

CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

Sec. 23-22. Scallops; street construction; definitions.¹

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Change of use* means the change of zoning on an existing parcel, lot or piece of property from an agricultural or single family residential use to any other zoning classification.

(b) *Cost* means the actual cost of:

(1) Construction of the public street improvements as determined by the construction contract price.

(2) Inspection and permit fees.

(3) Engineering fees required for the preparation of plans and specifications.

(4) Other incidental fees required to complete the improvements.

(c) *Development* shall mean the issuance of building permits for the construction of residential, commercial or industrial buildings and structures or major additions or alterations to existing structures, and includes new buildings or structures on property having existing buildings or structures situated on such property. When such property is zoned for agricultural or single family residential use at the time of the assessment, development shall also require a change of use or purpose.

(d) *Major addition or alteration* means the construction, reconstruction, addition to, improvement of, or alteration to an existing structure in excess of the greater of five thousand dollars (\$5,000.00) or five (5%) percent of its full cash value as shown on the most recent tax roll of the Maricopa County Assessor.

(e) *Property owner* means the individual, corporation, partnership, trust or other legal entity that owns property adjacent to the street right of way.

(f) *Right of way* means land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, pedestrian, walkway, bikeway or drainage purposes.

¹State law reference(s) -- Authority to provide for construction of sidewalks, A.R.S. §§ 9-240(B)(25), 9-276(A)(23), 9-499.01.

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(g) *Single family residential use* means property which is currently zoned to permit the construction of detached single family residences. Single family residential use does not include mobile home parks or multifamily housing units, whether single or detached.

(h) *Street Improvements* include portland cement or asphaltic concrete surfacing, aggregate base, curb and gutter, valley gutter, concrete sidewalk, water facilities, wastewater facilities, street lights, landscaping and tiling of an irrigation ditch and storm drainage facility if required.

(i) Streets means the full width of the right of way of any road, street, highway, alley, land or sidewalk used by or for the general public, whether or not said road, street, highway, alley, land or pedestrian right of way has been improved or accepted for maintenance by the City.

Cross reference(s)--Definitions and rules of construction generally, §1-2.

State Law Reference--A.R.S. §9-243. Construction of Streets and Sidewalks.

(Code 1977, §17-1-1)

(Code 1977, §17-1-4)

(Ord. No. 90-57, 11/13/90)

(Ord. No. 97-38, 7/15/97, Repealed existing section and Sec. 23-25 renumbered and amended)