

CITY OF COOLIDGE

SUBDIVISION REGULATIONS



APPROVED AND ADOPTED BY THE

COOLIDGE CITY COUNCIL

ORDINANCE 09-08

EFFECTIVE MARCH 23, 2009

**SUBDIVISION REGULATIONS
TABLE OF CONTENTS**

ARTICLE I: GENERAL PROVISIONS 2

ARTICLE II: RULES OF CONSTRUCTION AND DEFINITIONS 6

ARTICLE III: PLATTING PROCEDURES AND REQUIREMENTS 13

ARTICLE IV: SUBDIVISION DESIGN AND STANDARDS 28

ARTICLE V: IMPROVEMENT GUARANTEES 42

ARTICLE VI: FEES AND PENALTIES 47

Article I

GENERAL PROVISIONS

Section 1-1	Short Title
Section 1-2	Purpose of Provisions
Section 1-3	City Development Policy Declared
Section 1-4	Authority and Jurisdiction
Section 1-5	Administration and Enforcement
Section 1-6	Agencies and Officials Held Harmless
Section 1-7	Interpretation and Conflicting Provisions
Section 1-8	Authority of Provisions
Section 1-9	Amendments

Section 1-1 Short Title

These regulations shall hereafter be known, cited and referred to as the **Coolidge Subdivision Regulations** except as referred to herein, where it shall be known a “these regulations”.

Section 1-2 Purpose of Provisions

The purpose of these regulations is that of assuring sites suitable for building purposes and human habitation, of providing for the harmonious development of the City, of providing adequate open spaces for traffic, recreation, light and air, of providing proper distribution of population and of creating conditions favorable to the health, safety, and general welfare of the residents of the City.

Section 1-3 City Development Policy Declared

- A. It is declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the City **General Plan** and **Zoning Code** for the orderly, planned, efficient and economical development of the City.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other public improvements.

Section 1-4 Authority and Jurisdiction

- A. Authorization for the City to adopt subdivision regulations is given in the **Arizona Revised Statutes, Section 9-463.01**, 1977 compilation, Municipal Subdivision Regulations.
- B. Platting jurisdiction for the City shall encompass all the territory within the incorporated limits of the City which may from time to time be amended through annexation.

Section 1-5 Administration and Enforcement

- A. These regulations shall be administered and enforced by the Development Services Department of the City or other agency as designated by the City Manager, through the Development Services Director.
- B. All subdivision plats submitted to the City shall first have been examined by the Development Services Department and the Planning and Zoning Commission in accordance with the procedures established by these regulations. As part of their examination, the Director and the Commission may consult with other public or private agencies to determine whether or not the plat, as proposed, will contribute to the orderly growth and development of the City.

Section 1-6 Agencies and Officials Held Harmless

The City shall hold harmless the Development Services Department, other city agencies and officials, and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by these regulations, or for the omission of any act on the part of the department, agency or official or their authorized agents in the discharge of their duties hereunder. Any suit brought against the City or the city administration because of any such act or omission in the carrying out of the provisions of these regulations shall be defended by the City's legal department through final determination of such proceedings.

Section 1-7 Interpretation and Conflicting Provisions

- A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements necessary for the promotion of the public health, safety, and general welfare.
- B. These regulations are not intended to interfere with, abrogate, or annul any ordinance, rule or regulation, statute or other provision of law except as noted herein. Where any provisions of these regulations impose restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- C. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive than these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

- D. If any part or provision of these regulations or application thereof to any person or circumstance is judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

Section 1-8 Authority of Provisions

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating and annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

Section 1-9 Amendments

For the purpose of providing for the public health, safety, and general welfare, the governing body may from time to time amend the provisions imposed by these regulations.

Article II
RULES OF CONSTRUCTION AND DEFINITIONS

Section 2-1 Rules of Construction

Section 2-2 Definitions

Section 2-1 Rules of Construction

- A. For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in”.
- C. A “person” includes a corporation, a partnership, and an incorporated association of persons such as a club; “shall” is always mandatory; a “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- D. Except as specifically defined herein or, if not defined herein but defined in **Chapter 16** of this Code, all words in these regulations shall have their customary dictionary definition.

Section 2-2 Definitions

Abandonment: An official action taken by the City Council to give up public ownership of previously owned public utilities, streets, easements or parks.

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant: The owner of land proposed to be subdivided, or his/her representative.

As-built drawings: Drawings or plans which show and delineate any and all changes from the approved plans which occurred during the construction and installation of the subdivision improvements, and certified as accurate by a registered Land Surveyor.

Block: A tract of land bounded by streets and public parks, cemeteries, railroad rights-of-way, or boundary lines of the municipality.

Building: Any structure built for support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Building administrator: The individual charged by the City Council to administer these regulations under the supervision of the City Manager.

Capital improvement program: A proposed schedule of all future municipal improvement projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

City: The City of Coolidge, Arizona.

City Manager: The person designated by City Council to be administrative head of the City and who is, by City Charter, responsible for enforcement of these regulations.

Clerk: The City Clerk of the City of Coolidge, Arizona.

Commission: The Planning and Zoning Commission of the City of Coolidge. Also referred to as Planning and Zoning Commission or Planning Commission.

Comprehensive Master Plan: The document (Coolidge Comprehensive Master Plan), or part thereof, officially adopted by the Coolidge City Council which provides for the development of the City and which indicates the general locations recommended for major roadways, parks, public utilities and buildings, and land uses. Also referred to as the General Plan.

Conditional approval: An affirmative action by the Commission or the Council indicating that approval of a preliminary plat will be forthcoming upon compliance with certain specific stipulations.

Construction plan: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City as a condition of the approval of the plat.

Council: The City Council of the City of Coolidge. Also referred to as governing body.

Cul-de-sac: A local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement. A cul-de-sac cannot exceed six-hundred (600) feet except by approval of the Fire Chief.

Design: The alignment, grades and width of streets; location and widths of easements and rights-of-way and alleys; widths, depth and arrangement of lots; utility systems arrangements; the suitability of land for subdivision and the relationship of land uses as well as the layout.

Developer: The owner of land proposed to be subdivided or his/her representative.

Development Services Director: The individual charged by the City Manager to administer this Code.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his/her property.

Engineer, City: The professional engineer engaged by the City.

Engineer, registered professional: A professional engineer registered to practice in the State of Arizona.

Engineering plan: Plans, profiles, cross-sections, specifications, and other details for the construction of public improvements prepared by a registered engineer in conjunction with the final plat and in compliance with public improvement standards.

Escrow: A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.

Final plat: The map or plan or record of a subdivision and any accompanying material, as described in these regulations. ***SEE OUR DEFINITION***

Floodplain: Any land area susceptible to being inundated by water from any source including overflow of inland waters and/or the accumulation of runoff of surface waters from any source.

Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered what would be the side of a corner lot.

General Plan: See Comprehensive Master Plan.

Governing body: The City Council of the City of Coolidge.

Grade: The slope of a road, street, or other public way, specified in percentage terms.

Lot: A piece, parcel, plot, tract or area of land separated from other pieces, parcels, plots, tracts or areas by description, as in subdivision or on a record survey map or by metes and bounds, for purposes of sale, lease or separate use.

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.

Model home: A dwelling unit used initially for display purposes which typifies the units that will be constructed in a subdivision.

Monument: A marker set at various points that allows any survey to be readily retraced.

Municipality: The City of Coolidge, as incorporated by state law.

Non-residential subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial.

Off-site improvement plans: Plans for any improvements not located within the area of the property to be subdivided, whether or not the area is in the same ownership of the applicant for subdivision approval.

Off-site permit: A permit issued to allow construction of any improvement which is not located on the applicant's property.

Ordinance: Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Owner: Any person or group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Plan review committee: The Committee of City officials and others as appointed by the City Manager to assist the City Council and Planning and Zoning Commission in reviewing subdivision plats and site plans.

Plat: A map, chart, survey, plan or replat certified by a licensed, registered land surveyor containing a description of the subdivided land with ties to permanent monuments.

Preliminary plat: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision.

Protective covenant: A restriction on the use of private property within a subdivision for the purpose of providing mutual protection against undesirable aspects of a development. Protective covenants regulating the use of land represent an express agreement between the subdivider and the lot purchasers. Also referred to as covenants, conditions and restrictions or CCR's.

Public improvement: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City of Coolidge may ultimately assume responsibility for maintenance and operation, or which may affect an improvement where the responsibility rests with the City.

Registered architect: An architect registered in the state of Arizona.

Resubdivision: A change in a map of an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, trees or for another special use.

Roadway: That portion of a street right-of-way intended for driving or parking.

Sale or lease: Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, intestate succession, or other written instrument.

