittal of a new preliminary plat application, shall comply with the existing development standards of the zoning district, the existing PAD overlay if applicable, and this zoning code where the preexisting zoning code and PAD overlay are silent to land use regulations and development standards. Where a conflict occurs between the preexisting zoning regulations applying to the property and this zoning code, the regulations of this zoning code shall prevail.

E. *Planning Applications Filed After the Effective Date of the Zoning Code and Not Covered by Preexisting Zoning and PAD Overlay or development agreement.* All new applications for rezoning, development review permits, use permits, Planned Area Development (PAD) zoning district or PAD plan approval, and preliminary subdivision plats filed after the effective date of this zoning code, including modifications and amendments to those new applications, shall conform to the provisions of this zoning code. [Ord. 14-12 § 1; Res. 14-36 § 101.06.]

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MCC 18.95.050, Prohibitions and exemptions

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18.95.050 Prohibitions and exemptions.

A. Prohibitions.

1. *Searchlights.* The operation of searchlights for advertising purposes is prohibited.
2. *Recreational Facility.* No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m. unless a temporary permit for a special event has been approved.
3. *Architectural Lighting.* Unshielded outdoor illumination on buildings is not permitted unless it is at a less than 90-degree angle and of filtration level approved by the zoning administrator. Exterior light fixtures attached to a building and designed as an integral part of the building may highlight building forms and architectural details as long as there is no direct spillover of light onto adjacent property and no light causes a hazard to motorists.
4. *Advertising Sign or Landscape Illumination.* The unshielded outdoor illumination of any advertising sign, landscaping or other purpose is prohibited. However, low voltage accent landscape lighting is allowed.
5. *Mercury Vapor.* The installation of new mercury vapor fixtures is prohibited. Existing mercury vapor fixtures shall be removed and replaced with compliant lighting fixtures wherever substantial alterations and additions are undertaken, exclusive of ordinary maintenance and repair.
6. *Fueling Service Canopies.* All lighting under fueling facility canopies, drive-through canopies, porte-cocheres, and similar structures shall be fully recessed. No portion of the fixture shall project below the ceiling of the canopy structure.

B. Permanent Exemptions.

1. *Fossil Fuel Light.* Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
2. *Federal and State Facilities.* Those facilities and lands owned or operated as protected by the U.S. federal government or the state of Arizona are exempted by law from all

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MCC 18.95.050, Prohibitions and exemptions

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requirements of this code. Voluntary compliance with the intent of this code at those facilities is encouraged.

C. Temporary Exemptions.

1. *By-Right Exemptions.* Temporary emergency lighting needed by police, fire, and other emergency services, as well as temporary lights for holiday decorations.

2. *Request for Temporary Exemptions.* Any individual may submit a written request to the zoning administrator for a temporary exemption from the requirements of this code through filing a temporary use permit pursuant to MCC [18.150.080](#). Such exemption will be valid for up to 30 days, renewable at the discretion of the zoning administrator. The request for temporary exemption shall contain the following listed information:

- a. Specific exemptions requested;
- b. Type and use of exterior light involved;
- c. Duration of time for requested exemption;
- d. Type of lamp and calculated lumens;
- e. Total wattage of lamp or lamps;
- f. Proposed location of exterior light;
- g. Previous temporary exemptions, if any; and
- h. Physical size of exterior light and type of shielding provided.

3. *Appeal for Temporary Exemptions.* The zoning administrator, within five days from the date of the properly completed request for temporary exemption, shall approve or reject in writing the request. If rejected, the individual making the request shall have the right of appeal to the ~~board of adjustment~~ **Hearing Officer**. [Res. 21-09; Ord. 21-05 § 2; Res. 14-36 § 405.04; Ord. 14-12 § 1. Formerly 18.95.040.]

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MCC 18.95.050, Prohibitions and exemptions

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MCC 18.120.240, Group home

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18.120.240 Group home.

Group homes are permitted in all single-family districts subject to the requirements provided herein. The purpose of these regulations is to permit minors, disabled, handicapped or elderly persons to reside together in single-family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.

A. *Registration.* Group homes with seven to 10 residents shall submit a completed zoning permit application and required supplemental materials to the planning division on a form established by the zoning administrator. For group homes with seven to 10 residents that are licensed by the state, county or other governmental authority, a tentative zoning permit may be issued upon verifying the application complies with the standards below. Said group homes shall be considered to be registered with the city at the time they receive a tentative zoning permit. In all cases, permits for group homes shall terminate when the group home use ceases.

B. *Standards.* Group homes shall be located, developed, and operated in compliance with the following standards:

1. *Occupancy.* The number of residents, excluding staff, shall not exceed:
 - a. One to six residents: No zoning permit required.
 - b. Seven to 10 residents: A zoning permit is required.
2. *Separation.* The minimum separation between group homes shall be 1,200 feet, as measured from the closest property lines.
3. *Exterior Appearance.* There shall be no sign or other exterior indication of a group home visible from a street. A minimum six-foot-high wall or fence shall be provided for purposes of screening and securing outdoor recreational areas.
4. *Compliance with All Applicable Building and Fire Safety Regulations.* Group homes shall comply with any and all other applicable state or local requirements including, but not limited to, the city's building and fire codes. These requirements may require safety measures such as fire sprinklers, alarms and monitoring systems depending on such

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MCC 18.120.240, Group home

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factors as the number of residents and whether the residents are capable of self-preservation.

5. *Licensing.* Group homes shall comply with any and all applicable state licensing requirements.

6. *Parking.* Any parking for the group or residential care homes shall be on site and comply with the requirements of Chapter [18.105](#) MCC, On-Site Parking and Loading.

7. *Exclusive Use.* All administrative activities, including staffing, counseling, and other visitations, shall serve only the residents of the group home.

8. *Preemptions.* Notwithstanding the foregoing, if the state has adopted laws or rules for the regulation of a specific type of group home, then any such state law or rule shall apply in addition to the conditions listed herein and/or shall preempt any conflicting condition listed herein.

C. *Request for Accommodation.* If a group home owner believes any requirement of the zoning code prevents the establishment of a group home in an economically viable manner, the owner shall submit to the zoning administrator a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the zoning administrator to make an individualized determination of the group home's needs, to address the city's safety and welfare concerns, and to assure compliance with this section. The zoning administrator shall review the written request and determine:

1. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act;
2. If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood; and
3. The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act. Profitability or financial hardship of the owner/service provider of a facility shall not be considered by the zoning administrator in determining to grant a reasonable accommodation waiver. An appeal of the decision of the zoning administrator may be made regarding reasonable accommodation to the ~~board of adjustment~~ **Hearing Officer**

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pursuant to Chapter [18.135](#) MCC. [Res. 21-09; Ord. 21-05 § 2; Res. 18-20; Ord. 18-05 § 2; Res. 14-36 § 410.24; Ord. 14-12 § 1.]

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MCC 18.140.160, Interpretations and determinations

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18.140.160 Interpretations and determinations.

A. Requests for interpretations of this code and verifications relating to prior approvals or permits may be made to the zoning administrator. Requests shall be in writing. The decision of the zoning administrator on such requests may be appealed to the ~~board of adjustment.~~
Hearing Officer.

B. An applicant may request from the zoning administrator clarification of a regulation pertaining to an application. A request must be in writing and include all information required by A.R.S. § 9-839. The zoning administrator may provide the requestor with an opportunity to meet and discuss the request. In compliance with A.R.S. § 9-839, the zoning administrator shall provide a written response within 30 calendar days of receipt of the request. [Res. 21-09; Ord. 21-05 § 2; Res. 14-36 § 502.16; Ord. 14-12 § 1.]

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B. An applicant may request from the zoning administrator clarification of a regulation pertaining to an application. A request must be in writing and include all information required by A.R.S. § [9-839](#). The zoning administrator may provide the requestor with an opportunity to meet and discuss the request. In compliance with A.R.S. § [9-839](#), the zoning administrator shall provide a written response within 30 calendar days of receipt of the request. [Res. 21-09; Ord. 21-05 § 2; Res. 14-36 § 502.16; Ord. 14-12 § 1.]

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Chapter 18.160

VARIANCES

Sections:

18.160.010	Purpose.
18.160.020	Applicability and scope of variances.
18.160.030	Limitations on authority to grant variances.
18.160.040	Application requirements.
18.160.050	Public hearing.
18.160.060	Required findings.
18.160.070	Use variances prohibited.
18.160.080	Conditions of approval.
18.160.090	Expiration and extension – Modification – Revocation.
18.160.100	Appeals.

18.160.010 Purpose.

This chapter is intended to provide a mechanism for relief from certain dimensional and performance standards in this code where the strict application will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions. [Ord. 14-12 § 1; Res. 14-36 § 506.01.]

18.160.020 Applicability and scope of variances.

Variances may be granted with respect to dimensional and performance standards, but variances from the use regulations of this code are not allowed. The ~~board of adjustment~~ **Hearing Officer** shall have power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this chapter. [Ord. 14-12 § 1; Res. 14-36 § 506.02.]

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18.160.030 Limitations on authority to grant variances.

A. No variance shall be granted, in whole or in part, that would have an effect substantially equivalent to a reclassification of property, alter any use or grant a privilege for which a conditional use permit is required. A variance is not a vested right and is granted upon the discretion of the ~~board of adjustment~~ **Hearing Officer**. The burden of proof for satisfying the requirements for granting of a variance, as stated in this code, rests with the applicant.

B. No variance shall be granted based on an owner-imposed hardship on a lot. [Ord. 14-12 § 1; Res. 14-36 § 506.03.]

18.160.040 Application requirements.

Applications and fees for a variance shall be submitted in accordance with MCC [18.140.020](#), Application Submittal and Review. In addition to any other application requirements, the application for a variance shall include data or other evidence showing that the requested variance conforms to the required findings set forth below. [Ord. 14-12 § 1; Res. 14-36 § 506.04.]

18.160.050 Public hearing.

Variances shall be subject to a hearing by the ~~board of adjustment~~ **Hearing Officer** which shall review the recommendation of the zoning administrator and approve, conditionally approve, or disapprove the application. The issuance of a variance may require that the existing development site be brought into substantial conformance with the terms and standards of this code. All notification requirements of MCC [18.140.060](#), Public Hearing Notifications, must be followed prior to the public hearing. [Ord. 14-12 § 1; Res. 14-36 § 506.05.]

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18.160.060 Required findings.

Variance applications shall only be granted if the ~~board of adjustment~~ **Hearing Officer** determines that the project as submitted or as modified conforms to all of the following criteria, in addition to any criteria that may be required or associated with the specific request. If it is determined that it is not possible to make all of the required findings, the variance application shall be denied. The specific basis for denial shall be established for the record. The following findings must be met in order to grant a variance:

- A. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of this code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
- B. The special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant;
- C. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is located; and
- D. The granting of such variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or public welfare in general.
- E. Any other requirements as defined in A.R.S. § [9-462.06\(G\)\(2\)](#). [Ord. 14-12 § 1; Res. 14-36 § 506.06.]

18.160.070 Use variances prohibited.

A variance shall not be granted to permit a use otherwise not permitted in the applicable zoning district. [Ord. 14-12 § 1; Res. 14-36 § 506.07.]

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18.160.080 Conditions of approval.

In approving a variance, the ~~board of adjustment~~ **Hearing Officer** may impose reasonable conditions necessary to ensure that the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located, including but not limited to:

- A. Achieve the general purposes of this code or the specific purposes of the zoning district in which the site is located;
- B. Protect the public health, safety, and general welfare;
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area; and
- D. Any other conditions that are found to be necessary to ensure that the provisions of the general plan and this code are met. [Ord. 14-12 § 1; Res. 14-36 § 506.08.]

18.160.090 Expiration and extension – Modification – Revocation.

- A. A variance granted pursuant to this chapter shall expire if it has not been exercised, or if a building permit has not been issued within one year of the date of the approval, or within the time stipulated, whichever is longer.
- B. ~~The board of adjustment~~ **Hearing Officer** may approve minor modifications that are consistent with the original findings and conditions approved and which would not intensify any potentially detrimental effects of the project. Changed plans, including changes in conditions of approval of a variance, shall be treated as a new application.
- C. A variance may be suspended, revoked, or modified upon a finding that any condition, stipulation, or term of the approval of the permit has been violated. [Ord. 14-12 § 1; Res. 14-36 § 506.09.]

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18.160.100 Appeals.

A variance is subject to appeal in accordance with MCC [18.140.140](#). [Ord. 14-12 § 1; Res. 14-36 § 506.10.]

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18.160.020 Applicability and scope of variances.

Variances may be granted with respect to dimensional and performance standards, but variances from the use regulations of this code are not allowed. The Hearing Officer shall have power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this chapter. [Ord. 14-12 § 1; Res. 14-36 § 506.02.]

18.160.030 Limitations on authority to grant variances.

A. No variance shall be granted, in whole or in part, that would have an effect substantially equivalent to a reclassification of property, alter any use or grant a privilege for which a conditional use permit is required. A variance is not a vested right and is granted upon the discretion of the Hearing Officer. The burden of proof for satisfying the requirements for granting of a variance, as stated in this code, rests with the applicant.

B. No variance shall be granted based on an owner-imposed hardship on a lot. [Ord. 14-12 § 1; Res. 14-36 § 506.03.]

18.160.040 Application requirements.

Applications and fees for a variance shall be submitted in accordance with MCC [18.140.020](#), Application Submittal and Review. In addition to any other application requirements, the application for a variance shall include data or other evidence showing that the requested variance conforms to the required findings set forth below. [Ord. 14-12 § 1; Res. 14-36 § 506.04.]

18.160.050 Public hearing.

Variances shall be subject to a hearing by the Hearing Officer which shall review the recommendation of the zoning administrator and approve, conditionally approve, or disapprove the application. The issuance of a variance may require that the existing development site be brought into substantial conformance with the terms and standards of this code. All notification requirements of MCC [18.140.060](#), Public Hearing Notifications, must be followed prior to the public hearing. [Ord. 14-12 § 1; Res. 14-36 § 506.05.]

18.160.060 Required findings.

Variance applications shall only be granted if the Hearing Officer determines that the project as submitted or as modified conforms to all of the following criteria, in addition to any criteria that

may be required or associated with the specific request. If it is determined that it is not possible to make all of the required findings, the variance application shall be denied. The specific basis for denial shall be established for the record. The following findings must be met in order to grant a variance:

- A. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of this code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
- B. The special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant;
- C. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is located; and
- D. The granting of such variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or public welfare in general.
- E. Any other requirements as defined in A.R.S. § [9-462.06\(G\)\(2\)](#). [Ord. 14-12 § 1; Res. 14-36 § 506.06.]

18.160.070 Use variances prohibited.

A variance shall not be granted to permit a use otherwise not permitted in the applicable zoning district. [Ord. 14-12 § 1; Res. 14-36 § 506.07.]

18.160.080 Conditions of approval.

In approving a variance, the Officer may impose reasonable conditions necessary to ensure that the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located, including but not limited to:

- A. Achieve the general purposes of this code or the specific purposes of the zoning district in which the site is located;
- B. Protect the public health, safety, and general welfare;
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area; and
- D. Any other conditions that are found to be necessary to ensure that the provisions of the general plan and this code are met. [Ord. 14-12 § 1; Res. 14-36 § 506.08.]

18.160.090 Expiration and extension – Modification – Revocation.

- A. A variance granted pursuant to this chapter shall expire if it has not been exercised, or if a building permit has not been issued within one year of the date of the approval, or within the time stipulated, whichever is longer.
- B. Hearing Officer may approve minor modifications that are consistent with the original findings and conditions approved and which would not intensify any potentially detrimental effects of the project. Changed plans, including changes in conditions of approval of a variance, shall be treated as a new application.
- C. A variance may be suspended, revoked, or modified upon a finding that any condition, stipulation, or term of the approval of the permit has been violated. [Ord. 14-12 § 1; Res. 14-36 § 506.09.]

