PLANNING AND ZONING COMMISSION
WORK SESSION STAFF REPORT

DATE: June 27, 2017

CASE NUMBER: AM-1-17

REQUEST: City initiated text amendment of Apache Junction City Code Volume II, Land Development Code, Chapter 2: Subdivision Regulations.

BACKGROUND

The Apache Junction Subdivision Regulations ordinance was passed and approved by the Apache Junction City Council on February 16, 1982 and was amended as Ordinance No. 900 on August 4, 1994. Over the past 23 years there have been many changes in the administration of the regulations and procedural policies of the city. Therefore, amendments to the subdivision regulations are recommended.

PROPOSAL

The draft amendments are being presented to the Planning and Zoning Commission for the eventual recommendation to the City Council. The proposed text amendment is case AM-1-17, a request to amend the Apache Junction Subdivision Regulations. In general, the organization of the code is being re-formatted to easily navigate. There are also a few new substantive sections being added to the code.

ORGANIZATIONAL AMENDMENTS

- The subdivision regulations title is to be changed to "Subdivision and Minor Land Division Regulations".
- Administration, construction, and terms have moved to Article 2-1.
- Article 2-2 has been maintained as platting procedures and requirements.

- Subdivision design principles and standards has moved to Article 2-3 from Article 2-4, which has also been changed to address construction assurances for onsite improvements and amenities.
- Article 2-5 is amended and re-titled as administrative subdivisions; land splits/minor land division, and lot line adjustments.
- A Condominium plats and condominium conversions section has been added to Article 2-6.
- Article 2-7 is now definitions, while construction and terms are relocated to Article 2-1.
- A new appendix has been added to outline the preliminary and final plat conditions.

SUBSTANTIVE AMENDMENTS

Article 2-1. Enactment and Scope of Regulations, Administration, Construction, and Terms:

- This article was modified to accommodate new development in a manner which will preserve and enhance the city's living environment, subdivisions and land splits so as to conform to the requirements and objectives of the general plan; zoning ordinance; and land development code.
- Additional provisions were revised regarding the requirements of final plat approval prior to the issuance of building permits or conveyance of properties, modification of requirements by city council, resubdivision of land, vacation of plats, preservation of historic features, transfer of property during the subdivision process, cancellation by applicant, violation of the subdivision regulations, and legal procedures and remedies.
- Construction terms were amended to provide better clarifications of terms.

Article 2-2. Platting Procedures and Requirements:

- Provisions of the pre-application process as stage I of the platting procedure have slightly changed the parameters of how the lot layout governs, and the general development requirements are collected, consolidated and presented to the subdivider.
- Development master plan section is removed and replaced with conceptual subdivision plat as an optional stage II.
- Preliminary and final plats processes as stages III and IV respectively of the platting procedure are updated for new information and requirements.

- The provisions of Article 10-8: "Subdivision Plats" are relocated from the city's engineering guidelines and placed as preliminary and final plat conditions in an appendix at the back portion of the subdivision regulations.
- The final plat amendment section is revised to reflect the three provided methods of amendment as major, moderate, and minor changes.

Article 2-3. Subdivision Design Principles and Standards:

- Certification requirements prior to the issuance of a building permit and the clearance for occupancy have been added to this article.
- Other minor revisions are provided such as the requirement that land located within floodplain to be administered through the city's floodplain management ordinance.

Article 2-4. Construction Assurances for Onsite Improvements and Amenities:

- This article is added to the subdivision regulations with its two new sections which are default, and inspection and release to assure that onsite construction requirements have been satisfied and approved by the city prior to the final release of the subdivision.

Article 2-5. Administrative Subdivisions; Land Splits/Minor Land Division, and Lot line Adjustments:

- The applicability section of this article has been amended by providing provisions requiring deeds that are related to a land split be recorded within one year, and also outlined the requirements for the division of lands that shall proceed through the subdivision process.
- A lot line adjustment section is added to allow property owners to adjust a common boundary line which does not result in a net gain in the number of lots or parcels, or alter subdivision boundaries.

Article 2-6. Condominium Plats and Condominium Conversions:

- This is a newly added article to the subdivision regulations to establish requirements and procedures for new condominium developments and condominium conversions of existing developments, so as to provide for the public health, safety and general welfare through adherence to development standards.

Article 2-7. Definitions:

- The definitions within this article have been revised to reflect the words and phrases that are described in the newly amended subdivision regulations.

Prepared by Sam Jarjice
Development Services Project Engineer

Attachments:
Exhibit - Amended chapter 2, Subdivision Regulations (redline version)

CHAPTER 2: SUBDIVISION AND MINOR LAND DIVISION REGULATIONS

Article

2-1. ENACTMENT AND SCOPE OF REGULATIONS, ADMINISTRATION, CONSTRUCTION, AND TERMS

2-2. PLATTING PORCEDURES AND REQUIREMENTS

~~**2-3 ADMINISTRATIVE SUBDIVISIONS; LAND SPLITS**~~

2-3. SUBDIVISION DESIGN PRINCIPLES AND STANDARDS

~~**2-4 SUBDIVISION DESIGN PRINCPLES AND STANDARDS**~~

2-4. CONSTRUCTION ASSURANCES FOR ONSITE IMPROVEMENTS AND AMENITIES

~~**2-5 STREET AND UTILITY IMPROVEMENT REQUIREMENTS**~~

2-5. ADMINISTRATIVE SUBDIVISIONS; LAND SPLITS//MINOR LAND DIVISION, AND LOT LINE ADJUSTMENTS

~~**2-6 ADMINISTRATION**~~

2-6. CONDOMINIUM PLATS AND CONDOMINIUM CONVERSIONS

~~**2-7 CONSTRUCTION, TERMS AND DEFINITIONS**~~

2-7. DEFINITIONS

APPENDIX: PRELIMINARY AND FINAL PLAT CONDITIONS

ARTICLE 2-1: ENACTMENT, ~~AND~~ SCOPE OF REGULATIONS, ADMINISTRATION, CONSTRUCTION, AND TERMS

Section

2-1-1 Short title
2-1-2 Statement of legislative intent
2-1-3 Application; authority for local regulations
2-1-4 Relationship to General Plan, Zoning Ordinance, and other ordinances and laws
~~2-1-5 Relationship to Zoning Ordinance~~
2-1-~~6~~ 5 Relationship to official maps
2-1-~~7~~ 6 Minimum requirements
2-1-~~8~~ 7 Application; greater restrictions
2-1-~~9~~ 8 Prohibition of circumvention
~~2-1-10 Compliance with other ordinances and laws~~
2-1-~~11~~ 9 Reference to any portion of this Chapter
2-1-~~12~~ 10 Severability
2-1-~~13~~ 11 Continuation of previously granted plats
2-~~61~~-~~3~~ 12 Filing fees
2-~~61~~-~~4~~ 13 Final plat approval required prior to conveyance ~~of any subdivided land~~
2-~~6~~ 1-~~5~~ 14 Prerequisites for issuance of building permits
2-~~61~~-~~6~~ 15 Modifications and exceptions
2-~~61~~-~~7~~ 16 Resubdivision of land
2-~~61~~-~~8~~ 17 Vacation of plats
2-~~61~~-~~9~~ 18 Preservation of archaeologic, historic, and natural features and amenities
2-~~61~~-~~10~~ 19 Transfers and assignments
2-~~61~~-~~11~~ 20 Cancellation by applicant
2-~~61~~-~~12~~ 21 Violations and penalties
2-~~61~~-~~13~~ 22 Legal procedures
2-~~61~~-~~14~~ 23 Remedies
2-~~71~~-~~1~~ 24 Construction; Terms

§ 2-1-1 SHORT TITLE.

This ~~C~~chapter ~~may~~ shall be referred to and cited as the "Apache Junction Subdivision and Land Split Regulations."

~~(Prior Document, Ch. 2 § 1.01) (Ord. passed 2-16-1982)~~

§ 2-1-2 STATEMENT OF LEGISLATIVE INTENT.

(A) This ~~C~~chapter is adopted to provide for the orderly growth and harmonious development of the City of Apache Junction, and to preserve, protect and promote the

public health, safety, convenience and general welfare. In its interpretation and application, the provisions of this ~~C~~chapter are intended to provide a common ground for undertaking an equitable working relationship between public and private interests ~~to the end~~ so that both independent and mutual objectives can be achieved in the subdivision of land.

(B) More specifically, this ~~C~~chapter is adopted in order to achieve the following objectives:

(1) To aid in the implementation of the ~~G~~general ~~P~~plan of the city, ~~which may be or is adopted,~~ including elements thereof;

(2) To accommodate new development in a manner which will preserve and enhance the city's living environment through accepted principles of low impact development, floodplain preservation, riparian ecosystem protection, reduction of the health impacts of development, utilizing aging friendly design, multi-modal and non-motorized transportation, creating quality neighborhood as well as commercial and industrial development for all age and income groups, and ~~create~~ generate ~~new beauty~~ high quality development through skilled subdivision design;

~~(2)~~ (3) To provide lots of sufficient size and appropriate design for the purposes for which they are to be used, including livability;

~~(3)~~ (4) To provide a coordinated street system having adequate capacity for the anticipated pedestrian and vehicular traffic which ~~would~~ will utilize it and ensure that it is designed ~~and designated~~ to promote safe traffic circulation;

~~(4)~~ (5) To provide for water supply, sewage disposal, storm drainage, stormwater retention, flood control, and other utilities and facilities which may be required;

~~(5)~~ (6) To ensure and facilitate provisions for adequate school sites, public parks, recreation areas and other public facilities;

~~(6) To accommodate new development in a manner which will preserve and enhance the city's living environment and create new beauty through skilled subdivision design;~~

(7) To protect and enhance real property values;

(8) To promote the conveyance of land by accurate legal descriptions;

(9) To promote logical procedures for the achievement of these purposes; and

(10) To coordinate subdivision activity ~~policies and regulations~~ of the city ~~with those~~ within the county in order to facilitate transition from county to municipal jurisdiction of ~~that~~ land which is developed first in unincorporated territory and may be subsequently annexed into the city; and to ensure unimpeded development of such new urban expansions as is logical, desirable and in accordance with the goals, objectives and policies of ~~a~~ the city ~~G~~general ~~P~~plan.

~~(Prior Document, Ch. 2 § 1.02) (Ord. passed 2-16-1982)~~

§ 2-1-3 APPLICATION; AUTHORITY FOR LOCAL REGULATIONS.

Pursuant to the powers and jurisdiction vested through A.R.S. Title 9, Article ~~6.2~~ 6, *et seq.,* and other applicable laws, statutes, ordinances and resolutions of the State of Arizona, the regulations hereinafter contained in this ~~C~~chapter shall apply to all subdivisions or parts of subdivisions hereafter made entirely or partially within the corporate limits of Apache Junction. The regulations contained in this Article are authorized pursuant to A.R.S. §§ 9-461 through 9-463.06. The subdivider shall provide a certificate of assured water supply as required by Arizona Revised Statutes 45-576, or evidence that the area has been designated by the Arizona Department of Water Resources as having an assured water supply.

~~(Prior Document, Ch. 2 § 1.03) (Ord. passed 2-16-1982)~~

§ 2-1-4 RELATIONSHIP TO GENERAL PLAN, ZONING ORDINANCE, AND OTHER ORDINANCES AND LAWS .

~~A subdivision plat shall conform in all respects with applicable regulations, including amendments thereto, of the Apache Junction General Plan (following its adoption).~~

~~(Prior Document, Ch. 2 § 1.04) (Ord. passed 2-16-1982)~~

Every subdivision or land split shall conform to the requirements and objectives of the general plan, when adopted, or any parts thereof as adopted by the council to the "Apache Junction, Arizona, Zoning Ordinance" and to other ordinances and regulations of the city, to the **city land development code**, to the Arizona Revised Statutes, and to any other ordinances and regulations which may be adopted which affect the subdivision of lands within the city.

~~§ 2-1-5 RELATIONSHIP TO ZONING ORDINANCE.~~

~~A subdivision plat shall conform in all respects with applicable regulations, including amendments thereto, of the Apache Junction Zoning Ordinance.~~

~~(Prior Document, Ch. 2 § 1.05) (Ord. passed 2-16-1982)~~

§ 2-1-~~6~~ 5 RELATIONSHIP TO OFFICIAL MAPS.

A subdivision plat or land split shall conform in all respects to the ~~following:~~

Street Classification Plan as ~~adopted by Ordinance No. 38, a copy of which is on file with the City Clerk~~ prescribed by § 13-2-3 Street Improvements, Article 13-2 Streets and Sidewalks, Chapter 13 Public Works, Volume I, Apache Junction City Code , and any amendments thereto.

~~(Prior Document, Ch. 2 § 1.06) (Ord. passed 2-16-1982)~~

§ 2-1-~~7~~ 6 MINIMUM REQUIREMENTS.

In interpreting and applying the provisions of this Chapter, the provisions shall be held to be minimum requirements.

~~(Prior Document, Ch. 2 § 1.07) (Ord. passed 2-16-1982)~~

§ 2-1-~~8~~ 7 APPLICATION; GREATER RESTRICTIONS.

Where these regulations impose a greater restriction upon land improvement, development or land use than is imposed or required by existing provisions of law, ordinance, contract or deed, these regulations shall prevail.

~~(Prior Document, Ch. 2 § 1.08) (Ord. passed 2-16-1982)~~

§ 2-1-~~9~~ 8 PROHIBITION OF CIRCUMVENTION.

As provided in A.R.S. § 9-463.03, it shall be unlawful for any person, individual, firm, corporation, partnership, organization, association, syndicate, trust or other legal entity, for the purpose of circumventing any of these regulations or otherwise, to offer to sell or lease, to contract to sell or lease, or to sell or lease any subdivision or part thereof, until a final plat thereof in full compliance with provisions of this ~~C~~chapter is recorded in the office of the ~~C~~county ~~R~~recorder of the county wherein the platted area lies; except that this shall not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with any law or subdivision regulation regulating subdivision design and improvements of subdivisions in effect at the time the subdivision was established. Nothing contained in these regulations shall be construed as releasing a subdivider from full compliance with the Arizona Revised Statutes, or the rules and regulations of the Arizona Department of Real Estate Division, Arizona Department of Water Resources, Arizona Department of Environmental Quality, or the requirements of other agencies pertaining to the establishment of subdivisions.

~~(Prior Document, Ch. 2 § 1.09) (Ord. passed 2-16-1982)~~ Penalty, see Apache Junction City Code, Vol. I, § 1-1-11

~~§ 2-1-10 COMPLIANCE WITH OTHER ORDINANCES AND LAWS.~~

~~Nothing in this Chapter shall be construed to authorize the use of any lot or parcel of land in violation of this Chapter or any other applicable statute, ordinance, regulation or policy.~~

~~(Prior Document, Ch. 2 § 1.10) (Ord. passed 2-16-1982)~~

§ 2-1-~~11~~ 9 REFERENCE TO ANY PORTION OF THIS CHAPTER.

Whenever reference is made to any portion of this ~~C~~chapter or to any other law or ordinance, the reference applies to all amendments and additions now or hereafter made.

~~(Prior Document, Ch. 2 § 1.11) (Ord. passed 2-16-1982)~~

§ 2-1-~~12~~ 10 SEVERABILITY.

If any provision of this ~~C~~chapter be held invalid, that invalidity shall not affect other provisions which can be given effect without the invalid provision and, to this end, the provisions of this ~~C~~chapter are declared to be severable.

~~(Prior Document, Ch. 2 § 1.12) (Ord. passed 2-16-1982)~~

§ 2-1-~~13~~ 11 CONTINUATION OF PREVIOUSLY GRANTED PLATS.

All subdivision plats heretofore lawfully existing within the corporate limits of

Apache Junction, or which may be annexed in the future, and which were approved by the Pinal County or Maricopa County Board of Supervisors, shall be and are deemed to be approved, provided that approval by the city shall be subject to all conditions established ~~whereby the~~ for all plats that were approved by Pinal or Maricopa County. ~~(Prior Document, Ch. 2 § 1.13) (Ord. passed 2-16-1982)~~

§ 2-1-~~14~~ 12 FILING FEES.

(A) Fees for an application for plat approval for preliminary plat, final plat, amendment to final plat and recordation are listed in the Apache Junction City Code, Vol. I, Chapter 4, Fees, Article 4-4: Planning, Zoning Review and Subdivision Fees. ~~(Ord. 1088, passed 10- -1999)~~

(B) Recordation fee is as established by the county.

(C) The filing fee shall also cover filing of an amended or revised preliminary plat when processed as the same case. If preliminary approval expires prior to application for final approval, the plat shall be resubmitted for preliminary approval as a new case and the subdivider shall pay the required preliminary plat fee.

§ 2-1-~~15~~ 13 FINAL PLAT APPROVAL REQUIRED PRIOR TO CONVEYANCE ~~OF ANY SUBDIVIDED LAND~~.

