

APPENDIX A - DEFINITIONS

Abutting: The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only at a corner or corners.

Accessory Use: A use, building, structure, part of a building, or part of a structure which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot, including a private garage. If a building otherwise qualified as an accessory building is attached to the main building by a common wall or roof, such building shall be considered part of the main building.

Alley: A public way, other than a street, which affords a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Avigation Easement: A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

Basin, Detention: A stormwater storage facility that temporarily stores surface runoff and releases it at a controlled rate through a positive outlet. A detention basin and park may be joined to serve both recreational needs and as a water storage facility.

Basin, Drainage: A geographical area that contributes surface runoff to a particular concentration point. The terms "drainage basin", "tributary area" and "watershed" are used interchangeably.

Basin, Retention: A stormwater 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: An earthen mound, either natural or man-made.

Bicycle Lane: A paved area located within a street right-of-way and between the curbs that is designated for bicycle or other non-motorized traffic.

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

Bicycle Way: A paved area located within a street right-of-way but not between curbs that is designated for bicycle or other non-motorized traffic.

Block: A piece or parcel of land or group of lots entirely surrounded by public or private streets, streams, washes, parks, or a combination thereof of sufficient magnitude as to interrupt the continuity of development.

Buildable: A lot or parcel that has the area, shape, slope, street frontage, or other attribute in order for a permitted use, based on the lot or parcel's Zoning District, to be developed, without the need for any variance from the City Zoning Ordinance.

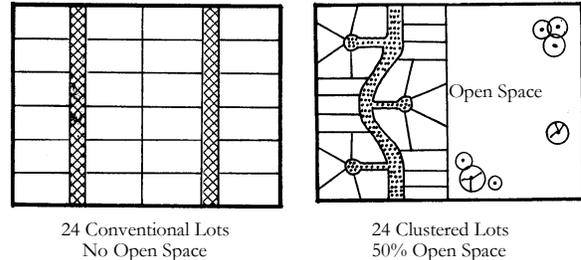


Building Setback Line: The required minimum distance, as prescribed by the Zoning Ordinance, between the property line and the closest point of any building or structure.

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

City: The City of Eloy, Arizona

Cluster Development: A development pattern that concentrates development in specific areas on a site through a density transfer rather than distributed evenly throughout a parcel as in conventional lot-by-lot development with the remaining portion of the site retained as natural open space or parks.



Commission: The Planning and Zoning Commission of the City of Eloy.

Conditional Approval: An affirmative action by the Commission or Council indicating that approval will be forthcoming with satisfaction of certain specified stipulations.

Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (The term “condos” may be used in the ordinance.)

Conservation Easement: A conservation easement is an agreement for the protection of open space, archaeological sites, ecologically significant lands, agricultural land, scenic highways and/or hiking, biking and equestrian trails.

Conventional Development: Development other than a Planned Area Development or a Cluster Development.

Council: The City Council of the City of Eloy.

County: Pinal County, Arizona.

Department: The Planning Department of the City of Eloy.

Developer: A person, firm, partnership, joint venture, association, corporation, or entity who desires to improve or otherwise engage in any development of property within the City of Eloy, including the owner of the property and any agents acting on behalf of the owner.

Development: The utilizations of land for public or private purpose.

Easement: A grant by the owner of the use of land by the public, a corporation, or person for the specific uses designated.

Engineer: The City Engineer of Eloy or his designated representative.

Engineering Department: The Engineering Department of the City of Eloy.

Exception: Any parcel of land that is not owned by the subdivider or not included in the recorded plat. All such exceptions must be noted on the final plat as “not a part of this subdivision”.

Exhibit: Any graphic representation noted as "Exhibit" within this Ordinance, that is used to illustrate and exemplify certain standards and regulations contained within the language of this Ordinance. If an exhibit and text of the Ordinance conflict, the written text of the Ordinance shall control.

Final Plat Approval: Approval of the final plat of a subdivision. Such final approval must be approved by the City Engineer and the Zoning Administrator and certified on the plat by the signatures of the Mayor and attested by the City Clerk.

Flood Hazard Zone: Any land area partially or wholly within a delineated floodplain susceptible to flood related damage as designated on the Flood Management Maps. Such flood hazard zones may include, but not be limited to, areas highly susceptible to erosion, stream meander sensitivity, moveable bed, scour, wave action, and subsidence.

Floodplain: Low lands adjoining the channel of a river, stream or watercourse, lake or other body of water, which have been or may be inundated by floodwater, and those other areas subject to flooding. A floodplain may be that area further defined by the Pinal County Flood Control District and as shown on Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRM) or an approved flood control study.

Flood Prone Area: Any area within a floodplain.

Floodway: The channel of a wash or other watercourse and the adjacent land areas that must be reserved in order to discharge the one hundred-year flood without cumulatively increasing the water surface elevation more than one (1) foot.

General Plan: A comprehensive plan, or parts thereof, providing for the future growth and improvement of the City of Eloy and for the general location of street, schools and recreation areas, public buildings sites, and other physical development.

Health Department: Pinal County Department of Health and Human Services.