18.160.100 Appeals.

A variance is subject to appeal in accordance with MCC [18.140.140](#). [Ord. 14-12 § 1; Res. 14-36 § 506.10.]

The Maricopa City Code is current through Ordinance 23-09, passed March 7, 2023.

Disclaimer: The city clerk's office has the official version of the Maricopa City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.maricopa-az.gov](http://www.maricopa-az.gov)

[City Telephone: \(520\) 568-9098](tel:(520)568-9098)

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18.205.020 List of definitions.

“Abutting” means 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 building or structure” means a detached subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located in the same or a less restrictive zone, and on the same lot or parcel of land with the main building or use.

“Accessory use” means a use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or parcel of land, which accessory use does not alter said principal use nor serve property other than the lot or parcel of land on which the principal use is located. “Appurtenant use” means the same as accessory use.

Adequate Public Facility-Related Terms. See Chapter [18.85](#) MCC, Adequate Public Facilities (not recommended by the task force).

“Adequate” means meeting the established minimum standards in this code and all other applicable policies of the city.

“Capacity” means the maximum demand that can be accommodated by a public facility.

“Public facilities” includes roads, water, wastewater, drainage, parks and open space, and school facilities.

“Adjacent” means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.

“Adjoining” means two or more lots or parcels of land sharing a common boundary line, or two or more objects in contact with each other. Lots or parcels of land which touch at corners only shall not be deemed adjoining.

“Administrative review” means the process by which the community development department reviews submitted regulating, streetscape, site and/or building plans to determine compliance with this regulating document and design guidelines.

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“Adult” means a person who is 18 years of age or older.

“Aggrieved person” means any person who, in person or through a representative, appeared at a city public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either.

Airport-Related Terms.

“Aircraft” means any contrivance, now known or hereafter invented, for use or designed for navigation of or flight in the air, including helicopters, fixed-wing aircraft and gliders.

“Airport” means any area of land designed and set aside for the landing and taking off of aircraft.

“Noise-sensitive uses” means single-unit or multiple-unit housing, office buildings, hotels, motels, hospitals, nursing homes, places of worship, libraries, public and private schools and day care centers.

“Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length. The runway includes any proposed runway or runway extension as shown on any approved airport planning document.

“Alley” means a public or private right-of-way less than 30 feet wide which affords a means of vehicular access to the side or rear of properties abutting a street or highway.

“Alteration” means any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

“Apex” means the highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

“Applicant” means the person who applies for a permit pursuant to this article.

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“Approval authority” means the official or decision-making body granted authority to approve a permit or other entitlement for development or use under the terms and regulations of this code. Also referred to as the “decision-making authority.”

“Arcade” means a private frontage conventional for retail use wherein the facade is a colonnade supporting habitable space that overlaps the sidewalk, while the facade of the first story remains at the frontage line.

“Arterial street” means a general term designating streets of major significance to the community, including section line and major streets and state and county highways, that are designed to carry substantial volumes of traffic, providing a system for citywide through-traffic movement.

“Article” means a chapter set out in this code, unless another code or statute is mentioned.

“Artist” means an individual engaged in the creation of art or crafts that require artistic skill. Examples of individuals typically engaged in this work include, but are not limited to, woodworkers, potters/ceramicists, costume makers, set designers, stained-glass makers, glassblowers, textile artists and weavers, jewelry makers, painters, fine art printmakers, photographers/filmmakers, leather workers, metal workers, musical instrument makers, model makers, papermakers, installation artists, sculptors, video artists, and other makers of art and crafts.

“Assisted living facility” means a residential care institution intended for occupancy by persons of advanced age or limited ability for self-care, which may provide food, transportation, recreation, or other services to the residents thereof, and which is licensed by the Arizona Department of Health Services to perform supervisory care, personal care, or custodial care services. The term shall include boarding houses, dormitories, apartments, and similar multiple-residence living arrangements when operated as an assisted living facility as defined herein, but shall not include group homes for the handicapped, adult care homes, nursing homes, hospitals, or hotels.

“Automobile parking space, compact” means any permanently maintained space, having a width of not less than eight feet and a length of not less than 15 feet, so located and arranged as to permit the storage of a passenger automobile of compact size.

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"Automobile parking space, standard" means any permanently maintained space, having a width of not less than eight and one-half feet and a length of not less than 18 feet, so located and arranged as to permit the storage of a passenger automobile of standard size.

"Automobile storage space" means "automobile parking space."

"Avenue" means a thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

"Awning" means an ancillary lightweight structure of wood, metal, or canvas, cantilevered from a building facade and providing shade to the fenestration and spatial containment to the pedestrian.

"Base district" means a rural, residential, commercial, mixed use, industrial, open space, public or institutional zoning district established under Division 2 of this title.

"Basement" means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

"Basin, detention" means storm water 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.

"Basin, drainage" means 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" means 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.

"Berm" means an earthen mound, either natural or manmade.

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"Bicycle lane" means a paved area located within a street right-of-way and within the pavement section that is designated for bicycle or other nonmotorized traffic.

"Block" means an aggregate land area circumscribed by thoroughfares.

"Block face" means the aggregate of all the principal frontage lines, or alternatively the building facades, on one side of a block.

~~"Board of adjustment" means the board of adjustment of the city of Maricopa.~~

"Body piercing" means the creation of an opening in the human body for the purpose of inserting jewelry or other decoration, including the piercing of an ear, lip, tongue, nose, or eyebrow. "Body piercing" does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

"Buffer area" means 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" means 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 this code.

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

"Building, enclosed" means a building enclosed on all sides.

"Building setback line" means the required minimum distance, as prescribed by this code, between the property line and the closest point of any building or structure.

"Building site" means a lot or parcel of land occupied, or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

"Canopy" means the extent of the outer layer of leaves of an individual tree or group of trees.

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“Canopy density” means the general permeability of a tree canopy to light as a characteristic of branch number and structure; canopy density can either be full (greater than 50 percent) or open (less than 50 percent).

“Canopy shape” means the general shape of the outer layer of leaves of an individual tree as structured by the tree’s branches.

“Carport” means an accessory structure that is roofed but permanently open on at least two sides and maintained for the storage of motor vehicles.

“Centerline” means the centerline established by the city engineer for any proposed or dedicated public way.

“Changed plans” means any changes in physical design, site layout, lot sizes and patterns, building footprints, elevations or siting, drainage, utilities, or roadway locations on a development plan. Changes in architectural materials and finishes, lighting fixtures, or a planting palette are not considered plan changes.

“Child” means a person under 18 years of age.

“Chord” means a straight line joining two points on a curve.

“City” means the city of Maricopa, Arizona.

“City council” means the city council of the city of Maricopa.

“Civic” means the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, religious, and municipal parking.

“Civic building” means a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by development services. A civic building is owned by a municipal or governmental body.

“Civic space” means an outdoor area permanently dedicated for public use. Civic space types are defined by the combination of certain physical constants including the relationships among their intended use, size, landscaping and surrounding buildings.

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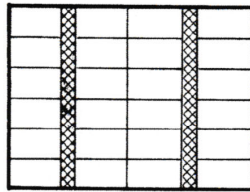
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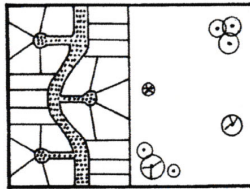
“Civic subdistrict” means a designation for public sites dedicated for civic buildings and/or civic space.

“Clearance” means the height above the walkway, or other surface if specified, of the bottom edge of an element.

“Cluster development” means development pattern that concentrates development in specific areas on a site 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.



Conventional Lots



Clustered Lots

“Code, zoning” means MCC Title [18](#).

“Co-location” means the location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure or otherwise sharing a common location. Co-location shall also include the location of wireless communications facilities with other facilities such as buildings, water tanks, light standards, and other utility facilities and structures.

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“Commercial vehicle” means any vehicle currently registered as such with the State Department of Motor Vehicles or equivalent out-of-state or federal agency and is used primarily in the conduct of a business as opposed to private family or individual use.

“Commission” means the planning and zoning commission of the city of Maricopa.

“Committee” means the technical advisory committee, or any other committee as established by the city council of the city of Maricopa.

“Communication equipment building” means a building that houses operating electrical and mechanical equipment necessary for the conducting of a public utility communications business, with or without personnel.

“Community facilities” includes, but is not limited to, government buildings, libraries, hospitals, local businesses, parks, and historic sites.

“Common yard” means a planted private frontage wherein the facade is set back from the frontage line. The yard is visually continuous with adjacent yards.

“Complete application” means an application accompanied by the required fees and deposits and all of the information, including plans, written materials, specifications, reports and other documents that are required to be submitted for review and approval of an entitlement for development or use under the terms and regulations of this code.

“Conditional approval” means an affirmative action by the commission or council indicating that approval will be forthcoming with satisfaction of certain specified conditions or stipulations.

“Controlling person” means a natural person who either (1) has a 10 percent or greater interest in the ownership or earnings of the business, or (2) is any of the following:

1. An officer, director, or any stockholder who owns 10 percent or more, of a corporation permittee/applicant;
2. A general partner of a limited partnership permittee/applicant or partner of a nonlimited partnership permittee/applicant;
3. An officer, president, or secretary of a limited liability company/corporation permittee/applicant; or

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4. The sole proprietor of a sole proprietorship permittee/applicant.

"Construction" means construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land.

"Coordinated frontage" means a condition where the landscape and paving of public frontage and private frontage are coordinated as a single, coherent design.

"Corral fence" means a structure consisting of vertical posts with horizontal connectors, so constructed that 75 percent or more of the vertical surface is open. Corral fences do not include chain link fences.

"Council" means the city council of the city of Maricopa.

"County" means Pinal County, Arizona.

"Court" means an open space enclosed wholly or partly by buildings or circumscribed by a single building.

"Courtyard" means a building placed within the boundaries of its lot to create a private courtyard, while internally defining one or more private patios.

"Cultivar" means a cultivated variety of street tree, deliberately selected for its desirable physical characteristics.

"Cultural facility" means a facility engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. This does not include schools or institutions of higher education providing curricula of a general nature.

"Day" means any day, Monday through Friday, that is not a federal, state, or local holiday.

"De novo" means "anew" or "from the beginning." When used in hearings, new testimony can be taken and new information considered, rather than relying only on the information in the record.

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“Density” means the number of dwelling units per unit of land area.

“Density bonus” means a density increase over the otherwise maximum allowable residential density provided in this code.

“Density, gross” means the number of dwelling units per gross unit of land area.

“Department” means the development services department of the city of Maricopa.

“Designated agent” means the person designated by the permittee/applicant to receive notices from the city pursuant to this title.

“Developer” (see also “Subdivider”) means 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” means any manmade change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance (excluding disturbance from agriculture-related grading).

“Development agreement” means an agreement between the city and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of Arizona Revised Statutes for such development agreements.

“Development review permit” means a permit required for uses or developments identified in Division 2, Base Zoning Districts; Division 3, Overlay Districts; and/or any other section of this code that requires development review.

“Director” means the director of the development services department and the planning and zoning division of the city of Maricopa, acting either directly or through authorized agents.

“Disabled person” means a person who: (1) has a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment. However, “disabled” shall

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not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [[21](#) United States Code [802](#)]).

“District” means a portion of the city within which certain uniform regulations and requirements apply to development and land uses, or various combinations thereof apply under the provisions of this code. Also referred to as “zoning districts.”

“Domestic animal” is an animal which is commonly maintained in residence with humans.

“Dooryard” means a private frontage type with a shallow setback and front garden or patio usually with a low wall at the frontage line to effectively buffer residential quarters from the sidewalk while removing the private yard from public encroachment.

“Driveway” means an accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

“Duplex” means a building with two side-by-side units on a lot with a shared wall of the building.

“ Dwelling unit” means a room or suite of rooms including one and only one kitchen, and designed or occupied as separate living quarters for one family, as defined below.

“Easement” means a portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

“Edgeward” means a building placed within the boundaries of its lot to create an edgeward around the building, with setbacks on all sides.

“Effective date” means the date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

“Effective turning radius” means the measurement of the turning radius at a corner taking parked cars into account.

“Elevation” means an exterior wall of a building not along a frontage line.

“Emergency” means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

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"Encroach" means to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage, or above a height limit.

"Engineer" means the city engineer of Maricopa or their designated representative.

"Engineering department" means the engineering division of the development services department of the city of Maricopa.

"Equipment cabinet or enclosure" means a cabinet or structure used to house equipment associated with a wireless communications facility.

"Facade" means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

"Factory-built building" means a residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on site, except that it does not include a manufactured home, recreational vehicle or mobile home as defined in the manufactured home/recreational vehicle regulations of this code, MCC [18.120.150](#).

"Family" means one or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a family need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

"Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

"Figure" means any graphic representation noted as a "Figure" within this code, that is used to illustrate and exemplify certain standards and regulations contained within the language of this code.

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“Fill” means soil, rock, or other material deposited at a location by man that raises the grade at that location.

“Finished grade” means the final grade and elevation of the ground surface after grading is completed and in conformance with the approved grading plans.

“Floodplain” means lowlands 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 (FEMA) flood insurance rate maps (FIRM) or an approved flood control study.

“Floor area” means the total floor area in a building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building) unless otherwise stipulated; e.g., “ground floor” area.

“Floor area ratio” means the numerical value obtained through dividing the aboveground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

“Forecourt” means a private frontage wherein a portion of the facade is close to the frontage line and the central portion is set back.

“Foster home” means a dwelling maintained by an individual or individuals having care or control of one but not more than six minor children, other than those related by blood, marriage, or adoption or those who are legal wards of such individuals, which is licensed by the Arizona State Department of Economic Security.

“Foster home, group” means a foster home suitable for the placement of more than six but not more than 10 minor children which is licensed by the Arizona Department of Economic Security.

“Frontage, building” means the exterior building wall of a ground floor business establishment on the side or sides of the building frontage and/or oriented toward a public street, highway or parkway.

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"Frontage line" means a lot line bordering the public frontage and where minimum lot width is measured. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines.

"Frontage, space" means the area between a building facade and the vehicular lanes of a thoroughfare, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage.

"Frontage, street or highway" means that portion of a lot or parcel of land which borders a public street, highway or parkway.

"Gallery" means a private frontage conventional for retail use wherein the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

"Garage" means a building or portion of a building that is enclosed and roofed and designed for the storage of motor vehicles.

"General plan" means the general plan of the city of Maricopa, and all elements thereof.

"Glare" means the effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

"Gooseneck lighting" means a down-lit illumination of signage set on an outpost usually attached to a wall or post.

"Grade" means the approved grade of a lot or parcel of land at the time such lot or parcel is created, except when excavation is proposed. When excavation occurs after the lot or parcel is created, the grade of the excavated area shall be the grade after the excavation.

"Green" means a civic space type available for unstructured recreation, spatially defined by landscaping.

"Green building" means a whole systems approach to the design, construction and operation of buildings that substantially mitigates the environmental, economic, and social impacts of conventional building practices. Green building practices recognize the relationship between

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the natural and built environments and seek to minimize the use of energy, water and other natural resources and provide a healthy, productive indoor environment.

"Greenway" means an open space corridor in largely natural conditions which may include trails for bicycles and pedestrians.

"Gross floor area" means the sum of the gross areas of the floor or floors of a building or buildings.

"Handicapped person" means a person who: (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [[21](#) United States Code [802](#)]).

"Hardscape" means part of a building's grounds consisting of structures, such as plazas, retaining walls and sidewalks, made with materials such as concrete and sidewalk pavers.

"Hazardous materials" includes any substance characterized as flammable solids, corrosive liquids, radioactive materials, oxidizing material, highly toxic materials, poisonous gases, reactive materials, unstable materials, hypergolic materials and pyrophoric materials and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means, or as otherwise defined by law.

"Health department" means the Pinal County Health Department.

"Hearing officer" means the hearing officer of the city of Maricopa, or his or her designee.