Sketch plat: A sketch preparatory to the preparation of the preliminary plat (or final plat when deemed appropriate) to enable the subdivider to save time and expense in reaching general agreement with the Planning and Zoning Commission as to the form of the plat and the objectives of these regulations.

Street: A general term used to describe a paved right-of-way, municipally or privately owned, serving as a means of vehicular travel. Streets are classified by function as follows:

1. **Local street:** A street intended to serve and provide access exclusively to the properties abutting thereon, and not connecting with other streets in such a manner as to encourage through traffic.
2. **Collector street:** A street connecting local residential streets to each other, to community facilities and to principal, major or minor arterial streets.
3. **Perimeter street:** Any existing street to which the parcel of land to be subdivided abuts on only one side.
4. **Principal, major and minor arterial street:** Streets designed to carry large amounts of traffic across or through the city and designated as such by the general plan.
5. **Service street:** A street running parallel to a freeway, expressway or other roadway, and serving abutting properties. Also called Frontage Road.

Street, dead-end: A street or portion of a street with only one vehicular-traffic outlet.

Subdivide: The act of dividing land into two or more parts by platting, or by metes and bounds description, into tracts of less than thirty-six acres in any one calendar year, for the purpose of:

1. Sale for building purposes;
2. Laying out a municipality or any part thereof;
3. Adding to a municipality;
4. Laying out suburban lots; or
5. Resubdivision.

Subdivider: Any person who:

1. Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who
2. Directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot parcel site, unit or plat in a subdivision; or, who
3. Engaging directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, or plat in a subdivision; and who
4. Is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing

Subdivision:

1. Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future:
 - a. Into four or more lots, tracts, or parcels of land; or
 - b. If a new street is involved, any such property which is divided into two or more lots, tracts, or parcels of land; or
 - c. Any such property, the boundaries of which have been fixed by recorded plat, which is divided into more than two parts.
2. Any condominium, cooperative, community apartment, townhouse, 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, but plats of such projects need not show the buildings or the manner in which the buildings or air space above the property shown on the plat are to be divided.
3. Subdivision does not include the following:
 - a. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots;
 - b. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership;
 - c. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor mineral, oil or gas leases.

Subdivision agent: Any person who represents or acts for or on behalf of a subdivider.

Subdivision plat: The final map or drawings, described herein, on which the subdivider's plan of subdivision is presented to the Planning and Zoning Commission and city council for approval and which, if approved, may be submitted to the county recorder for filing.

Temporary improvement: Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

Tract: A defined area of land regardless of size.

Utilities: Installations or facilities, underground or overhead, furnishing for the use of the public; electricity, gas, steam, communication, water, drainage, sewage disposal or flood control, owned and operated by any person, firm, corporation, municipal department or board, duly authorized by state or municipal regulations. Utility or utilities may also refer to such persons, firms, corporations, departments or boards as tense requires.

Vacation, public land: An official action taken by the City Council to give up public ownership of previously owned public land, including streets, parks or easements.

Zoning: The regulation by districts of the height, area, and use of buildings; use of land and density of population.

Article III

PLATTING PROCEDURES AND REQUIREMENTS

- Section 3-1 Preapplication Procedure**
- Section 3-2 Preliminary Plat Submittal Requirements**
- Section 3-3 Preliminary Plat – Drawing Required**
- Section 3-4 Preliminary Plat – Supporting Material Required**
- Section 3-5 Preliminary Plat Review Procedure**
- Section 3-6 Final Plat Requirements – Certificate of Accuracy**
- Section 3-7 Final Plat Requirements – Staged Approval**
- Section 3-8 Final Plat Requirements – Format**
- Section 3-9 Final Plat Requirements – Materials**
- Section 3-10 Final Plat Requirements – Signatures**
- Section 3-11 Final Plat Requirements – Information**
- Section 3-12 Final Plat Requirements – Fee**
- Section 3-13 Final Plat Requirements – Supporting Material**
- Section 3-14 Final Plat Requirements – Drainage Collection, Retention Plan and Report**
- Section 3-15 Final Plat Requirements – Soils Report**
- Section 3-16 Final Plat Requirements – Grading, Drainage and Development Plan**
- Section 3-17 Final Plat Requirements – Construction Plan and Details**
- Section 3-18 Final Plat Requirements – Deeds**
- Section 3-19 Final Plat Requirements – Preliminary Title Report**
- Section 3-20 Final Plat Requirements – Floodplain**
- Section 3-21 Final Plat Requirements – Financial Guarantee**
- Section 3-22 Final Plat Requirements – Letters of Certification, Covenants, Conditions and Restrictions**
- Section 3-23 Final Plat Requirements – Compliance with Approved Preliminary Plat**
- Section 3-24 Final Plat Requirements – Staff Review of Supporting Information**
- Section 3-25 Final Plat Requirements – City Council Action**
- Section 3-26 Final Plat Requirements – Filing with County Recorder**
- Section 3-27 Final Plat Requirements – Alternate Approval Procedure**
- Section 3-28 Simultaneous Submittal of Preliminary and Final Plats**
- Section 3-29 Corrected Plats and Resubdivision**
- Section 3-30 Variances**
- Section 3-31 Vacating Public Lands**

Section 3-1 Preapplication Procedure

- A. Prior to the submission of a preliminary plat as required by these regulations, the subdivider shall contact the Development Services Department and any other administrative personnel or private agencies to determine:
 - 1. Procedures and requirements for filing the sketch plat and preliminary and final plats;
 - 2. Availability of public water and sewer or requirements when public systems are not readily available;
 - 3. Zoning requirements on the property;
 - 4. Requirements of the duly adopted general plan for major and minor streets, land use, drainage, schools, parks and other public open space;
 - 5. The location and extent of any floodplains.
- B. As a part of this contract, the subdivider may discuss with the Development Services Director his/her tentative proposals for the development of the property
- C. A subdivider shall submit, and the Development Services Director shall review and comment on, a sketch plat prior to the preparation of a preliminary plat. The Development Services Director shall make such a review and make its comments known to the subdivider within five days from the date of the review. The subdivider shall also meet with the Parks and Recreation Director, or a designated representative, to discuss tentative proposals for recreation and open space. The sketch plat shall contain or show two (2) foot contours and shall address the requirements of **Subsection A** of this section.
- D. The purpose of this preapplication procedure is to determine any problems with the proposed development before expenses are incurred in the preparation of a preliminary plat. No official action is required other than to offer appropriate comments on the proposal and indicating suitability for proceeding through the platting process.

Section 3-2 Preliminary Plat Submittal Requirements

Copies of the preliminary plat, the number to be determined by the Development Services Department, shall be submitted, with a reproducible copy, to the Development Services Director. The preliminary plat shall consist of a drawing or drawings and supporting material and information as prescribed by these regulations.

Section 3-3 Preliminary Plat - Drawing Required

The preliminary plat drawing shall be prepared at a scale of one inch equals one hundred feet or larger for subdivisions where the majority of lots are less than five (5) acres in size. The scale may be reduced to one (1) inch equals two-hundred (200) feet for subdivisions in which the minimum lot size is five (5) acres or more. The preliminary plat shall be prepared in a twenty-four (24) by thirty-six (36) inch sheet size format. If more than one (1) sheet is necessary, each sheet shall be numbered, keyed and each sheet shall show match lines. The face of the drawing shall contain the following information:

- A. The name of the subdivision. The name shall not duplicate or too closely resemble the name of any subdivision previously filed in the City;
- B. Date of preparation, scale and north arrow. The top of each sheet shall represent north wherever possible;
- C. Vicinity map. A vicinity map drawn at a scale of one (1) inch equals one-thousand (1,000) feet or one (1) inch equals two-thousand (2,000) feet, showing the location of the proposed subdivision in the City and its relationship to surrounding development;
- D. The names, addresses and phone numbers of the developer or subdivider, and the individual or firm responsible for the preparation of the preliminary plat;
- E. A legal description of the subdivision boundary;
- F. The boundary lines of the subdivision in a heavy, solid line and referenced to section or quarter section lines;
- G. A description of all monuments, both found and set, which mark the boundary of the subdivision, and a description of all control monuments used in the survey;
- H. Existing contours at a maximum interval of one (1) foot unless waived by the Development Services Director;
- I. General location and extent of any significant natural features such as streams, or drainage ways;
- J. Floodplains and floodways as delineated on maps available from the Development Services Director with certification that if such floodplains exist all lots can and shall be elevated to one foot above the one- hundred- year flood elevation;
- K. Location, dimensions, and names of existing roads, streets, alleys, railroad rights-of-way and structures within two-hundred (200) feet immediately adjacent to the property showing how they relate to the proposed subdivision layout;
- L. Location, size and grades of existing sanitary and storm sewers and location and size of water mains, gas lines, pipelines, or other underground utilities or installations within the proposed subdivision and within two-hundred (200) feet immediately adjacent thereto;
- M. Locations and dimensions of all easements of record;
- N. Existing zoning and land use of the proposed subdivision and immediately adjacent areas;
- O. Location and width of proposed streets, alleys, pedestrian ways and easements;
- P. Layout, numbers and approximate dimensions of proposed lots and blocks
- Q. Location of proposed fire hydrants, light standards, stop signs, traffic signals and gang mail boxes;
- R. Location, dimension and size in acres of all sites proposed to be used for commercial, industrial, multifamily residential, public or quasi-public use, with the use noted;
- S. A summary of the total number of acres, number of lots, acreage of commercial or industrial areas, acreage of open space, amount of land in rights-of-way and other descriptive material useful in reviewing the proposed subdivision.