(A) No person, for the purpose of making or effecting a subdivision within the territorial limits of these regulations, shall make any deed, will, mortgage, trust deed or contract for the sale or other transfer of such subdivision or any part thereof, by metes and bounds description or otherwise, before ~~obtaining the approval~~ recordation of the final plat of either the entire subdivision or ~~the section~~ phase thereof. ~~for all or part of which the deed, will, mortgage, trust deed or contract for sale or other transfer is to be made; provided,~~ A contract for sale which is expressly made contingent upon obtaining approval by the ~~C~~ **c**ity council of such final plat within 1 year from the date of the execution of the contract shall not be deemed prohibited by the foregoing provision.

(B) No person proposing to make or have made a subdivision within the territorial limits of these regulations shall offer to sell the proposed subdivision ~~or any part thereof or shall proceed with any construction work on the proposed~~ before obtaining the council's approval of the final plat of the proposed subdivision; provided **however**, an offer to sell the subdivision or phase thereof, which is expressly made contingent upon obtaining approval of the final plat aforesaid within 1 year from the date of the making of the offer shall not be deemed prohibited by the foregoing provision.

§ 2-1-~~16~~ 14 PREREQUISITES FOR ISSUANCE OF BUILDING PERMITS.

The building official shall not issue any building permits for development on any part of a subdivision until final plat approval is granted; except that **no more than 3** model units are **permitted at such time as the base course for roadway access is completed to the model units site and** upon the approval of the development services director or

his or her designee.

§ 2-1-~~17~~ 15 MODIFICATIONS AND EXCEPTIONS.

(A) The principles of design and requirements for the layout of subdivisions, as set forth in ~~this~~ Article **2-3 of this chapter**, may be varied by the council ~~in the case of a subdivision which is large enough to constitute a more or less self-contained neighborhood, and which is to be developed in accordance with a Development Master Plan safeguarded by appropriate restrictions~~. ~~Furthermore~~ **However**, such subdivision shall, in the judgment of the council, ~~make~~ **provide** adequate provisions for all essential community requirements. No modifications shall be granted by the council which would conflict with the goals and objectives of ~~a~~ the general plan, **zoning ordinance**, ~~when adopted,~~ or with the intent and purposes of ~~these principles and requirements~~ **Article 2-3 of this chapter**.

~~(B) In the case of a small subdivision of 5 acres or less and where conditions are well defined, the City Council may exempt the subdivider from complying with some to all of the requirements pertaining to the preparation of the preliminary plat.~~ (B) In any particular case where the subdivider can show ~~that there~~ exist extraordinary conditions of topography, ~~land ownership~~, adjacent development, **irregular parcel shape**, ~~size, shape, location, surrounding,~~ floodplain, fissures, or other conditions **exist**, strict compliance with these regulations would cause practical difficulty or exceptional and undue hardship, the council may modify such requirements to the extent deemed just and proper, so as to relieve the difficulty or hardship; provided, such relief may be granted without detriment to the public good and without impairing the intent and purposes of this article or the desirable general development of the neighborhood and the community in accordance with the general plan, ~~when adopted,~~ and **shall not be contrary to** the city zoning ordinance. Any modification thus granted shall be entered in the minutes of the council, setting forth the reasons which, in the opinion of the council, justified the modification.

~~(C)~~ (1)In modifying the standards or requirements set forth in this chapter, as provided above, the council may make additional requirements, such as but not limited to protective covenants, deed restrictions or other legal provisions, as are deemed necessary to secure substantially the objectives of the standards or requirements so modified.

~~(D)~~ (2) In providing for modifications, a mere finding or recitation of the enumerated conditions unaccompanied by the finding of specific fact, shall not be deemed "findings of fact" and shall not be deemed in compliance with this chapter.

~~(E)~~ (3) The approval of departures or modifications from the regulations of this chapter shall not be considered as precedent-setting when the findings of fact clearly indicate the unique circumstances which warranted the departure or modification.

§ 2-1-~~18~~ 16 RESUBDIVISION OF LAND.

(A) *Procedure for resubdivision.* For any change in a map of ~~an approved or~~ a recorded subdivision plat, if the change ffects any street layout shown on the map, or area reserved thereon for public use, or any **exterior** lot line, or if it affects any ~~map or plan~~ **plat** legally reached prior to the adoption of ~~any regulations controlling subdivisions~~ **this chapter**, except where the lots involved are made larger and where any interior lot lines are involved, the parcel shall be approved by the same procedure, rules and regulations as for a new subdivision.

(B) *Procedure for subdivisions where resubdivision is indicated.* Whenever a parcel of land is subdivided and the subdivision plat shows 1 or more lots containing enough area that their division into lots according to the minimum zoning ordinance requirements would create a subdivision as defined herein, the council may require that such a parcel of land allow for the future opening of street**s** and the ultimate extensions of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

§ 2-1-~~19~~ 17 VACATION OF PLATS.

(A) When a recorded plat is proposed to be vacated, such an instrument shall be approved by the council in like manner as plats of subdivisions, including any such action which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

(B) Such an instrument shall be executed, acknowledged or approved and recorded or filed, in like manner as plats of subdivision; and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in the plat.

(C) The applicant shall also secure all utility extinguishments from all the utility agencies that were granted easements through the original platting process. No instrument shall be recorded to vacate any plat until such time as all utility easements extinguishments are recorded.

§ 2-1-~~20~~ 18 PRESERVATION OF ARCHAEOLOGIC, HISTORIC, AND NATURAL FEATURES AND AMENITIES.

(A) Existing features which would add value to residential development or to the local government as a whole, such as trees, water courses and similar irreplaceable assets, ~~should~~ shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of the grade of the land effected nor any clearing and grubbing be allowed, until the improvement plans have been approved by the development services project engineer or his or her designee and any assurances as required are provided. **The city may issue an at-risk grading permit provided that**

the improvement plans have met the technical requirements of the engineering standards.

(B) Upon discovery of any historic, or prehistoric ruin, burial ground, archaeologic or vertebrate paleontological site, or site including fossilized footprints, inscriptions made by human agency or any other historic, paleontologic or archaeologic feature, situated on lands proposed for subdivision, or during the course of development of such lands, the subdivider or developer shall notify the planning division of the city and the State of Arizona to advise as to ~~that~~ **report the** discovery.

§ 2-1-~~21~~ 19 TRANSFERS AND ASSIGNMENTS.

If during any stage of the subdivision process the property under application or any portion thereof is transferred or assigned to another, ~~then the transferee or assignee shall be bound to the requirements and design of the approved project; except~~ that ~~a~~ transferee or assignee ~~may~~ **shall** make application for a change of the application, in which case the city shall hear the application as if it were a new subdivision.

§ 2-1-~~22~~ 20 CANCELLATION BY APPLICANT.

Cancellation may be initiated by the applicant of the property covered by the application **prior to final plat approval** by means of a written notice of cancellation directed to the planning division. Cancellation of the application shall become effective ~~30 days after receipt~~ **immediately upon receipt by the city** of the notice of cancellation in the office of the planning division.

§ 2-1-~~23~~ 21 VIOLATIONS AND PENALTIES.

(A) Penalties for any violation of the Apache Junction Subdivision Regulations are provided for pursuant to Apache Junction City Code, Vol. I, § 1-1-11.

(B) The approval of a preliminary plat may be revoked by a majority vote of the city council upon finding that 1 or more of the plat stipulations or provisions of the subdivision regulations have been violated. The council may reinstate approval of the preliminary plat when it is satisfied that the provisions of these regulations or stipulations are being complied with. If approval of the preliminary plat is permanently revoked, a request to resume the subdivision shall be treated as a new application.

(C) (1) The development services director or his or her designee, by written order setting forth the reasons therefore, may stop all work on a subdivision if he or she finds that a major violation of the subdivision ordinance has occurred, creating an immediate or imminent threat to public health or safety such as danger to life or limb, or damage to property of the city or to neighboring property owners.

(2) After work is stopped, no work on the subdivision, except to correct the problems specified by the director or his or her designee, may proceed until written authorization is given by the director or his or her designee. While work is stopped, the subdivider may appeal **within thirty days** to the city clerk the director's stop order to the

council which shall meet **at the next regularly scheduled council meeting** to consider the matter. The council, after hearing both sides, may reverse or modify the director's order **within thirty days** if the council finds that the director has been unreasonable or arbitrary. The burden of proof in such an appeal shall be upon the subdivider.

(D) The imposition of any sentence shall not exempt the offender from compliance with the requirements of this article.

§ 2-1-~~24~~ 22 LEGAL PROCEDURES.

Any use or development of property contrary to the provisions of the subdivision ordinance shall be and the same hereby declared to be unlawful, against the public safety and welfare, and a public nuisance, and the City Attorney shall, immediately commence all necessary actions or proceedings for the abatement, enjoinment and removal thereof in the manner provided by law, shall take such other lawful steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin and restrain any person, firm, corporation or other legal entity from setting up, developing, erecting, building or maintaining any such building, or using any property, contrary to the provisions of these subdivision regulations, or otherwise violating these subdivision regulations.

§ 2-1-~~25~~ 23 REMEDIES.

(A) All remedies provided herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve the person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures or improvements, nor prevent the enforcement, correction or removal thereof.

(B) In addition to the other remedies provided in this section, any adjacent or neighboring property owner who shall be especially damaged by the violations of any provisions of this subdivision ordinance may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement or other appropriate action, proceeding or proceedings to prevent, abate or remove the unlawful erection, construction, reconstruction, alteration, maintenance or use.

§ 2-1-24 CONSTRUCTION; **TERMS**.

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this chapter:

(A) The particular shall control the general.

(B) In the event there is any conflict or inconsistency between the heading of an article, section, division or paragraph of this chapter and the context thereof, the heading shall not be deemed to affect the scope, meaning or intent of the context.

(C) In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table or illustrative table, the text shall control.

(D) In case of conflict between regulations, the more restrictive shall apply.

(E) Words used in the present tense shall include the past and future tenses and vice versa.

(F) Words used in the singular number shall include the plural, and the plural the singular, unless the context indicates the contrary.

~~(G) The masculine shall include the feminine and neuter.~~

~~(H)~~ (G) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

~~(I)~~ (H) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either or," the conjunction shall be interpreted as follows:

(1) "And" indicates that all the connected items, conditions, provisions or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions or events shall apply singularly or in any combination.

(3) "Either or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

~~(J)~~ (I) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

~~(K)~~ (J) The word "includes" or "including" or the phrase "such as" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

~~(L)~~ (K) The word "oath" includes affirmation.

~~§ 2-1-27 TERMS.~~

~~(A)~~ (L) The word "state" shall mean the State of Arizona. The word "county" shall mean that county having jurisdiction and being either Pinal County or Maricopa County, Arizona. The word "city" shall mean the City of Apache Junction, Arizona. The term "city boundary" shall mean the corporate boundary of the City of Apache Junction, Arizona.

~~(B)~~ (M) The word "council" shall mean the city council of the city.

~~(C)~~ (N) The word "commission" shall mean the planning and zoning commission of the city.

~~(D)~~ (O) The word "board" shall mean the board of adjustment of the city.

~~(E)~~ (P) The terms "building official," "city attorney," "city clerk," "city manager," "~~Planning Manager~~ development services director," "director of public works," ~~"Fire Chief,"~~ "city engineer," "development services project engineer," and "zoning administrator" shall mean the respective officers of the city or their authorized agents.

~~(F)~~ (Q) The term "Department of Transportation" or "ADOT" shall mean the State of

Arizona Department of Transportation.

~~(G)~~ (R) The term "code" shall mean "The code of the City of Apache Junction, Arizona," as adopted by the Council by Ordinance No. 7, dated June 27, 1979, and as subsequently amended.

~~(H)~~ (S) The term "building code" shall mean the International Building Code, ~~2006~~ 2015 Edition.

~~(I)~~ (T) The term "Arizona Revised Statutes" shall mean the Code of the State of Arizona, 1956, as amended.

~~(J)~~ (U) The word "written" includes handwritten, printed, type-written, mimeographed or multigraphed matter, email, faxes, and texts.

~~(K)~~ (V) The term "fire code" shall mean the current adopted edition of the International Fire Code.

~~(L)~~ (W) The phrase "this ordinance" or "this subdivision ordinance" shall mean the "Apache Junction Subdivision Regulations" as contained in this Land Development Code of the city as adopted by the council by ordinance.

~~(M)~~ (X) The term "zoning ordinance" shall mean all portions of the **most current** "Apache Junction, Arizona, Zoning Ordinance" as contained in this Land Development Code of the city, including the Zoning Map ~~as adopted by the Council by Ordinance No. 71, dated November 5, 1980, and as subsequently amended~~.

~~(N)~~ (Y) The term "general plan" shall mean "~~Apache Junction: 2001 Apache Junction, Arizona,~~ the most recently adopted general plan by city council"~~ as adopted by the Council by resolution~~.

~~(O)~~ (Z) The term "~~Committee~~ **commission**" shall mean the ~~Subdivision Committee~~ **planning and zoning commission** as established in ~~the subdivision regulations~~ **Apache Junction City Code, Volume I, Chapter 2, Article 2-22**.

~~(P)~~ (AA) The term "~~Department~~ division" shall mean the planning ~~Department~~ division of the City of Apache Junction, Arizona.

ARTICLE 2-2: PLATTING PROCEDURES AND REQUIREMENTS

Section

2-2-1 Outline of platting procedures
2-2-2 Pre-application conference
2-2-3 ~~Development master plan~~ Conceptual subdivision plat (optional)
2-2-4 Preliminary plat
2-2-5 Final plat
~~2-2-6 Initiation of improvements~~
~~2-2-7 Final inspection and acceptance of improvements~~

§ 2-2-1 OUTLINE OF PLATTING PROCEDURES.

The preparation, submission, review and official action concerning all subdivision

plats proposed within the City of Apache Junction shall proceed through the following progressive stages:

Stage I	Pre-application Conference
Stage II	Conceptual Subdivision Plat (optional)
Stage III	Preliminary Plat
Stage IV	Final Plat

~~(Prior Document, Ch. 2 § 2.01) (Ord. 900, eff. 8-4-1994)~~

§ 2-2-2 PRE-APPLICATION CONFERENCE.

(A) *Purposes.* The pre-application conference stage of subdivision planning comprises an investigatory period which precedes actual preparation of a preliminary ~~plans~~ plat by the subdivider. During this ~~optional or voluntary~~ required stage, the subdivider makes known his or her intentions to ~~the~~ city staff and is advised of public objectives, platting procedures and requirements as they may relate to the subject tract.

(1) During this stage, it may be determined that a change in zoning would be required for the subject tract or a part thereof and, in that case, the subdivider ~~should~~ shall consider initiating the necessary rezoning application.

(2) During this stage, it may be determined that ~~abandonment~~ relinquishment would be required of existing public rights-of-way or extinguishment of easements and, in ~~that~~ either case, the subdivider shall initiate the necessary ~~abandonment~~ application.

(3) ~~This stage of processing also~~ The Pre-application Conference affords ~~the~~ city staff the opportunity to give informal guidance ~~at a time when potential points of conflict may be resolved, subsequent relations improved, official action simplified, and undue expense and delay are saved by~~ to the subdivider. Lot layout shall be governed by the buildable site on the lot, the grading and drainage pattern of the lot, the natural ecosystem and features, and the coordination of sizes of lots with requirements for community infrastructure. Staff will discuss the proposal with the subdivider ~~and provide him or her with a copy of the subdivision regulations,~~. ~~w~~**Written** list of comments provided by the different city departments and the utility agencies ~~as that he~~

~~or she~~ **in order that the subdivider** may be informed of the utility agencies and city's procedures, design and improvement standards, and general plat requirements. ~~In addition, information by staff may include but not be limited to rezoning requirements, floodplain requirements, anticipation of any adverse impacts on public facilities, and a determination of the need for a development master plan. However, since t~~The information given at a pre-application conference is limited, any determinations made will be very tentative and still subject to the formal process.

(4) To facilitate the preliminary plat review and avoid undue delay, the city will invite representatives of the fire district, sewer, and water utilities suppliers to the pre-application conference to learn the general requirement for sewage disposal and for obtaining water supply and any fire district requirements, as applied to his or her location, and to determine if any applicable fees are charged by these agencies.

(B) *Information desired.* In carrying out the purposes of the pre-application stage, the subdivider and ~~the~~ city staff may meet informally and discuss the proposal. The subdivider ~~should~~ shall provide ~~five~~ two copies of the pre-conceptual subdivision showing the project location, and proposed street and lot layout~~, and existing drainage courses~~. ~~The subdivision design shall reflect specific elements of development:~~

- ~~Preservation the character of the land.~~
- ~~Economy of construction.~~
- ~~Inclusion of special facilities.~~
- ~~Variation in design.~~
- ~~Privacy and sociability.~~
- ~~Individual lot sizes that is practicable and desirable.~~
- ~~Low impact development.~~
- ~~Energy efficiency and green construction.~~
- ~~Mobility and Walkability.~~

~~Lot layout shall be governed by the buildable site on the lot, the grading and drainage pattern of the lot, the natural ecosystem and features, and the coordination of sizes of lots with requirements for community infrastructure. The Sstaff will discuss the proposal with the subdivider and provide him or her with a copy of the subdivision regulations, written list of comments provided by the different city departments and the utility agencies as that he or she may be informed of the utility agencies and city's procedures, design and improvement standards, and general plat requirements. In addition, information by the staff may include but not be limited to rezoning requirements, floodplain requirements, anticipation of any adverse impacts on public facilities, and a~~

~~determination of the need for a development master plan.~~
~~(Prior Document, Ch. 2 § 2.02) (Ord. 900, eff. 8-4-1994)~~

§ 2-2-3 ~~DEVELOPMENT MASTER PLAN.~~ CONCEPTUAL SUBDIVISION PLAT (OPTIONAL).