"Height," when referring to a building, tower, or any other structure, means the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plan (whichever is lower) to the highest point of the structure directly above the finished grade.

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“Heritage District” means the area also known as Old Town, the original town site of the community, including older neighborhoods and agricultural, commercial and industrial land generally located in the northwest area of the city of Maricopa. This area also is referred to as the “Redevelopment District Area” and “Redevelopment Area.”

“Heritage District Design Guidelines” means the architectural design guidance for residential, commercial and industrial development and commercial/industrial signage in the Heritage District, which has been adopted by the city council. These guidelines show how new development and new signs should be designed to fit into and improve the built environment; they apply to all development in the Heritage District Redevelopment Project Area.

“Highway” means any expressway, freeway, major, secondary, or limited secondary highway.

“Illegal nonconforming building or use” means any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits required for the use at the time it was brought into existence.

Illegal Nonconforming Use and Development-Related Terms.

“Abandoned” means a use that has ceased or a structure that has been vacated for a time period as specified in this code. Abandonment does not include temporary or short-term interruptions to a use or occupancy of a structure during periods of remodeling, maintaining, or otherwise improving or rearranging a facility.

“Nonconforming building or structure” means any building or structure that was lawfully established and in compliance with all applicable codes and laws at the time the ordinance codified in this code or any amendment thereto became effective, but which, due to the application of this code or any amendment thereto, no longer complies with all the applicable regulation and standards of development in the zone in which it is located.

“Nonconforming lot” means a lot, the area, dimensions, or location of which was lawful prior to the effective date of the ordinance codified in this code, or any amendment thereto, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

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“Nonconforming sign” means a sign that lawfully existed prior to the ordinance adopted in this code but which fails by reason of such adoption or amendment to conform to all of the standards and regulation of this code.

“Nonconforming use” means a use of a structure or land that was lawfully established and maintained, but which does not conform with currently applicable use regulations for the district in which it is located by reason of adoption or amendment of this code or amendment thereto or by reason of annexation of territory to the city.

“Improvement plan” is a term defined in MCC [17.05.060](#) that means 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.

“Improvement standards” means 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” means 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.

“Kitchen” means any room or space used, or intended or designed to be used for cooking or the preparation of food.

“Lamp” means any source created to produce optical radiation (i.e., light), often called a bulb or tube.

“Landscape” means vegetation and irrigation, hardscape, public art or a combination thereof that may be calculated as open space (refer to the definition of “open space”).

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“Landscaping” means the planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

“LEED®” means the “Leadership in Energy and Environmental Design” green building rating system developed by the U.S. Green Building Council.

“Legal parking space” means an area designated for vehicle parking in the city right-of-way that may be paved or unpaved and may be delineated by road surface markings. Does not include a parking space in a parking lot on property owned by the city.

“Licensee” means the adult, firm, partnership, association, corporation, county, city or other public agency having the authority and responsibility for the operation of a licensed community care facility.

“Light court” means a private frontage type that is a below-grade entrance or recess designed to allow light into basements.

“Lighting, exterior” means any equipment or fixture located or used to provide illumination of outdoor areas, objects or activities.

“Lighting fixture” means light fixtures including but not limited to the lamp, pole, post, ballast, reflector, lens diffuser, shielding, electrical wiring, and other necessary or auxiliary components.

“Lighting system” means all exterior manmade lighting sources, associated infrastructure and controls on a site.

“Liner building” means a building specifically designed to mask a parking structure from a frontage.

“Live/work building” means a mixed use unit consisting of a commercial and residential use. The commercial use may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity. (Synonym: shophouse.)

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“Longitudinal” means a type of pavement marking with lines set parallel to the public frontage, repeating in a sequence across the entire width of the vehicular lanes of a thoroughfare to demarcate a pedestrian crosswalk.

Lot-Related Terms.

“Lot” means 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” means the area of a horizontal plane within the lot lines of a lot but not including any area in a public right-of-way.

“Lot, corner” means a lot located at the intersection of two or more streets.

“Lot coverage” means 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 dimensions excluding overhangs less than two and one-half feet.

“Lot depth” means 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 10 feet.

“Lot, flag” means a lot or parcel of land taking access by a strip, the 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 parkway, highway or street.

“Lot, interior” means a lot or parcel of land other than a corner lot.

“Lot, key” means 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.

“Lot layer” means a range, one to three, of depth of a lot within which certain elements are permitted.

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"Lot line" means a line dividing one lot from another or from a street or any public place.

"Lot line, front" means, 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 lot lines adjoining a street right-of-way.

"Lot line, rear" means 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 in 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 10 feet.

"Lot line, side" means any lot boundary line that is not a front lot line or a rear lot line.

"Lot line, street side" means a side lot line of a corner lot that is adjacent to a street.

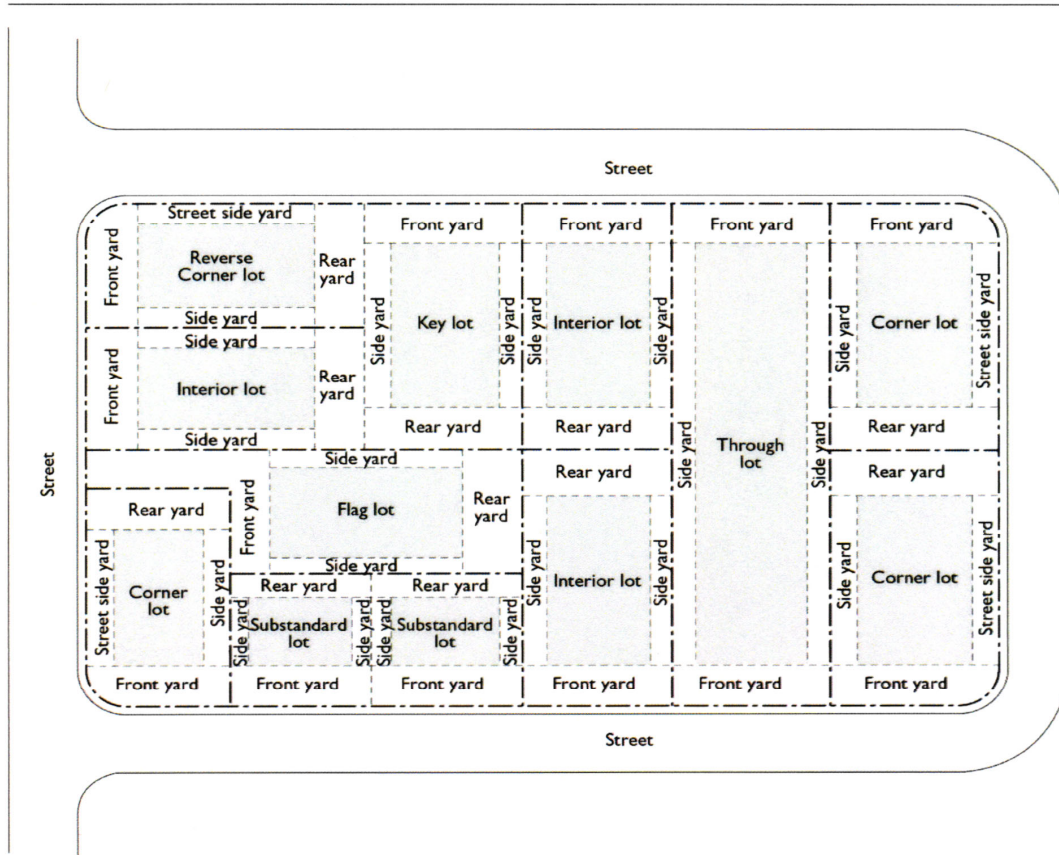
"Lot, reversed corner" means a corner lot, the parkway, highway or street side lot line of which is substantially a continuation of the front lot line of a lot or parcel of land which adjoins the rear lot line of said lot.

"Lot, through" means a lot having a part of opposite lot lines abutting two 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 nonaccess easement has been established on such a lot, the front lot line shall be considered as that lot line most distant from the lot line containing the nonaccess easement.

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Lot and Yard Types

“Lot width” means 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. For lots on the inside of the curve of a street, the distance between side lot lines measured 30 feet behind the required minimum front yard setback line on a line parallel to the street or street chord.

“Main civic space” means the primary outdoor gathering place for a community. The main civic space is often, but not always, associated with an important civic building.

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“Maintenance and repair” means the repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.

“Major development review permit” means a permit required for all new and modified buildings or structures, or for alterations to a building or structure that result in over 5,000 additional gross square feet, facade alterations that encompass more than 10 percent of the surface area, or as otherwise required in this code.

“Manufactured home” means a structure transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, is built on a permanent chassis, and is designed to be used as a dwelling, with or without a permanent foundation, when connected to utilities. This term does not include recreational vehicles.

“Manufacturing” means the process of creating a finished product by fabrication or from raw materials, especially by means of a larger-scale industrial operation.

“Massage and massage services” means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations.

“Master outdoor lighting plan” means a plan that is required for a PAD application that shows the locations and specifications for all proposed lighting for all areas of the proposed development, including but not limited to pedestrian travel areas.

“Master plan development (MPD)” is a term used in MCC Title [17](#), Subdivisions, that refers to 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 code and an overall master plan meeting the requirements of MCC Title [17](#), Subdivisions, for the purpose of implementing an integrated development scheme for all phases of the proposed development.

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“Master signage plan” means a plan that is required for a PAD application that shows the size and location of all proposed signs.

Medical Marijuana Terms.

“Allowable amount of marijuana” means a qualifying patient may have two and one-half ounces of usable marijuana, and if the patient is authorized to cultivate marijuana, the patient may grow up to 12 marijuana plants contained in an enclosed locked facility.

“Cardholder” means a qualifying patient, a designated caregiver or a nonprofit medical marijuana dispensary agent who has been issued and possesses a valid registry identification card as defined in A.R.S. § [36-2801.2](#).

“Enclosed locked facility” means a closet, room, greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

“Medical marijuana” means all of the parts of the genus Cannabis, whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.

“Medical marijuana infusion (or manufacturing) facility” means a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporating into consumable/edible goods.

“Medical marijuana qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § [36-2801.13](#).

“Microcell facility” means a wireless communication facility serving a single carrier and consisting of an antenna no larger than four feet in height or, if tubular, no more than six feet long and four inches in diameter comprised of a networked set of antennas that are connected with each other and to a wireless service source, such that one or more high-power antennas that serve a given area are replaced by a group of lower-power antennas to serve the same geographic area.

“Minor development review permit” means a permit required for all new and modified buildings or structures, or for expansions to a building or structure that result in an increase

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less than 5,000 gross square feet or 20 percent of the existing building area, alter more than 10 percent of the surface area of the exterior portion of any facade, or as otherwise required in this code.

“Mixed use development” means a building or group of buildings developed for residential uses that are integrated with nonresidential uses such as, but not limited to, office, retail, service, commercial, public, or entertainment in a compact urban form.

“Mobile food unit” means a food establishment that is licensed by this state, that is readily movable and that dispenses food or beverages for immediate service and consumption and other incidental retail items from any vehicle as defined in A.R.S. § [28-101](#).

“Mobile food vendor” means any person who owns, controls, manages or leases a mobile food unit or contracts with a person to prepare foods and vend from, drive or operate a mobile food unit.

“Mobile sales unit” means any vehicle used for carrying tangible personal property for sale at or adjacent to the vehicle in which such tangible personal property is carried.

“Natural grade” means the undisturbed natural surface of the land, including washes.

“Net acres” means 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 (MPD) any multi-unit, commercial or industrial land use must be excluded in addition to those uses listed above.

“Newspaper, general circulation” means a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers, and has been established, printed, and published at regular intervals in the state, county or city.

“Nonchartered financial institution” means a business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services and loans for payment of a percentage fee. Specifically included are check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and

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payday loan businesses that make loans upon assignment of wages received. Excluded are retail uses in which a minimum of 70 percent of the floor area of the store is devoted to the display or sale of merchandise.

"Notice of action" means an administrative notice sent to an applicant, which describes the action taken, including any applicable conditions, and lists the findings that were the basis for the decision.

"Notice of decision" means an administrative notice sent to an owner or occupant of a property subject to the abatement of nuisance provisions of this code describing a decision made by a responsible official.

"Notice of order" means an administrative notice sent to the property owner and occupant of a property on which a use, structure, or building exists that is deemed to be in violation of this code, or any nuisance as defined in this code. The notice specifies the exact violation or nuisance that has been identified, a date by which the nuisance must be corrected, provisions regarding re-inspection and any fees that may apply, and the name and contact information of the code enforcement officer or designee.

"Nursery" means an establishment primarily engaged in retailing nursery and garden products – such as trees, shrubs, plants, seeds, bulbs, and sod – that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in packaged form only.

"Occupancy, change in" means the discontinuance of an existing use and the substitution therefor of a use of a different kind or class.

"Occupant" means the person occupying or having custody of a structure or premises as a lessee or other.

"Off-site" means not located within the area of the property to be developed.

"On-site" means located on the lot, parcel or property that is the subject of discussion.

"Open space" means 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

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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 and trails master plan” means the city of Maricopa Parks, Trails and Open Space Master Plan as adopted by the city council.

“Open space, common” means a shared open space intended for the exclusive use of the occupants of a residential building.

“Open space, private” means an open space intended for the exclusive use of the occupants of a dwelling unit.

“Open space, public” means 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, usable” is a term defined in MCC Title [17](#), Subdivisions, that means land which can be enjoyed by people. This could include landscaped or hardscaped plazas, paseos 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), trailheads and parks.

“Outbuilding” means a secondary building usually located toward the rear of the same lot as a principal building such as a garage, carport, or workshop and may include an accessory unit.

“Outdoor display case” means a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

“Outdoor entertainment or outdoor activities” includes any type of live entertainment or recreational activity taking place in a location visible to public view and not within an enclosed building.

“Outside display” means the placement of goods, equipment, merchandise or exhibits at a location visible to the public view, other than within a building.

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“Outside storage” means the storage of goods, equipment or materials outside of a building for any purpose other than outside display.

“Overlay district” means a zoning district that modifies the regulations of base districts for a specific purpose.

“Owner” means the person indicated on the records of the Pinal County Assessor, or other official body, as the owner of record of the property in question.

“Parcel of land” means a contiguous quantity of land, owned by or recorded as the property of a person.

“Parking lots” or “parking buildings” means readily accessible areas within structures or surface parking areas, exclusive of aisles, driveways, ramps and columns, maintained exclusively for the parking of vehicles, not including areas for the parking or storage of commercial vehicles.

“Park strip” means the section of the public frontage accommodating street trees and other landscape, public infrastructure, and public furniture.

“Parks” means 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 playfields and/or sport court areas, and/or other recreational components, and picnic/seating/shade areas that are landscaped/hardscaped in a pleasing manner.

“Passage” means a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

“Path” means a pedestrian way traversing a greenway or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban sidewalk network.

“Paver” means a masonry block of various material and/or size.

“Pedestrian-oriented use” means a land use intended to encourage walking customers and which, generally, does not limit the number of customers by required appointments or otherwise excluding the general public.

“Pedestrian way” means 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.

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“Permit” means any administrative use permit, conditional use permit, development review permit, final development review permit, temporary use permit, zoning permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

“Permitted use” means any use allowed in a zoning district and subject to any restrictions applicable to that zoning district.

“Permittee” means the person who applied for a permit pursuant to this article and in whose name such permit was issued by the city pursuant to this article.

“Person” means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other city, county, municipality, district, or other political subdivision, or any other group or combination acting as a unit.

“Phasing plan” means a schedule of development required by MCC Title [17](#), Subdivisions, if a project is to be developed in phases.

“Planned area development (PAD)” is a term used in MCC Title [17](#), Subdivisions, that means a development with a minimum of 30 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.

“Planning and zoning commission” means the planning and zoning commission of the city of Maricopa.

“Planter” means a three-foot-deep recessed soil bed provided for the planting of street trees and kept open to air and water flow through landscaping or permeable pavers.