Section 3-4 Preliminary Plat - Supporting Material Required

The following information and material shall be a part of any preliminary plat submittal and shall accompany the preliminary plat drawing:

- A. Payment of the total amount of the preliminary plat fee;
- B. A statement explaining the proposed design and function of the water, sewage, paving, sidewalk (including handicapped accessibility as per **A.R.S. 34-404 through 34-412**), storm water collection and retention systems, including preliminary drainage calculations and storm drainage systems, their compatibility with existing systems and the timing and/or phasing of installation. Approximate size and location of the above may be required on the plat, as determined by the City Engineer;
- C. A statement describing the development and maintenance responsibility for any private streets, ways or open space;
- D. The recommendations of a qualified professional engineer regarding any unusual soil suitability, erosion control, sedimentation and flooding problems;
- E. A description of the phasing and scheduling of phases for the development, if the final plat is to be submitted in separate phases;
- F. A petition for annexation to the city if the land to be subdivided is contiguous to, and outside, either by itself or as part of a larger tract, the boundaries of the City;
- G. An application for appropriate zoning for the subdivided area if the area is to be annexed or if the existing zoning district does not allow the type of use proposed;
- H. The names and addresses of all owners of subdivided lots and unplatted land contiguous to or within three-hundred (300) feet of the boundary of the proposed subdivision;
- I. Letters of certification and/or signed copies of the proposed preliminary plat from appropriate agencies and utility companies approving the proposed preliminary plat and confirming availability of services.

Section 3-5 Preliminary Plat Review Procedure

- A. After receipt of a preliminary plat and all required supporting material, the Development Services Department shall schedule the plat for consideration at the next regular meeting of the Planning and Zoning Commission which occurs after six (6) weeks from the date on which the plat was submitted.
- B. The Development Services Department representative will review the preliminary plat, summarize the agency comments, add his/her written comments and recommendations, and present the material and recommendations to the Planning and Zoning Commission for its consideration.
- C. At least ten (10) days prior to the date of the Planning and Zoning Commission meeting at which the plat is to be considered, the Development Services Department shall, from information provided by the subdivider as a part of his preliminary plat submittal, notify the owners of subdivided lots and owners of unplatted land within three-hundred (300) feet of the boundaries of the proposed subdivision of the time and date of the meeting.

- D. The subdivider, or duly authorized representative, shall attend the Commission meeting at which his/her proposal is scheduled for consideration.
- E. At the Commission meeting the subdivider and all other interested or affected parties shall be allowed to offer comments. Upon the Commission's approval or disapproval of the preliminary plat, it shall notify the subdivider and City Council of its decision. If conditions are attached to its approval, the subdivider and City Council shall be informed of such conditions. No preliminary plat may be continued (tabled) for more than two (2) consecutive meetings.
- F. Approval of the preliminary plat by the Planning and Zoning Commission shall be effective for one year from the date of approval. The subdivider may apply in writing for, and the Planning and Zoning Commission may, for cause shown, grant up to a six (6) month extension. If a final plat has not been submitted within this specified period on all or a portion of the land area included in the preliminary plat, a preliminary plat must again be submitted for approval. In a phased development, any land area for which the preliminary plat has been approved and for which a final plat has not been submitted within twenty-four (24) months from the date of the approval of the preliminary plat, shall not be allowed to proceed with final platting until a new preliminary plat is submitted and approved.

Section 3-6 Final Plat Requirements - Certificate of Accuracy

After approval of the preliminary plat, a final plat and required supporting material (see **Sections 3-13** through **3-22**) may be prepared and submitted to the Development Services Department. The final plat shall be prepared and certified as to its accuracy by a land surveyor registered to do such work in the State of Arizona. The final plat and required supporting material shall conform to the design and engineering standards set forth in these regulations and to any conditions of approval specified by the Planning and Zoning Commission and/or City Council (see **Section 3-30**) during approval of the preliminary plat.

Section 3-7 Final Plat Requirements - Staged Approval

Final platting may be accomplished in stages covering reasonable portions of the area of an approved preliminary plat. When this is done, each sheet of the final plat shall contain a vicinity map showing the location of the portion being submitted in relationship to the area for which the preliminary plat was submitted. All final plats so submitted shall be of the same scale, shall have identical titles, legends and other information, and shall have match lines so that mosaics of the entire subdivision can be developed. Each stage of the subdivision shall be as nearly self-sustaining and complete as possible and shall by itself, or in conjunction with previous stages, meet the design standards set forth in these regulations so that so that if development of the entire subdivision is interrupted or discontinued after one or more stages is completed, a viable development will result.

Section 3-8 Final Plat Requirements - Format

The final plat shall be clearly and legibly drawn in black, waterproof India ink upon mylar of 0.003 inch in thickness (minimum). Required affidavits, certificates and acknowledgments shall be legibly printed on the plat in opaque ink. The sheet size of all final plats shall be twenty-four (24) inches high by thirty-six (36) inches wide. Information on the plat should be so positioned that a two (2) inch margin is on the left side and a one-half (1/2) inch margin is shown on the remaining sides. The final plat shall be prepared at a scale of one (1) inch equals one-hundred (100) feet or larger, or at a scale of one (1) inch equals two-hundred (200) feet for subdivisions in which the minimum lot size is five (5) acres or more. Each sheet of the final plat shall be numbered and the total number of sheets comprising the plat shall be stated on each sheet (for example: Sheet 2 of 4). The relationship of one sheet to the other shall be shown by key maps and matchlines.

Section 3-9 Final Plat Requirements - Materials

The original mylar, two (2) reproducible copies (sepia not acceptable) and ten (10) prints of the final plat and copies of all required supporting material shall be submitted to the Development Services Department.

Section 3-10 Final Plat Requirements - Signatures

The submitted final plat shall contain the notarized signatures of the owner or owners of any and all equitable or legal interest in the land of whatever nature and the signature of the registered land surveyor.

Section 3-11 Final Plat Requirements - Information

All final plats shall include the following information on the face of the plat:

- A. The name of the subdivision, centered at the top of each sheet;
- B. General location of the subdivision by section, township, range, county, and state, entered under the name of the subdivision;
- C. North arrow, date and scale;
- D. Boundary lines of the subdivision in a heavy solid line;
- E. Legal description of the subdivision boundary based on an accurate traverse, giving bearing and linear dimensions that result in a maximum allowable error of closure of one (1) part in ten-thousand (10,000);
- F. The location and description of the point of beginning and its proper reference to the monumented boundary survey;
- G. Location and description of all monuments, found or set;
- H. Bearings, distances and curve data of all perimeter boundary lines indicated outside of the boundary lines;

- I. Adjoining parcels' subdivision names, parcel number and recording information;
- J. On curved boundaries and on all curves within the plat, sufficient data to allow the reestablishment of the curves on the ground.
- K. The location and layout of lots, blocks, tracts, streets, alleys, easements, and other public grounds within and immediately adjoining the plat, with accurate dimensions in feet and one-hundredths (0.01) of feet, bearings, curve data, length of radii and/or arcs of all curves;
- L. Drainage easements clearly labeled as such;
- M. All drainage easements for flood control retention shall remain in perpetuity;
- N. The names of all streets;
- O. All lots logically and consecutively numbered in the center of the lot with the appropriate address of each lot or parcel of ground;
- P. All dimensions shown on irregularly shaped lots;
- Q. Parcels completely or partially surrounded by the area being subdivided shall be clearly marked "**EXCEPTED**", and the common boundary with the subdivision shown in a heavy solid line with bearings and distances;
- R. A notation of the total acreage of the subdivision and the total number of lots;
- S. A notarized certificate by all parties having any titled interest in or lien upon the land, consenting to the recording of the plat and dedicating public ways, grounds and easements. Dedication shall include a written description by section, township and range of the tract. If the plat contains private streets, public utilities shall be reserved the right to install and maintain utilities in the street right-of-way;
- T. In cases involving vacation of public or private streets or public ways, easements or grounds, a notarized certificate of all parties having any titled interest in, or lien upon, the land or other pertinent interest, consenting to such vacation shall be provided;
- U. A notarized certificate of a registered land surveyor, registered under the laws of Arizona, with his/her address and registration number, stating that the plat is true, accurate and complete and that the described monuments have been found or set as described;
- V. Certification of availability of water from the local water agency supplying water;
- W. Certificate of approval of the city engineer as follows:

Data on this plat reviewed and approved this ___ day of _____, 20____, by the City Engineer of Coolidge, Arizona.