(A) Purpose. ~~A development master plan (DMP) may be required to be prepared as a condition precedent prior to submitting a preliminary plat. The decision by the Planning Manager to require a DMP may be appealed to the City Council.~~ Prior to formal submittal of a preliminary plat as outlined below, the subdivider shall submit a conceptual subdivision plat for review by the planning and zoning commission. The purpose of such submittal is to gain tentative approval prior to expending time and resources on a preliminary plat. This review process is not binding on either the City or the subdivider.

(B) Criteria. ~~The Planning Manager may consider the following in establishing the need for and the preparation of a DMP:~~

~~(1) *Criteria.*~~

~~(a) Whether the tract is a part of a larger land area which may or may not be under the subdivider's control and sufficiently large to comprise an entire neighborhood; and~~

~~(b) Whether the tract is a part of a larger land area characterized by unusual topography, land use, ownership, circulation or other conditions.~~

~~(2) *Preparation.* The DMP shall be prepared to no smaller scale than 1 inch equals 100 feet unless otherwise approved by the Planning Manager, and shall include:~~

~~(a) General street pattern with particular attention to collector and arterial streets and future circulation throughout the neighborhood;~~

~~(b) General location and size of school sites, parks or other public areas;~~

~~(c) Location of shopping centers, multiple-family residential areas and other proposed land uses;~~

~~(d) Proposed methods for sewage disposal, water supply and storm drainage; and~~

~~(e) List of data to include gross and net acreages by land use, proposed density and General Plan information; and.Show and labelplains(Special Flood Hazard Areas)~~

~~(3) *Approval.* Upon acceptance of the DMP by the Planning Manager, it shall be scheduled for Planning and Zoning Commission and City Council consideration. The approval of the DMP should be followed by the preparation of preliminary plat(s). If development is to be in phases, the DMP shall be submitted as supporting data for each phase. Minor revisions of an approved DMP require the approval of the Planning Manager; major amendments require the approval of the City Council.~~ The subdivision design shall reflect ~~specific elements of development~~ the following:

- Preservation of the character of the land.

- Economy of construction.
- Inclusion of special facilities.
- Variation in design.
- Privacy and sociability.
- Individual lot sizes that are practicable and desirable.
- Low impact development.
- Energy efficiency and green construction.
- Mobility and Walkability.

(C) Conceptual subdivision plat content. The following items shall be provided by the applicant as part of the conceptual subdivision plat submittal:

1. Vicinity Map.
2. Name of development and sketch plan.
3. Location by Section, Township and Range.
4. Legal Description: Dimensions are to be shown by either a metes and bounds description or description by aliquot part or by reference to a tract or parcel shown on a previously recorded subdivision or Results of Survey plat. There must be a tie (by scale or legal description) to at least two aliquot corners (section, quarter-section, etc), or by reference to a tract or parcel shown on previously recorded subdivisions or results of survey plat.
5. Boundaries of development clearly identified.
6. North arrow.
7. Scales (both graphic and equivalent inch to feet) using standard engineering intervals. Not to exceed 1" = 200'. Sheet size no smaller than 24" x 36".
8. Date of preparation plus date of any amendments since original submittal.
9. Contact Info: Names, addresses, phone numbers and notation of relationship to development for landowners, subdivider/development agents, engineers, surveyors, land planners, landscape architects, architects, hydrologists or others responsible for design (include registration numbers).
10. Zoning: Existing and proposed zoning.
11. Proposed land uses and densities by area as well as ownership patterns, surrounding land uses and zoning within 300'.

12. Tentative Lot and Tract Layout.

13. Proposed Circulation Plan: The applicant shall submit a proposed vehicular, bicycle, pedestrian and equestrian circulation plan. The circulation plan shall include:

a) Show all existing and proposed streets (public or private) and their classification (arterial, collector, local street) within the project proposed connections to the existing streets network. Scale not to exceed 1" = 500'. The map shall also demonstrate legal primary and secondary access as well as existing or proposed street right-of-way widths.

b) Existing or proposed sidewalks and pedestrian and equestrian trail networks and open space features affected by or intended to be implemented as part of future subdivision design.

14. Land Data Table: Identify in chart or note form on the conceptual subdivision plat the following:

a) Total acreage, acreage for each use and each phase.

b) Number units/lots for each type of use and phase.

c) Average area per lot/unit proposed.

d) Percent open space, exclusive of streets, building envelopes, and parking areas.

e) Identify unique site conditions including major drainage features, fissures, etc).

(D) Evaluation of conceptual subdivision plat.

1. Eighteen (18) copies of the conceptual subdivision plat in a addition to an electronic copy in PDF format shall be submitted to the development services department. Within fifteen (15) working days of submittal, the conceptual subdivision plat shall be evaluated and discussed in a meeting that may include the applicant(s), reviewing agency representatives and city staff.

2. Fees. Application for conceptual subdivision plat approval shall include payment of the filing fees as set forth in chapter 4, Fees, Article 4-4, Vol. I, Apache Junction City Code.

3. The Development Services Department shall route the conceptual subdivision plat to other city's departments and agencies.

4. Upon receipt of reviewing departments and agencies comments, the development services department staff shall compile all comments and respond to the applicants or agents as the proposed project relates to the

following:

a) Conformance to City of Apache Junction general or specific area plan(s).
b) Suitability of the site for development, proposed/existing and potential development opportunities and constraints.
c) The improvements, design and dedications required by city improvement standards.
d) Zoning requirements.
e) Drainage Requirements.

(E) Approval of conceptual subdivision plat.

1. The planning and zoning commission shall make a recommendation whether or not the conceptual subdivision plat meets the purposes of these regulations and related city ordinances and design specifications and shall, make specific recommendations to be incorporated by the applicant into a preliminary plat submittal.
2. Approval of a conceptual subdivision plat is approval of the proposal in concept only, and is not final project approval.

(F) Denial of conceptual subdivision plat. If the planning and zoning commission determines that the conceptual subdivision plat submittal is not consistent with the city's general or specific area plan(s) and/or determines that the proposed development does not meet City improvement/design specifications, the planning and zoning commission may deny the conceptual subdivision plat application or request modifications to be incorporated into a preliminary plat submittal.

(G) Appeal. If the project developer objects to a decision by the planning and zoning commission to deny a conceptual subdivision plat or recommended modification to same, the planning and zoning commission decision may be appealed to the city council. Upon submittal to the development services director of a written statement of objection, the matter shall be placed on the agenda for the next available council meeting. ~~(Prior Document, Ch. 2 § 2.03) (Ord. passed 2-16-1982; Am. Ord. 900, eff. 8-4-1994)~~

§ 2-2-4 PRELIMINARY PLAT.

(A) The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review and approval of the preliminary plat. ~~To avoid delay in processing his or her application, t~~The subdivider shall provide the ~~P~~planning ~~Department~~ division with all information essential to determine the character and general acceptability of the proposed development to allow for the establishment of the design parameters for the final plat and the improvement plans. The preliminary plat

shall ~~considerably~~ conform to the approved conceptual ~~sketch plan~~ subdivision plat as approved by the planning and zoning commission and city council, if this optional step was undertaken. A preliminary plat process may be waived for a proposed platting of a substantially developed property, as it is in the opinion and approval of the ~~D~~development ~~S~~services ~~D~~director and/or ~~C~~city ~~E~~engineer or their designees. Substantially developed ~~to~~ includes a build-out property with stormwater retention and drainage ~~installations~~facilities, landscaping, and onsite and offsite infrastructure improvements.

(B) ~~(1) *Intention and purpose*. It is the intention and purpose of the preliminary plat stage to provide the potential subdivider the opportunity to:~~

~~(a) Present to city officials for formal action the preliminary plat of the proposed subdivision; and~~

~~(b) Be advised of the requirements necessary to obtain final approval of the subdivision.~~

~~(2) *Zoning requirements*. The preliminary plat shall meet all requirements of the zoning classification in which the proposed subdivision is located. If a change in the zoning classification is required, an application to rezone shall either accompany submission of the preliminary plat or be approved by the City Council prior to proceeding.~~

~~(3) *Sanitary sewage and water supply*. To facilitate the preliminary plat review and avoid undue delay, the subdivider or his or her engineer is requested to inform, in advance, the County Health Department, Apache Junction Fire District Chief, water utility supplier, and City Engineer of his or her tentative plans and to learn the general requirement for sewage disposal and for obtaining water supply, as applied to his or her location, and to determine if any applicable fees are charged by these agencies.~~

~~(4)~~ (1) *Preliminary plat ~~submission procedures~~ submittal*.

(a) *Filing ~~and meeting dates~~*. A complete application for preliminary plat approval ~~with a reproducible copy, and~~ to include ~~35~~ 20 copies of the preliminary plat, ~~including~~ an electronic copy in PDF format and other required documents, shall be filed with the ~~P~~planning ~~D~~division. The submittal of an incomplete application shall be rejected and the subdivider notified, in writing, of the deficiencies of application. Upon determination that the submittal is substantially complete, it shall be assigned a case number and distributed.~~The Planning Manager shall notify the applicant of meeting dates of the Planning and Zoning Commission and the City Council to consider the application.~~

(b) *Fees*. Application for preliminary plat approval shall include payment of the filing fees as set forth in ~~Vol. II, § 2-6-3 of this Chapter~~ chapter 4, Fees, Article 4-4, Vol. I, Apache Junction City Code.

~~(5)~~ (2) *Preliminary plat review.*

(a) ~~On~~ Upon receipt of ~~the~~ a complete application for a preliminary plat, inclusive of all fees, the ~~P~~planning ~~Department~~ division shall log in the date of submittal and perform its review for compliance to public objectives, giving special attention to the minimum application requirements for preliminary plat as set forth in this Chapter. ~~The submittal of an incomplete application shall be rejected and the subdivider notified, in writing, of the deficiencies of application. Upon determination that the submittal is substantially complete, it shall be assigned a case number and distributed as set forth in division (B)(5)(b) below. The submittal of an incomplete application shall be rejected and the subdivider notified, in writing, of the deficiencies of application. (b) Upon determining a complete application has been submitted, t~~ The ~~P~~planning ~~Department~~ division shall distribute ~~an~~ the application ~~packet~~ and the preliminary plat to the following staff and agencies for ~~request their~~ review and written comments that pertain to their area of expertise and responsibilities:

1. ~~D~~director of ~~P~~public ~~W~~works;
2. ~~C~~city ~~E~~engineer ~~for review of existing and proposed conditions and data relating to streets, drainage, flood control, water supply, sewage disposal facilities, assurances and maintenance requirements, as well as any approved plans governing any of the above~~;
3. development services project engineer;

~~3.~~ 4. ~~P~~police ~~C~~chief ~~for review of the proposed development relative to public safety~~;

~~4.~~ 5. ~~F~~fire district ~~C~~chief ~~for review of the proposed development relative to fire protection~~;

~~5.~~ 6. ~~C~~county ~~H~~health ~~D~~department ~~for review of water supply and sewage disposal, except that the County Health Department may defer to the State Health Department certain reviews and approvals;~~

~~6.~~ 7. ~~S~~superintendent of ~~the appropriate s~~chool district;

~~7.~~ 8. United States Postmaster at Apache Junction, Arizona;

~~8.~~ 9. ~~C~~county ~~E~~engineer and ~~Director~~ director of ~~C~~county ~~P~~planning, if proposed subdivision abuts county areas;

~~9.~~ 10. Where the land abuts a state or federal highway, to the Arizona Department of Transportation ~~for recommendation and approval regarding access, right-of-way and intersection design~~; and

~~10.~~ 11. ~~Appropriate~~ utility companies.

~~(c)~~ (b) The reviewing ~~offices are requested to~~ staff and agencies shall transmit their recommendations to the ~~P~~planning ~~D~~division. ~~so that they may be considered by the Planning and Zoning Commission and the City Council.~~

(c) The planning division shall consolidate the reviewing staff and agencies comments and requirements and transmit the same to the applicant for incorporation of the revisions to the preliminary plat.

(d) Once the new preliminary plat substantially conforms to the provision of this ordinance, the development services staff shall notify the applicant of meeting dates of planning and zoning commission and city council to consider the preliminary plat application.

~~(6)~~ (3) *Preliminary plat approval.* The ~~Planning and Zoning~~ ~~C~~commission shall meet and offer its recommendations to the ~~C~~city ~~C~~council on the preliminary plat after considering the recommendations of city staff and the above agencies and entities. Public hearings shall be held by both commission and city council. The ~~C~~city ~~C~~council may, by resolution, approve, conditionally approve or deny a preliminary plat.

~~(7)~~ (4) *Significance of preliminary plat approval.* Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements and site development. Preliminary plat approval is based on the following terms:

(a) The basic conditions under which approval of the preliminary plat is granted will not be changed prior to expiration date;

(b) Approval is valid for a period of 12 months from date of ~~C~~council's action, within which period the subdivider must file a complete final plat application. A time extension for an additional 12 months may be granted by the ~~C~~city ~~C~~council if there had been no change in the city's policies or regulations which would affect the subdivision; and

(c) Preliminary plat approval, in itself, does not assure final acceptance of streets for dedication or continuation of existing zoning requirements for the tract or its environs.

(5) Existing developed lands. City may waive the requirements to prepare a preliminary plat for lands that contain existing developments that include lots, streets, drainage improvements, and other existing infrastructures.

~~(8)~~ (6) *Form of presentation.* The information hereinafter required as part of the preliminary plat submittal shall be shown graphically or by note on plans, or by letter, and may comprise several sheets showing various elements of required data. ~~All mapped data for the same preliminary plat shall be drawn at the same standard engineering scale, which scale having not more than 100 feet to an inch. An overall drawing, measuring 22"x inches by 36" inches, is required. If multiple sheets are submitted, a large-scale composite and sheet index map are required.~~

~~(a) *Identification and descriptive data.* The following identification and descriptive data shall be required as part of the preliminary plat submittal:~~

~~1. Proposed name of subdivision and its location by section, township and range; reference by dimension and bearing to at least 2 section or quarter-section corners;~~

~~2. Name, address and telephone number of subdivider;~~

~~3. Name, address and telephone number of engineer, surveyor, landscape architect or land planner preparing the preliminary plat;~~

~~4. Scale, north arrow and date of preparation, including dates of any subsequent revisions; and~~

~~5. A location map which shall show the relationship of the proposed subdivision to main traffic arteries and any other facilities which might help locate the subdivision.~~

~~(b) *Existing conditions data.*~~

~~1. Topography by contours or "spot elevations" referenced to city data or other data approved by the City Engineer shown on the same map as the proposed subdivision layout. One-foot contour interval shall be normally required. However, the City Engineer may modify this requirement when circumstances warrant the change;~~

~~2. Location of fences, water wells, streams, canals, irrigation laterals, private ditches, washes, lakes or other water features; direction of flow, location and extent of areas subject to inundation, and whether such inundation be frequent, periodic or occasional;~~

~~3. Location, widths and official names of all lots, dedicated streets, including existing paving or other improvements, railroads, utility rights-of-way of public record, public areas, permanent structures to remain, including water wells, and municipal corporation lines within the tract or within 200 feet of the tract;~~

~~4. Name, book and page numbers of any recorded adjacent subdivisions having common boundary with the tract;~~

~~5. By note, the existing zoning classification of the subject tract and adjacent tracts;~~

~~6. By note, the net and gross acreage of the subject tract; and~~

~~7. Boundaries of the tract to be subdivided shall be fully dimensioned and mathematically closed, and legal description provided.~~

~~(c) *Proposed conditions data.*~~

~~1. Street layout, including location, width and proposed names of public streets and connections to adjoining platted tracts and typical cross-sections of streets, alleys, drainageways and retention basins, and tentative locations of sewer and water lines, if any;~~

~~2. Typical lot dimensions (scaled), approximate dimensions and area of all corner lots and lots on curvilinear sections of streets, each lot numbered individually,~~

~~and total number of lots, gross acreage, street area, net acreage and density in terms of lots per acre;~~

~~3. Designation of all land to be dedicated or reserved for public use, with use indicated;~~

~~4. If preliminary plat includes land for which multiple-family, commercial or industrial use is proposed, those areas shall be clearly designated with existing zoning classification, acreage involved and other pertinent data;~~

~~5. Draft of proposed deed restrictions, if any;~~

~~6. Location, width and proposed use of easements; and~~

~~7. Locations for fire hydrants.~~

~~(d) *Proposed utilities.*~~

~~1. *Sewage disposal.* It shall be the responsibility of the subdivider to furnish the County Health Department such evidence as that Department may require for its satisfaction as to design and operation of proposed sanitary sewage facilities. A statement as to the type of proposed facilities shall appear on the preliminary plat.~~

~~2. *Water supply.* Evidence of adequate volume and quality satisfactory to the County Health Department and substantiated by a letter from that Department. In addition, the subdivider shall furnish to the city a certificate of assured water supply from the Arizona Department of Water Resources, as required by the A.R.S. § 45-576, or shall present evidence that the subdivision is in an area where the certificated water utility company has been designated as having an assured water supply.~~

~~(e) *Preliminary drainage report.* Shall be submitted in accordance with the requirements of the City Engineer and shall include details and reports delineating off-site and on-site drainage areas. On-site retention and routing of stormwaters shall be provided, flood-prone areas shall be delineated, and streets shall be designed to accommodate storm conditions as required by the City Engineer.~~

~~1. If the land is owned by a partnership, proof of agency shall consist of a written document from the partner(s) designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by A.R.S. § 33-506(3).~~

~~2. If the land is owned by an individual, proof of agency shall consist of a written document designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by A.R.S. § 33-506(1).~~

~~(Prior Document, Ch. 2 § 2.04) (Ord. passed 2-16-1982; Am. Ord. 900, eff. 8-4-1994)~~

(C) See Appendix for preliminary plat conditions.