“Planting technique” means the prescribed method for planting street trees, either in a continuous planter or tree pit.

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“Plasma center” means any facility used in the collection, storage, or distribution of liquid blood plasma.

“Plat” means a map that provides for changes in land use or ownership. See MCC Title [17](#), Subdivisions, for additional definitions related to specific types of plats (e.g., preliminary plat, final plat, recorded plat and reversionary plat).

“Plaza” means a civic space type designed for civic purposes and commercial activities in the more urban subdistricts, generally paved, spatially defined by buildings, and internal to or part of a block.

“Pocket park” means a civic space type of limited size available for unstructured recreation and may be designed as a playground; normally located internal to a block.

“Porch and fence” means a facade is set back from the frontage line with an encroaching porch appended. The porch should be within a conversational distance of the sidewalk while a fence at the frontage line maintains the demarcation of the yard.

“Preexisting” means in existence prior to the effective date of this revised code.

“Preliminary meeting” means an initial meeting between developer and municipal representatives that affords developer the opportunity to present their proposals informally and discuss the project and address any items of controversy or requirements before the preliminary plat is submitted.

“Preliminary review” means an administrative mechanism that is intended to acquaint a prospective applicant or applicant’s representative(s) with the requirements of this code, the general plan and other relevant city policies and regulations.

“Primary frontage” means the private frontage designed to bear the address and principal entrance(s) of a building.

“Principal building” means the main building on a lot.

“Principal entrance” means the main point(s) of access for pedestrians into a building or unit within a building.

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“Principal use” means a use that fulfills a primary or predominant function of an establishment, institution, household, or other entity and occupies at least 70 percent of the gross floor area.

“Private access way” means a private way of access dedicated as a tract to one 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.

“Private frontage” means the first lot layer and the facade of a building.

“Private street” means real property recorded as improved roadway for pedestrian and motor vehicle traffic, constructed and maintained by private parties.

“Project” means any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this code.

“Public frontage” means the area between the edge of the vehicular lanes of a thoroughfare and the frontage line of private lots and civic spaces.

“Public furniture” means items provided by the city of Maricopa for public use.

“Public lighting” means a type of public infrastructure necessary for the illumination of public frontages and thoroughfare intersections.

“Public street” means real property dedicated for, and recorded as, public right-of-way for pedestrian and motor vehicle traffic, having a minimum width of 30 feet, and more typically having a minimum width of 50 feet. The term shall not include public right-of-way designated for limited access freeways or public alleys.

“Qualified applicant” means the property owner, the owner’s agent, or any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

“Rear lane” means a vehicular way located to the rear of lots providing access to service areas, parking and outbuildings and containing utility easements. Rear lanes may be lightly paved to driveway standards. The streetscape consists of gravel or landscaped edges, has no raised curb, and is drained by percolation.

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“Reasonable accommodation” means any deviation requested and/or granted from the strict application of the city’s zoning and land use laws, rules, policies, practices and/or procedures.

“Recorder” means the recorder of Pinal County.

“Recreational vehicle (RV)” means a vehicle-type unit which is one of the following:

1. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping.
2. A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
3. A park trailer built on a single chassis, mounted on wheels, and designed to be connected to utilities necessary for operation of installed fixtures and appliances, and having a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up, except that it does not include fifth wheel trailers.
4. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and having a trailer area of less than 320 square feet. This type includes fifth wheel trailers.

“Redevelopment area plan” means the city of Maricopa redevelopment district area plan adopted by the city council. This plan applies to the Old Town area, also known as the Heritage District.

“Regulating plan” means a map or set of maps showing the subdistricts, thoroughfares, and block lengths subject to regulation under the Maricopa Station Overlay District.

“Renovation, exterior facade” means a resurfacing of an existing building frontage so that the facade and signs are integrated into one unit.

“Responsible party” means a person charged with a civil violation of this code.

“Review authority” means the body responsible for making decisions on zoning and related applications.

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“Right-of-way” means 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.

“Road” means an open way used for the passage of vehicles, and includes alleys, streets and highways.

“Roadway easement” means a recorded conveyance to the public over a described area for roadway-related uses.

“Roof area” means that portion of a lot or parcel covered by the roof structure of all buildings, excluding the eaves and overhangs, but including covered porches, patios and carports.

“Room, habitable” means a room in a building commonly used for sleeping, living, cooking or dining purposes, excluding closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage space, cellars, utility rooms, and similar spaces.

“Rowhouse” means a single- or multi-unit building that shares a party wall with another of the same type and a facade along 100 percent of the frontage line.

“Screening” means a wall, fence, hedge, informal planting, or berm provided for the purpose of buffering a building or activity from neighboring areas or from the street.

“Section” means a section of this zoning code, unless some other code or statute is mentioned.

“Semi-permanent structure” means equipment, or any dining area, including, but not limited to, tables, chairs, booths, bar stools, benches, and standup counters.

“Service provider” means any authorized provider of wireless communications services.

“Setback” means the area between a property line and a building or structure which must be kept clear or open and clear of certain structures.

“Shared parking” means accounting for parking spaces that are available to more than one function.

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“Shopfront” means a commercial store entrance aligned close to the frontage line with the entrance on sidewalk. It is commonly equipped with a cantilevered shed roof or an awning.

“Sidewalk” means a paved, surfaced, or leveled area, paralleling a street and used as a pedestrian walkway.

“Sign” means any letters, figure, symbol, emblem, logo, object, or display or any combination thereof, designed or used to identify, attract attention to, advertise, or communicate information.

Sign-Related Terms.

Billboard. See “Sign, off-site.”

“Bulletin board” means a sign which identifies a noncommercial institution or organization, on site, which contains the name of the institution or organization and associated individuals and general announcements of events or activities at the institution, or similar messages of general public interest.

“Comprehensive sign plan” means a sign plan submitted under the guidelines of MCC [18.115.150](#), intended to provide for the establishment of signage criteria that are tailored to a specific development location, and which may vary from specific ordinance provisions.

“Fixed balloon” means any air- or gas-filled inflatable object ground-mounted or attached by a tether to a fixed place.

“Sign, A-frame” means a form of temporary sign constructed of two panels to form a point and resembling the shape of the letter “A.” Also known as a “sandwich board” sign.

“Sign, address” means a sign, generally applied to a building wall, that displays a building’s address.

“Sign, animated” means any sign or part of a sign which changes physical position by any movement, rotation or undulation or by the movement of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously.

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“Sign, awning or canopy” means a sign on a traditional canvas awning and/or a sign on the edge of a structural canopy that is otherwise permitted by this code.

“Sign, band” means a sign that is attached flat on the exterior front, rear or side wall of any building or other structure. (Synonym: wall-mounted sign, fascia sign.)

“Sign, bandit” means a sign that is temporary and made of cardboard or foam board which is mounted on angle iron or wooden stake.

“Sign, banner” means a temporary sign of fabric, plastic, or other light pliable material not enclosed in a rigid frame.

“Sign, blade” means a sign mounted on the building facade, projecting at a 90-degree angle.

“Sign, business” means a sign that attracts attention to a business or profession conducted on site, or to a commodity or service sold, offered or manufactured on site, or to an entertainment offered on site.

“Sign, community” means the “City of Maricopa Welcome” signs and the integrated public service club(s) sign.

“Sign, construction” means a temporary sign, limited to the period of construction, erected on a premises of an existing construction project, and designating the architect, contractor, designer, engineer, financier, or name and nature of the project.

“Sign, directional” means signs limited to directional messages, which do not contain identification or advertising copy, which aid the flow of pedestrian and vehicular traffic as well as providing directional information relating to points of interest, institutions, facilities and districts.

“Sign, directory” means a sign listing the names, uses, and/or locations of the various businesses or tenants within a building or a multi-tenant development, but not for the purpose of advertising products, goods, or services.

“Sign, fascia” means a sign permanently affixed to a horizontal piece covering the joint between the top of a building wall and the projecting eaves of a roof.

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“Sign, freestanding monument” means an identification sign on its own self-supporting permanent structure, detached from supportive elements of a building on a base which has an aggregate width of at least 50 percent of the width of the sign and shall include the street address.

“Sign, garage sale” means a temporary sign advertising a temporary garage sale.

“Sign, gasoline fuel price” means a changeable copy sign advertising gasoline fuel prices only.

“Sign, identification” means a sign that includes, as copy, only the name of the business, place, facility, organization, building, or person it identifies and shall include the street address which shall be positioned on the side of the building that it is addressed from.

“Sign, illuminated” means a sign with the surface artificially lighted, either internally or externally. If externally illuminated the fixture shall be fully shielded and directed downward.

“Sign, interior display” means any poster, cut-out letters, painted text or graphic or other text or visual presentation placed within one foot behind a window pane, and is placed to be read from the exterior of a building. This does not include any item of merchandise normally displayed within a show window of a merchant.

“Sign, kiosk” means a city-provided, informational sign providing directional information to single-unit and multi-unit residential developments, commercial developments, local businesses, not-for-profit agencies, and community facilities.

“Sign, marquee” means a sign that is usually defined as any movie-type marquee with changeable copy. Marquee signs are considered permanent signs. A marquee is defined as a permanent canopy structure constructed of rigid materials that are attached to and supported by the building and that projects over the entrance to a building.

“Sign, menu board” means a sign displaying the bill of fare of a restaurant.

“Sign, nameplate” means a sign that identifies a resident’s or home’s name and address or the name of a farm, ranch, or commercial ranch. Such signs may be shingle, building, wall, or archway-mounted signs. Includes billboards.

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“Sign, nonconforming” means a sign lawfully erected and maintained prior to the adoption of this code that does not conform with the requirements of this code.

“Sign, off-site” means a sign located outside the legal description of the property that directs attention for a commercial purpose to a business, commodity, service, entertainment, product or attraction that is not sold, offered, or existing on the property where the sign is located.

“Sign, on-site” means a sign which is either constructed or approved by the property owner that is located within the legal description of the property.

“Sign, open house directional” means a sign used to advertise the sale of a house and direct traffic to the house for sale.

“Sign, pole” means a sign that is supported by a pole and otherwise separated from the ground by air. Such as monument signs, pole signs are separate from a building.

“Sign, political” means a temporary sign which supports any candidate for public office or urges action for or against any other matter on the ballot of primary, general, or special elections.

“Sign, portable” means a temporary sign not affixed to a structure or ground mounted on a site. It rests on the ground and consists of two sign faces, i.e., but not limited to, A-frame signs.

“Sign, projecting” means a sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building or other structure.

“Sign, reader panel” means a sign designed to permit immediate change of copy using individual letters, such as electronic or digital in nature.

“Sign, real estate” means a sign advertising for sale, lease, auction or rent of the property or building upon which it is located.

“Sign, roof” means a sign erected on, above, or over the roof of a building so that it projects above the highest point of the roofline, parapet, or fascia.

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“Sign, sidewalk” means a movable freestanding sign, typically double-sided, placed at the entrance to a business (i.e., sandwich board, A-frame sign.).

“Sign, under canopy” means a sign suspended from, and located entirely under a covered porch, covered walkway, or an awning and is anchored or rigidly hung to prevent the sign from swinging due to wind movement.

“Sight visibility triangle” means the area of visibility on a street corner to allow for safe operations of vehicles, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

“Single-family residential design guidelines” means the city of Maricopa single-family residential design guidelines adopted by the city council.

“Single household” means any number of related, or up to five unrelated, persons living as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common area, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises of the dwelling unit rather than the landlord or property manager.

“Site plan review” means a process exercised under the prior zoning code, which provided a review and approval procedure for all nonsingle-family residential construction or development proposals.

“Square” means a civic space designed for unstructured recreation and civic purposes, circumscribed by thoroughfares, spatially defined by building frontages, and consisting of paths and/or sidewalks, lawn and trees, formally disposed.

“Stand” means a structure for the display and sale of products with no space for customers within the structure itself.

“Stealth facility” means any commercial wireless communications facility that is designed to blend into the surrounding environment by means of screening, concealment, or camouflage.

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The antenna and supporting antenna equipment are either not readily visible beyond the property on which they are located, or, if visible, appear to be part of the existing landscape or environment rather than identifiable as a wireless communications facility.

“Story” means the portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. “Story” includes a basement, but not a cellar.

“Stoop” means a private frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

“Street” means a public or private right-of-way, other than a highway or alley, whose function is to carry vehicular traffic and/or provide vehicular access to abutting property.

Street-Related Terms. “Street, arterial” provides a high level of mobility for city-wide through traffic movement. They are typically spaced at one-mile or greater intervals, have limited access, and no on-street parking. 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.

“Street, cul-de-sac” means 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.

“Street, frontage or highway” means that portion of a lot or parcel of land which borders a public street, highway or parkway.

“Street, local” means a street that provides for direct access to residential or other abutting land and serves local traffic movement with connections to roadways of higher classification.

“Street, private” means 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

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

“Street, screen” means a freestanding barrier built along the frontage line, or coplanar with the facade to mask a parking lot from a thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. These are opaque and may be a combination of materials, landscaping, and/or architectural structures.

“Structural alteration” means any change of the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists, ceiling joists, or roof rafters.

“Structure” means anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

“Subdistrict” means one of several areas on the zoning map regulated as part of the Heritage Overlay District. Subdistricts are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and public frontage.

“Subdivider” (see also “Developer”) means 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 MCC Title [17](#), Subdivisions, 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 code. The city council may itself prepare or have prepared a plat for the subdivision of land under municipal ownership.

“Subdivision” means improved or unimproved land or lands divided for the purpose of financing, sale, lease, or conveyance, whether immediate or future, into four or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into two 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 or more parts. “Subdivision” also includes any condominium, cooperative, community apartment, townhouse, patio home, or similar project

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containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

“Subdivision” does not include the following:

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

“Swimming pool” means a contained body of water used for bathing or swimming purposes either above or below ground level with the container being 18 or more inches in depth at any point, and/or wider than eight feet at any point measured on the long axis.

“Technical advisory committee” means the committee created under this code to act in an advisory capacity to the planning and zoning commission regarding all development applications and applications for subdivision plats and improvements.

“Technical review” means 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.

Telecommunications-Related Terms.

“Alternative tower structure” means any existing or proposed vertical structure that is designed to contain a wireless communication antenna including but not limited to clock towers, bell steeples, light poles, ball field lights, windmills, and similar alternative mounting structures that may be used to attach antennas and towers to minimize impact (see also “Stealth”).

“Antenna” means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures

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electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

“Antenna, alternative tower-mounted” means an antenna mounted on a water tower, street, utility pole, sign, or structure of similar character.

“Antenna, amateur radio” means a ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the amateur radio service and as designated by the Federal Communications Commission (FCC).

“Antenna, building or structure-mounted” means an antenna mounted to a building, rooftop equipment screen, or structure that transmits or receives electromagnetic signals.

“Antenna, direct broadcast satellite service (DBS)” means an antenna, usually a small home receiving dish, designed to receive direct broadcast from a satellite.

“Antenna, ground-mounted” means any antenna that is not mounted on a pole, a structure, or the roof or wall of a building.

“Antenna, multipoint distribution services (MDS)” means an antenna designed to receive video programming services via multipoint distribution services, including multipoint, multichannel distribution services, instructional television fixed services, and local multipoint distribution services.

“Antenna, roof-mounted” means an antenna directly attached or affixed to the roof of an existing structure.

“Antenna, satellite” means any antenna used to receive and/or transmit radio or television signals from orbiting communications satellites.

“Antenna, satellite earth station” means an antenna designed to receive and/or transmit radio frequency signals directly to and/or from a satellite.

“Antenna structure” means an antenna array and its associated support structure, such as a mast or tower (not including a suspended simple wire antenna), that is used for the purpose of transmitting and/or receiving electromagnetic signals, including but not limited to radio waves and microwaves.