City Engineer

- X. Certificate of compliance with the preliminary plat as approved by the City of Coolidge Planning and Zoning Commission as follows:

This plat is in compliance with the original preliminary plat approved by the City of Coolidge Planning and Zoning Commission on this ___ day of _____, 20____. The Final Plat reviewed and approved this ___ day of _____, 20____.

Planning and Zoning Commission Chairperson

Development Services Director

- Y. Certificate of acceptance and approval by the City Council as follows:

Approved by the City Council of the City of Coolidge, Arizona, this ___ day of _____, 20____.

Mayor

Attest:

City Clerk

- Z. Certificate for recording by the County Recorder as follows:

This plat was filed for record in the Office of the Pinal County Recorder at ___ o'clock __.m., 20____, and is duly recorded in Cabinet __, Slide __.

Pinal County Recorder

Section 3-12 Final Plat Requirements - Fee

The final plat shall be accompanied by the total amount of the final plat fee.

Section 3-13 Final Plat Requirements - Supporting Material

The required final plat supporting material submitted shall consist of the final plat and all information as set out in **Section 3-14** through **3-22**.

Section 3-14 Final Plat Requirements - Drainage Collection, Retention Plan and Report

- A. A drainage plan and report for the site in question and all pertinent off-site areas shall be prepared by a registered engineer. The report shall examine one-hundred (100) year storm flows (Q 100's), the one-hundred (100) year high water mark of any river, creek, arroyo, gully, diversion ditch, spillway, reservoir, etc., that may in any way affect the project area, along with the depth of flow for one-hundred (100) year runoff. The watershed in all off-site areas shall be considered fully developed. Intensities shall be for this area's one (1) hour one-hundred (100) year storm based upon two and thirty-nine one-hundredths (2.39) inches per hour. A certificate shall be provided, signed, and sealed by a registered professional engineer that all drainage facilities, utilizing gutters and streets, are designed and sized to handle one hundred percent (100%) of the Q 100 runoff. The report shall comply with the requirements and standards of the **Pinal County Drainage Manual**.
- B. Every effort shall be made to utilize the natural slope of the land for the storm water collection system. Subsurface drainage systems shall be discouraged, but where necessary shall be a minimum of twenty-four (24) inches in diameter. Wherever possible, runoff shall be collected in depressed open areas throughout the proposed land development project. The plan shall include but not be limited to, the following:
 - 1. Method of collection (surface and/or subsurface);
 - 2. Depth, side slopes and area of retention;
 - 3. Calculations of volume held and required;
 - 4. High water elevation;
 - 5. Method of disposal of water within thirty-six (36) hours;
 - 6. Any other data to form a complete plan.
- C. The point or points in which natural drainage flows onto and from a property prior to development shall remain the same after the property has been altered for the development.

Section 3-15 Final Plat Requirements - Soils Report

A soils report for the site in question and pertinent off-site areas shall be prepared, if required by the City, by a registered engineer. The report shall indicate the type and location of soils, using the unified soil classification system, shall contain drill logs and swell consolidation curves, shall contain the results of percolation tests and soil bearing capacity tests, and shall contain a discussion of any present or potential hazards, associated with soils on the site along with measures which could be taken to mitigate such hazards. In addition the soils report shall contain recommendations on subsurface area drains and peripheral drains, foundation design, erosion control measures and surface drainage.

Section 3-16 Final Plat Requirements - Grading, Drainage and Development Plan

- A. A grading, drainage and development plan shall be prepared by a registered engineer at a scale of one (1) inch equals one-hundred (100) feet or larger, showing proposed rights-of-way, easements, walkways, parks, common areas, roadways, waterlines and reservoirs, sewer lines, manholes and treatment facilities, curbs and gutters, culverts, drains, storm water detention and retention basins, swales, ditches and other drainage devices, spot top of curb elevations, high and low street points, drainage arrows, street plans, all drainage areas and acreages, all one-hundred (100) year storm flows (Q 100's) adjacent to and/or flowing onto the development and on-site at each surface flow junction, storm water "pickup" and "takeoff" points designed to handle one-hundred (100) year flow on the surface, cross sections and high water elevations for all one-hundred (100) year flows. Spot elevations shall be given for all inverts, low points and flowing entry and exit points.
- B. All minimum building setbacks shall be shown. No one-hundred (100) year flow line shall encroach upon any minimum setback line and all lowest habitable floor elevations shall be at minimum, one (1) foot above the one hundred (100) year flood elevation. Certification by a registered engineer that such conditions will be maintained may be required by the City.

Section 3-17 Final Plat Requirements – Construction Plans and Details

Construction plans and details must be prepared by a registered professional engineer in the state of Arizona and shall provide for all improvements indicated on the grading, drainage, and development plan, including right-of-way and easement cross sections showing construction and placement of streets, walks, curbs, gutters, medians, lighting standards, swales, ditches, utilities, planting strips and property lines; details of fire hydrants, valves, manholes, pipe junctions, pumps, thrust-blocking, catch basins, etc.; street profiles showing natural and finish grades, centerline and both curbs, with a minimum vertical scale of one (1) inch equals two (2) feet and a horizontal scale of one (1) inch equals twenty (20) feet; sanitary sewer line and manhole profiles with natural and finish grades, showing area underdrains, if applicable, and the location of gravity outfall lines; storm drainage system profiles showing natural and finish grade; erosion control and revegetation details and other details as necessary to adequately convey the design intent. Quantity takeoffs shall also be provided.

Section 3-18 Final Plat Requirements - Deeds

When required by the City, a warranty deed or other acceptable instrument conveying to the City or other appropriate public agency any public lands other than streets, alleys or easements shown on the final plat and title insurance, if required by the City on the subject parcel, shall be presented to the City upon approval of the final plat. The method of assurance will be approved by the city attorney.

Section 3-19 Final Plat Requirements - Preliminary Title Report

A preliminary title report prepared by a certified title company shall be submitted showing title and control of the property.

Section 3-20 Final Plat Requirements - Floodplain

If a subdivision lies within a one-hundred (100) year floodplain, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision: ***“THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED WITHIN THE ONE HUNDRED YEAR FLOODPLAIN AS DEFINED BY THE UNITED STATES FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)”***. All lots are required to be elevated to one (1) foot above the one-hundred (100) year flood elevation.

Section 3-21 Final Plat Requirements - Financial Guarantee

A contractor's performance bond or other financial guarantee acceptable to the City to guarantee the complete and timely development of any facilities or improvements which are the subdivider's responsibility shall be submitted as described in **Section 5-1** of these regulations. Mylars will not be signed until such documentation has been received.

Section 3-22 Final Plat Requirements - Letters of Certification, Covenants, Conditions and Restrictions

- A. Letters of certification and/or signed copies of the proposed final plat from appropriate agencies and utility companies approving the proposed final plat.
- B. Any covenants, conditions and restrictions (CCR's) for the subdivision shall be submitted for review to assure that such CCR's do not conflict with any city regulations.

Section 3-23 Final Plat Requirements - Compliance with Approved Preliminary Plat

After receipt of the final plat, the Development Services Department shall review the submittal with the Chairperson of the Planning and Zoning Commission for completeness and for compliance with the approved preliminary plat. The Director may refer to copies of the final plat to and seek comment from other officials and agencies.

Section 3-24 Final Plat Requirements - Staff Review of Supporting Material

Upon submittal of all required supporting materials, the Development Services Department shall review them for completeness to determine whether a complete final plat submittal has been made and shall refer the material to appropriate agencies for review and comment. Upon being notified of the comments and any necessary approvals of reviewing agencies, the Development Services Department shall forward the final plat, comments and approvals of reviewing agencies and pertinent supporting materials to the Council. Incomplete final plats, or final plats for which necessary approvals have not been secured, shall not be forwarded to Council for action.

