considered a nonconforming lot in accordance with Article 406: Nonconforming Uses and Structures.

G. **Lots or Parcels Divided by District Boundaries.** The regulations applicable to each District shall be applied to the entire area within that District, and no use other than parking, landscaping, open space, and drainage serving a principal use on the lot or parcel may be located in a District in which it is not a permitted use or use approved by a Use Permit.

H. **Public Nuisance.** Neither the provisions of the Zoning Code nor the approval of any permit authorized by the Zoning Code shall authorize the maintenance of any public nuisance.

I. **Relation to Other Regulations.** The regulations of this Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the State of Arizona, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Code and any other City Code, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.

J. **Relation to Private Agreements.** This Code shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Code imposes greater restriction than imposed by an easement, covenant, or agreement, this Code shall control. This Code shall not impose any additional restrictions or supersede any provisions of existing or future Development Agreements authorized by the City Council and executed by recording the Development Agreement with the County Recorder's Office, pursuant to ARS 9-500.05.

K. **Relation to Prior Zoning.** Zoning District designations and associated Planned Area Development (PAD) Overlay Districts established prior to the adoption of this Code and delineated on the Official Zoning Map remain in place unless specifically rezoned under the provisions of this Code established in the 500 Series.

L. **Application During Local Emergency.** The Mayor may authorize a deviation from a provision of this Code during a local emergency declared and ratified under the Maricopa City Code. The Council may authorize a deviation by resolution without notice or public hearing.

101.05 Consistency with the General Plan & Resolution 12-63 Cultural Resources

Any permit, license, or approval issued pursuant to this Code must be consistent with the City of Maricopa General Plan. In any case where there is a conflict between this Code and the General Plan, the General Plan shall prevail. Additionally, Resolution 12-63 was adopted by City Council to create additional provisions for protecting the cultural resources of the Ak-Chin Tribal Community.

The City requires all applicants for a subdivision to conduct a Phase I Archeological Survey on land within 2.5 miles of the Ak-Chin border or within the undeveloped flood plain within the City. The City also requires applicants for a subdivision to provide documentation that a site records check for potential cultural resources has been conducted in conjunction with the State Historic Preservation Office. The City stipulates all applicants for a subdivision shall provide cultural resource reports to the City as part of the permit process as to their compliance with the Arizona State Burial Discovery Laws – ARS 41-865 and/or 41-844. The City also requires any applicants proposing projects crossing Ak-Chin lands on easements administered by the City, to notify the Ak-Chin Cultural Resources Department and the Ak-Chin Planning Department and comply with applicable Community ordinances and resolutions for the portion of the project that cross Ak-Chin Community land.

101.06 Rules of Transition: Effect of this Code on Approved Projects and Projects in Process

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 Article 512, 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 (~~now~~ 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 Administrators 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 pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing zoning regulations applying to the property and this Code, the regulations of this Code shall prevail.~~ and~~ 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 Article 101.06 D.3. of this Zoning Code.

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 ~~prior Zoning Code~~Zoning District in which the site is located, the standards and conditions of approval of the PAD Overlay if applicable, and the Subdivision Ordinance. 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 Administrators discretion. All requests for extensions shall be reviewed for compliance to ~~this Zoning Code and~~ the Subdivision Ordinance, the existing development standards of the Zoning District, the existing PAD Overlay if applicable, and this Zoning Code where the pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing zoning regulations applying to the property and this Code, the regulations of this Code shall prevail. ~~and~~ 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 pre-existing PAD Overlay shall comply with this Zoning Code. Subsequent preliminary plat applications located in a pre-existing

PAD Overlay shall comply with the provisions in Article 101.06 D.4 of this Zoning Code.

~~4.~~

5. ***Use Permit Approved Prior to Effective Date of ~~the~~ 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 pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing 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~~, and 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 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 B~~b~~uilding ~~permit~~ Permit application is not filed within one year of the date of approval of the Site Plan Review~~,~~ or Use Permit~~, or preliminary plat,~~ the approval shall expire unless otherwise specified in the conditions of approval. ~~No time extensions shall be permitted~~

   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 Administrators 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 pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing 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 Administrators 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 pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing 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 pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a

conflict occurs between the pre-existing 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.

~~1.~~

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 pre-existing Zoning District and PAD Overlay and shall follow the applicable procedures identified in the 500 Series Administration and Permits of this Zoning Code, 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 pre-existing PAD Overlay shall retain its pre-existing 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. ~~of this Code unless the applicant elects to comply with the prior Zoning Code.~~

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 pre-existing 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.

~~2.~~

D. ***Development of Projects ~~within~~ a Zoning District and~~n~~ ~~Existing~~ 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 pre-existing 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 the Subdivision Ordinance. ~~The Zoning District designations and Planned Area Development (PAD) Overlays existing prior to the adoption of this Code are retained until a rezoning to a new district is adopted or the PAD Overlay is amended. A lot or parcel zoned with a PAD~~

~~Overlay Zoning District subject to a conceptual land use plan, standards, and conditions of approval prior to the effective date of this Zoning Code shall be developed in accordance with the approved conceptual land use plan, standards, and conditions of approval.~~ 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~~, including the Base Zoning District regulations~~. ~~City Council may rescind or amend prior approved Zoning or PADs if no meaningful progress is made to develop in accordance with the approval in a timely manner.~~ 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 pre-existing PAD Overlay, the balance of the property within the PAD Overlay shall retain its pre-existing 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 § ARS 9-462.01.E. If the pre-existing Zoning and PAD Overlay have been rescinded by City Council, all planning applications shall comply with this Zoning Code.

2. **Amendments to pre-existing PAD Overlays After the effective Date of this Zoning Code.** Amendments to pre-existing 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 pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing 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 pre-existing Zoning Code and PAD Overlay are silent to land use regulations and development standards. Where a conflict occurs between the pre-existing zoning regulations applying to the property and this Zoning Code, the regulations of this Zoning Code shall prevail.

~~D.~~

E. **Planning Applications Filed After the Effective Date of the Zoning Code and Not Covered by Pre-Existing Zoning and PAD Overlay or Development Agreement.** All new applications for Rezoning, Development Review Permits, Use Permits, Planned Area

Development (PAD) Zzoning District or PAD Plan approval, and Ppreliminary Ssubdivision Pplats 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.

101.07 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Code shall be held illegal, unenforceable or in conflict with any law, the validity of the remaining portions and provisions of this Code shall not be affected. The City of Maricopa hereby declares that this Code is valid in full force and effect, and each section, subsection, sentence, clause, and phrase thereof shall be valid, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.