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“Antenna structure, freestanding” means an antenna structure or mast that is not attached to any part of a building, fence, or other such structure. Freestanding antenna structures include communications towers, wooden utility poles, and concrete and steel monopoles. If the total height of the structure, including the antenna, is at least 17 feet high, it shall be treated as a monopole.

“Antenna structure, monopole” means an antenna structure, often tubular in shape, usually made of metal, reinforced concrete, or wood and which is at least 17 feet in height. A monopole may also be an alternative tower structure that is designed to replicate a tree or other natural feature.

“Antenna, television broadcast service (TVBS)” means an antenna designed to receive only television broadcast signals.

“Array” means one or more rods, panels, discs or similar devices used for transmission or reception of radio frequency (RF) signals through electronic energy, which may include omnidirectional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

“Close mount” means the antenna and appurtenances are designed in a manner to reduce the visual impact of the facility by tightly clustering the devices or equipment(s).

“Existing structure” means light poles, power poles, flagpoles, buildings and any other similar vertical structures which are placed within the city.

“FAA” means the Federal Aviation Administration.

“FCC” means the Federal Communications Commission.

“Mobile antenna(s),” also known as cell on wheels (COW) or temporary antenna, means a mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment, may be located on a truck or trailer, and designed to be a temporary part of a cellular network.

“Preexisting towers” and “preexisting antennas” means any tower or antenna for which a building permit has been properly issued prior to the effective date of this code, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

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“Readily visible” means an object that can be identified as a wireless telecommunications facility when viewed with the naked eye.

“Related equipment” means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

“Site” means the physical location upon which wireless telecommunications facilities are located. Unless otherwise stated in this code, “site” shall be limited to the area occupied by a single tower and its accompanying ground- or roof-mounted equipment.

“Stealth” means manmade trees, clock towers, palm trees, faux windmills and water towers, chimneys and similar structures to design mounting structures that camouflage or conceal the presence of antennas and towers.

“Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, stealth towers and alternative tower structures. The term also includes the structure and any support thereto.

“Utility” means a private business organization, subject to governmental regulation, that provides an essential commodity or service, such as water, electricity, transportation, or communication, to the public.

“Terminal” means any facility designed or intended to be used for the receiving or discharging of passengers or cargo and providing for the temporary or permanent storage of the conveyance vehicle. Terminals include train terminals, airports, bus terminals, freight terminals, harbor terminals, or any combination of the above commonly referred to as multipurpose terminals.

“Terminated vista” means a location at the axial conclusion of a thoroughfare. A building located at a terminated vista designated should be designed in response to its unique position at a visual termination point.

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“Theater” means an enclosed building used for public assembly and/or entertainment, including sports events, theatrical performances, concerts and recitals, circuses, stock shows and conventions. “Theater” includes auditoriums.

“Townhouse” means a building on its own separate lot containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhouse dwelling units by at least one common wall. “Townhouse” shall also mean patio home.

“Transect” means a cross-section of the environment showing a range of different habitats. The transect of human habitat types used in this code is divided into four transect zones. These zones describe the physical form and character of a place, according to the density and intensity of its land use and urbanism.

“Transparent or nonopaque” means any surface, screen, window, wall, or other structural element through which objects can be clearly seen by the human eye.

“Transverse” means a type of pavement marking consisting of two parallel lines set perpendicular to the public frontage extending across the entire width of the vehicular lanes of a thoroughfare to demarcate a pedestrian crosswalk.

“Triplex” means a building with three side-by-side units on a lot with a shared wall of the building.

“USC&GS” means the United States Coast and Geodetic Survey.

“USACOE” means the United States Army Corps of Engineers.

“Use” means and includes construction, establishment, maintenance, alteration, moving onto, enlargement and occupation. Wherever this title prohibits the “use” of any premises for any purposes, such premises and any building, structure or improvement on such premises shall not be used, occupied, altered or improved for such purpose, and no building, structure or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto or enlarged which is designed, arranged or intended to be occupied or used for such purpose.

“Use, abandoned” means a use that has ceased or a structure that has been vacated for a time period as specified in this code. Abandonment does not include temporary or short-term

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interruptions to a use or occupancy of a structure during periods of remodeling, maintaining, or otherwise improving or rearranging a facility.

“Use permit” means a discretionary permit, such as an “administrative use permit” or “conditional use permit,” which may be granted by the appropriate city of Maricopa approval authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

“Utility services” means 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.

“Valance” means the portion of an awning that hangs perpendicular to the sidewalk.

“Variance” means a discretionary mechanism for relief from certain dimensional and performance standards in this code where the strict application will deprive the property owner of privileges enjoyed by similar properties because of the subject property’s unique and special conditions. The board of adjustment has the power to grant variances to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this code.

“Vehicle, inoperative” means any motor vehicle that cannot be operated lawfully on a public street or highway for any reason other than the lack of current vehicle registration, or that cannot be moved under its own power.

“View fencing (view fence)” means fencing that is constructed in such a manner as to achieve 80 percent overall openness.

“Visible” means capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

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“Waiver of claim for diminution in value” means an administrative mechanism requiring applicants to submit a waiver of claims for diminution in value pursuant to the A.R.S. §§ 12-1131 through 12-1138.

“Walkway” means the section of the public frontage dedicated exclusively to pedestrian activity.

“Wall” means any exterior surface of a building or any part thereof, including windows.

“Warehousing” means a business in which goods or merchandise are stored as a principal activity, including shipping or distribution activities.

“Waste transfer facility” means a facility that operates as a materials recovery, recycling and solid waste transfer operation providing solid waste recycling and transfer services for other local jurisdictions and public agencies that are not located within the city of Maricopa. The facility sorts and removes recyclable materials (including paper, metal, wood, inert materials such as soils and concrete, green waste, glass, aluminum and cardboard) through separation and sorting technologies to divert these materials from the waste stream otherwise destined for landfill.

“Watercourse” means 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.

“Wheel stop” means a physical barrier sufficient in size to prevent the movement of automobiles or other vehicles over or past such barrier.

“Wireless communications facility” means personal wireless service facilities including but not limited to facilities that transmit and/or receive electromagnetic signals for cellular radio telephone service, personal communications services, enhanced specialized mobile services, paging systems, and related technologies. Such facilities include antennas, microwave dishes, parabolic antennas, and all other types of equipment used in the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; associated equipment cabinets and/or buildings; and all other accessory development used for the provision of personal wireless services. These facilities do not include radio and television broadcast towers and government-operated public safety networks.

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“Workforce housing” means 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 50 percent but does not exceed 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.

“Yard, front” means a yard extending across the full width of the lot or parcel of land. On corner lots, the front yard shall be located across the narrower frontage of the lot.

“Yard, rear” means a yard extending across the full width of the lot or parcel of land.

“Yard, side corner” means a yard bounded by an alley, highway or street, extending from the required front yard, or the highway line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required.

“Yard, side interior” means a yard extending from the required front yard, or the highway line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required on other than a corner side yard.

“Yield street” means a thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation.

“Zone” means a district classification established by the zoning code of the city of Maricopa that limits or permits various and specific uses.

“Zoning administrator” means the zoning administrator for the city of Maricopa or their representative.

“Zoning clearance” means the approval by the zoning administrator of a plan that is in conformance with the zoning code of the city of Maricopa.

“Zoning code” means this title (MCC Title [18](#)).

“Zoning map” means an official map adopted by the city council depicting zoned land within the city and depicting how the zoning regulations for base districts and overlay districts apply

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throughout the city. [Res. 21-09; Ord. 21-05 § 2; Res. 20-37; Ord. 20-15 § 1; Res. 18-20; Ord. 18-05 § 2; Res. 14-36 § 602.02; Ord. 14-12 § 1.]

The Maricopa City Code is current through Ordinance 23-09, passed March 7, 2023.

Disclaimer: The city clerk's office has the official version of the Maricopa City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.maricopa-az.gov](http://www.maricopa-az.gov)

[City Telephone: \(520\) 568-9098](tel:(520)568-9098)

[Code Publishing Company, A General Code Company](#)

18.205.020 List of definitions.

“Abutting” means 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 building or structure” means a detached subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located in the same or a less restrictive zone, and on the same lot or parcel of land with the main building or use.

“Accessory use” means a use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or parcel of land, which accessory use does not alter said principal use nor serve property other than the lot or parcel of land on which the principal use is located. “Appurtenant use” means the same as accessory use.

Adequate Public Facility-Related Terms. See Chapter [18.85](#) MCC, Adequate Public Facilities (not recommended by the task force).

“Adequate” means meeting the established minimum standards in this code and all other applicable policies of the city.

“Capacity” means the maximum demand that can be accommodated by a public facility.

“Public facilities” includes roads, water, wastewater, drainage, parks and open space, and school facilities.

“Adjacent” means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.

“Adjoining” means two or more lots or parcels of land sharing a common boundary line, or two or more objects in contact with each other. Lots or parcels of land which touch at corners only shall not be deemed adjoining.

“Administrative review” means the process by which the community development department reviews submitted regulating, streetscape, site and/or building plans to determine compliance with this regulating document and design guidelines.

“Adult” means a person who is 18 years of age or older.

“Aggrieved person” means any person who, in person or through a representative, appeared at a city public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either.

Airport-Related Terms.

“Aircraft” means any contrivance, now known or hereafter invented, for use or designed for navigation of or flight in the air, including helicopters, fixed-wing aircraft and gliders.

“Airport” means any area of land designed and set aside for the landing and taking off of aircraft.

“Noise-sensitive uses” means single-unit or multiple-unit housing, office buildings, hotels, motels, hospitals, nursing homes, places of worship, libraries, public and private schools and day care centers.

“Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length. The runway includes any proposed runway or runway extension as shown on any approved airport planning document.

“Alley” means a public or private right-of-way less than 30 feet wide which affords a means of vehicular access to the side or rear of properties abutting a street or highway.

“Alteration” means any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

“Apex” means the highest point of a sign as measured from the point on the ground where its structure is located, or, if no sign structure is present, from the point on the ground directly below the sign itself.

“Applicant” means the person who applies for a permit pursuant to this article.

“Approval authority” means the official or decision-making body granted authority to approve a permit or other entitlement for development or use under the terms and regulations of this code. Also referred to as the “decision-making authority.”

“Arcade” means a private frontage conventional for retail use wherein the facade is a colonnade supporting habitable space that overlaps the sidewalk, while the facade of the first story remains at the frontage line.

“Arterial street” means a general term designating streets of major significance to the community, including section line and major streets and state and county highways, that are designed to carry substantial volumes of traffic, providing a system for citywide through-traffic movement.

“Article” means a chapter set out in this code, unless another code or statute is mentioned.

“Artist” means an individual engaged in the creation of art or crafts that require artistic skill. Examples of individuals typically engaged in this work include, but are not limited to, woodworkers, potters/ceramicists, costume makers, set designers, stained-glass makers, glassblowers, textile artists and weavers, jewelry makers, painters, fine art printmakers, photographers/filmmakers, leather workers, metal workers, musical instrument makers, model makers, papermakers, installation artists, sculptors, video artists, and other makers of art and crafts.

“Assisted living facility” means a residential care institution intended for occupancy by persons of advanced age or limited ability for self-care, which may provide food, transportation, recreation, or other services to the residents thereof, and which is licensed by the Arizona Department of Health Services to perform supervisory care, personal care, or custodial care services. The term shall include boarding houses, dormitories, apartments, and similar multiple-residence living arrangements when operated as an assisted living facility as defined herein, but shall not include group homes for the handicapped, adult care homes, nursing homes, hospitals, or hotels.

“Automobile parking space, compact” means any permanently maintained space, having a width of not less than eight feet and a length of not less than 15 feet, so located and arranged as to permit the storage of a passenger automobile of compact size.

“Automobile parking space, standard” means any permanently maintained space, having a width of not less than eight and one-half feet and a length of not less than 18 feet, so located and arranged as to permit the storage of a passenger automobile of standard size.

“Automobile storage space” means “automobile parking space.”

“Avenue” means a thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

“Awning” means an ancillary lightweight structure of wood, metal, or canvas, cantilevered from a building facade and providing shade to the fenestration and spatial containment to the pedestrian.

“Base district” means a rural, residential, commercial, mixed use, industrial, open space, public or institutional zoning district established under Division 2 of this title.

“Basement” means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

“Basin, detention” means storm water 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.

“Basin, drainage” means 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” means 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.

“Berm” means an earthen mound, either natural or manmade.

“Bicycle lane” means a paved area located within a street right-of-way and within the pavement section that is designated for bicycle or other nonmotorized traffic.

“Block” means an aggregate land area circumscribed by thoroughfares.

“Block face” means the aggregate of all the principal frontage lines, or alternatively the building facades, on one side of a block.

“Body piercing” means the creation of an opening in the human body for the purpose of inserting jewelry or other decoration, including the piercing of an ear, lip, tongue, nose, or eyebrow. “Body piercing” does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

“Buffer area” means 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” means 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 this code.

“Building” means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

“Building, enclosed” means a building enclosed on all sides.

“Building setback line” means the required minimum distance, as prescribed by this code, between the property line and the closest point of any building or structure.

“Building site” means a lot or parcel of land occupied, or to be occupied, by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

“Canopy” means the extent of the outer layer of leaves of an individual tree or group of trees.

“Canopy density” means the general permeability of a tree canopy to light as a characteristic of branch number and structure; canopy density can either be full (greater than 50 percent) or open (less than 50 percent).

“Canopy shape” means the general shape of the outer layer of leaves of an individual tree as structured by the tree’s branches.

“Carport” means an accessory structure that is roofed but permanently open on at least two sides and maintained for the storage of motor vehicles.

“Centerline” means the centerline established by the city engineer for any proposed or dedicated public way.

“Changed plans” means any changes in physical design, site layout, lot sizes and patterns, building footprints, elevations or siting, drainage, utilities, or roadway locations on a development plan. Changes in architectural materials and finishes, lighting fixtures, or a planting palette are not considered plan changes.

“Child” means a person under 18 years of age.

“Chord” means a straight line joining two points on a curve.

“City” means the city of Maricopa, Arizona.

“City council” means the city council of the city of Maricopa.

“Civic” means the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, religious, and municipal parking.

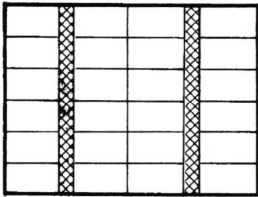
“Civic building” means a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by development services. A civic building is owned by a municipal or governmental body.

“Civic space” means an outdoor area permanently dedicated for public use. Civic space types are defined by the combination of certain physical constants including the relationships among their intended use, size, landscaping and surrounding buildings.

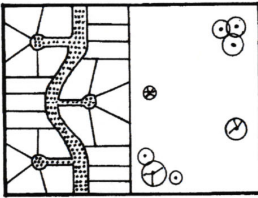
“Civic subdistrict” means a designation for public sites dedicated for civic buildings and/or civic space.

“Clearance” means the height above the walkway, or other surface if specified, of the bottom edge of an element.

“Cluster development” means development pattern that concentrates development in specific areas on a site 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.



Conventional Lots



Clustered Lots

“Code, zoning” means MCC Title [18](#).

“Co-location” means the location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure or otherwise sharing a common location. Co-location shall also include the location of wireless communications facilities with other facilities such as buildings, water tanks, light standards, and other utility facilities and structures.

“Commercial vehicle” means any vehicle currently registered as such with the State Department of Motor Vehicles or equivalent out-of-state or federal agency and is used primarily in the conduct of a business as opposed to private family or individual use.

“Commission” means the planning and zoning commission of the city of Maricopa.

“Committee” means the technical advisory committee, or any other committee as established by the city council of the city of Maricopa.

“Communication equipment building” means a building that houses operating electrical and mechanical equipment necessary for the conducting of a public utility communications business, with or without personnel.

“Community facilities” includes, but is not limited to, government buildings, libraries, hospitals, local businesses, parks, and historic sites.

“Common yard” means a planted private frontage wherein the facade is set back from the frontage line. The yard is visually continuous with adjacent yards.