Improvements: Required installations, pursuant to this Ordinance and zoning stipulations, including but not limited to: grading, sewer, water, utilities, streets, curbs, gutters, sidewalks, trails, alleys, street lights, traffic control devices and landscaping; as a condition to the approval and signing of the final plat, precedent to recordation.

Improvement Plans: A set of plans setting forth the profiles, cross-sections, details, specifications, and instructions and procedures to be followed in the construction of public or private improvements in the City of Eloy that are prepared and bear the seal of an Arizona - Registered Land Surveyor, Engineer, Architect or Landscape Architect in accordance with the approved preliminary plat, and zoning stipulations, and in compliance with standards of design and construction that are to be approved by the City Engineer, other City Departments, the applicable County Departments, and all applicable utilities.

Improvements Standards: A set of regulations and exhibits setting forth the details, specifications and instructions to be followed in the design and construction of required improvements.



Irrigation Facilities: Includes laterals, ditches, conduits, pipes, gates, pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water and the construction, operation and maintenance of such.

Land/Lot Splits: The division of improved or unimproved land, the area of which is two and one-half acres or less, into two or three parcels of land for the purpose of sale, lease, or conveyance.

Lot: A single piece of property having frontage on a publicly dedicated and accepted street or a private road approved and accepted by the City and which has been established by a plat, recorded subdivision or otherwise established by some legal instrument of record which is described and denoted as such.

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

Lot Corner: The intersection of two or more lot lines, or angle point or change in direction of a lot line.

Lot, Corner: A lot located at the intersection of two (2) or more streets.

Lot Coverage: The percentage of the area of a lot that is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

Lot Depth: The horizontal length of a straight line connecting the midpoints of the front and rear lot lines; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

Lot, Improvement: Any building, structure, place, work of art or other object or improvement of the land on which they are situated constituting a physical betterment of real property.

Lot, Interior: A lot other than a corner lot.

Lot, Key: A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street that forms the side boundary of the corner lot.

Lot Line: A line dividing one lot from another or from a street or any public place.

Lot Line, Front: In the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way.

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

Lot Line, Side: The boundary of a lot that is not a front lot line or a rear lot line.

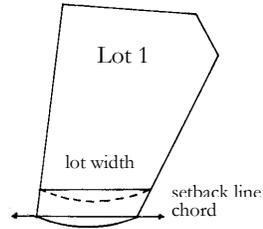
Lot, Through: A lot having a part of opposite lot lines abutting two (2) streets, and which is not a



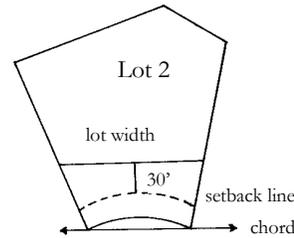
corner lot, (Also known as a “double frontage lot”). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant front the lot line containing the non-access easement.

Lot Width:

1. For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard setback line on a line parallel to the street or street chord;



2. 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.



Master Plan Development: A plan for the multi-phased development of a large or complicated development application which provides information and graphics meeting the requirements of the Zoning Ordinance and an overall master plan meeting the requirements of the Subdivision Ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed development. Each of the progressive stages of platting and development of a Master Plan Developments shall be subject to Commission recommendation and Council approval.

Off Site: Not located within the area of the property to be developed.

Open Space: Any parcel or area of land unimproved or improved and set aside, dedicated, designated, or reserved for the public or private use and enjoyment.

Open Space, Common: Open space usable by all people within a certain development and such area is owned in common by all property owners in that development.

Open Space, Natural Area: Dedicated open space areas required for the preservation and conservation of plant and animal life, including habitat for fish and wildlife species; and areas required for ecological, cultural and other scientific study purposes for long-term public benefit.

Open Space, Public: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school district, state or county agency, or other public body for recreational or conservational uses.

Open Space, Usable: 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 playgrounds, golf courses, bicycle trails (but not bike lanes), pedestrian trails (not residential sidewalks), and trail heads. Usable open space does not include parking areas and vacant or undeveloped lots.

Owner: The person or persons holding title by deed to land, or holding title as vendor under a land contract, or holding any other title of record.

Parks: A public tract of land that contains a mix of active and passive recreation facilities including tot lots, defined and improved play fields and/or sport court areas, and picnic/seating/shade areas that are landscaped/hardscaped in a pleasing manner.

Pathway: Path; course; route; track; footway; and equestrian trail.

Pedestrian Way: A public walk dedicated entirely through a block from street to street and/or providing access to a school, park, recreation area, trail system, or shopping area.

Planned Area Development (PAD): A development of 160 or more acres, in which flexibility can be permitted in the zoning standards, in order to encourage more creativity and sustainable design, thereby providing usable open spaces within and about the development and enhancing the residential character of the City.

Plat: A map that provides for changes in land use or ownership.