Section 3-25 Final Plat Requirements - City Council Action

Following receipt of the final plat, the recommendation from the Development Services Department and Chairperson of the Planning and Zoning Commission that the final plat complies with the preliminary plat, and required supporting materials, the City Council shall either approve the final plat or disapprove the final plat and notify the subdivider of the conditions to be met to gain approval. If a disapproved final plat is modified and resubmitted to the City Council at a later date for their consideration, the Council may require a concurrent submittal of an updated ownership and encumbrance report or title opinion.

Section 3-26 Final Plat Requirements - Filing with County Recorder

Upon approval by the City Council of the final plat, the subdivider shall be responsible for recording the mylar. The final plat must be recorded within two months of Council approval.

Section 3-27 Final Plat Requirements - Alternate Approval Procedure

As an alternate procedure and at the request of the subdivider, the City Council may approve a final plat and instruct the Development Services Director to withhold the approved final plat from recording for a period of time to allow the subdivider to install all of the required public improvements according to the plans and specifications approved by the city engineer. This procedure, when approved by the Council, shall be in lieu of the guarantees for installation of improvements as set forth in **Section 3-21** of these regulations. An executed standard contract as approved by the city attorney regarding installation of improvements shall be submitted with the final plat. The contract shall require that all improvements be completed no later than twelve (12) months from the date the final plat was approved by the City Council and that no lot may be sold. When the completed improvements are inspected and approved by the city engineer, the plat shall be recorded by the Development Services Department, and the sale of lots may then proceed according to the approved and recorded plat, provided that a one (1) year warranty shall be submitted covering the completed improvements.

Section 3-28 Simultaneous Submittal of Preliminary and Final Plats

For certain subdivisions, the subdivider may, after discussion with the Development Services Director, simultaneously submit both the preliminary plat and the final plat. Depending on the size and complexity of the subdivision and the amount of street dedication, any or all of the information required in the preliminary and final plat processes may be submitted. The Director shall determine which information must be submitted for adequate review of the subdivision. The preliminary and final plats may then be processed concurrently. It is possible for the preliminary and final plats to be one and the same instrument.

Section 3-29 Corrected Plats and Resubdivisions

- A. If, after the approval and recording of a final plat, errors are found in the language or numbers on the recorded plat, the subdivider shall file a properly signed, corrected or revised original mylar with the Development Services Director. The plat shall be noted **CORRECTED PLAT** under the name of the subdivision. Notations shall be made on the face of the plat listing all corrections made and the book and page numbers where the original plat was recorded. The Director shall review the plat for corrections, secure the signatures of the proper public officials on the corrected plat and present the plat to the City Council for the reaffirmation of their approval and to the county clerk for recording. The recording of the corrected plat shall void the incorrect original plat, and the council clerk shall note VOID across the face of the incorrect plat.
- B. If, after the approval and recording of a final plat, a subdivider wishes to modify the location of lot lines on part or all of the recorded plat, and if there is no change in the location or size of dedicated streets or other dedicated public land, the subdivider shall submit a new final plat drawing with the lotting arrangement revised. The Development Services Director shall determine which of the required supporting materials shall be resubmitted with the revised final plat. The plat shall be marked the **RESUBDIVISION OF _____** under the name of the subdivision and shall be processed as a final plat.
- C. If, after the approval and recording of a final plat, a subdivider wishes to change the street or public land location, size or arrangement of a part or all of the platted area, the resulting subdivision shall be treated as a new submittal with both a preliminary plat and a final plat required. Based on the currency of the information submitted with the original plat and the magnitude of the change(s), the procedure described in **Section 3-28** may be applied. The subdivision shall be identified as the **RESUBDIVISION OF _____**. Any action of the City Council approving such resubdivision shall contain clear reference to the vacation of public lands as appropriate.

Section 3-30 Variances

- A. When it can be shown that in the case of a particular subdivision, strict compliance with the provisions of these regulations would cause undue hardship, the City Council may authorize a variance to these regulations provided that the general intent of these regulations is preserved, the public interest is protected, and that such variances do not have the effect of nullifying the intent and purpose of the **General Plan** or **Chapter 16** of this code. The granting of a variance shall be based upon findings by the Council that:
 - 1. The subdivider is proceeding in good faith;
 - 2. There are unusual topographical or other special circumstances associated with the property which are not the result of any action of the subdivider and which prohibit the use of the property in a manner similar to the use of adjacent or nearby properties;
 - 3. The variance is necessary for reasonable development of the property in question and will alleviate a clearly demonstrable hardship;
 - 4. The variance will not nullify the intent or purpose of these regulations;
 - 5. Granting the variance will not be detrimental to the general public health, safety and welfare.
- B. Any variance granted shall constitute the minimum adjustment necessary to alleviate the hardship.
- C. All requests for variances shall be submitted in writing together with a preliminary plat and reviewed in the normal manner by the Planning and Zoning Commission. The Planning and Zoning Commission may approve or deny the preliminary plat and variance request.
- D. Following the Planning and Zoning Commission's action, the request for variance shall be referred to the City Council for consideration and action. The Council may consider comments from the Planning and Zoning Commission, staff, the applicant, and the public. The Council may approve or deny the variance request. The request may not be tabled for more than two (2) meetings. In granting a variance, compliance with the intent of the objectives and standards of these regulations shall be maintained.
- E. If the subdivision variance is granted by the City Council, the subdivider may incorporate the provisions of the variance into the final plat to be submitted and reviewed in the normal manner at a subsequent meeting of the City Council. The final plat must, in all respects other than the variance, conform with the preliminary plat and any other conditions imposed by the Planning and Zoning Commission.

Section 3-31 Vacating Public Lands

- A. A plat may be vacated by the owners or proprietors thereof at any time before sale of any lots, or before any substantial improvements have been made in the subdivision, by submitting a copy of the plat to the City Council along with a written request for a vacation. In cases where lots have been sold, the written request shall be by all of the owners of lots within the plat. The Planning and Zoning Commission shall make a recommendation on the vacation to the City Council, and the City Council shall approve or disapprove the vacation. The recording of an instrument vacating the plat shall operate to destroy the force and effect of the recording of the original plat and to divest all public rights in the streets, alleys, common and public grounds laid out or described in such a plat.
- B. Streets and alleys platted and laid out under the provisions of these regulations or laid out under any prior law of the State of Arizona may be altered or vacated in the manner provided by law for the alteration or discontinuance of streets and highways.
- C. Any part of a plat may be vacated under the provisions and subject to the conditions of this section and **Section 3-11**, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat and provided, further, that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request for vacation shall be made by all of the owners of lots within that portion of the overall plat sought to be vacated.
- D. When any part of a plat shall be vacated as aforesaid, streets, alleys, and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions.
- E. The County Clerk shall write in plain, legible letters across that part of said plat so vacated, the word "**vacated**" and also make reference on the same to the volume and page in which said instrument of vacation is recorded.
- F. Land covered by a vacated plat may be replatted as described in these regulations. Any replatting of an area already platted and not vacated shall be construed to be a request for the vacation of the original plat or portion thereof. Any such plat, once approved and recorded, shall act to vacate the original plat which it replaces.

Article IV

SUBDIVISION DESIGN AND STANDARDS

Section 4-1	General Improvements to Comply with Certain Rules and Regulation
Section 4-2	Self-imposed Restrictions
Section 4-3	Permanent Reference Monuments Required
Section 4-4	Land Unsuitable for Development
Section 4-5	Subdivision Name
Section 4-6	Lot Arrangement
Section 4-7	Lot Dimensions to Comply with Minimum Standards
Section 4-8	Double Frontage Lots to be Avoided – Access Requirements
Section 4-9	Soil Preservation and Lot Drainage Requirements
Section 4-10	Debris and Waste to be Cleared
Section 4-11	Fencing and Screen Wall Requirements
Section 4-12	Performance Bond to Include Lot Improvement
Section 4-13	Streets – Frontage Requirements
Section 4-14	Streets – Grading and Improvement Plan
Section 4-15	Streets – Topography and Arrangement Requirements
Section 4-16	Streets – Block Dimension Requirements
Section 4-17	Streets – Access to Arterial Streets
Section 4-18	Street Naming Requirements
Section 4-19	Street Names and Regulatory Sign Requirements
Section 4-20	Street Light Requirements
Section 4-21	Construction of Street – Dead-end Streets
Section 4-22	Streets – General Design Standards
Section 4-23	Street and Sidewalk Surfacing and Improvement Requirements
Section 4-24	Railroads and Limited Access Highways
Section 4-25	Required Angles of Intersections
Section 4-26	Widening and Realignment of Existing Streets
Section 4-27	Sidewalks and Curbs – Required Improvements
Section 4-28	Drainage, Storm Sewers and Retention Basins – General Requirements
Section 4-29	Retention Requirements
Section 4-30	Dedication of Drainage Easements - Requirements
Section 4-31	Water Facility and Fire Hydrant Requirements
Section 4-32	Sewer Facility Requirements in General
Section 4-33	Public Sewerage Required
Section 4-34	Private Sewerage Systems
Section 4-35	Mandatory Connection to Public Sewer System
Section 4-36	Individual Sewerage System Disposal Requirements
Section 4-37	Design Criteria for Sanitary Sewers
Section 4-38	Utility Location and Easement Requirements
Section 4-39	Public Land Reservation Requirements