“Complete application” means an application accompanied by the required fees and deposits and all of the information, including plans, written materials, specifications, reports and other documents that are required to be submitted for review and approval of an entitlement for development or use under the terms and regulations of this code.

“Conditional approval” means an affirmative action by the commission or council indicating that approval will be forthcoming with satisfaction of certain specified conditions or stipulations.

“Controlling person” means a natural person who either (1) has a 10 percent or greater interest in the ownership or earnings of the business, or (2) is any of the following:

1. An officer, director, or any stockholder who owns 10 percent or more, of a corporation permittee/applicant;
2. A general partner of a limited partnership permittee/applicant or partner of a nonlimited partnership permittee/applicant;
3. An officer, president, or secretary of a limited liability company/corporation permittee/applicant; or
4. The sole proprietor of a sole proprietorship permittee/applicant.

“Construction” means construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land.

“Coordinated frontage” means a condition where the landscape and paving of public frontage and private frontage are coordinated as a single, coherent design.

“Corral fence” means a structure consisting of vertical posts with horizontal connectors, so constructed that 75 percent or more of the vertical surface is open. Corral fences do not include chain link fences.

“Council” means the city council of the city of Maricopa.

“County” means Pinal County, Arizona.

“Court” means an open space enclosed wholly or partly by buildings or circumscribed by a single building.

“Courtyard” means a building placed within the boundaries of its lot to create a private courtyard, while internally defining one or more private patios.

“Cultivar” means a cultivated variety of street tree, deliberately selected for its desirable physical characteristics.

“Cultural facility” means a facility engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. This does not include schools or institutions of higher education providing curricula of a general nature.

“Day” means any day, Monday through Friday, that is not a federal, state, or local holiday.

“De novo” means “anew” or “from the beginning.” When used in hearings, new testimony can be taken and new information considered, rather than relying only on the information in the record.

“Density” means the number of dwelling units per unit of land area.

“Density bonus” means a density increase over the otherwise maximum allowable residential density provided in this code.

“Density, gross” means the number of dwelling units per gross unit of land area.

“Department” means the development services department of the city of Maricopa.

“Designated agent” means the person designated by the permittee/applicant to receive notices from the city pursuant to this title.

“Developer” (see also “Subdivider”) means 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” means any manmade change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance (excluding disturbance from agriculture-related grading).

“Development agreement” means an agreement between the city and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of Arizona Revised Statutes for such development agreements.

“Development review permit” means a permit required for uses or developments identified in Division 2, Base Zoning Districts; Division 3, Overlay Districts; and/or any other section of this code that requires development review.

“Director” means the director of the development services department and the planning and zoning division of the city of Maricopa, acting either directly or through authorized agents.

“Disabled person” means a person who: (1) has a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment. However, “disabled” shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [[21](#) United States Code [802](#)]).

“District” means a portion of the city within which certain uniform regulations and requirements apply to development and land uses, or various combinations thereof apply under the provisions of this code. Also referred to as “zoning districts.”

“Domestic animal” is an animal which is commonly maintained in residence with humans.

“Dooryard” means a private frontage type with a shallow setback and front garden or patio usually with a low wall at the frontage line to effectively buffer residential quarters from the sidewalk while removing the private yard from public encroachment.

“Driveway” means an accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

“Duplex” means a building with two side-by-side units on a lot with a shared wall of the building.

“ Dwelling unit” means a room or suite of rooms including one and only one kitchen, and designed or occupied as separate living quarters for one family, as defined below.

“Easement” means a portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

“Edgeyard” means a building placed within the boundaries of its lot to create an edgeward around the building, with setbacks on all sides.

“Effective date” means the date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

“Effective turning radius” means the measurement of the turning radius at a corner taking parked cars into account.

“Elevation” means an exterior wall of a building not along a frontage line.

“Emergency” means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

“Encroach” means to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage, or above a height limit.

“Engineer” means the city engineer of Maricopa or their designated representative.

“Engineering department” means the engineering division of the development services department of the city of Maricopa.

“Equipment cabinet or enclosure” means a cabinet or structure used to house equipment associated with a wireless communications facility.

“Facade” means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

“Factory-built building” means a residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on site, except that it does not include a manufactured home, recreational vehicle or mobile home as defined in the manufactured home/recreational vehicle regulations of this code, MCC [18.120.150](#).

“Family” means one or more persons living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a family need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

“Fence” means an artificially constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

“Figure” means any graphic representation noted as a “Figure” within this code, that is used to illustrate and exemplify certain standards and regulations contained within the language of this code.

“Fill” means soil, rock, or other material deposited at a location by man that raises the grade at that location.

“Finished grade” means the final grade and elevation of the ground surface after grading is completed and in conformance with the approved grading plans.

“Floodplain” means lowlands 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 (FEMA) flood insurance rate maps (FIRM) or an approved flood control study.

“Floor area” means the total floor area in a building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building) unless otherwise stipulated; e.g., “ground floor” area.

“Floor area ratio” means the numerical value obtained through dividing the aboveground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

“Forecourt” means a private frontage wherein a portion of the facade is close to the frontage line and the central portion is set back.

“Foster home” means a dwelling maintained by an individual or individuals having care or control of one but not more than six minor children, other than those related by blood, marriage, or adoption or those who are legal wards of such individuals, which is licensed by the Arizona State Department of Economic Security.

“Foster home, group” means a foster home suitable for the placement of more than six but not more than 10 minor children which is licensed by the Arizona Department of Economic Security.

“Frontage, building” means the exterior building wall of a ground floor business establishment on the side or sides of the building frontage and/or oriented toward a public street, highway or parkway.

“Frontage line” means a lot line bordering the public frontage and where minimum lot width is measured. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines.

“Frontage, space” means the area between a building facade and the vehicular lanes of a thoroughfare, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage.

“Frontage, street or highway” means that portion of a lot or parcel of land which borders a public street, highway or parkway.

“Gallery” means a private frontage conventional for retail use wherein the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

“Garage” means a building or portion of a building that is enclosed and roofed and designed for the storage of motor vehicles.

“General plan” means the general plan of the city of Maricopa, and all elements thereof.

“Glare” means the effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

“Gooseneck lighting” means a down-lit illumination of signage set on an outpost usually attached to a wall or post.

“Grade” means the approved grade of a lot or parcel of land at the time such lot or parcel is created, except when excavation is proposed. When excavation occurs after the lot or parcel is created, the grade of the excavated area shall be the grade after the excavation.

“Green” means a civic space type available for unstructured recreation, spatially defined by landscaping.

“Green building” means a whole systems approach to the design, construction and operation of buildings that substantially mitigates the environmental, economic, and social impacts of conventional building practices. Green building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water and other natural resources and provide a healthy, productive indoor environment.

“Greenway” means an open space corridor in largely natural conditions which may include trails for bicycles and pedestrians.

“Gross floor area” means the sum of the gross areas of the floor or floors of a building or buildings.

“Handicapped person” means a person who: (1) has a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment. However, “handicapped” shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [[21](#) United States Code [802](#)]).

“Hardscape” means part of a building’s grounds consisting of structures, such as plazas, retaining walls and sidewalks, made with materials such as concrete and sidewalk pavers.

“Hazardous materials” includes any substance characterized as flammable solids, corrosive liquids, radioactive materials, oxidizing material, highly toxic materials, poisonous gases, reactive materials, unstable materials, hypergolic materials and pyrophoric materials and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means, or as otherwise defined by law.

“Health department” means the Pinal County Health Department.

“Hearing officer” means the hearing officer of the city of Maricopa, or his or her designee.

“Height,” when referring to a building, tower, or any other structure, means the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot’s grading plan (whichever is lower) to the highest point of the structure directly above the finished grade.

“Heritage District” means the area also known as Old Town, the original town site of the community, including older neighborhoods and agricultural, commercial and industrial land generally located in the northwest area of the city of Maricopa. This area also is referred to as the “Redevelopment District Area” and “Redevelopment Area.”

“Heritage District Design Guidelines” means the architectural design guidance for residential, commercial and industrial development and commercial/industrial signage in the Heritage District, which has been adopted by the city council. These guidelines show how new development and new signs should be designed to fit into and improve the built environment; they apply to all development in the Heritage District Redevelopment Project Area.

“Highway” means any expressway, freeway, major, secondary, or limited secondary highway.

“Illegal nonconforming building or use” means any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits required for the use at the time it was brought into existence.

Illegal Nonconforming Use and Development-Related Terms.

“Abandoned” means a use that has ceased or a structure that has been vacated for a time period as specified in this code. Abandonment does not include temporary or short-term interruptions to a use or occupancy of a structure during periods of remodeling, maintaining, or otherwise improving or rearranging a facility.

“Nonconforming building or structure” means any building or structure that was lawfully established and in compliance with all applicable codes and laws at the time the ordinance codified in this code or any amendment thereto became effective, but which, due to the application of this code or any amendment thereto, no longer complies with all the applicable regulation and standards of development in the zone in which it is located.

“Nonconforming lot” means a lot, the area, dimensions, or location of which was lawful prior to the effective date of the ordinance codified in this code, or any amendment thereto, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

“Nonconforming sign” means a sign that lawfully existed prior to the ordinance adopted in this code but which fails by reason of such adoption or amendment to conform to all of the standards and regulation of this code.

“Nonconforming use” means a use of a structure or land that was lawfully established and maintained, but which does not conform with currently applicable use regulations for the district in which it is located by reason of adoption or amendment of this code or amendment thereto or by reason of annexation of territory to the city.

“Improvement plan” is a term defined in MCC [17.05.060](#) that means 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.

“Improvement standards” means 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” means 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.

“Kitchen” means any room or space used, or intended or designed to be used for cooking or the preparation of food.

“Lamp” means any source created to produce optical radiation (i.e., light), often called a bulb or tube.

“Landscape” means vegetation and irrigation, hardscape, public art or a combination thereof that may be calculated as open space (refer to the definition of “open space”).

“Landscaping” means the planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

“LEED®” means the “Leadership in Energy and Environmental Design” green building rating system developed by the U.S. Green Building Council.

“Legal parking space” means an area designated for vehicle parking in the city right-of-way that may be paved or unpaved and may be delineated by road surface markings. Does not include a parking space in a parking lot on property owned by the city.

“Licensee” means the adult, firm, partnership, association, corporation, county, city or other public agency having the authority and responsibility for the operation of a licensed community care facility.

“Light court” means a private frontage type that is a below-grade entrance or recess designed to allow light into basements.

“Lighting, exterior” means any equipment or fixture located or used to provide illumination of outdoor areas, objects or activities.

“Lighting fixture” means light fixtures including but not limited to the lamp, pole, post, ballast, reflector, lens diffuser, shielding, electrical wiring, and other necessary or auxiliary components.

“Lighting system” means all exterior manmade lighting sources, associated infrastructure and controls on a site.

“Liner building” means a building specifically designed to mask a parking structure from a frontage.

“Live/work building” means a mixed use unit consisting of a commercial and residential use. The commercial use may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity. (Synonym: shophouse.)

“Longitudinal” means a type of pavement marking with lines set parallel to the public frontage, repeating in a sequence across the entire width of the vehicular lanes of a thoroughfare to demarcate a pedestrian crosswalk.

Lot-Related Terms.

“Lot” means 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” means the area of a horizontal plane within the lot lines of a lot but not including any area in a public right-of-way.

“Lot, corner” means a lot located at the intersection of two or more streets.

“Lot coverage” means 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 dimensions excluding overhangs less than two and one-half feet.

“Lot depth” means 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 10 feet.

“Lot, flag” means a lot or parcel of land taking access by a strip, the 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 parkway, highway or street.

“Lot, interior” means a lot or parcel of land other than a corner lot.

“Lot, key” means 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.

“Lot layer” means a range, one to three, of depth of a lot within which certain elements are permitted.

“Lot line” means a line dividing one lot from another or from a street or any public place.

“Lot line, front” means, 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 lot lines adjoining a street right-of-way.

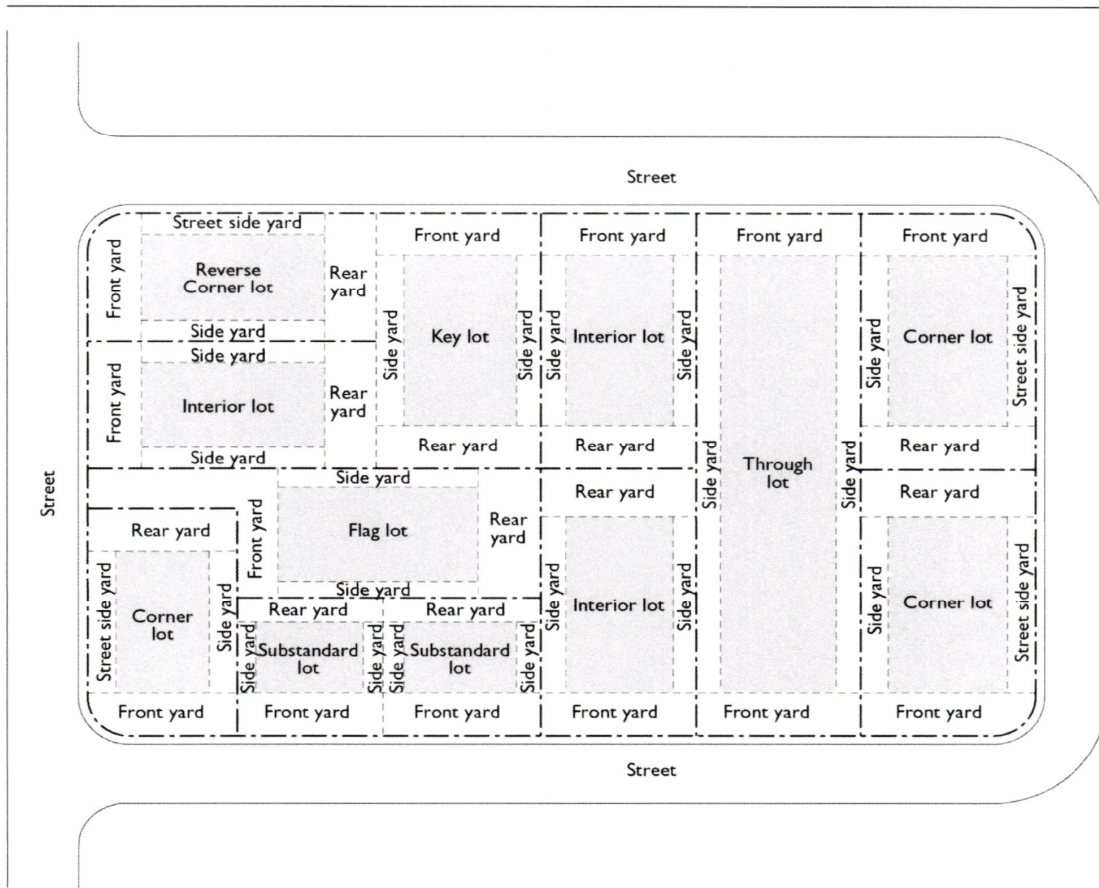
“Lot line, rear” means a lot line which is opposite and most distant from the front lot line; except that in the absence of a rear lot line as in the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot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

“Lot line, side” means any lot boundary line that is not a front lot line or a rear lot line.

“Lot line, street side” means a side lot line of a corner lot that is adjacent to a street.

“Lot, reversed corner” means a corner lot, the parkway, highway or street side lot line of which is substantially a continuation of the front lot line of a lot or parcel of land which adjoins the rear lot line of said lot.

“Lot, through” means a lot having a part of opposite lot lines abutting two 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 nonaccess easement has been established on such a lot, the front lot line shall be considered as that lot line most distant from the lot line containing the nonaccess easement.



Lot and Yard Types

“Lot width” means 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. For lots on the inside of the curve of a street, the distance between side lot lines measured 30 feet behind the required minimum front yard setback line on a line parallel to the street or street chord.