§ 2-2-5 FINAL PLAT.

This stage includes the final design of the subdivision, engineering of public improvements and site development, and submittal of the plat and plans by the

subdivider for review and for action by the ~~C~~council. The final plat shall not be denied, if it substantially conforms to the approved preliminary plat and submitted within 12 months of an approved preliminary plat, and further provided that the submitted final plat meets all the requirements of these regulations.

~~(A) *Intention and purpose.* It is the intention and purpose of the final plat stage to provide the potential subdivider the opportunity to present to city officials upon compliance with the subdivision regulations the final plat of the subdivision for approval.~~

~~(B) *Zoning pre-submission requirement.* The final plat shall meet all requirements of the zoning district in which it is located; any necessary zoning amendment shall have been adopted by the Council prior to the submission of the final plat.~~

~~(C)~~ (A) *Final plat submittal requirements.* Prior to the expiration of the approved preliminary plat, the subdivider shall file a complete final plat with the ~~P~~planning ~~D~~division consisting of the following:

~~(1) Three final plat Mylars, one of which shall be of archival quality conforming to the requirements of the Recorder's office linen;~~

~~(2)~~ (1) ~~Thirty~~ Fifteen 24”x36” prints of the final plat~~thereof;~~.

~~(3)~~ (2) Title report issued not more than 30 days prior to the date of submittal by a state-registered title company~~;~~.

~~(4) Recordation fee as established by the County Recorder;~~

~~(5)~~ (3) ~~Three~~ Electronic submittal and four ~~copies~~ sets of the improvement plans including,~~each of the~~ paving and street improvement plans, site and drainage improvement plans, ~~drainage report,~~ utility plans, ~~to include but not be limited to easements, line locations and equipment for sewers, electricity, gas, telephone, streetlights, cable television and water;~~ stormwater pollution prevention plans (SWPPP), and street lights plans. Improvement plans submittal requirements are outlined in § 10-2-17 Civil Engineering Plan Review Checklist, Engineering Standards, Vol. II, Apache Junction City Code.

~~(6) The following notations shall be placed on all final plats unless otherwise approved by the City Engineer:~~

~~"All utilities shall be placed underground."~~

~~"Construction within easements shall be limited to underground utilities and wood, wire or removable section-type fencing."~~

~~(7)~~ (4) The subdivider shall ~~make application to create~~ file a streetlight improvement district application with public works department ~~or alternative acceptable to the city~~ prior to the approval of the final plat~~;~~.

(~~8) One original and 3 copies of the project engineer's cost estimate of public improvements. They shall be accompanied by the Improvements Security Agreements~~

~~and be approved by the City Engineer; and~~

~~(9)~~ (5) Payment of the final plat filing fees as set forth in ~~Vol. II, § 2-6-3 of this Chapter~~ Chapter 4, Fees, Article 4-4, Vol. I, Apache Junction City Code.

~~(D)~~ (B) *Final plat review.*

(1) The ~~Department~~ planning division, upon receipt of the final plat and improvement plans submittals, shall immediately record ~~receipt and~~ the date of filing and shall review the final plat and improvement plans for completeness. If complete, the ~~Department~~ planning division shall review the final plat and improvement plans for substantial conformity to the approved preliminary plat and refer copies of the submittal to the following ~~reviewing offices~~ staff and agencies which will be requested to make known their recommendations, in writing, addressed to the Council through the ~~P~~planning ~~Department~~ division and ~~C~~city ~~M~~manager:

See list of reviewing staff and agencies as shown in § 2-2-4(B)(2)(a) for preliminary plat review.

~~(a) Director of Public Works;~~

~~(b) City Engineer;~~

~~(c) Director of Public Safety;~~

~~(d) Apache Junction Fire District Chief;~~

~~(e) County Health Department;~~

~~(r) Superintendent of the appropriate school district;~~

~~(g) Where the land abuts a state or federal highway, to the State Highway Department for approval of the design of the highway;~~

~~(h) Utility companies;~~

~~(i) United States Postmaster at Apache Junction, Arizona; and~~

~~(j) County Engineer and Director of County Planning, if proposed subdivision abuts county areas.~~

(2) The ~~Department~~ planning division shall assemble the recommendations of the various reviewing offices, prepare a concise summary of recommendations, and submit the summary with the reviewers' recommendations ~~through the City Manager to the Council~~ back to the applicant or their representative.

(3) Once the planning division has transmitted revisions and recommendations for corrections to the final plat and improvement plans one or more times, and all revisions are not submitted back to the city within 12 months, a new final plat application and fees shall be required to re-initiate the final plat process.

(~~3~~) (4) In the event that the ~~Department~~ planning division finds that the final plat does not substantially conform to the preliminary plat as approved by the ~~C~~city ~~C~~council, the subdivider shall revise to conform to the preliminary plat or shall be required to submit a new preliminary plat application.

~~(E)~~ (C) *Council hearing and action.*

(1) Upon receipt of a request for ~~C~~council action by the ~~Department~~ planning division, in accordance with procedures established by the City Clerk, the ~~City Manager~~ development services director shall place the final plat on the ~~C~~council agenda of the next regular meeting, whereupon the ~~C~~council shall consider the application.

(2) ~~When Council approves the final plat~~ Upon approval of the final plat by the city council, the ~~C~~city ~~C~~clerk shall transcribe a certificate of approval upon the plat, first making sure that the other certifications required by this section have been duly signed.

(3) When the certificate of approval by the ~~C~~council has been transcribed on the final plat, the ~~Department~~ planning division shall retain the copy to be recorded until the civil engineering improvement plans have been approved, and the public improvement security has been provided. ~~in accordance with the provisions of Vol. II, § 2-5-6 of this Chapter.~~

(4) The ~~Department~~ planning division shall cause the final plat to be recorded in the office of the ~~C~~county ~~R~~recorder of the county within which the platted lands lie and the recordation fee shall be paid thereto.

(5) ~~One~~ The original ~~M~~mylar copy of the recorded plat shall be retained by the Planning ~~Department~~ division, including the submittal of electronic copies in PDF and DWG format.

(6) If the ~~C~~council rejects the final plat, the reasons shall be recorded in the minutes and the subdivider shall be notified, in writing, of the reasons for rejection.

~~(F) *Information required for final plat submission.*~~

~~(1) *Medium of presentation.*~~

~~(a) The final plat shall be scribed, photographed or drawn in ink on clear polyester film, Mylar, or linen tracing cloth on a sheet or sheets of 24 inches by 36 inches. All stamped or written matter, including signatures, shall be made with permanent opaque ink so that legible prints and Mylars may be obtained therefrom. When the final plat consists of 2 or more sheets, 1 key map showing the relationship of the tract portions on the sheets shall be placed on the first sheet and each sheet shall clearly indicate the sheet number and total number of sheets.~~

~~(b) The plat shall be drawn to an accurate scale of, at most, 100 feet to 1 inch. A larger scale may be required by the City Engineer.~~

~~(c) Copies of the final plat shall be reproduced in the form of blueline or blackline prints on a white background.~~

~~(d) The reproducible copy of the final plat shall have been prepared using a photographic image process conforming to standards established by the American National Standards Institute on a polyester material a minimum of .004 inch thick with a matte finish.~~

~~(2) *Identification data.*~~

~~(a) A title that includes the name of the subdivision and its location by section, township, range and county;~~

~~(b) Name, address and registration number of seal of the registered professional engineer or registered land surveyor preparing the plat;~~

~~(c) Written and graphic scale, north arrow and date of plat preparation; and~~

~~(d) Legend identifying the symbols utilized in the plat preparation.~~

~~(3) *Survey data.*~~

~~(a) Boundaries of the tract fully balanced and closed showing all bearings and distances determined by an accurate survey in the field; all dimensions expressed in feet and decimals thereof.~~

~~(b) Any excepted parcel(s) within the plat boundaries located by bearings and distances measured in feet and decimals thereof, determined by an accurate survey in the field.~~

~~(c) Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced; each of 2 corners of the subdivision traverse shall be tied by course and distance to separate section or quarter-section corners. The horizontal data for all bearings and distances shall be tied to the city horizontal coordinate system. All exterior corners and angle points shall have their coordinates indicated on the final plat.~~

~~(4) *Descriptive data.*~~

~~(a) Name, right-of-way lines, courses, lengths, widths of all public streets, alleys and utility easements; radii, points of tangency and curve data of all curvilinear streets and alleys; cutoffs of all street line intersections;~~

~~(b) All drainageway easements shall be shown on the plat. Drainageways, as required by the City Engineer, shall be improved and dedicated to the public as rights-of-way;~~

~~(c) All easements for rights-of-way provided for public services or utilities and any limitations of the easements;~~

~~(d) Bearing and dimension of all lot lines;~~

~~(e) All lots numbered consecutively throughout the plat. "Exceptions," "tracts" and other areas shall be so designated, lettered or marked, and clearly dimensioned;~~

~~(f) Location, dimensions, bearings, radii, arcs and central angles of all sites to be dedicated to the public with the use clearly indicated;~~

~~(g) Location of all adjacent and adjoining lots and streets with date, book and page number of subdivision recordation noted or, if unrecorded, so marked; and~~

~~(h) Horizontal coordinates shall be indicated on the final plat, at all subdivision corners, angle points, points of curvature, points of tangency, and intersections on the~~

~~perimeter of the subdivision limits. Computations and/or printouts referencing city coordinates to all lot corners and indicating area in square feet and acres shall be provided.~~

~~(5) *Final plat certificate*. The following certificates and acknowledgements shall appear on the final plat, or on separate written ratification and dedication instruments. Such certificates shall be lettered or printed legibly with permanent opaque ink and shall be signed and dated as prescribed hereafter:~~

~~(a) A certificate signed and acknowledged by all persons holding title by deed to the lands or, if the lands are dedicated or held in trust, the trustee shall sign the certificate or, if land is to be dedicated or is mortgaged, the mortgagee shall also sign the certificate. This certificate indicates that it is the owner's intention to subdivide and plat the land shown and described thereon, and that the public right-of-way shown thereon is thereby dedicated to the public for public use forever, and that the easements shown thereon are for the purposes indicated and no permanent building or structure shall be constructed upon the easements;~~

~~(b) If the plat contains private streets, an easement which shall be provided for ingress-egress including for police, fire, emergency, garbage and refuse collection, drainage, and placement of utilities and shall be built in accordance to current rights-of-way dimensions, details and specifications of the city;~~

~~(c) Acknowledgment of dedication and certification by a notary public;~~

~~(d) A certificate executed by the professional engineer or land surveyor registered to practice in the State of Arizona under whose direction the survey, subdivision and plat of the land described on that plat was made; stating that the plat is a correct representation of all the exterior boundaries of land surveyed and the subdivision of it; stating that he or she has prepared the description of the land shown on the plat and that he or she certifies to its correctness. The certificate shall include the registration number, seal and signature of the registered professional engineer or land surveyor;~~

~~(e) A certificate executed by a professional engineer or land surveyor registered to practice in the State of Arizona that all lots are staked or will be staked, and all monuments are set or will be set within 1 year after recordation in accordance with the provisions of this Chapter. The certificate shall include the registration number, seal, date and signature of the registered professional engineer or land surveyor;~~

~~(f) A certificate for signature by the City Engineer that the final plat has been checked for conformance to the requirements of the provisions of this Chapter and any other applicable ordinance and regulations, and that assurances are provided for improvements in the amount noted in the Apache Junction City Code, Vol. I, Chapter 4, Fees;~~

~~(g) A certificate for signature by the Mayor that the subdivider has provided a~~

~~"Certificate of Assured Water Supply" as required by A.R.S. § 45-576, or evidence that the area has been designated by the Arizona Department of Water Resources as having an assured water supply;~~

~~(h) A certificate for the Mayor's signature indicating the final plat approval has been granted by the City Council in compliance with this Chapter;~~

~~(i) A certificate to be signed by the City Clerk that the City Council approved the final plat and showing the date of approval;~~

~~(j) A certificate to be executed by the County Recorder showing the date, time of day, fee number, book and page number of recordation; and~~

~~(k) For those plats containing drainageway easements, the following note shall be attached:~~

~~"No structures, earthwork or other construction will be carried out in drainageway easements and, except as may be approved by the City Engineer, fencing will be limited to wire-strand or breakaway sections that cannot impede water flow or collect debris which would impede water flow."~~

~~(Prior Document, Ch. 2 § 2.05) (Ord. passed 2-16-1982; Am. Ord. 900, eff. 8-4-1994)~~

~~(F)~~ (D) See Appendix for final plat conditions.

~~(G)~~ (E) Final Plat Recordation (including amended plats).

(1) All the required improvement plans (grading and drainage, paving, utilities, etc.) shall be approved by the city prior to final plat recordation.

(2) When the improvement plans have been approved, the final plat shall be signed by the appropriate city officials to indicate the city's approval, and the city shall cause the plat to be recorded in the appropriate county recorder's office.

~~(H)~~ (F) Final Plat Amendment.

One of the three following methods shall be utilized to amend a recorded final plat. The developer shall arrange ~~an~~ a ~~initial contact~~ meeting with development services department staff to determine the method of amendment. Any ~~re-platting or~~ amendment to recorded plat~~s~~ may be subject to ~~changes of ordinance,~~ the currently adopted city codes or state statutes which may have occurred since the recordation of the original plat, as determined by city staff:

1) Return to the preliminary plat/final plat procedure (major changes). This method shall be utilized when there are proposed changes involving any of the following: zoning, type of lots, number of lots (~~+/- three~~ four or more), tracts or common area facilities or a change to the purpose of any tract common areas. Any change which substantially alters the original approved final plat, as determined by city staff, shall require a preliminary plat and final plat procedure.

2) Re-plat procedure (moderate changes). This method shall be utilized when

there are proposed changes involving any of the following: number of lots (+/- one or two), lot lines (+/- three feet or more) of more than three lots the configuration of 3 or more lots, lot line adjustments affecting 3 or more lots, roadway alignment, abandonment of public rights-of-way, tracts dedicated for specific purposes, extinguishment of easements, dedication or rededication of rights-of-way, third party involvement (e.g., lienholders, financial institutions, property owners' association). No preliminary plat is required with this procedure.

3) Certificate of correction (minor changes). This method shall be utilized when there are three or fewer minor changes proposed involving any of the following: Lot lines (+/- two feet or less) of one or two lots, an adjustment to no more than two lots or one lot and one tract, bearing or distance changes, minor corrections to language of dedication, notes, or legal description. Certificate of correction shall be prepared by the a registered land surveyor. Development services department staff shall review and approve the certificate of correction prior to recordation who originally prepared the final plat, which is to be recorded at the county recorder's office (for lot line adjustments, see section 2-5-4).

(G) Final Plat Vacation.

Refer to section 2-6 1-8 17 of this Subdivision Regulations.

§ 2-2-6 INITIATION OF IMPROVEMENTS.

Should the subdivider at his or her own risk desire to proceed with installing the street, utility or other improvements as set forth in any or all of the various plans or plat which are required prerequisites to the approval of the subdivision, the subdivider may initiate the improvements, provided the following criteria are met:

(A) Preliminary plat is approved;

(B) Any other reviewing agency or utility prerequisite to city approval has indicated to the city its approval of the improvement plans;

(C) The City Engineer has granted approval of the improvement plans and assurances; and

(D) Required permits have been issued by the appropriate city official.

(Prior Document, Ch. 2 § 2.06) (Ord. passed 2-16-1982)

§ 2-2-7 FINAL INSPECTION AND ACCEPTANCE OF IMPROVEMENTS.

(A) The subdivider shall construct or agree to construct the public improvements as shown on the final public improvement plans as approved by the City Engineer.