Section 4-1 General Improvements to Comply with Certain Rules and Regulations

All subdivision improvements shall be in conformance to the following rules and regulations:

- A. The City of Coolidge **Zoning Code**;
- B. The **General Plan** of the City including all streets, drainage systems, and parks shown on the general plan as adopted.
- C. The rules of the Arizona Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.
- D. The regulations and requirements of the city **Flood Control Ordinance** and **Pinal County Drainage Manual**, as they may be amended from time to time;
- E. The **Arizona Department of Health Bulletin No. 11**, "Design of Sewage Works" and the Pinal County Department of Health relative to water supply and sanitary sewage disposal and applicable Arizona Department of Environmental (ADEQ) Rules and Regulations;
- F. The design standards and regulations adopted by the City Engineer and officials of the City, which shall include, but not be limited to, the **Uniform Standard Specifications for Public Works Construction** and the **Uniform Standard Details for Public Works Construction**, as sponsored and distributed by Maricopa Association of Governments;
- G. The **Manual on Uniform Traffic Control Devices**.

Section 4-2 Self-imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by these regulations or **Chapter 16**, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Planning and Zoning Commission may require that protective covenants be recorded with the County Clerk.

Section 4-3 Permanent Reference Monuments Required

The applicant shall place permanent reference monuments in the subdivision as approved by a registered land surveyor and the City Engineer.

Section 4-4 Land Unsuitable for Development

Land which the Planning and Zoning Commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning and Zoning Commission, upon recommendation of the city engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not involve such a danger.

Section 4-5 Subdivision Name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning and Zoning Commission shall have final authority to designate the name of the subdivision which shall be determined at sketch plat approval.

Section 4-6 Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with **Chapter 16** or in providing driveway access to buildings on such lots from an approved street.

Section 4-7 Lot Dimensions to Comply with Minimum Standards

Lot dimensions shall comply with the minimum standards of **Chapter 16**. Where lots are more than double the minimum required area for the zoning district, the Planning and Zoning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with these regulations and **Chapter 16**. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum setbacks from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in **Chapter 16** of this code.

Section 4-8 Double Frontage Lots to be Avoided – Access Requirements

- A. Double frontage lots and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
- B. Lots shall not, in general, derive access exclusively from an arterial street. Where driveway access from an arterial street may be necessary for several adjoining lots, the Planning and Zoning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial streets.

Section 4-9 Soil Preservation and Lot Drainage Requirements

- A. No **Certificate of Occupancy** shall be issued until grading has been completed in accordance with the approved final subdivision plat.
- B. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot onto adjacent lots and shall comply with the requirements of the **Pinal County Drainage Manual**.

Section 4-10 Debris and Waste to be Cleared

No cut trees, debris, rocks, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a **Certificate of Occupancy**.

Section 4-11 Fencing and Screen Wall Requirements

Each subdivider and/or developer shall be required to furnish and install fences and/or screen walls wherever the City Council determines that a hazardous condition may exist. The fences shall be constructed according to standards established by **Chapter 16** of this code and shall be noted as to height and material on the final plat. No **Certificate of Occupancy** shall be issued until the fence improvements have been duly installed.

Section 4-12 Performance Bond to Include Lot Improvement

- A. The performance bond or other financial guarantee shall include an amount to guarantee completion of all requirements contained in **Sections 4-6** through **4-12** of these regulations including, but not limited to, soil preservation, final grading, lot drainage, removal of debris and waste, fencing, and all other lot improvements required by the City Council.
- B. Whether or not a **Certificate of Occupancy** has been issued, at the expiration of the performance bond, the City may enforce the provisions of the bond where the provisions of the above mentioned sections or any other applicable law, ordinance or regulation have not been satisfied.

Section 4-13 Streets – Frontage Requirements

No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from, an existing street and unless such street is:

- A. A street shown upon a plat approved by the City Council and recorded in the county recorder's office. The street or highway must be suitably improved as required by **Maricopa Association of Governments (MAG) Standard Details and Specifications** or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these **Subdivision Regulations** or the **General Plan**. Wherever the area to be subdivided is to utilize existing road frontage, such road shall be suitably improved as provided hereinabove

Section 4-14 Streets - Grading and Improvement Plan

A shall be graded and improved and conform to the city construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.

Section 4-15 Streets – Topography and Arrangement Requirements

- A. Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. Specific standards are contained in the design standards of these regulations.
- B. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the **General Plan**.
- C. Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the property.
- D. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, unless in the opinion of the City Council, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

Section 4-16 Streets – Block Dimension Requirements

- A. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, waterways or parks.
- B. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed six hundred (600) feet or twelve (12) times the minimum lot width required in the zoning district.
- C. In long blocks the City Council may require the reservation of an easement through the block to accommodate utilities, drainage facilities, emergency access, or pedestrian traffic.

Section 4-17 Streets - Access to Arterial Streets

Where a residential subdivision borders on or contains an existing or proposed arterial street, the city may require that access to such streets be limited by one of the following means:

- A. The subdivision of lots so that the lots back onto the arterial street and front onto a parallel local street; no direct access shall be provided from the arterial street.
- B. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.
- C. A marginal access or service road (separated from the arterial street by a planting or landscaped strip and having access thereto at suitable points).

Section 4-18 Streets Naming Requirements

Street names shall be sufficiently different in sound and in spelling from other street names in the city so as not to cause confusion. Streets which exist or are planned as a continuation of an existing street shall bear the same name. Street names shall be assigned by Development Services staff in order to allow for a consistent street naming system in the interests of public safety. The subdivider may propose street names, and where possible, they may be incorporated.

Section 4-19 Street Names and Regulatory Signs Requirement

The subdivider shall install all street name signs and regulatory signs (e.g. yield, stop, speed limit, bicycle route, etc.) as required by the City Engineer. The subdivider shall install all street signs before issuance of **Certificates of Occupancy** for any residence on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which are to be approved by the City Engineer.

Section 4-20 Street Light Requirements

Installation of street lights shall be required in accordance with design and specification standards approved by the City Engineer. Lighting on local and collector streets shall maintain a minimum of 0.4 lumens at any given point along the street right-of-way while 0.7 lumens shall be maintained along arterial streets. In addition, light standards shall be spaced such that each intersection is provided at least one (1) light standard.

Section 4-21 Construction of Streets - Dead-end Streets

- A. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the city **General Plan**. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac, T-shaped or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The City may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
- B. Where a street does not extend to the boundary of the subdivision and its continuation is not required by the City for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the City may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac shall be provided at the end of a permanent dead-end street in accordance with construction standards and specifications, but in no case shall such cul-de-sac exceed six-hundred (600) feet in length, unless special approval is granted by the fire department and any other appropriate department.
- C. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

Section 4-22 Streets - General Design Standards

In order to provide for streets of suitable location, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire protection, sanitation, and street-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the City currently uses **MAG Specifications and Details**. The City, at a minimum, shall require streets at least thirty-six (36) feet, back of curb to back of curb.

Section 4-23 Street and Sidewalk Surfacing and Improvement Requirements

- A. After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. The surfacing shall be of such a character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the City Engineer. Adequate provision shall be made for culverts, drains, and bridges.
- B. All street pavements, shoulders, drainage and utility improvements and structures, curbs, turnarounds, and sidewalks shall conform to the **Uniform Standard Details Specifications** adopted by the City Council, with provisions for handicapped accessibility as required by **A.R.S. Sections 34-404** through **34-412**, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

Section 4-24 Railroads and Limited Access Highways

Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- A. In residential districts a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: ***“This strip is reserved for screening. The placement of structures, except for street signs and lighting, hereon is prohibited.”***
- B. In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
- C. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be a distance of at least one-hundred-fifty (150) feet from the railroad right-of-way. Such a distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

Section 4-25 Required Angles of Intersections

Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one-hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one (1) point unless specifically approved by the Planning and Zoning Commission.

Section 4-26 Widening and Realignment of Existing Streets

Where a subdivision borders an existing narrow street or when the **General Plan** or **Chapter 16** of this Code indicates plans for realignment or widening a street that would require the use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his/her expense such areas for widening or realignment of such streets. Such streets shall be improved and dedicated by the applicant at his/her own expense to the full width as required by these subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard requirements of **Chapter 16**, whether the land is to be dedicated to the municipality in fee simple or as an easement for future expansion or as a private street.