“Main civic space” means the primary outdoor gathering place for a community. The main civic space is often, but not always, associated with an important civic building.

“Maintenance and repair” means the repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.

“Major development review permit” means a permit required for all new and modified buildings or structures, or for alterations to a building or structure that result in over 5,000 additional gross square feet, facade alterations that encompass more than 10 percent of the surface area, or as otherwise required in this code.

“Manufactured home” means a structure transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, is built on a permanent chassis, and is designed to be used as a dwelling, with or without a permanent foundation, when connected to utilities. This term does not include recreational vehicles.

“Manufacturing” means the process of creating a finished product by fabrication or from raw materials, especially by means of a larger-scale industrial operation.

“Massage and massage services” means any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations.

“Master outdoor lighting plan” means a plan that is required for a PAD application that shows the locations and specifications for all proposed lighting for all areas of the proposed development, including but not limited to pedestrian travel areas.

“Master plan development (MPD)” is a term used in MCC Title [17](#), Subdivisions, that refers to 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 code and an overall master plan meeting the requirements of MCC Title [17](#), Subdivisions, for the purpose of implementing an integrated development scheme for all phases of the proposed development.

“Master signage plan” means a plan that is required for a PAD application that shows the size and location of all proposed signs.

Medical Marijuana Terms.

“Allowable amount of marijuana” means a qualifying patient may have two and one-half ounces of usable marijuana, and if the patient is authorized to cultivate marijuana, the patient may grow up to 12 marijuana plants contained in an enclosed locked facility.

“Cardholder” means a qualifying patient, a designated caregiver or a nonprofit medical marijuana dispensary agent who has been issued and possesses a valid registry identification card as defined in A.R.S. § [36-2801.2](#).

“Enclosed locked facility” means a closet, room, greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

“Medical marijuana” means all of the parts of the genus Cannabis, whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.

“Medical marijuana infusion (or manufacturing) facility” means a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporating into consumable/edible goods.

“Medical marijuana qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S. § [36-2801.13](#).

“Microcell facility” means a wireless communication facility serving a single carrier and consisting of an antenna no larger than four feet in height or, if tubular, no more than six feet long and four inches in diameter comprised of a networked set of antennas that are connected with each other and to a wireless service source, such that one or more high-power antennas that serve a given area are replaced by a group of lower-power antennas to serve the same geographic area.

“Minor development review permit” means a permit required for all new and modified buildings or structures, or for expansions to a building or structure that result in an increase less than 5,000 gross square feet or 20 percent of the existing building area, alter more than 10 percent of the surface area of the exterior portion of any facade, or as otherwise required in this code.

“Mixed use development” means a building or group of buildings developed for residential uses that are integrated with nonresidential uses such as, but not limited to, office, retail, service, commercial, public, or entertainment in a compact urban form.

“Mobile food unit” means a food establishment that is licensed by this state, that is readily movable and that dispenses food or beverages for immediate service and consumption and other incidental retail items from any vehicle as defined in A.R.S. § [28-101](#).

“Mobile food vendor” means any person who owns, controls, manages or leases a mobile food unit or contracts with a person to prepare foods and vend from, drive or operate a mobile food unit.

“Mobile sales unit” means any vehicle used for carrying tangible personal property for sale at or adjacent to the vehicle in which such tangible personal property is carried.

“Natural grade” means the undisturbed natural surface of the land, including washes.

“Net acres” means 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 (MPD) any multi-unit, commercial or industrial land use must be excluded in addition to those uses listed above.

“Newspaper, general circulation” means a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers, and has been established, printed, and published at regular intervals in the state, county or city.

“Nonchartered financial institution” means a business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services and loans for payment of a percentage fee. Specifically included are check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and payday loan businesses that make loans upon assignment of wages received. Excluded are retail uses in which a minimum of 70 percent of the floor area of the store is devoted to the display or sale of merchandise.

“Notice of action” means an administrative notice sent to an applicant, which describes the action taken, including any applicable conditions, and lists the findings that were the basis for the decision.

“Notice of decision” means an administrative notice sent to an owner or occupant of a property subject to the abatement of nuisance provisions of this code describing a decision made by a responsible official.

“Notice of order” means an administrative notice sent to the property owner and occupant of a property on which a use, structure, or building exists that is deemed to be in violation of this code, or any nuisance as defined in this code. The notice specifies the exact violation or nuisance that has been identified, a date by which the nuisance must be corrected, provisions regarding re-inspection and any fees that may apply, and the name and contact information of the code enforcement officer or designee.

“Nursery” means an establishment primarily engaged in retailing nursery and garden products – such as trees, shrubs, plants, seeds, bulbs, and sod – that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in packaged form only.

“Occupancy, change in” means the discontinuance of an existing use and the substitution therefor of a use of a different kind or class.

“Occupant” means the person occupying or having custody of a structure or premises as a lessee or other.

“Off-site” means not located within the area of the property to be developed.

“On-site” means located on the lot, parcel or property that is the subject of discussion.

“Open space” means 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 and trails master plan” means the city of Maricopa Parks, Trails and Open Space Master Plan as adopted by the city council.

“Open space, common” means a shared open space intended for the exclusive use of the occupants of a residential building.

“Open space, private” means an open space intended for the exclusive use of the occupants of a dwelling unit.

“Open space, public” means 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, usable” is a term defined in MCC Title [17](#), Subdivisions, that means land which can be enjoyed by people. This could include landscaped or hardscaped plazas, paseos 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), trailheads and parks.

“Outbuilding” means a secondary building usually located toward the rear of the same lot as a principal building such as a garage, carport, or workshop and may include an accessory unit.

“Outdoor display case” means a sign consisting of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.

“Outdoor entertainment or outdoor activities” includes any type of live entertainment or recreational activity taking place in a location visible to public view and not within an enclosed building.

“Outside display” means the placement of goods, equipment, merchandise or exhibits at a location visible to the public view, other than within a building.

“Outside storage” means the storage of goods, equipment or materials outside of a building for any purpose other than outside display.

“Overlay district” means a zoning district that modifies the regulations of base districts for a specific purpose.

“Owner” means the person indicated on the records of the Pinal County Assessor, or other official body, as the owner of record of the property in question.

“Parcel of land” means a contiguous quantity of land, owned by or recorded as the property of a person.

“Parking lots” or “parking buildings” means readily accessible areas within structures or surface parking areas, exclusive of aisles, driveways, ramps and columns, maintained exclusively for the parking of vehicles, not including areas for the parking or storage of commercial vehicles.

“Park strip” means the section of the public frontage accommodating street trees and other landscape, public infrastructure, and public furniture.

“Parks” means 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 playfields and/or sport court areas, and/or other recreational components, and picnic/seating/shade areas that are landscaped/hardscaped in a pleasing manner.

“Passage” means a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

“Path” means a pedestrian way traversing a greenway or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban sidewalk network.

“Paver” means a masonry block of various material and/or size.

“Pedestrian-oriented use” means a land use intended to encourage walking customers and which, generally, does not limit the number of customers by required appointments or otherwise excluding the general public.

“Pedestrian way” means 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.

“Permit” means any administrative use permit, conditional use permit, development review permit, final development review permit, temporary use permit, zoning permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

“Permitted use” means any use allowed in a zoning district and subject to any restrictions applicable to that zoning district.

“Permittee” means the person who applied for a permit pursuant to this article and in whose name such permit was issued by the city pursuant to this article.

“Person” means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other city, county, municipality, district, or other political subdivision, or any other group or combination acting as a unit.

“Phasing plan” means a schedule of development required by MCC Title [17](#), Subdivisions, if a project is to be developed in phases.

“Planned area development (PAD)” is a term used in MCC Title [17](#), Subdivisions, that means a development with a minimum of 30 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.

“Planning and zoning commission” means the planning and zoning commission of the city of Maricopa.

“Planter” means a three-foot-deep recessed soil bed provided for the planting of street trees and kept open to air and water flow through landscaping or permeable pavers.

“Planting technique” means the prescribed method for planting street trees, either in a continuous planter or tree pit.

“Plasma center” means any facility used in the collection, storage, or distribution of liquid blood plasma.

“Plat” means a map that provides for changes in land use or ownership. See MCC Title [17](#), Subdivisions, for additional definitions related to specific types of plats (e.g., preliminary plat, final plat, recorded plat and reversionary plat).

“Plaza” means a civic space type designed for civic purposes and commercial activities in the more urban subdistricts, generally paved, spatially defined by buildings, and internal to or part of a block.

“Pocket park” means a civic space type of limited size available for unstructured recreation and may be designed as a playground; normally located internal to a block.

“Porch and fence” means a facade is set back from the frontage line with an encroaching porch appended. The porch should be within a conversational distance of the sidewalk while a fence at the frontage line maintains the demarcation of the yard.

“Preexisting” means in existence prior to the effective date of this revised code.

“Preliminary meeting” means an initial meeting between developer and municipal representatives that affords developer the opportunity to present their proposals informally and discuss the project and address any items of controversy or requirements before the preliminary plat is submitted.

“Preliminary review” means an administrative mechanism that is intended to acquaint a prospective applicant or applicant’s representative(s) with the requirements of this code, the general plan and other relevant city policies and regulations.

“Primary frontage” means the private frontage designed to bear the address and principal entrance(s) of a building.

“Principal building” means the main building on a lot.

“Principal entrance” means the main point(s) of access for pedestrians into a building or unit within a building.

“Principal use” means a use that fulfills a primary or predominant function of an establishment, institution, household, or other entity and occupies at least 70 percent of the gross floor area.

“Private access way” means a private way of access dedicated as a tract to one 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.

“Private frontage” means the first lot layer and the facade of a building.

“Private street” means real property recorded as improved roadway for pedestrian and motor vehicle traffic, constructed and maintained by private parties.

“Project” means any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this code.

“Public frontage” means the area between the edge of the vehicular lanes of a thoroughfare and the frontage line of private lots and civic spaces.

“Public furniture” means items provided by the city of Maricopa for public use.

“Public lighting” means a type of public infrastructure necessary for the illumination of public frontages and thoroughfare intersections.

“Public street” means real property dedicated for, and recorded as, public right-of-way for pedestrian and motor vehicle traffic, having a minimum width of 30 feet, and more typically having a minimum width of 50 feet. The term shall not include public right-of-way designated for limited access freeways or public alleys.

“Qualified applicant” means the property owner, the owner’s agent, or any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

“Rear lane” means a vehicular way located to the rear of lots providing access to service areas, parking and outbuildings and containing utility easements. Rear lanes may be lightly paved to driveway standards. The streetscape consists of gravel or landscaped edges, has no raised curb, and is drained by percolation.

“Reasonable accommodation” means any deviation requested and/or granted from the strict application of the city’s zoning and land use laws, rules, policies, practices and/or procedures.

“Recorder” means the recorder of Pinal County.

“Recreational vehicle (RV)” means a vehicle-type unit which is one of the following:

1. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping.

2. A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

3. A park trailer built on a single chassis, mounted on wheels, and designed to be connected to utilities necessary for operation of installed fixtures and appliances, and having a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up, except that it does not include fifth wheel trailers.

4. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and having a trailer area of less than 320 square feet. This type includes fifth wheel trailers.

“Redevelopment area plan” means the city of Maricopa redevelopment district area plan adopted by the city council. This plan applies to the Old Town area, also known as the Heritage District.

“Regulating plan” means a map or set of maps showing the subdistricts, thoroughfares, and block lengths subject to regulation under the Maricopa Station Overlay District.

“Renovation, exterior facade” means a resurfacing of an existing building frontage so that the facade and signs are integrated into one unit.

“Responsible party” means a person charged with a civil violation of this code.

“Review authority” means the body responsible for making decisions on zoning and related applications.

“Right-of-way” means 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.

“Road” means an open way used for the passage of vehicles, and includes alleys, streets and highways.

“Roadway easement” means a recorded conveyance to the public over a described area for roadway-related uses.

“Roof area” means that portion of a lot or parcel covered by the roof structure of all buildings, excluding the eaves and overhangs, but including covered porches, patios and carports.

“Room, habitable” means a room in a building commonly used for sleeping, living, cooking or dining purposes, excluding closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage space, cellars, utility rooms, and similar spaces.

“Rowhouse” means a single- or multi-unit building that shares a party wall with another of the same type and a facade along 100 percent of the frontage line.

“Screening” means a wall, fence, hedge, informal planting, or berm provided for the purpose of buffering a building or activity from neighboring areas or from the street.

“Section” means a section of this zoning code, unless some other code or statute is mentioned.

“Semi-permanent structure” means equipment, or any dining area, including, but not limited to, tables, chairs, booths, bar stools, benches, and standup counters.

“Service provider” means any authorized provider of wireless communications services.

“Setback” means the area between a property line and a building or structure which must be kept clear or open and clear of certain structures.

“Shared parking” means accounting for parking spaces that are available to more than one function.

“Shopfront” means a commercial store entrance aligned close to the frontage line with the entrance on sidewalk. It is commonly equipped with a cantilevered shed roof or an awning.

“Sidewalk” means a paved, surfaced, or leveled area, paralleling a street and used as a pedestrian walkway.

“Sign” means any letters, figure, symbol, emblem, logo, object, or display or any combination thereof, designed or used to identify, attract attention to, advertise, or communicate information.

Sign-Related Terms.

Billboard. See "Sign, off-site."

"Bulletin board" means a sign which identifies a noncommercial institution or organization, on site, which contains the name of the institution or organization and associated individuals and general announcements of events or activities at the institution, or similar messages of general public interest.

"Comprehensive sign plan" means a sign plan submitted under the guidelines of MCC [18.115.150](#), intended to provide for the establishment of signage criteria that are tailored to a specific development location, and which may vary from specific ordinance provisions.

"Fixed balloon" means any air- or gas-filled inflatable object ground-mounted or attached by a tether to a fixed place.

"Sign, A-frame" means a form of temporary sign constructed of two panels to form a point and resembling the shape of the letter "A." Also known as a "sandwich board" sign.

"Sign, address" means a sign, generally applied to a building wall, that displays a building's address.

"Sign, animated" means any sign or part of a sign which changes physical position by any movement, rotation or undulation or by the movement of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously.

"Sign, awning or canopy" means a sign on a traditional canvas awning and/or a sign on the edge of a structural canopy that is otherwise permitted by this code.

"Sign, band" means a sign that is attached flat on the exterior front, rear or side wall of any building or other structure. (Synonym: wall-mounted sign, fascia sign.)

"Sign, bandit" means a sign that is temporary and made of cardboard or foam board which is mounted on angle iron or wooden stake.

"Sign, banner" means a temporary sign of fabric, plastic, or other light pliable material not enclosed in a rigid frame.

"Sign, blade" means a sign mounted on the building facade, projecting at a 90-degree angle.

“Sign, business” means a sign that attracts attention to a business or profession conducted on site, or to a commodity or service sold, offered or manufactured on site, or to an entertainment offered on site.

“Sign, community” means the “City of Maricopa Welcome” signs and the integrated public service club(s) sign.

“Sign, construction” means a temporary sign, limited to the period of construction, erected on a premises of an existing construction project, and designating the architect, contractor, designer, engineer, financier, or name and nature of the project.

“Sign, directional” means signs limited to directional messages, which do not contain identification or advertising copy, which aid the flow of pedestrian and vehicular traffic as well as providing directional information relating to points of interest, institutions, facilities and districts.

“Sign, directory” means a sign listing the names, uses, and/or locations of the various businesses or tenants within a building or a multi-tenant development, but not for the purpose of advertising products, goods, or services.

“Sign, fascia” means a sign permanently affixed to a horizontal piece covering the joint between the top of a building wall and the projecting eaves of a roof.

“Sign, freestanding monument” means an identification sign on its own self-supporting permanent structure, detached from supportive elements of a building on a base which has an aggregate width of at least 50 percent of the width of the sign and shall include the street address.

“Sign, garage sale” means a temporary sign advertising a temporary garage sale.