(B) The City Engineer and the Public Works Director are authorized to accept the public improvements, after having them inspected, for the city, provided that the subdivider submits:

(1) *Final improvement plans*. Final public improvement plans drawn in India ink on Mylar showing all public improvements, including utilities, constructed within the

~~public rights-of-way or public easements. Final plans shall show the approved design conditions and reflect any field changes approved by the City Engineer, and the subdivider's engineer shall certify that the final plans represent as nearly as possible the actual field conditions as constructed.~~

~~(2) *Affidavit regarding settlement of claims.* The subdivider shall certify that all bills for labor and materials incorporated in the work have been paid and agrees to indemnify and save harmless the city against any and all liens, claims of liens, suits, actions, damages, charges and expenses whatsoever which the city may suffer arising out of the failure of the subdivider to pay for all labor performed and materials furnished in the construction of the required improvements.~~

~~(3) *Guarantee*. The subdivider and contractor shall guarantee all work against defective workmanship or materials for a period of 1 year from the date of its final acceptance by the City Engineer and Public Works Director.~~

~~(Prior Document, Ch. 2 § 2.07) (Ord. passed 2-16-1982; Am. Ord. 900, eff. 8-4-1994)~~

~~ARTICLE 2-3: ADMINISTRATIVE SUBDIVISIONS; LAND SPLITS~~

~~Section~~

~~2-3-1 Short title~~
~~2-3-2 Definitions~~
~~2-3-3 Authority for local regulations~~
~~2-3-4 Relationship to other documents~~
~~2-3-5 Applicability~~
~~2-3-6 Enforcement~~
~~2-3-7 Land split application and approval procedures~~

~~§ 2-3-1 SHORT TITLE.~~

~~This Article may be referred to and cited as the "Apache Junction, Arizona, Land Split Ordinance."~~

~~(Prior Document, Ch. 2 § 3.01) (Ord. 625, eff. 6-17-1988)~~

~~§ 2-3-2 DEFINITIONS.~~

~~For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~***LAND SPLIT.*** The division of improved or unimproved land whose area is 2-1/2 acres or less into 2 or 3 tracts or parcels of land for the purpose of sale or lease.~~

~~(Prior Document, Ch. 2 § 3.02.01)~~

~~***SUBDIVISION.*** See definition in Vol. II, § 2-7-3.~~

~~(Prior Document, Ch. 2 § 3.02.02) (Ord. 625, eff. 6-17-1988)~~

~~§ 2-3-3 2 AUTHORITY FOR LOCAL REGULATIONS.~~

~~The regulations contained in this Article are authorized pursuant to A.R.S. §§ 9-462.01 through 9.463.04.~~

~~(Prior Document, Ch. 2 § 3.03) (Ord. 625, eff. 6-17-1988)~~

~~§ 2-3-~~4 3 ~~RELATIONSHIP TO OTHER DOCUMENTS.~~

~~(A) A land split map shall conform to all applicable policies of the Apache Junction General Plan.~~

~~(Prior Document, Ch. 2 § 3.04.01)~~

~~(B) A land split map shall conform to all applicable regulations of the Apache Junction Zoning Ordinance.~~

~~(Prior Document, Ch. 2 § 3.04.02)~~

~~(C) A land split map shall conform to the Street Classification Plan as adopted by Ordinance No. 38, a copy of which is on file with the City Clerk, and any amendments thereto.~~

~~(Prior Document, Ch. 2 § 3.04.03) (Ord. 625, eff. 6-17-1988)~~

~~§ 2-3-~~5 4 ~~APPLICABILITY.~~

~~(A) The regulations contained in this Article shall apply to all divisions of land created for sale or lease within the corporate limits of Apache Junction, defined by this Article to be a land split.~~

~~(Prior Document, Ch. 2 § 3.05.01)~~

~~(B) It shall be unlawful for any person, partnership or other legal entity to create for sale or lease any parcel that is subject to the requirements of this Article until an approved land split map complying with the provisions of this Article has been approved by the city.~~

~~(Prior Document, Ch. 2 § 3.05.02)~~

~~(C) The following are the requirements for the division of land that shall proceed through the subdivision process:~~

- ~~The division of any property into two or more parcels, if a new public street is involved.~~
- ~~The division of any property, the boundaries of which have been fixed by a recorded subdivision plat, into more than two parcels.~~
- ~~The creation of four or more units having the right of exclusive occupancy coupled with an undivided interest in the land, such as in a condominium, horizontal property regime, cooperative, community apartment, townhouse or similar project.~~

~~(C) The division of any property into two or more parcels, if a new street is involved, shall proceed through the subdivision process.~~

~~(Prior Document, Ch. 2 § 3.05.03)~~

(D) The division of any property, the boundaries of which have been fixed by a recorded subdivision plat, into more than two parcels shall proceed through the subdivision process.

(Prior Document, Ch. 2 § 3.05.04)

(E) The creation of four or more units having the right of exclusive occupancy coupled with an undivided interest in the land, such as in a condominium, horizontal property regime, cooperative, community apartment, townhouse or similar project, shall proceed through the subdivision process.

(Prior Document, Ch. 2 § 3.05.05)

(F) (D) The creation of two or three units having the right of exclusive occupancy coupled with an undivided interest in the land, such as in a condominium, horizontal property regime or similar project, shall proceed through the land split map process.

(Prior Document, Ch. 2 § 3.05.06)

(G) (E) Boundary adjustments plats and deeds, where the land taken from one parcel is added to an adjacent parcel, need not be filed with the City of Apache Junction, provided that the proposed adjustment does not:

(1) Create any new lots;

(2) Render any existing lots substandard in size or shape;

(3) Render substandard the setbacks of existing development; or

(4) Impair any existing access, easements or public improvements.

(Prior Document, Ch. 2 § 3.05.07)

(Ord. 625, eff. 6-17-1988) Penalty, see Apache Junction City Code, Vol. I, § 1-1-11

§ 2-3-6 5 ENFORCEMENT.

Vol. II, §§ 2-6-12, 2-6-13 and 2-6-14 shall apply.

(Prior Document, Ch. 2 § 3.06) (Ord. 625, eff. 6-17-1988)

§ 2-3-7 6 LAND SPLIT APPLICATION AND APPROVAL PROCEDURES.

(A) *Approval of map*. The division of land defined by this Article to be land split requires the approval of a land split map by the Planning Manager Development Services Director or the City Council.

(Prior Document, Ch. 2 § 3.07.01)

(B) *Purpose*. The purpose of the land split map review is to determine the appropriateness of the access and lot design with respect to the contours of the land, to determine if the setbacks of existing development are being rendered nonconforming with the creation of new lot lines, to determine if a subdivision is being created, and to determine whether or not the proposed land split conforms with city policies and ordinances.

(Prior Document, Ch. 2 § 3.07.02)

(C) *Pre-application conference*.

(1) The pre-application conference stage of the land split review is an investigatory period which precedes the preparation and the submittal of the application. The applicant should present his or her proposal to the Department of Planning Planning Division, and the Department which shall advise the applicant of specific public objectives, standards and regulations related to the property and the procedure for land split review.

(2) This stage of processing affords the Department of Planning Division the opportunity to give informal guidance at a time when potential conflicts can be most easily resolved, additional requirements or waiver of certain requirements may be discussed, and undue expense and delay are saved by the applicant.

(Prior Document, Ch. 2 § 3.07.03)

(D) *Application requirements.* Applicants requesting land split map approval shall submit the following to the Department of Planning Division:

(1) A completed application form;

(2) Fees for an application for a land split are listed in the Apache Junction City Code, Vol. I, Chapter 4, Fees;

(Ord. 1088, passed 10--1999)

(3) Four 18" inches by x24" inches blueline or blackline prints folded into a 9"-inch byx 12"-inch size and one1 Mylar print (which may be submitted later, but prior to final approval of the land split map);

(4) Proof of ownership, such as a copy of the deed to the land, and a signed statement in the application form affirming current ownership. If discrepancies arise in verification, then applicant may be required to provide additional proof of ownership, such as a vesting or title report; and

(5) Complete and accurate legal descriptions for each proposed lot for preliminary staff review.

(Prior Document, Ch. 2 § 3.07.04) (Ord. 712, eff. 2-15-1990; Am. Ord. 779, eff. 4-5-1991)

(E) *Land split map requirements.*

(1) The final land split map shall be submitted on a reproducible Mylar film drawn with India ink, or similar permanent ink, at a scale large enough to show all details clearly (normally 1 inch = 100 feet or larger) on a sheet 18" inches byx 24" inches. A line shall be drawn around the sheet leaving a margin of 1 inch, and a left margin of 2 inches.

(2) The land split map shall show or contain the following information:

(a) A title to read: "Apache Junction Land Split Map (case number);"

(b) Graphic and written scale, north indicator, and date of preparation;

(c) Legal description of property;

(d) Location and description of existing and proposed monuments to which all bearings, dimension, angles and similar data shall be referenced. Such data shall be tied to the city datum system., or other monuments as approved by the City Engineer;

(e) Boundaries of the property fully balanced and closed, showing all bearings and distances (in feet and decimals thereof), determined by an accurate survey in the field. Boundary closure calculations are required with error of closure;

(f) By note or a legend, identify any symbols used on the map;

(g) Bearings and dimensions of all existing parcel lines and proposed lot lines, with each new lot identified by letter and indicating the net area in square feet of each lot;

(h) Name, course, length and width of existing and proposed street dedications;

(i) Location, length; and width of existing and proposed access, utility, public service and drainage easements;

(Am. Ord. 779, eff. 4-5-1991)

(j) The identification of adjacent subdivisions and land split maps by record data;

(k) Flood zone information and delineation on the map of any areas identified on the flood insurance rate map as special flood hazard areas. Also, tributary washes outside the special flood hazard areas shall be delineated;

(l) The location of existing structures;

(m) Name of owner or trustee;

(n) Engineer's or surveyor's certificate:

"This is to certify that the survey and the map of the division of land described herein was accurately done under my direction and that all lots are staked or will be staked and all monuments are set or will be set within 1 year after recordation.

_____

Signature Date Registration No. Seal"

(o) Certificate of approval:

"This is to certify that this map complies with the requirements of the City of Apache Junction; and that this land split map is hereby approved on this _____ day of _____, 20__.

By: _____

Planning Manager Development Services Director"

(p) If the map is to be recorded, reserve space for the Recorder's certificate in the upper right-hand corner of the map and obtain other requirements for recording from the Department of Planning Planning Division.

(Prior Document, Ch. 2 § 3.07.05) (Ord. 712, eff. 2-15-1990)

(F) *Alternative wording*. The Planning Manager Development Services Director may

~~approve alternative wording in the certificates.~~

~~(Prior Document, Ch. 2 § 3.07.06)~~

~~(G) *Waiver of certain land split map requirements.* At the discretion of the Planning Manager, the requirements of division (E) above may be waived and the following "sketch map" requirements substituted for the requirements of division (E)(2)(p).~~

~~(1) *"Sketch map" land split map requirements.* Three draft copies and 3 final copies (which may be submitted later but prior to final approval) of the land split map shall be submitted on vellum, transparent reproducible film, blueline or blackline prints, or other suitable medium as approved by the Planning Manager, at a scale large enough to show all details clearly (normally 1 inch = 100 feet or larger) on a sheet 8-1/2 inches by 14 inches or 18 inches by 24 inches. A line shall be drawn around the sheet leaving a margin of 1/2 inch.~~

~~(2) *Contents.* The land split map shall show or contain the following information:~~

~~(a) A title to read: "Apache Junction Land Split Map (case number);"~~

~~(b) Graphic and written scale, north indicator and date of preparation, and preparer's name and address, and name of owner or trustee;~~

~~(c) Legal description of property;~~

~~(d) Boundaries of the property showing distances (in feet and decimals thereof);~~

~~(e) By note or a legend, identify any symbols used on the map;~~

~~(f) Dimensions of all existing parcel lines and proposed lot lines, with each new lot identified by letter and indicating the net area in square feet of each lot, and a legal description for each lot;~~

~~(g) Name, location, length and width of existing and proposed street dedications;~~

~~(h) Location, length and width of existing and proposed access, utility, public service and drainage easements;~~

~~(i) The identification of adjacent subdivisions by record data and land split maps;~~

~~(j) Delineation on the map of any areas identified on the flood insurance rate map as special flood areas;~~

~~(k) The location of existing structures; and~~

~~(l) Certificate of approval:~~

~~"This is to certify that this map complies with the requirements of the City of Apache Junction; that on behalf of the City of Apache Junction, Arizona, that this land split map is hereby approved on this _____ day of _____, 20__.~~

~~By: _____~~

~~Planning Manager"~~

~~(Prior Document, Ch. 2 § 3.07.07) (Ord. 712, eff. 2-15-1990)~~

~~(H) *Waiver not granted or revoked.* Any waiver of the requirements of division (E) above shall not be granted or may be revoked by the Planning Manager if any of the~~

~~following conditions exist: inability to accurately determine property boundaries in the field; lot sizes of less than 20,000 square feet and/or lot sizes not substantially exceeding the minimum requirements for the zoning district in which the property is located; property sharing a common boundary with a recorded subdivision or recorded land split map; existing, permanent structures; odd-shaped parcels; ambiguous legal descriptions; or any other condition which would render a determination on the proper division of the property difficult in the absence of a survey map.~~

~~(Prior Document, Ch. 2 § 3.07.08)~~

~~(I)~~ G ~~*Planning Department*~~ *Division* ~~*review*. The Planning Department shall review the application and make a determination as to its completeness. The Planning Department~~ Division ~~shall advise the applicant of deficiencies if the application is determined to be incomplete.~~

~~(Prior Document, Ch. 2 § 3.07.09)~~

~~(J)~~ H ~~*Recommendations*. Upon determining that an application is complete, the Planning~~ Department Division ~~may distribute materials to the following agencies for their recommendations:~~

~~(1) Other city departments;~~

~~(2) Apache Junction Fire District Chief; and~~

~~(3) Any other relevant agency.~~

~~(Prior Document, Ch. 2 § 3.07.10)~~

~~(I) *Evaluation criteria*. The Development Services Director and the City Council (in the case of an appeal), in evaluating and making decisions on land split proposals, shall consider the following criteria:~~

~~(1) The land split proposal's consistency with the city's General Plan;~~

~~(2) The proposal's conformity to the city's Zoning Ordinance;~~

~~(3) The proposal's conformity to Vol. II, Articles 2-3 and 2-4 of this Chapter and other applicable sections of the city's subdivision regulations;~~

~~(4) The proposal's conformity with the city's Street Classification Plan;~~

~~(5) The proposal's lot size and design in respect to the site's topography;~~

~~(6) The identification of any setback problems with respect to any existing development on the property and the new lot boundaries to be created;~~

~~(7) A determination from the title information and lot/street design that a subdivision is not being created;~~

~~(8) That the signatures on the land split map have been affixed with India ink, or similar permanent ink, and other requirements for recordations are complied with; and~~

~~(9) Other pertinent criteria.~~

~~(J) *Decision*. The Development Services Director shall render a decision on the proposed land split. If approved, then one land split map shall be submitted to the~~

~~Development Services Director for final signature and recordation, and a copy of the recorded land split to be sent to the applicant. If the proposed land split denied, a notice of the decision shall be sent to the applicant advising him or her that he or she may appeal the decision of the Director to the City Council.~~

~~(K) *Appeal.* An appeal of the Director's decision must be filed, in writing, with the City Clerk's office within 30 days of the date of decision. The City Council shall consider the appeal no earlier than 14 days nor later than 45 days from the date of the filing of the appeal.~~

~~(K) *Decision.* The Planning Manager shall render a decision on the proposed land split.~~

~~(Prior Document, Ch. 2 § 3.07.11)~~

~~(L) *Notice of decision.* Notices of the decision shall be sent to the applicant advising him or her that he or she may appeal the decision of the Director to the City Council.~~

~~(Prior Document, Ch. 2 § 3.07.12)~~

~~(M) *Appeal.* An appeal of the Director's decision must be filed, in writing, with the City Clerk's office within 30 days of the date of decision. The City Council shall consider the appeal no earlier than 14 days nor later than 45 days from the date of the filing of the appeal.~~

~~(Prior Document, Ch. 2 § 3.07.13)~~

~~(N) *Evaluation criteria.* The Director of Development Services and the City Council, in evaluating and making decisions on land split proposals, shall consider the following criteria:~~

~~(1) The land split proposal's consistency with the city's General Plan;~~

~~(2) The proposal's conformity to the city's Zoning Ordinance;~~

~~(3) The proposal's conformity to Vol. II, Articles 2-3 and 2-4 of this Chapter and other applicable sections of the city's subdivision regulations;~~

~~(4) The proposal's conformity with the city's Street Classification Plan;~~

~~(5) The proposal's lot size and design in respect to the site's topography;~~

~~(6) The identification of any setback problems with respect to any existing development on the property and the new lot boundaries to be created;~~

~~(7) A determination from the title information and lot/street design that a subdivision is not being created;~~

~~(8) That the signatures on the land split map have been affixed with India ink, or similar permanent ink, and other requirements for recordations are complied with (if the map is to be recorded); and~~

~~(9) Other pertinent criteria.~~

~~(Prior Document, Ch. 2 § 3.07.14) (Am. Ord. 712, eff. 2-15-1990)~~

~~(O) *Distribution of approved maps.* One approved land split map each shall be distributed to: the Planning Manager, and the applicant; and one print each to the Building Official/Zoning Administrator, and to the City Engineer.~~
~~(Prior Document, Ch. 2 § 3.07.15) (Ord. 625, eff. 6-17-1988)~~

ARTICLE 2-~~4~~ 3: SUBDIVISION DESIGN PRINCIPLES AND STANDARDS

Section

~~2-4-1 Conformance to other regulations~~
2-~~4~~ 3-~~2~~ 1 In general
2-~~4~~ 3-~~3~~ 2 Street location and arrangement
2-~~4~~ 3-~~4~~ 3 Street design
2-~~4~~ 3-~~5~~ 4 Block design
2-~~4~~ 3-~~6~~ 5 Lot planning
2-~~4~~ 3-~~7~~ 6 Easement planning
2-~~4~~ 3-~~8~~ 7 Street names
2-3-8 Street and utility improvement requirements

~~§ 2-4-1 CONFORMANCE TO OTHER REGULATIONS.~~

~~Every subdivision shall conform to the requirements and objectives of the General Plan, when adopted, or any parts thereof as adopted by the Council to the "Apache Junction, Arizona, Zoning Ordinance" and to other ordinances and regulations of the city, to the Apache Junction Development Guide, to the Arizona Revised Statutes, and to any other ordinances and regulations which may be adopted which affect the subdivision of lands within the City of Apache Junction.~~
~~(Prior Document, Ch. 2 § 4.01) (Ord. passed 2-16-1982)~~

§ 2-~~4~~ 3-~~2~~ 1 IN GENERAL.