Section 4-27 Sidewalks and Curbs - Required Improvements

- A. Sidewalks shall be included within the dedicated nonpavement right-of-way of all streets.
- B. Concrete curbs and gutters are required for all streets. Collector and arterial streets shall require six (6) inch vertical curbs.
- C. Handicapped ramps shall be provided on all sidewalks at all street intersections; ramps will be offset from the sidewalk entering the street a distance equal to the width of the sidewalk.
- D. Sidewalks shall be improved as required in **Section 4-23** of this these regulations.

Section 4-28 Drainage, Storm Sewers and Retention Basins - General Requirements

- A. The City will not recommend for approval any plat of a subdivision which does not make adequate provision for storm or floodwater runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm drainage shall be accommodated in the streets, gutters or retention basins unless otherwise indicated by the City Engineer. Subsurface drainage systems shall be discouraged, but where storm sewers are required, the cost shall be borne by the developer for storm sewers to a size of twenty-four (24) inches; if over twenty-four (24) inches in size and determined to be for benefit outside of the subdivision, the costs may be shared, as determined by the City Council, but only for that portion determined to be of benefit outside the subdivision.
- B. All provisions for drainage control shall comply with the regulations of the **City Storm Drainage Master Plan and Drainage Policy**, adopted as ordinance, as it from time to time may be amended.
- C. The City Council may, when it deems necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within any one-hundred (100) year floodplain as determined by the Federal Emergency Management Agency (FEMA). Any development that may be permitted in the floodplain areas shall comply with the floodplain regulations for the City.
- D. Floodway areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the City Council.

Section 4-29 Retention Requirements

- A. All provisions for storm water retention and all retention requirements and retention basin capacity calculations shall comply with the regulations of the **City Storm Drainage Master Plan and Drainage Policy**, as it from time to time may be amended.
- B. Dedicated retention basins will be part of the City's park and open space system. Nondedicated retention basins shall be maintained by the owner. All nondedicated retention basin areas shall be designated as easement areas for retention purposes and shall have a recorded protective covenant requiring perpetual maintenance. The City will consider usable open space parking as approved by City Engineer.
- C. Two or more developers may join together to provide a common retention facility. A letter of agreement signed by all developers participating in the common retention area must be presented to the City Engineer, and the recorded plat shall indicate that the retention area is a joint facility. The joint recreation area must meet all criteria as a single area.

Section 4-30 Dedication of Drainage Easements - Requirements

- A. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided conforming substantially to the lines of the watercourse, and of the width and construction, or both, as will be adequate for the purpose. Whenever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
- B. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements of at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- C. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- D. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the City Council.
- E. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. A hydrology report and construction drawings which preserve the flow characteristics of the drainageway may allow construction within the low-lying land.

Section 4-31 Water Facility and Fire Hydrant Requirements

- A. The subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the Arizona Water Company and the City Engineer. All water mains shall be at least six (6) inches in diameter.
- B. Water main extensions shall be approved by the Arizona Water Company and City Engineer.
- C. To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the developer.
- D. Fire hydrants shall be required for all subdivisions and located in accordance with the **International Fire Code**, and their placement shall be approved by the City Fire Chief. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

Section 4-32 Sewer and Facility Requirements in General

The applicant shall install sanitary sewer facilities in a manner prescribed by the **Uniform Standard Details and Specifications** and the City Engineer.

Section 4-33 Public Sewerage Required

For all subdivisions with any lot less than one (1) acre in size and/or the nearest existing sewer line within 5,280 feet (one mile), sanitary sewage facilities shall connect with the public sanitary sewage system. Sewers shall be installed to serve each lot, to grades and sizes required by the **ADHS Bulletin #11** and the City Engineer.

Section 4-34 Private Sewerage Systems

Where public sanitary sewage systems are not within 5,280 feet (one mile), the City may allow one (1) of the following alternatives:

- A. Central sewage system, the maintenance cost to be assessed against each property benefitted. Where plans for future public sanitary sewage systems exist, the applicant shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to the public sewer mains; or
- B. Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be made available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to the public sewer main.

Section 4-35 Mandatory Connection to Public Sewer System

If a public sanitary sewer is installed within three-hundred (300) feet of an individual lot, property, or sewer system, the owner thereof shall be required to connect to the sewer for the purpose of disposing of waste, and it is unlawful for any such owner or occupant to maintain upon any property the use of an individual sewage disposal system thereafter. If a property with a private waste disposal system is annexed into the City, the property owner has the right to seek permission from the City Council to retain that system rather than connect to the City Sewer.

Section 4-36 Individual Sewage System Disposal Requirements

If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall be one (1) acre and approval shall be by the City Engineer. The individual disposal system, including the size of septic tanks and size of tile fields or other secondary treatment device, shall be approved by the Pinal County Health Department and/or ADHS.

Section 4-37 Design Criteria for Sanitary Sewers

- A. Sanitary sewer systems should be designed for the service area population. Consideration should be given to current zoning regulations, and approved planning and zoning reports where applicable. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented hereinafter should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area.
1. The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by the City Engineer;
 2. No public sanitary sewer line shall be less than eight (8) inches in diameter, unless sewer line is less than four-hundred (400) feet long and cannot be extended;
 3. All sewers shall be designed to give mean velocities, when flowing full of not less than two (2) feet per second. All velocity and flow calculations shall be based on the Manning Formula. The slopes shall be minimum for the size indicated;
 4. All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the City Engineer;
 5. Manholes shall be installed at the end of each line; at all changes in grade, size or alignment; at all intersections; and at distances not greater than three-hundred (300) feet for sewers less than eighteen (18) inches, and six-hundred (600) feet for sewers eighteen (18) inches in diameter and larger;
 6. The difference in elevation between any incoming sewer and the manhole invert shall not exceed twelve (12) inches except where required to match crowns. The use of drop manholes will require approval by the City Engineer. The minimum inside diameter of the manholes shall conform to those specified by the City Engineer. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes at bends and turns shall be 0.2 feet;

7. Manhole covers shall be sealed covers with inverted vented dishes;
8. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be provided to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley rights-of-way where possible. Imposed loading shall be considered in all locations. Not less than three (3) feet of cover shall be provided over top of pipe in street and alley rights-of-way or other areas;
9. Cleanouts and lampholes will not be permitted;
10. There shall be no physical connection between a public or private potable water supply system and sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures;
11. A minimum horizontal distance, from outside to outside of pipewall, of six (6) feet shall be maintained between parallel water and sewer lines. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water main is at least two (2) feet above the sewer line;
12. These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances where considered justified by the City Engineer.

Section 4-38 Utility Location and Easement Requirements

- A. All utility facilities, including but not limited to gas, electric power, except electrical lines exceeding thirteen KV capacity, telephone and cable television shall be located underground throughout the subdivision. All utility facilities existing throughout the subdivision shall be located in either the street right-of-way or its adjacent easements or in a dedicated alley, except where easements between alleys and street rights-of-way are necessary to connect the utilities as approved by the city. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the City Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
- B. Proper coordination shall be established between the subdivider and the applicable utility companies for the continuation of public utility easements established in adjoining properties, when rights-of-way or dedicated alleys are not appropriate.
- C. Where topographical, locational or other conditions are such as to make impractical the inclusion of public utilities within rights-of-way or dedicated alleys, perpetual unobstructed easements of at least ten (10) feet in width shall be provided. Easements shall be indicated on the plat.

Section 4-39 Public Land Reservation Requirements

- A. Where a proposed park, playground, open space, bikeway or other public use shown on the general plan is located in whole or in part in a subdivision, the Commission and the City Council shall require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be reserved to the City by the subdivider if the City Council approves such reservation.
- B. The Commission shall require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other stated public purposes.
- C. In all new residential subdivisions the City may require that fifteen percent (15%) of the gross area be reserved for public recreation space, school sites or other public use with such percentage being in addition to property reserved for streets, alleys, easements or other public ways.
- D. The City or other public agency shall enter into an agreement on the method of acquiring such reserved land area prior to approval of the final plat.