“Sign, gasoline fuel price” means a changeable copy sign advertising gasoline fuel prices only.

“Sign, identification” means a sign that includes, as copy, only the name of the business, place, facility, organization, building, or person it identifies and shall include the street address which shall be positioned on the side of the building that it is addressed from.

“Sign, illuminated” means a sign with the surface artificially lighted, either internally or externally. If externally illuminated the fixture shall be fully shielded and directed downward.

“Sign, interior display” means any poster, cut-out letters, painted text or graphic or other text or visual presentation placed within one foot behind a window pane, and is placed to be read from the exterior of a building. This does not include any item of merchandise normally displayed within a show window of a merchant.

“Sign, kiosk” means a city-provided, informational sign providing directional information to single-unit and multi-unit residential developments, commercial developments, local businesses, not-for-profit agencies, and community facilities.

“Sign, marquee” means a sign that is usually defined as any movie-type marquee with changeable copy. Marquee signs are considered permanent signs. A marquee is defined as a permanent canopy structure constructed of rigid materials that are attached to and supported by the building and that projects over the entrance to a building.

“Sign, menu board” means a sign displaying the bill of fare of a restaurant.

“Sign, nameplate” means a sign that identifies a resident’s or home’s name and address or the name of a farm, ranch, or commercial ranch. Such signs may be shingle, building, wall, or archway-mounted signs. Includes billboards.

“Sign, nonconforming” means a sign lawfully erected and maintained prior to the adoption of this code that does not conform with the requirements of this code.

“Sign, off-site” means a sign located outside the legal description of the property that directs attention for a commercial purpose to a business, commodity, service, entertainment, product or attraction that is not sold, offered, or existing on the property where the sign is located.

“Sign, on-site” means a sign which is either constructed or approved by the property owner that is located within the legal description of the property.

“Sign, open house directional” means a sign used to advertise the sale of a house and direct traffic to the house for sale.

“Sign, pole” means a sign that is supported by a pole and otherwise separated from the ground by air. Such as monument signs, pole signs are separate from a building.

“Sign, political” means a temporary sign which supports any candidate for public office or urges action for or against any other matter on the ballot of primary, general, or special elections.

“Sign, portable” means a temporary sign not affixed to a structure or ground mounted on a site. It rests on the ground and consists of two sign faces, i.e., but not limited to, A-frame signs.

“Sign, projecting” means a sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building or other structure.

“Sign, reader panel” means a sign designed to permit immediate change of copy using individual letters, such as electronic or digital in nature.

“Sign, real estate” means a sign advertising for sale, lease, auction or rent of the property or building upon which it is located.

“Sign, roof” means a sign erected on, above, or over the roof of a building so that it projects above the highest point of the roofline, parapet, or fascia.

“Sign, sidewalk” means a movable freestanding sign, typically double-sided, placed at the entrance to a business (i.e., sandwich board, A-frame sign.).

“Sign, under canopy” means a sign suspended from, and located entirely under a covered porch, covered walkway, or an awning and is anchored or rigidly hung to prevent the sign from swinging due to wind movement.

“Sight visibility triangle” means the area of visibility on a street corner to allow for safe operations of vehicles, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

“Single-family residential design guidelines” means the city of Maricopa single-family residential design guidelines adopted by the city council.

“Single household” means any number of related, or up to five unrelated, persons living as the functional equivalent of a traditional family, whose members are an interactive group of

persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common area, and sharing household activities and responsibilities (e.g., meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises of the dwelling unit rather than the landlord or property manager.

“Site plan review” means a process exercised under the prior zoning code, which provided a review and approval procedure for all nonsingle-family residential construction or development proposals.

“Square” means a civic space designed for unstructured recreation and civic purposes, circumscribed by thoroughfares, spatially defined by building frontages, and consisting of paths and/or sidewalks, lawn and trees, formally disposed.

“Stand” means a structure for the display and sale of products with no space for customers within the structure itself.

“Stealth facility” means any commercial wireless communications facility that is designed to blend into the surrounding environment by means of screening, concealment, or camouflage. The antenna and supporting antenna equipment are either not readily visible beyond the property on which they are located, or, if visible, appear to be part of the existing landscape or environment rather than identifiable as a wireless communications facility.

“Story” means the portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. “Story” includes a basement, but not a cellar.

“Stoop” means a private frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

“Street” means a public or private right-of-way, other than a highway or alley, whose function is to carry vehicular traffic and/or provide vehicular access to abutting property.

Street-Related Terms. “Street, arterial” provides a high level of mobility for city-wide through traffic movement. They are typically spaced at one-mile or greater intervals, have limited access, and no on-street parking. 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.

“Street, cul-de-sac” means 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.

“Street, frontage or highway” means that portion of a lot or parcel of land which borders a public street, highway or parkway.

“Street, local” means a street that provides for direct access to residential or other abutting land and serves local traffic movement with connections to roadways of higher classification.

“Street, private” means 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.

“Street, screen” means a freestanding barrier built along the frontage line, or coplanar with the facade to mask a parking lot from a thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. These are opaque and may be a combination of materials, landscaping, and/or architectural structures.

“Structural alteration” means any change of the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists, ceiling joists, or roof rafters.

“Structure” means anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

“Subdistrict” means one of several areas on the zoning map regulated as part of the Heritage Overlay District. Subdistricts are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback

requirements, other elements of the intended habitat are integrated, including those of the private lot and building and public frontage.

“Subdivider” (see also “Developer”) means 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 MCC Title 17, Subdivisions, 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 code. The city council may itself prepare or have prepared a plat for the subdivision of land under municipal ownership.

“Subdivision” means improved or unimproved land or lands divided for the purpose of financing, sale, lease, or conveyance, whether immediate or future, into four or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into two 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 or more parts. “Subdivision” also includes any condominium, cooperative, community apartment, townhouse, patio home, or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

“Subdivision” does not include the following:

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

“Swimming pool” means a contained body of water used for bathing or swimming purposes either above or below ground level with the container being 18 or more inches in depth at any point, and/or wider than eight feet at any point measured on the long axis.

“Technical advisory committee” means the committee created under this code to act in an advisory capacity to the planning and zoning commission regarding all development applications and applications for subdivision plats and improvements.

“Technical review” means 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.

Telecommunications-Related Terms.

“Alternative tower structure” means any existing or proposed vertical structure that is designed to contain a wireless communication antenna including but not limited to clock towers, bell steeples, light poles, ball field lights, windmills, and similar alternative mounting structures that may be used to attach antennas and towers to minimize impact (see also “Stealth”).

“Antenna” means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

“Antenna, alternative tower-mounted” means an antenna mounted on a water tower, street, utility pole, sign, or structure of similar character.

“Antenna, amateur radio” means a ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the amateur radio service and as designated by the Federal Communications Commission (FCC).

“Antenna, building or structure-mounted” means an antenna mounted to a building, rooftop equipment screen, or structure that transmits or receives electromagnetic signals.

“Antenna, direct broadcast satellite service (DBS)” means an antenna, usually a small home receiving dish, designed to receive direct broadcast from a satellite.

“Antenna, ground-mounted” means any antenna that is not mounted on a pole, a structure, or the roof or wall of a building.

“Antenna, multipoint distribution services (MDS)” means an antenna designed to receive video programming services via multipoint distribution services, including multipoint, multichannel distribution services, instructional television fixed services, and local multipoint distribution services.

“Antenna, roof-mounted” means an antenna directly attached or affixed to the roof of an existing structure.

“Antenna, satellite” means any antenna used to receive and/or transmit radio or television signals from orbiting communications satellites.

“Antenna, satellite earth station” means an antenna designed to receive and/or transmit radio frequency signals directly to and/or from a satellite.

“Antenna structure” means an antenna array and its associated support structure, such as a mast or tower (not including a suspended simple wire antenna), that is used for the purpose of transmitting and/or receiving electromagnetic signals, including but not limited to radio waves and microwaves.

“Antenna structure, freestanding” means an antenna structure or mast that is not attached to any part of a building, fence, or other such structure. Freestanding antenna structures include communications towers, wooden utility poles, and concrete and steel monopoles. If the total height of the structure, including the antenna, is at least 17 feet high, it shall be treated as a monopole.

“Antenna structure, monopole” means an antenna structure, often tubular in shape, usually made of metal, reinforced concrete, or wood and which is at least 17 feet in height. A monopole may also be an alternative tower structure that is designed to replicate a tree or other natural feature.

“Antenna, television broadcast service (TVBS)” means an antenna designed to receive only television broadcast signals.

“Array” means one or more rods, panels, discs or similar devices used for transmission or reception of radio frequency (RF) signals through electronic energy, which may include omnidirectional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

“Close mount” means the antenna and appurtenances are designed in a manner to reduce the visual impact of the facility by tightly clustering the devices or equipment(s).

“Existing structure” means light poles, power poles, flagpoles, buildings and any other similar vertical structures which are placed within the city.

“FAA” means the Federal Aviation Administration.

“FCC” means the Federal Communications Commission.

“Mobile antenna(s),” also known as cell on wheels (COW) or temporary antenna, means a mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment, may be located on a truck or trailer, and designed to be a temporary part of a cellular network.

“Preexisting towers” and “preexisting antennas” means any tower or antenna for which a building permit has been properly issued prior to the effective date of this code, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

“Readily visible” means an object that can be identified as a wireless telecommunications facility when viewed with the naked eye.

“Related equipment” means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

“Site” means the physical location upon which wireless telecommunications facilities are located. Unless otherwise stated in this code, “site” shall be limited to the area occupied by a single tower and its accompanying ground- or roof-mounted equipment.

“Stealth” means manmade trees, clock towers, palm trees, faux windmills and water towers, chimneys and similar structures to design mounting structures that camouflage or conceal the presence of antennas and towers.

“Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including monopole towers. The term includes, but is not limited to, radio and

television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, stealth towers and alternative tower structures. The term also includes the structure and any support thereto.

“Utility” means a private business organization, subject to governmental regulation, that provides an essential commodity or service, such as water, electricity, transportation, or communication, to the public.

“Terminal” means any facility designed or intended to be used for the receiving or discharging of passengers or cargo and providing for the temporary or permanent storage of the conveyance vehicle. Terminals include train terminals, airports, bus terminals, freight terminals, harbor terminals, or any combination of the above commonly referred to as multipurpose terminals.

“Terminated vista” means a location at the axial conclusion of a thoroughfare. A building located at a terminated vista designated should be designed in response to its unique position at a visual termination point.

“Theater” means an enclosed building used for public assembly and/or entertainment, including sports events, theatrical performances, concerts and recitals, circuses, stock shows and conventions. “Theater” includes auditoriums.

“Townhouse” means a building on its own separate lot containing one dwelling unit that occupies space from the ground to the roof, and is attached to one or more other townhouse dwelling units by at least one common wall. “Townhouse” shall also mean patio home.

“Transect” means a cross-section of the environment showing a range of different habitats. The transect of human habitat types used in this code is divided into four transect zones. These zones describe the physical form and character of a place, according to the density and intensity of its land use and urbanism.

“Transparent or nonopaque” means any surface, screen, window, wall, or other structural element through which objects can be clearly seen by the human eye.

“Transverse” means a type of pavement marking consisting of two parallel lines set perpendicular to the public frontage extending across the entire width of the vehicular lanes of a thoroughfare to demarcate a pedestrian crosswalk.

“Triplex” means a building with three side-by-side units on a lot with a shared wall of the building.

“USC&GS” means the United States Coast and Geodetic Survey.

“USACOE” means the United States Army Corps of Engineers.

“Use” means and includes construction, establishment, maintenance, alteration, moving onto, enlargement and occupation. Wherever this title prohibits the “use” of any premises for any purposes, such premises and any building, structure or improvement on such premises shall not be used, occupied, altered or improved for such purpose, and no building, structure or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto or enlarged which is designed, arranged or intended to be occupied or used for such purpose.

“Use, abandoned” means a use that has ceased or a structure that has been vacated for a time period as specified in this code. Abandonment does not include temporary or short-term interruptions to a use or occupancy of a structure during periods of remodeling, maintaining, or otherwise improving or rearranging a facility.

“Use permit” means a discretionary permit, such as an “administrative use permit” or “conditional use permit,” which may be granted by the appropriate city of Maricopa approval authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

“Utility services” means 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.

“Valance” means the portion of an awning that hangs perpendicular to the sidewalk.

“Variance” means a discretionary mechanism for relief from certain dimensional and performance standards in this code where the strict application will deprive the property owner of privileges enjoyed by similar properties because of the subject property’s unique and special

conditions. The board of adjustment has the power to grant variances to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this code.

“Vehicle, inoperative” means any motor vehicle that cannot be operated lawfully on a public street or highway for any reason other than the lack of current vehicle registration, or that cannot be moved under its own power.

“View fencing (view fence)” means fencing that is constructed in such a manner as to achieve 80 percent overall openness.

“Visible” means capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

“Waiver of claim for diminution in value” means an administrative mechanism requiring applicants to submit a waiver of claims for diminution in value pursuant to the A.R.S. §§ [12-1131](#) through [12-1138](#).

“Walkway” means the section of the public frontage dedicated exclusively to pedestrian activity.

“Wall” means any exterior surface of a building or any part thereof, including windows.

“Warehousing” means a business in which goods or merchandise are stored as a principal activity, including shipping or distribution activities.

“Waste transfer facility” means a facility that operates as a materials recovery, recycling and solid waste transfer operation providing solid waste recycling and transfer services for other local jurisdictions and public agencies that are not located within the city of Maricopa. The facility sorts and removes recyclable materials (including paper, metal, wood, inert materials such as soils and concrete, green waste, glass, aluminum and cardboard) through separation and sorting technologies to divert these materials from the waste stream otherwise destined for landfill.

“Watercourse” means 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.

“Wheel stop” means a physical barrier sufficient in size to prevent the movement of automobiles or other vehicles over or past such barrier.

“Wireless communications facility” means personal wireless service facilities including but not limited to facilities that transmit and/or receive electromagnetic signals for cellular radio telephone service, personal communications services, enhanced specialized mobile services, paging systems, and related technologies. Such facilities include antennas, microwave dishes, parabolic antennas, and all other types of equipment used in the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; associated equipment cabinets and/or buildings; and all other accessory development used for the provision of personal wireless services. These facilities do not include radio and television broadcast towers and government-operated public safety networks.

“Workforce housing” means 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 50 percent but does not exceed 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.

“Yard, front” means a yard extending across the full width of the lot or parcel of land. On corner lots, the front yard shall be located across the narrower frontage of the lot.

“Yard, rear” means a yard extending across the full width of the lot or parcel of land.

“Yard, side corner” means a yard bounded by an alley, highway or street, extending from the required front yard, or the highway line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required.

“Yard, side interior” means a yard extending from the required front yard, or the highway line on which the property fronts where no front yard is required, to the required rear yard or to the rear lot line where no rear yard is required on other than a corner side yard.

“Yield street” means a thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation.

“Zone” means a district classification established by the zoning code of the city of Maricopa that limits or permits various and specific uses.

“Zoning administrator” means the zoning administrator for the city of Maricopa or their representative.

“Zoning clearance” means the approval by the zoning administrator of a plan that is in conformance with the zoning code of the city of Maricopa.

“Zoning code” means this title (MCC Title [18](#)).

“Zoning map” means an official map adopted by the city council depicting zoned land within the city and depicting how the zoning regulations for base districts and overlay districts apply throughout the city. [Res. 21-09; Ord. 21-05 § 2; Res. 20-37; Ord. 20-15 § 1; Res. 18-20; Ord. 18-05 § 2; Res. 14-36 § 602.02; Ord. 14-12 § 1.]

The Maricopa City Code is current through Ordinance 23-09, passed March 7, 2023.

Disclaimer: The city clerk’s office has the official version of the Maricopa City Code. Users should contact the city clerk’s office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.maricopa-az.gov](http://www.maricopa-az.gov)

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