(A) Where the tract to be subdivided contains all or any part of the site of a park, school site, flood control facility, fire station or other public area as shown on the city ~~G~~general ~~P~~plan, the site ~~should~~ shall be dedicated to the public and ownership shall be transferred to the appropriate entity concurrently with final plat recordation ~~or reserved for acquisition by the public within a specified period of time~~. An agreement ~~should~~ shall be reached between the subdivider and the appropriate public agency regarding time, method and cost of the acquisition. In the event the ~~Planning Manager~~ development services director or his or her designee determines that such an agreement has not been reached within the specified period of time, then the ~~Planning Manager~~ development services director or his or her designee may make a determination that the requirements of this section have not been met. The final plat shall not be recorded unless such an agreement is entered into between the parties.

(B) Land which is subject to periodic flooding or land which the ~~City Dd~~evelopment ~~S~~services ~~P~~project ~~E~~engineer or his or her designee determines cannot be properly

drained shall not be subdivided, except that the ~~C~~city ~~C~~council may approve subdivision of the land upon receipt of evidence from the ~~County Health Department and/or the City~~ ~~D~~development ~~S~~services ~~P~~project ~~E~~engineer or his or her designee that the construction of specific improvements can be expected to render the land suitable for subdividing; thereafter, construction upon the land shall be prohibited until the specified improvements have been planned, designed and construction guaranteed to the satisfaction of the ~~City~~ ~~D~~development ~~S~~services ~~P~~project ~~E~~engineer or his or her designee . Land within the Federal Emergency Management Agency ("FEMA") floodplain areas is administered through § 5-1 Floodplain Management, Chapter 5, Vol. II, Apache Junction City Code.

~~(Prior Document, Ch. 2 § 4.02) (Ord. 900, eff. 8-4-1994)~~

(C) The project's surveyor/engineer shall submit the compaction report and the building pad elevation certification prior to the issuance of the building permit for each lot within the subdivision. A drainage and retention certification for all related drainage areas shall be submitted prior to the release of a building clearance for occupancy. As-built plans shall be provided to the city at the final completion stage of the subdivision, indicating the finish floor elevation of each structure and all other pertinent grade elevations within the project. Building structures with basements shall submit finish floor elevation certification prior to the release of a building clearance for occupancy.

§ 2-~~4~~ 3-~~3~~ 2 STREET LOCATION AND ARRANGEMENT.

(A) Whenever a tract to be subdivided embraces any part of a street designated in the adopted ~~S~~street ~~C~~classification ~~P~~plan, such street shall be platted in conformance therewith.

(B) Street layout shall provide for the continuation or termination of such streets. ~~as the Committee may designate.~~

(~~C) Whenever a tract to be subdivided is located within an area for which a development master plan (DMP) has been approved, the street arrangement shall conform substantially to that plan.~~

(~~D~~ C) Certain proposed public streets, as designated by the ~~Planning Manager~~ development services director and the ~~C~~city ~~E~~engineer or their designees, shall be extended or stubbed to the tract boundary to provide future connection with adjoining unplatted lands. Easements and improvements for temporary cul-de-sacs shall be provided. No spite strips are permitted.

(~~E~~ D) Local streets shall be so arranged and designed as to provide connectivity and to discourage their use by through traffic.

(~~F~~ E) Where a proposed subdivision abuts or contains an existing or proposed arterial route, any or all of the following may be required to preserve the traffic function along the arterial route: access or frontage streets, or non-access easements along the arterial

route, or such other treatment as may be justified for protection of residential properties from the nuisance and hazard of high-volume traffic.

(~~G~~ F) Where a subdivision abuts or contains the right-of-way of ~~a railroad,~~ a limited access highway or an irrigation canal, or abuts a commercial or industrial land use, the ~~Planning Manager~~ development services director and the ~~C~~city ~~E~~engineer or their designees may require location of a street approximately parallel to and on each side of the right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges or future grade separation. The city may require a shared access roadway/drive to serve abutting residential and commercial/industrial land uses.

(~~H~~ G) Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient and to facilitate adequate drainage with due consideration of traffic safety.

(~~I~~ H) The city policy is to discourage alleys in residential subdivisions. ~~(1)~~ Public ~~Alleys~~ alleys ~~may be required when:~~ shall conform to the requirements of § 10-3-6 (F) Public Alleys, Engineering Standards, Vol. II, Apache Junction City Code.

~~(a) The subdivision abuts an existing, partially dedicated alleyway; or~~

~~(b) An extension of an alleyway from an adjoining subdivision is required to complete the established circulation pattern.~~

~~(2) In commercial and industrial areas, the City Engineer may require alleys.~~

(~~J~~ I) Half-streets shall be discouraged except where necessary to provide right-of-way required by the ~~S~~street ~~C~~classification ~~P~~plan to complete a street pattern already begun or to ensure reasonable development of a number of adjoining parcels. Where there exists a platted half-street abutting the tract to be subdivided and the half-street furnished the sole access to residential lots, the remaining half shall be platted.

~~(Prior Document, Ch. 2 § 4.03) (Ord. 900, eff. 8-4-1994)~~

§ 2-~~4~~ 3-~~4~~ 3 STREET DESIGN.

Street design shall conform to the requirements of Article 10-3 Street Design and Construction, Engineering Standards, Vol. II, Apache Junction City Code.

~~(A) *General.*~~

~~(1) Dead-end stubbed streets, except cul-de-sacs, shall not be approved except where specifically necessary for connection to adjacent unplatted lands. In any case, a dead-end street serving more than 4 lots shall provide, by easement, a temporary cul-de-sac conforming to the provisions herein. Dead-end alleys shall be prohibited. Alley intersections and sharp changes in alignment shall be avoided. A standard curb cut shall be provided where alleys intersect a street.~~

~~(2) To provide flexibility in design, sidewalk location placement shall be approved~~

~~by the City Engineer. In all cases not otherwise governed by the *Manual of Uniform Traffic Control Devices*, a minimum lateral clearance of 2 feet shall be maintained between face-of-curb or back of sidewalk and any obstruction, except mailboxes. In cases of demonstrated necessity of existing unusual conditions, the City Engineer may approve a reduction of minimum lateral clearance to within 1 foot of face-of-curb or back of sidewalk. Mailboxes may be placed so that no part of the mailbox is closer to face-of-curb than 1 foot. In considering sidewalk design, design consideration shall be given to streetlight and other utility poles, traffic control devices, fire hydrants and placement of utilities.~~

~~(3) Excepting municipal storm drains and sanitary sewers, utilities shall not be located beneath the street pavement other than necessary crossings which shall be made as close to perpendicular as possible. In cases of demonstrated necessity and upon presentation of a technically adequate plan ensuring proper installation and maintenance, the City Engineer may approve location beneath the street pavement of major primary transmission lines of electricity, water, sewer, gas or communications. Any such utility installation as may be approved for placement beneath the street pavement shall be completed prior to the construction of curbs, sidewalk and paving of the street.~~

~~(4) All utility and service crossings under the new street shall be installed by boring or other similar methods as approved by the City Engineer.~~

~~(B) *Minimum right-of-way and paving widths.*~~

~~(1) Types and widths are as follows:~~

~~Street Type~~	~~Minimum Right-of-Way~~	~~Minimum Street Sections (back of curb to back of curb)~~
~~Arterial, including Section Line Roads~~	~~100 ft.~~	~~64 ft.~~
~~Major Collector, including Mid-section Line Roads~~	~~80 ft.~~	~~50 ft.~~
~~Collector Streets~~	~~60 ft.~~	~~42 ft.~~
~~Local Streets~~	~~50 ft.~~	~~32 ft.~~
~~Frontage Streets~~	~~Primary R/W +40 ft.~~	~~28 ft. or as required by City Engineer~~

~~(2) The street portion of the cul-de-sac shall be built to local street standards and the cul-de-sac streets shall terminate in a circular right-of-way 50 feet in radius, with an improved traffic turning circle 40 feet in radius to back of curb. The City Engineer may approve an equally convenient form of space where conditions justify.~~

~~(3) Alley intersections and sharp changes in alignment shall be avoided. Corners deflecting more than 15 degrees shall be cut off 15 feet on each side to permit safe vehicular movement, except a greater distance shall be provided where specified by the City Engineer. Alley cutoffs at street rights-of-way shall be 20 feet on each side. Dead-end alleys are prohibited.~~

~~(C) *Grades (longitudinal).*~~

~~(1)~~	~~Maximum:~~	
	~~Arterial Streets~~	~~5%~~
	~~Major Collectors~~	~~6%~~
	~~Collector Streets~~	~~7%~~
	~~Local Streets~~	~~9%~~
~~(2)~~	~~Minimum:~~	
	~~All streets~~	~~0.25%~~
~~(3)~~	~~Concrete gutters on asphalt streets:~~	
	~~Desirable~~	~~0.50%~~
	~~Minimum~~	~~0.25%~~
~~(4)~~	~~Exceptions: Where rigid adherence to these standards causes unreasonable or unwarranted hardship in design or cost without commensurate public benefit, exceptions may be approved by the City Engineer~~	

~~(D) *City data to be utilized.* All horizontal and vertical data shall be taken from data as provided by the city. Benchmarks and temporary benchmarks shall be indicated on~~

~~each sheet of improvement plans.~~

~~(E) *Vertical curbs (minimum length).* Vertical curves are required where the difference in grade is 1% or greater.~~

~~(1)~~	~~Arterial or Section-Line Streets~~	~~400 ft.~~
~~(2)~~	~~Major Collector or Mid-Section-Line Streets~~	~~300 ft.~~
~~(3)~~	~~Collector or Quarter-Section-Line Streets~~	~~200 ft.~~
~~(4)~~	~~Local Streets~~	~~100 ft.~~
~~Exceptions may be made by City Engineer, as required~~		

~~(F) *Horizontal alignment.*~~

~~(1) *Arterial or section and mid-section-line streets.* When tangent centerlines deflect from each other more than 1 degree, they shall be connected by a curve with a minimum centerline radius of 1,000 feet. Tangent sections between reverse curves shall be as required by the City Engineer, but no less than 700 feet.~~

~~(2) *Major collector or collector streets.* When tangent centerlines deflect from each other more than 1 degree and less than 90 degrees, they shall be connected by a curve with a maximum centerline degree of curvature of 4 degrees and a minimum centerline length of curve of 500 feet. Between reverse curves there shall be a tangent section of centerline not less than 100 feet long, unless the radius exceeds 650 feet.~~

~~(3) *Local streets.* When tangent centerlines deflect from each other more than 1 degree and less than 90 degrees, they shall be connected by a curve with a maximum centerline degree of curvature of 4 degrees and a minimum centerline length of curve of 500 feet. Between reverse curves there shall be a tangent section of centerline not less than 100 feet long, unless the radius exceeds 650 feet.~~

~~(4) All intersecting streets shall intersect at an angle of 90 degrees unless otherwise approved by the City Engineer.~~

~~(5) Street jogs with centerline offsets of less than 165 feet shall be prohibited unless otherwise approved by the City Engineer.~~

~~(6) Local streets intersecting any street shall have a tangent section of centerline at~~

~~least 150 feet in length measured from the right-of-way line of the intersecting street, except that no such tangent is required when the local street curve has a centerline radius greater than 400 feet with the center located on the intersecting street right-of-way line. Where topographic conditions make necessary other treatment to secure the best overall design, these standards may be relaxed with the approval of the City Engineer.~~

~~(G) *Acute angles in intersections.* Street intersections with more than 4 legs and A-type intersections where legs meet at acute angles shall be prohibited. Intersections on the inside of a horizontal curve on arterial or collector streets shall be prohibited, unless approved by the City Engineer.~~

~~(H) *Property line cutoffs.* At street intersections, property line corners shall have a 20-foot by 20-foot cutoff at each corner.~~

~~(I) *Sight distances.* Where required by the City Engineer, there shall be sight distance easements at street intersections, as determined during subdivision review. Within these easements, no structure or planting higher than 36 inches will be allowed from an intersection of two roads or a road and an alley, or from the intersection of a driveway and a road for a distance of 20 feet along the road.~~

~~(J) *Private streets.* Private streets should conform to the above-stated design standards.~~

~~(Prior Document, Ch. 2 § 4.04) (Ord. passed 2-16-1982)~~

§ 2-~~4~~ 3-~~5~~ 4 BLOCK DESIGN.

(A) *Maximum lengths.* The maximum lengths of blocks, measured along the centerline of the street and between intersecting street centerlines, is 1,320 feet, except that in development with lot areas averaging 1/2 acre or more, or where conditions warrant, this maximum may be 1,960 feet. Blocks shall be as long as reasonably possible under the circumstances within the above maximums in order to achieve depth and possible street economy and to reduce the expense and safety hazard arising from excessive street intersections.

(B) *Cul-de-sac streets.* Maximum length of cul-de-sac streets is 400 feet measured from the intersection of right-of-way lines to the extreme depth of the turning circle along the street centerline. Exceptions may be made where topography, adjacent platting, or other unusual conditions justify such. No exception shall be made merely because the tract has restrictive boundary dimensions wherein provisions ~~should~~ shall be made for extension of street patterns to the adjoining unplatted parcel and a temporary turn-around installed.

(C) *Pedestrian ways.* Pedestrian ways ~~with rights-of-way width of 12 feet may~~ shall be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Pedestrian ways may be used for utility purposes.

~~(Prior Document, Ch. 2 § 4.05) (Ord. passed 2-16-1982)~~

§ 2-~~4~~ 3-~~6~~ 5 LOT PLANNING.

(A) (1) Lot width, depth and area shall comply with the minimum requirements of the ~~Z~~zoning ~~O~~ordinance and shall be appropriate for the location and character of development proposed and for the type and extent of street and utility improvements being installed.

(2) Depth-to-width ratio of the usable area of lot shall usually be not greater than 3:1.

(3) Where steep topography, unusual soil conditions, drainage problems, abrupt changes in land use or heavy traffic on adjacent streets prevail, the ~~C~~council may make special lot width, depth and area requirements which exceed the minimum requirements of the particular zoning district.

(B) Side lot lines shall be at right angles and radial to curves.

(C) Every lot shall abut a public or private street at a minimum 30' of frontage. ~~which~~ A private street shall ~~possesses~~ possess satisfactory access to other existing public streets. Private streets ~~will~~ shall be owned and maintained by a private association or corporation and will not be considered for future dedication and city maintenance if not developed to minimum city standards.

(D) Single-family residential lots extending through the block and having frontage on ~~2~~ two parallel streets shall not be permitted; backing or siding of lots to thoroughfares shall be allowed, providing the average lot depth is increased by 10 feet installation of a 10-foot landscape buffer as required by the landscape code and a 6-foot high from finished lot grade masonry wall or other suitable decorative fencing material is constructed at the right-of-way line. Lots backing or siding upon a thoroughfare or arterial street shall have a recorded non-access private easement one-~~1~~ foot (1') wide along the lot line abutting those streets. Lots fronting on a thoroughfare or arterial street shall require a frontage road.

(E) Lots on curvilinear streets shall have rear lot lines consisting of a series of straight lines with points of deflection occurring only at the junction of side lot lines, unless otherwise approved by the ~~City~~ development services project ~~E~~engineer or his or her designee. Curvilinear rear lot lines with a minimum radius of 800 feet may be provided, if approved by the ~~City~~ development services project ~~E~~engineer or his or her designee.

(F) No Flag Lots are allowed.

~~(Prior Document, Ch. 2 § 4.06) (Ord. passed 2-16-1982)~~

§ 2-~~4~~ 3-~~7~~ 6 EASEMENT PLANNING.