Article V

IMPROVEMENT GUARANTEES

- Section 5-1 General Improvements to Comply with Certain Rules and Regulation**
- Section 5-2 Self-imposed Restrictions**
- Section 5-3 Permanent Reference Monuments Required**
- Section 5-4 Land Unsuitable for Development**
- Section 5-5 Subdivision Name**

Section 5-1 Financial Guarantees and Improvements

- A. Financial guarantee required – statutory authority – approval by Council:
1. The City Council shall require that the applicant provide a financial guarantee such as a performance bond, an irrevocable letter of credit, assurance of construction of subdivision improvements, funds in escrow or other guarantee acceptable to the City prior to the mylar being signed by the relevant City officials in an amount sufficient to secure to the City the satisfactory construction, installation and dedication of the required improvements. The financial guarantee shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations. The amount of financial guarantee shall be one hundred percent (100%) of the cost of installation and materials necessary to complete the subdivision, including street lights, street name signs, street regulatory signs and all grading.
 2. The financial guarantee shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Council in the resolution approving the final subdivision plat and shall be incorporated in the financial guarantee and shall not, in any event, exceed two (2) years from the date of final approval.
 3. The financial guarantee shall be approved by the City Council as to amount and surety and conditions satisfactory to the governing body. The City Council may, upon proof of difficulty, grant an extension of the completion date set forth in the guarantee for a maximum period of one additional year.
- B. Completion of improvements:
As an alternative to requiring a contractor's performance bond, the City Council, at its discretion, may allow the procedures for completion of improvements described in **Section 3-27** of these regulations.
- C. Temporary improvement requirements:
The applicant shall build and pay for all costs of temporary improvements required by the City Council and shall maintain same for the period specified by the City Council. Prior to construction of any temporary facility or improvement, the developer shall file with the City Engineer a separate, suitable, financial guarantee for temporary facilities, which guarantee shall ensure that the temporary facilities will be properly constructed, maintained and removed.
- D. Governmental units exempt from certain provisions:
Governmental units to which these financial guarantee and contract provisions apply may file in lieu of the contract or financial guarantee a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this section.
- E. Consequences of failure to complete improvements:
For subdivisions for which no financial guarantee has been posted, if the improvements are not completed within the period specified by the City Council in the resolution approving the plat, subject to **Section 3-27** of these regulations, the approval shall be deemed to have expired. In those cases where a financial guarantee has been posted and required improvements have not been installed within the terms of the guarantee, the City may thereupon declare the guarantee to be in default, call on the guarantee, and require that all the improvements be installed regardless of the extent of the building development at the time the financial guarantee is declared to be in default.

- F. Acceptance of dedication and maintenance requirements:
Acceptance of dedication of land for streets, public areas, and easements shall be by resolution of the City Council. The resolution approving the final plat shall constitute such acceptance, provided a statement of dedication is placed on the plat. The approval by the City Council of a subdivision plat shall not be deemed to constitute or imply the acceptance of maintenance by the City on any street or easement improvements shown on the plat. The City Council may require the plat to be endorsed with appropriate notes to this effect. A separate resolution accepting improvements and maintenance shall be required following installation of all improvements.

Section 5-2 Inspection of Improvements

- A. General procedures and fees:
The City Council shall provide for inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the City an inspection fee of three percent (3%) of the amount of the financial guarantee or the estimated cost of required improvements, and the subdivision plat shall not be signed by the Mayor unless the fee has been paid at the time of approval. If the City Engineer finds, upon inspection that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to the specifications.
- B. On-site representative - role and authority:
The developer shall designate, in writing, the name of the agent who shall be available at all times during its progress and who shall not be replaced without a written notice to the city engineer. The agent will be the developer's representative at the site and shall have the authority to act on the developer's behalf.
- C. Release or reduction of financial guarantee:
1. The City Council will not accept dedication of required improvements, nor release nor reduce any financial guarantee, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer through submission of detailed "as-built" construction plans of the subdivision, prepared on mylar, indicating location, dimensions, materials, and other information required by the City Council or City Engineer, that the layout of the line and grade of all public improvements is in accordance with the construction plans for the subdivision and that a title insurance policy has been furnished to, and approved by, the City Attorney indicating that the improvements shall have been completed, are ready for dedication to the City and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication and maintenance in accordance with the established procedure.

2. A financial guarantee may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a financial guarantee be reduced below twenty-five percent (25%) of the principal amount, unless all improvements have been dedicated, in which case they may be reduced to zero (0), provided a maintenance bond is posted.
3. The applicant shall be required to maintain all improvements within the subdivision and/or on the individual subdivided lots, until acceptance of the improvements by the City Council. If there are any **Certificates of Occupancy** on a street where improvements have not been dedicated to the City, the City may on twelve (12) hours notice effect emergency repairs and charge same to applicant.
4. The applicant shall be required to file a maintenance guarantee with the City Council prior to dedication of the improvements, in the amount of ten percent (10%) of the improvement costs in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one (1) year after the date of their acceptance by the City Council and dedication of the improvements to the City Council.

Section 5-3 Deferral or Waiver of Required Improvements

A. Deferral or waiver:

The City Council may defer or waive at the time of final approval, subject to appropriate conditions, the provisions of any or all improvements as, in its judgment, are not requisite in the interests of public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

B. Applicant to pay share of future improvement costs:

Whenever it is deemed necessary by the City Council to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons identified by the City, the applicant shall pay his/her share of the costs of the future improvements to the City prior to the signing of the final subdivision plat, or the applicant may post a bond ensuring the completion of the improvements upon demand of the City Council.

Section 5-4 Issuance of Building Permits and Certificates of Occupancy

A. City Engineer approval required:

No **Certificate of Occupancy** for any building in the subdivision shall be issued prior to completion, inspection and approval by the City Engineer, and dedication of the same to the City of all utilities required to serve the building for which a **Certificate of Occupancy** is requested.

B. Extent of improvements required:

The extent of street improvements shall be adequate for vehicular access by the prospective occupant and by police and fire protection equipment, prior to the issuance of an occupancy permit.

- C. Ratio of improvements required prior to issuance:
No building permit shall be issued for the final ten percent (10%) of lots in a subdivision (or if ten percent (10%) is less than two (2), for the final two (2) lots of a subdivision), until all public improvements required by the City Council for the plat have been fully completed and dedicated to the City.

Section 5-5 Building Permits for Lots outside Approved Subdivisions

- A. Development Services Department review required:
If any lot or parcel is to be created within the City where the creation of the lot or parcel does not require the use of the requirements and procedures of **Article III** and **Article IV** of these regulations, the owner of the lot or parcel to be created shall be required to discuss with the Development Services Department the lot or parcel creation to determine the eventual ability to receive a building permit for the lot or parcel.
- B. Authority of City regulations:
Regardless of subjectivity to **Article III** and **Article IV** of these regulations, any newly created lot or parcel shall be subject to the provisions of other City regulations, including **Chapter 16** of this Code.
- C. Development Services Department to certify that requirements met:
The Development Services Department shall certify whether or not the newly created lot or parcel meets all City requirements relative to receiving the building permit, noting any conditions, if such exist.

Article VI FEES AND PENALTIES

Section 6-1	Fees
Section 6-2	Penalties

Section 6-1 Fees

- A. Preliminary plat fee:
Each preliminary plat shall be accompanied by a fee of seven-hundred-fifty (\$750) dollars up to fifteen (15) lots and one-thousand-five-hundred (\$1,500) dollars plus ten \$(10) dollars per lot over fifteen (15) lots.
- B. Final plat fee:
Final plat submittals shall be accompanied by a minimum fee of four-hundred (\$400) dollars up to fifteen (15) lots and eight-hundred (\$800) dollars plus ten (\$10) dollars per lot over fifteen (15) lots. The applicant will also be invoiced for the cost of the civil plan review by the City Engineer.
- C. Variance fee:
Each request for a variance from these regulations shall be accompanied by a fee of five-hundred-forty-five (\$545) dollars payable to the City. Each variance shall constitute a separate request.
- D. Annexation plat fee:
Each annexation plat submitted for consideration by the Planning and Zoning Commission separate from a subdivision plat shall be accompanied by a fee of five-hundred-forty-five (\$545) dollars.

Section 6-2 Penalties

- A. Violation – Penalty:
Any and all persons who shall violate any of the provisions of these regulations or fail to comply therewith, or who shall fail to comply with any lawful order or regulation made thereunder, shall severally for each and every such violation and noncompliance respectively, forfeit and pay a fine of not less than fifty (\$50) dollars, nor more than seven-hundred-fifty (\$750) dollars, and/or may be imprisoned not to exceed the time of four (4) months for each offense, the violation constituting a Class 2 misdemeanor under the **Criminal Code of the laws of the State of Arizona**. In addition, the costs of any such action may be imposed at the discretion of the court. The imposition of one (1) penalty for any violation of this title shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy it to continue; and all such persons shall be required to correct or remedy such violations and defects within a reasonable time; and each day that the prohibited condition is not corrected or remedied shall constitute a separate offense; and the court shall impose a fine on a per diem basis for each day that the violation is maintained. Application of the above penalty shall not be held to preclude the forced removal of prohibited conditions.