1. **Preliminary Plat:** A tentative map, including supporting data, indicating a proposed subdivision design, prepared by a registered civil engineer, or a registered land surveyor, in accordance with this Ordinance and the Arizona Revised Statutes. A preliminary site plan for a condominium development shall be considered a preliminary plat.
2. **Final Plat:** A final map of all of a subdivision, including supporting data, in substantial conformance to an approved preliminary plat, prepared by a registered land surveyor, in accordance with this Ordinance and the Arizona Revised Statutes.
3. **Recorded Plat:** A final plat bearing all certificates of approval required by this Ordinance and the Arizona Revised Statutes and duly recorded in the Pinal County Recorder's Office and/or the Pinal County Recorder's Office.
4. **Reversionary Plat:**
 - a. A plat for the purpose of reverting previously subdivided acreage to unsubdivided acreage, or;
 - b. A plat for the purpose of vacating rights of way previously dedicated to the public and abandoned under procedures prescribed by the City Code, or;
 - c. A plat for the purpose of vacating or redescribing lot or parcel boundaries previously recorded.

Pre-Application Conference: An initial meeting between subdivider and municipal representatives that affords subdivider 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 Approval: Affirmative action on a preliminary plat, noted upon prints of the plat, indicating that approval of a final plat will be forthcoming upon satisfaction of specified stipulations; and which constitutes authorization to submit final engineering plans and the final plat.



Private Access Way: Any private street or 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. A private access way is intended to apply where its use is logically consistent with a desire for neighborhood identification and control of access, and where special design concepts may be involved, such as within master plan developments, planned area developments and condominiums.

Protected Development Rights Plan: A final subdivision plat that meets all the requirements of this Ordinance and A.R.S. §9-463.01 and has been recorded with the County Recorder shall constitute a Protected Development Rights Plan.

Recorder: The Recorder of Pinal County.

Right-Of-Way: Any public or private access way required for ingress or egress, including any area required for public use pursuant to any official plan; rights-of-way may consist of fee title dedications or easements.

Roadway Easement: A recorded conveyance to the public over a described area for roadway related uses.

Sketch Plan: A preliminary presentation of a proposed subdivision or site plan of sufficient accuracy to be used for discussion purposes and identification of any items of controversy or issues of concern.

Service Easement: An area provided for in the subdivision design at the rear of retail, commercial or multi-family dwelling use of sufficient size and accessibility to facilitate the provision of necessary services.

Street, Arterial: Arterial streets provide a high level of mobility for Citywide through traffic movement and 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 Eloy 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: 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, Freeway/Principal Arterial: Principal arterials carry a high proportion of vehicular travel on a minimum of mileage and are integrated with arterial streets with full access control. The locations of freeway/principal arterial streets are designated in the Eloy General Plan.

Street, Frontage: A local street parallel to an arterial or collector road which intercepts the residential traffic and controls access to the arterial and collector roads.

Street, Local: Provides for direct access to residential or other abutting land and serve local traffic movement with connections to roadways of higher classification.

Subdivider: A person, firm, corporation, partnership, association, syndicate, trust, or other legal



entity that files the application and initiates proceedings for a subdivision in accordance with the provisions of this ordinance and statutes of the State of Arizona, except that an individual serving as agent for such legal entity is not a subdivider; and said subdivider need not be the owner of the property as defined by this Ordinance. The City Council may itself prepare or have prepared a plat for the subdivision of land under municipal ownership.

Subdivision:

1. 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, patiohome, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.
2. "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.

Technical Review: The detailed review of proposed preliminary plats, by the Technical Review 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.

Technical Review Committee: The selected group of technically qualified individuals, appointed by the Zoning Administrator, made up of City staff and other public or private agencies and utilities responsible to ensure compliance with ordinances, codes, regulations, etc. as they relate to the subdivision process.

Usable Lot Area: That portion of a lot usable for, or adaptable to, the normal uses made of property, excluding any areas which may be covered by water, are excessively steep, or are included in certain types of easements. Areas covered by water shall include areas within the defined flood plain, flood prone areas, or are within the perimeter of a given pond of water that will remain after the development is completed.

U.S.C.& G.S.: United States Coast and Geodetic Survey.

Utility Services: Service to the public of water, sewer, gas, electricity, telephone and cable television. The foregoing shall be deemed to include facilities and appurtenances to the above uses but shall not include public utility treatment and generating plants or offices.



View Fencing: Any fencing or wall which is adjacent to a designated open space area or public trail except when adjacent to an arterial or collector shall be constructed in such a manner as to achieve 50% openness overall. Any fencing or wall which is adjacent to an arterial or collector road, whether public or private, shall be constructed in such a manner as to achieve 33% openness overall.

Watercourse: Any lake, river, stream, creek, wash, arroyo, or other body of water or channel having banks and bed through which waters flow at least periodically.

Water Supply Assurance (100 Years): Subdivision proposal must include written evidence of meeting Arizona Department of Water Resources requirements for 100 year assured water supply.

Zone: A district classification established by *The Zoning Ordinance of the City of Eloy* that limits or permits various and specific uses.

Zoning Clearance: The approval by the Zoning Administrator of a plan that is in conformance with *the Zoning Ordinance of the City of Eloy*.

Zoning District: A zone area in which the same zoning regulations apply throughout the district.

Zoning Ordinance: *The Zoning Ordinance of the City of Eloy*.