(A) The subdivider shall provide utility easements as required by the serving utilities and is responsible for coordinating such with the utilities concerned.

(B) Except where alleys are allowed and provided, lots shall provide for front and side utility easements as required by the utility company.

(C) Where alleys are provided in multiple-family, commercial or industrial areas, a refuse container, transformer and service cabinet easement shall be provided of sufficient size as determined by the ~~City~~ ~~D~~development ~~S~~services ~~P~~project ~~E~~engineer or his or her designee and/or utility company.

(D) Drainage and other easements shall be indicated as required by the ~~City~~ development services project ~~E~~engineer or his or her designee.

~~(Prior Document, Ch. 2 § 4.07) (Ord. passed 2-16-1982)~~

§ 2-~~4~~ 3-~~8~~ 7 STREET NAMES.

The subdivider shall indicate the proposed street names subject to approval by the ~~C~~city ~~C~~council at the preliminary plat stage. Street naming shall be in compliance with the manual "Procedures for Street Naming and Address Assignment, City of Apache Junction, Arizona," following ~~the~~ ~~C~~council adoption of same.

~~(Prior Document, Ch. 2 § 4.08) (Ord. 900, eff. 8-4-1994)~~

§ 2- 3- 8 STREET AND UTILITY IMPROVEMENT REQUIREMENTS.

The Engineering Standards set forth in Apache Junction City Code, Vol. II, Chapter 10, Article 10-3 Street Design and Construction shall govern all such requirements.

ARTICLE 2-~~5~~ 4: ~~STREET AND UTILITY IMPROVEMENT REQUIREMENTS~~ CONSTRUCTION ASSURANCES FOR ONSITE IMPROVEMENTS AND AMENITIES

Section

2-4-1 Default

2-4-2 Inspection and release

~~Section~~

~~2-5-1 Intention and purpose~~

~~2-5-2 Responsibility for improvements~~

~~2-5-3 Engineering plans~~

~~2-5-4 Construction and inspection~~

~~2-5-5 Required improvements~~

~~2-5-6 Improvements security~~

~~§ 2-5-1 INTENTION AND PURPOSE.~~

~~(A) It is the purpose of this Article to establish the minimum acceptable standards for improvement of public streets and utilities, to define the responsibility of the subdivider in the planning, constructing and financing of public improvements, and to establish procedures for review and approval of engineering plans.~~

~~(B) All improvements required in streets, alleys or easements which are required as a condition to plat approval shall be the responsibility of the subdivider. All new construction on a previously undeveloped parcel or tract of land as recorded in the County Recorder's office of the county in which the parcel or tract of land is located must meet all standards set forth in this Article.~~

~~(Prior Document, Ch. 2 § 5.01) (Ord. passed 2-16-1982)~~

~~§ 2-5-2 RESPONSIBILITY FOR IMPROVEMENTS.~~

~~The planning, design, construction and financing of all required sidewalks, curbs, gutters, pavement, street lights, electrical improvements, sanitary sewers, storm sewers, water service improvements, fire hydrants and drainage facilities shall be the responsibility of the subdivider and shall comply with city standards.~~

~~(Prior Document, Ch. 2 § 5.02) (Ord. passed 2-16-1982)~~

~~§ 2-5-3 ENGINEERING PLANS.~~

~~(A) It shall be the responsibility of the subdivider to have prepared by an engineer, registered in the State of Arizona, a complete set of engineering plans prepared in accordance with the development guide (when approved) satisfactory to the City Engineer for construction of required improvements. Such plans shall be based on the approved preliminary plat and be prepared in conjunction with final plat.~~

~~(B) The improvement plans shall be stamped by the City Engineer as "approved for construction" and a memorandum of approval is to be filed with the City Clerk prior to recordation of the final plat. A reproducible, approved improvement plan shall be retained by the City Engineer.~~

~~(C) Engineering plans shall be null and void if construction has not commenced within 1 year from date of approval. Thereafter, the plans shall be updated and resubmitted to comply with current regulations and reapproved by the City Engineer.~~

~~(Prior Document, Ch. 2 § 5.03) (Ord. passed 2-16-1982)~~

~~§ 2-5-4 CONSTRUCTION AND INSPECTION.~~

~~(A) All improvements in the public right-of-way shall be constructed under the inspection and with the approval of the City Engineer. Construction shall not be commenced until a permit has been issued for the construction and, if work has been discontinued for any reason, it shall not be recontinued prior to notifying the City Engineer.~~

~~(B) All utilities are to be installed underground within rights-of-way, easements or alleys and shall be constructed prior to the construction of curbs and sidewalks and surfacing of streets and alleys. Service stubs to platted lots within the subdivision for underground utilities shall be extended to the property lines so as not to necessitate disturbance of street improvements when service connections are made.~~

~~(C) All required improvements shall be designed and constructed in accordance with~~

~~the *1979 Uniform Standard Details and Specifications for Public Works Construction* and any adopted amendments thereto, as compiled by the Maricopa Association of Governments and such other standard details and specifications as may be adopted by the City Council and any amendments thereto.~~

~~(D) Any test reports required by the City Engineer shall be submitted and approved prior to the City Engineer issuing permits for those project areas for which testing is required.~~

~~(Prior Document, Ch. 2 § 5.04) (Ord. passed 2-16-1982)~~

~~§ 2-5-5 REQUIRED IMPROVEMENTS.~~

~~(A) *Streets*. All streets to be dedicated to the public within the subdivision, including perimeter streets or 1/2-streets, shall be paved to lines, grades and dimensions approved by the City Engineer and in conformance with city standards. Dead-end streets serving more than 4 lots shall be provided a graded and surfaced temporary turning circle.~~

~~(B) *Alleys*. All alleys within the subdivision, including perimeter alleys or partial alleys, shall be surfaced with ABC or higher grade pavement to grades and dimensions approved by the City Engineer and in conformance with city standards, except that alleys to be used for primary vehicular access in commercial, multiple-family or industrial development shall be paved to specifications as approved by the City Engineer.~~

~~(C) *Curbs*.~~

~~(1) Portland cement concrete curbs shall be installed in accordance with approved city standards and specifications. Combined vertical curb and gutter is required on all streets classified as arterial or collector. Roll curb and gutter may be installed on local streets. Wedge curbs and flat curbs will not be permitted.~~

~~(2) Required curb heights are as follows:*~~

~~Road Type~~	~~Curb Face Height~~
~~Arterial, including Section Line Roads**~~	~~7 in.~~
~~Major Collector, including Mid-Section Line Roads~~	~~6 in.~~
~~Collector Streets~~	~~6 in.~~

~~Local Streets~~	~~4 in.~~
~~* Higher curbs may be required by the City Engineer in special cases.~~	
~~** With hydrologic confirmation, the City Engineer may permit a 6-inch curb.~~	

~~(D) *Sidewalks*. Sidewalks constructed of portland cement concrete or other materials acceptable to the City Engineer shall be constructed to a width, line and grade approved by the City Engineer in accordance with approved city standards. Where lots are 1 acre or larger in area, the Committee may recommend to the City Council the requirements of sidewalks on 1 or more sides be waived or modified.~~

~~(E) *Street name signs*. Two street name signs shall be placed at all street intersections per the City Engineer's approval for locations. The subdivider shall install signposts meeting city standards at locations designated by the City Engineer. The signposts shall be placed prior to the completion of street paving. Prior to the issuance of a city permit for street paving, the subdivider shall pay to the city an amount per street name sign location as determined by the City Engineer to pay for the fabrication and installation of sign units by the city.~~

~~(F) *Streetlights*. Streetlights shall be installed along all streets within the subdivision and along perimeter streets developed in conjunction with the subdivision in accordance with a design by the local utility company and approved by the City Engineer. The subdivider shall be required to submit a petition to the city to include the area of the subdivision in a streetlight improvement district. The improvement district shall include current and future costs for installation and maintenance of the streetlights and include the costs for electrical charges. Further, the subdivider shall present to the city for its approval his or her proposal for transferring the improvement district from him or her to the purchasers of the real property which is the subject of the subdivision.~~

~~(G) *Fire hydrants*. Fire hydrants shall be installed within and along perimeter streets of the subdivision at locations and to lines and grades approved by the City Engineer and Apache Junction Fire District Chief and in conformance with city standards. The material specifications shall be approved by the local utility with the concurrence of the Fire Chief.~~

~~(H) *Gas*. Gas service may be furnished according to current available supplies as determined by the private utility supplier.~~

~~(I) *Irrigation lines and ditches*. All irrigation or related ditches within the subdivision or within perimeter 1/2-streets or alleys or easements shall be tiled in accordance with plans and specifications as approved by the City Engineer and in conformance with city standards.~~

~~(J) *Storm drainage*.~~

~~(1) Adequate provisions shall be made for retention and disposal of stormwaters from both private lots and public streets in accordance with the development guide and as required by the City Engineer. Existing major surface drainage courses shall be maintained and dedicated as drainageways. The type, extent, location and capacity of drainage facilities shall be determined subject to the approval of the City Engineer. All drainageways dedicated to the city for maintenance shall be lined with concrete or other material as approved by the City Engineer.~~

~~(2) A 50-year storm of 24-hour duration shall be used as a minimum basis for the design of drainage and retention facilities. Streets shall be designed to carry between the curbs the peak flows resulting from a 10-year storm. Complete hydrology and hydraulic design computations and maps shall be submitted in accordance with the development guide as a part of the plans at the preliminary and final subdivision review stage.~~

~~(3) Where stormwater is discharged into any outlet not directly controlled by the city, the subdivider shall submit satisfactory evidence that the use of the outlet is approved by the owner or agent thereof. All storm drainage shall enter and leave the subdivision at its existing locations. Realigning of drainageways within the right-of-way is prohibited, unless provisions for improvements are approved by the City Engineer, including the possibility of requiring additional rights-of-way.~~

~~(K) *Sewage disposal*. When a public or community sanitary sewage system is installed, it shall be constructed to plans, profiles and specifications approved by the City Engineer and in accordance with State Health Department regulations. Otherwise, the treatment of sewage shall be by septic system and shall be constructed to plans and specifications approved by the County and/or State Health Departments and the City Engineer.~~

~~(L) *Water supply*. Each lot shall be supplied with safe, pure and potable water in sufficient volume and pressure for domestic use and for fire protection by a water system planned and constructed to approved state, city, Fire District and private utility company standards. The installation of water lines shall precede the paving of streets. Where it is necessary to extend a water main from an existing adequate main, the subdivider shall make such arrangements as the private utility company shall require.~~

~~(M) *Parkway landscaping*.~~

~~(1) Parkway areas along arterial and other streets may be landscaped with the approval by the City Engineer of a landscape plan. Installation and maintenance shall be at the expense of the subdivider. A bond or other form of assurance may be required by the City Engineer to ensure continued maintenance.~~

~~(2) Arid region landscaping to conserve water is recommended.~~

~~(N) *Monuments*. Permanent monuments consisting of a brass cap set in concrete shall be installed to designate street centerlines and subdivision boundary lines at their corners and at all angle points and points of curvature and at all intersections for streets and around the perimeter of the subdivision and at such other locations as may be required by the City Engineer. Section and mid-section corners shall have their monuments placed in a monument handhole. After all improvements have been installed, the subdivider shall be responsible for having a registered land surveyor or engineer check the location of monuments, mark the brass caps, and certify as to their accuracy prior to acceptance of streets by the city for maintenance.~~

~~(O) *Lot corner markers*. Iron or steel bars or iron pipes at least 15 inches long and not less than 1/2 inch in diameter shall be set at all corners, angle points and points of curvature for each lot and block within a subdivision prior to the recording of the plat, unless otherwise approved by the City Engineer. Identifying data shall be affixed to each point set in accordance with current rules and bylaws of the State Board of Technical Registration.~~

~~(Prior Document, Ch. 2 § 5.05) (Ord. passed 2-16-1982)~~

~~§ 2-5-6 IMPROVEMENTS SECURITY.~~

~~(A) Prior to approval of the final plat by the Council, the subdivider shall provide security by either:~~

~~(1) Posting of a performance bond issued by a qualified surety;~~

~~(2) Establishing a cash trust, the funds to be deposited with the city to the credit of the subdivider;~~

~~(3) Depositing with the city a certificate of deposit issued by a banking institution authorized to issue same; or~~

~~(4) Filing with the city an executed contract of guarantee between the city and a trust company, banking institution or other financial institution authorized to enter into such contracts.~~

~~(B) The amount of the security is to be based upon the certified cost estimate prepared by a registered professional civil engineer in an amount to cover the completed installation of the improvements, and requires approval by the City Engineer.~~

~~(C) A completion date for the improvements shall be declared by the subdivider and the security shall provide for its forfeiture to the city in the event that the improvements have not been completed or not accepted by the city by the declared completion date due~~

~~to the default of the subdivider.~~

~~(D) Where applicable, an agreement may be executed between the city and the subdivider providing for improvements in a planned unit development to provide in stages to coincide with the stages approved for development; provided, however, that each approved increment shall commensurately conform to the security requirements hereinabove specified. The Council may require of the subdivider such further assurance of the completion of improvements as it may deem necessary to the interest of the public.~~

~~(Prior Document, Ch. 2 § 5.06) (Ord. passed 2-16-1982)~~

§ 2-4-1 DEFAULT.

In the event that the subdivider fails or neglects to satisfactorily install the required improvements within the time agreed upon for performance, the city shall withhold the issuance of building permits until such time as the improvements are installed and inspected per the city approved plans.

§ 2-4-2 INSPECTION AND RELEASE.

A. The subdivider, using the services of an Arizona registered professional civil engineer and plans as approved by the city development services project engineer or his or her designee, shall be responsible for the quality of all materials and workmanship. At the completion of the work, the subdivider's engineer of record shall make an inspection of the improvements and shall submit a set of 'as-built' construction plans if complete or a report on the status of improvements if only partially complete to the city development services project engineer or his or her designee. The development services project engineer or his or her designee will review the as-built plans and/or report and notify the developer of any non-compliance with the approved construction plans or with any regulations.

B. The following certification shall be sealed, signed and dated by the subdivider's engineer of record, or any licensed civil engineer in the State of Arizona, on the as-built plans. The as-built plans shall be approved by the development services project engineer or his or her designee. The certification statement shall read as follows: "In my professional opinion, the constructions of all required improvements have been completed in substantial conformance with the city approved plans and specifications including changes and addendums. My professional opinion is based, in part, upon the completion of certain tests and measurements and/or the review of the results of such tests and measurements completed by others."

~~ARTICLE 2-6: ADMINISTRATION~~

~~Section~~

~~2-6-1 Direction and authority~~

~~2-6-2 [Reserved]~~
~~2-6-3 Filing fees~~
~~2-6-4 Final plat approval required prior to conveyance of any subdivided land~~
~~2-6-5 Prerequisites for issuance of building permits~~
~~2-6-6 Modifications and exceptions~~
~~2-6-7 Resubdivision of land~~
~~2-6-8 Vacation of plats~~
~~2-6-9 Preservation of archaeologic, historic, and natural features and amenities~~
~~2-6-10 Transfers and assignments~~
~~2-6-11 Cancellation by applicant~~
~~2-6-12 Violations and penalties~~
~~2-6-13 Legal procedures~~
~~2-6-14 Remedies~~

~~ARTICLE 2-7: CONSTRUCTION, TERMS AND DEFINITIONS~~

~~Section~~

~~2-7-1 Construction~~
~~2-7-2 Terms~~
~~2-7-3 Definitions~~

~~§ 2-7-1 CONSTRUCTION.~~

~~The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Chapter:~~

~~(A) The particular shall control the general.~~

~~(B) In the event there is any conflict or inconsistency between the heading of an Article, section, division or paragraph of this Chapter and the context thereof, the heading shall not be deemed to affect the scope, meaning or intent of the context.~~

~~(C) In case of any difference of meaning or implication between the text of this Chapter and any caption, illustration, summary table or illustrative table, the text shall control.~~

~~(D) In case of conflict between regulations, the more restrictive shall apply.~~

~~(E) Words used in the present tense shall include the past and future tenses and vice versa.~~

~~(F) Words used in the singular number shall include the plural, and the plural the singular, unless the context indicates the contrary.~~

~~(G) The masculine shall include the feminine and neuter.~~

~~(H) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.~~

~~(I) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and,"~~

~~"or," or "either or," the conjunction shall be interpreted as follows:~~

~~(1) "And" indicates that all the connected items, conditions, provisions or events shall apply.~~

~~(2) "Or" indicates that the connected items, conditions, provisions or events shall apply singularly or in any combination.~~

~~(3) "Either or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.~~

~~(J) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."~~

~~(K) The word "includes" or "including" or the phrase "such as" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.~~

~~(L) The word "oath" includes affirmation.~~

~~(Prior Document, Ch. 2 § 7.01) (Ord. passed 2-16-1982)~~

~~§ 2-7-2 TERMS.~~

~~(A) The word "State" shall mean the State of Arizona. The word "County" shall mean that county having jurisdiction and being either Pinal County or Maricopa County, Arizona. The word "City" shall mean the City of Apache Junction, Arizona. The term "City Boundary" shall mean the corporate boundary of the City of Apache Junction, Arizona.~~

~~(B) The word "Council" shall mean the City Council of the city.~~

~~(C) The word "Commission" shall mean the Planning and Zoning Commission of the city.~~

~~(D) The word "Board" shall mean the Board of Adjustment of the city.~~

~~(E) The terms "Building Official," "City Attorney," "City Clerk," "City Manager," "Planning Manager," "Director of Public Works," "Fire Chief," and "Zoning Administrator" shall mean the respective officers of the city or their authorized agents.~~

~~(F) The term "Department of Transportation" or "ADOT" shall mean the State of Arizona Department of Transportation.~~

~~(G) The term "Code" shall mean "The Code of the City of Apache Junction, Arizona," as adopted by the Council by Ordinance No. 7, dated June 27, 1979, and as subsequently amended.~~

~~(H) The term "Building Code" shall mean the International Building Code, 2006 Edition.~~

~~(I) The term "Arizona Revised Statutes" shall mean the Code of the State of Arizona, 1956, as amended.~~

~~(J) The word "written" includes handwritten, printed, type-written, mimeographed or multigraphed matter.~~

~~(K) The term "Fire Code" shall mean the current adopted edition of the International Fire Code.~~

~~(L) The phrase "this ordinance" or "this subdivision ordinance" shall mean the "Apache Junction Subdivision Regulations" as contained in this Land Development Code of the city as adopted by the Council by ordinance.~~

~~(M) The term "Zoning Ordinance" shall mean all portions of the "Apache Junction, Arizona, Zoning Ordinance" as contained in this Land Development Code of the city, including the Zoning Map as adopted by the Council by Ordinance No. 71, dated November 5, 1980, and as subsequently amended.~~

~~(N) The term "General Plan" shall mean "Apache Junction: 2001 Apache Junction, Arizona, General Plan" as adopted by the Council by resolution.~~

~~(O) The term "Committee" shall mean the Subdivision Committee as established in the subdivision regulations.~~

~~(P) The term "Department" shall mean the Planning Department of the City of Apache Junction, Arizona.~~

~~(Prior Document, Ch. 2 § 7.02) (Ord. passed 2-16-1982)~~

ARTICLE 2-~~3~~ 5: ADMINISTRATIVE SUBDIVISIONS; LAND SPLITS/MINOR LAND DIVISION, AND LOT LINE ADJUSTMENT

Section

~~2-3-1 Short title~~
~~2-3-2 Definitions~~
~~2-3-3 Authority for local regulations~~
~~2-3-4 Relationship to other documents~~
2-~~3~~ 5-~~5~~ 1 Applicability
2-~~3~~ 5-~~6~~ 2 Enforcement
2-~~3~~ 5-~~7~~ 3 Land split application and approval procedures
2-5-4 Lot line adjustment

~~§ 2-3-1 SHORT TITLE.~~

~~This Article may be referred to and cited as the "Apache Junction, Arizona, Land Split Ordinance."~~

~~(Prior Document, Ch. 2 § 3.01) (Ord. 625, eff. 6-17-1988)~~

~~§ 2-3-2 DEFINITIONS.~~

~~For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~***LAND SPLIT.*** The division of improved or unimproved land whose area is 2-1/2 acres or less into 2 or 3 tracts or parcels of land for the purpose of sale or lease.~~

~~(Prior Document, Ch. 2 § 3.02.01)~~

~~***SUBDIVISION.*** See definition in Vol. II, § 2-7-3.~~

~~(Prior Document, Ch. 2 § 3.02.02) (Ord. 625, eff. 6-17-1988)~~

~~§ 2-3-3 AUTHORITY FOR LOCAL REGULATIONS.~~

~~The regulations contained in this Article are authorized pursuant to A.R.S. §§ 9-462.01 through 9.463.04.~~

~~(Prior Document, Ch. 2 § 3.03) (Ord. 625, eff. 6-17-1988)~~

~~§ 2-3-4 RELATIONSHIP TO OTHER DOCUMENTS.~~

~~(A) A land split map shall conform to all applicable policies of the Apache Junction General Plan.~~

~~(Prior Document, Ch. 2 § 3.04.01)~~

~~(B) A land split map shall conform to all applicable regulations of the Apache Junction Zoning Ordinance.~~

~~(Prior Document, Ch. 2 § 3.04.02)~~

~~(C) A land split map shall conform to the Street Classification Plan as adopted by Ordinance No. 38, a copy of which is on file with the City Clerk, and any amendments thereto.~~

~~(Prior Document, Ch. 2 § 3.04.03) (Ord. 625, eff. 6-17-1988)~~

§ 2-~~3~~ 5-~~5~~ 1 APPLICABILITY.

(A) The regulations contained in this Article shall apply to all divisions of land created for sale or lease within the corporate limits of Apache Junction, defined by this Article to be a land split.

~~(Prior Document, Ch. 2 § 3.05.01)~~

(B) It shall be unlawful for any person, partnership or other legal entity to create for sale or lease any parcel that is subject to the requirements of this Article until ~~an approved~~ a recorded land split map and accompanying deeds complying with the provisions of this ~~A~~article has been approved by the city.

~~(Prior Document, Ch. 2 § 3.05.02)~~

(C) An approved land split map shall be null and void, if the appropriate deeds regarding said land split are not recorded within 12 months of city approval.

(D) The following are the requirements for the division of land that shall proceed through the subdivision process:

- The division of any property into two or more parcels, if a new public street is involved.
- The division of any property, the boundaries of which have been fixed by a recorded subdivision plat, into more than two parcels.
- The creation of four or more units having the right of exclusive occupancy coupled with an undivided interest in the land, such as in a condominium,

horizontal property regime, cooperative, community apartment, townhouse or similar project.

(C) The division of any property into two or more parcels, if a new street is involved, shall proceed through the subdivision process.
(Prior Document, Ch. 2 § 3.05.03)

(D) The division of any property, the boundaries of which have been fixed by a recorded subdivision plat, into more than two parcels shall proceed through the subdivision process.
(Prior Document, Ch. 2 § 3.05.04)

(E) The creation of four or more units having the right of exclusive occupancy coupled with an undivided interest in the land, such as in a condominium, horizontal property regime, cooperative, community apartment, townhouse or similar project, shall proceed through the subdivision process.
(Prior Document, Ch. 2 § 3.05.05)

(F) (E) The creation of two or up to three units having the right of exclusive occupancy coupled with an undivided interest in the land, such as in a condominium, horizontal property regime or similar project, shall proceed through the land split map process.
(Prior Document, Ch. 2 § 3.05.06)

(G) (F) Boundary adjustments plats and deeds, w Where the land is taken from one parcel platted or unplatted parcel(s) is added to an adjacent parcel through recording a deed, a boundary adjustment need not be filed with the Ccity of Apache Junction, provided that the proposed adjustment does not:

(1) Create any new lots;
(2) Render any existing lots substandard in size or shape;
(3) Render substandard the setbacks of existing development; or
(4) Impair any existing access, easements or public improvements.

(Prior Document, Ch. 2 § 3.05.07)
(Ord. 625, eff. 6-17-1988) Penalty, see Apache Junction City Code, Vol. I, § 1-1-11

§ 2-3 5-6 2 ENFORCEMENT.

Vol. II, §§ 2-6 1-12 21, 2-6 1-13 22 and 2-6 1-14 23 shall apply.
(Prior Document, Ch. 2 § 3.06) (Ord. 625, eff. 6-17-1988)

§ 2-3 5-7 3 LAND SPLIT APPLICATION AND APPROVAL PROCEDURES.

(A) *Approval of map*. The division of land defined by this Aarticle to be land split requires the approval of a land split map by the Planning Manager development services director or his or her designee or the Ccity Ccouncil.
(Prior Document, Ch. 2 § 3.07.01)

(B) *Purpose.* The purpose of the land split map review is to determine the appropriateness of the access and lot design with respect to the contours of the land, to determine if the setbacks of existing development are being rendered nonconforming with the creation of new lot lines, to determine if a subdivision is being created, and to determine whether or not the proposed land split conforms with city policies and ordinances.

~~(Prior Document, Ch. 2 § 3.07.02)~~

(C) *Pre-application conference.*

(1) The pre-application conference stage of the land split review is an investigatory period which precedes the preparation and the submittal of the application. The applicant ~~should~~ shall present his or her proposal to the ~~Department of Planning~~ planning division, ~~and the Department~~ which shall advise the applicant of specific public objectives, standards and regulations related to the property and the procedure for land split review.

(2) This stage of processing affords the ~~Department of P~~planning division the opportunity to give informal guidance at a time when potential conflicts can be most easily resolved, additional requirements or ~~waiver of certain requirements~~ may be discussed, and undue expense and delay are saved by the applicant.

(Prior Document, Ch. 2 § 3.07.03)

(D) *Application requirements.* Applicants requesting land split map approval shall submit the following to the ~~Department of P~~planning division:

(1) A completed application form;

(2) Fees ~~for an application for a land split are listed~~ as specified in the Apache Junction City Code, Vol. I, Chapter 4, Fees, Article 4-4;

~~(Ord. 1088, passed 10- -1999)~~

(3) ~~Four~~ Three 18” ~~inches by~~ x24” ~~inches~~ blueline or blackline prints folded into a 9” ~~inch by~~x-12” ~~inch~~ size. ~~and o~~ One~~1~~ ~~M~~mylar print (~~which may~~ shall be be submitted later, but prior to final approval of the land split map);

(4) Proof of ownership, such as a copy of the deed to the land, and a signed statement in the application form affirming current ownership. If discrepancies arise in verification, then applicant may be required to provide additional proof of ownership, such as a vesting or title report; and

(5) ~~Complete and accurate legal descriptions for each proposed lot for preliminary staff review.~~ After final review and all corrections have been made, one 18”x24” mylar final land split map shall be submitted for development services director’s signature.

~~(Prior Document, Ch. 2 § 3.07.04) (Ord. 712, eff. 2-15-1990; Am. Ord. 779, eff. 4-5-1991)~~

(E) *Planning Division review.* The planning division shall review the application and

make a determination as to its completeness. The planning division shall advise the applicant of deficiencies if the application is determined to be incomplete.

(F) *Recommendations*. Upon determining that an application is complete, the planning division may distribute materials to the following agencies for their recommendations:

(1) Other city departments;

(2) Fire District Chief; and

(3) Any other relevant agency.

(E) (G) *Land split map requirements.*

(1) The final land split map shall be submitted on a reproducible Mmylar film drawn with India ink, or similar permanent ink, at a scale large enough to show all details clearly (normally 1 inch = 100 feet or larger) on a sheet 18" inches byx 24" inches. A line shall be drawn around the sheet leaving a margin of 1 inch, and a left margin of 2 inches.

(2) The land split map shall show or contain the following information:

(a) A title to read: "Apache Junction Land Split Map (case number);"

(b) Graphic and written scale, north indicator, and date of preparation;

(c) Legal description of property the parent parcel, and each proposed new lots;

(d) Location and description of existing and proposed monuments to which all bearings, dimension, angles and similar data shall be referenced. Such data shall be tied to the city datum system; or other monuments as approved by the City Engineer;

(e) Boundaries of the property fully balanced and closed, showing all bearings and distances (in feet and decimals thereof), determined by an accurate survey in the field. Boundary closure calculations are required with error of closure;

(f) By note or a legend, identify any symbols used on the map;

(g) Bearings and dimensions of all existing parcel lines and proposed lot lines, with each new lot identified by letter and indicating the net area in square feet of each lot;

(h) Name, course, length and width of existing and proposed street dedications;

(i) Location, length; and width of existing and proposed access, utility, public service and drainage easements. No more than one lot or parcel may be granted a private access easement across another abutting lot;

(Am. Ord. 779, eff. 4-5-1991)

(j) The identification of adjacent subdivisions and land split maps by record data;

(k) Flood zone information and delineation on the map of any areas identified on the flood insurance rate map as

special flood hazard areas. Also, tributary washes outside the special flood hazard areas shall be delineated;

(l) The location of existing structures;

(m) Name of owner or trustee;

(n) Engineer's or surveyor's certificate:

"This is to certify that the survey and the map of the division of land described herein was accurately done under my direction and that all lots are staked or will be staked and all monuments are set or will be set within 1 year after recordation.

_____

Signature Date Registration No. Seal"

(o) Certificate of approval:

"This is to certify that this map complies with the requirements of the City of Apache Junction; and that this land split map is hereby approved on this _____ day of _____, 20__.

By: _____

~~Planning Manager~~ Development Services Director"

~~(p) If the map is to be recorded, reserve space for the Recorder's certificate in the upper right-hand corner of the map~~

~~and obtain other requirements for recording from the Department of Planning.~~

~~(Prior Document, Ch. 2 § 3.07.05) (Ord. 712, eff. 2-15-1990)~~

~~(F) *Alternative wording*. The Planning Manager may approve alternative wording in the~~

~~certificates.~~

~~(Prior Document, Ch. 2 § 3.07.06)~~

~~(G) *Waiver of certain land split map requirements*. At the discretion of the Planning Manager, the requirements of division (E) above may be waived and the following "sketch map" requirements substituted for the requirements of division (E)(2)(p).~~

~~(1) *"Sketch map" land split map requirements*. Three draft copies and 3 final copies (which may be submitted later but prior to final approval) of the land split map shall be submitted on vellum, transparent reproducible film, blueline or blackline prints, or other suitable medium as approved by the Planning Manager, at a scale large enough to show all details clearly (normally 1 inch = 100 feet or larger) on a sheet 8-1/2 inches by 14 inches or 18 inches by 24 inches. A line shall be drawn around the sheet leaving a margin of 1/2 inch.~~

~~(2) *Contents*. The land split map shall show or contain the following information:~~

~~(a) A title to read: "Apache Junction Land Split Map (case number);"~~

~~(b) Graphic and written scale, north indicator and date of preparation, and preparer's name and address, and name of owner or trustee;~~

~~(c) Legal description of property;~~

~~(d) Boundaries of the property showing distances (in feet and decimals thereof);~~

~~(e) By note or a legend, identify any symbols used on the map;~~

~~(f) Dimensions of all existing parcel lines and proposed lot lines, with each new lot identified by letter and indicating the net area in square feet of each lot, and a legal description for each lot;~~

~~(g) Name, location, length and width of existing and proposed street dedications;~~

~~(h) Location, length and width of existing and proposed access, utility, public service and drainage easements;~~

~~(i) The identification of adjacent subdivisions by record data and land split maps;~~

~~(j) Delineation on the map of any areas identified on the flood insurance rate map as special flood areas;~~

~~(k) The location of existing structures; and~~

~~(l) Certificate of approval:~~

~~"This is to certify that this map complies with the requirements of the City of Apache Junction; that on behalf of the City of Apache Junction, Arizona, that this land split map is hereby approved on this _____ day of _____, 20__.~~

~~By: _____~~

~~Planning Manager"~~

~~(Prior Document, Ch. 2 § 3.07.07) (Ord. 712, eff. 2-15-1990)~~

~~(H) *Waiver not granted or revoked*. Any waiver of the requirements of division (E) above shall not be granted or may be revoked by the Planning Manager if any of the following conditions exist: inability to accurately determine property boundaries in the field; lot sizes of less than 20,000 square feet and/or lot sizes not substantially exceeding the minimum requirements for the zoning district in which the property is located; property sharing a common boundary with a recorded subdivision or recorded land split map; existing, permanent structures; odd-shaped parcels; ambiguous legal descriptions; or any other condition which would render a determination on the proper division of the property difficult in the absence of a survey map.~~

~~(Prior Document, Ch. 2 § 3.07.08)~~

~~(I) *Planning Department review*. The Planning Department shall review the application and make a determination as to its completeness. The Planning Department shall advise the applicant of deficiencies if the application is determined to be incomplete.~~

~~(Prior Document, Ch. 2 § 3.07.09)~~

~~(J) *Recommendations*. Upon determining that an application is complete, the Planning Department may distribute materials to the following agencies for their recommendations:~~

~~(1) Other city departments;~~
~~(2) Apache Junction Fire District Chief; and~~
~~(3) Any other relevant agency.~~
~~(Prior Document, Ch. 2 § 3.07.10)~~

(H) *Evaluation criteria.* The development services director or his or her designee and the city council (in the case of an appeal), in evaluating and making decisions on land split proposals, shall consider the following criteria:

(1) The land split proposal's consistency with the city's general plan;

(2) The proposal's conformity to the city's zoning ordinance;

(3) The proposal's conformity to Vol. II, Articles 2-3 and 2-4 of this Chapter and other applicable sections of the city's subdivision regulations;

(4) The proposal's conformity with the city's street classification plan;

(5) The proposal's lot size and design in respect to the site's topography;

(6) The identification of any setback problems with respect to any existing development on the property and the new lot boundaries to be created;

(7) A determination from the title information and lot/street design that a subdivision is not being created;

(8) That the signatures on the land split map have been affixed with India ink, or similar permanent ink, and other requirements for recordation are complied with; and

(9) Other pertinent criteria.

(I) *Decision.* The development services director or his or her designee shall render a decision on the proposed land split. If approved, then one finalized Mylar land split map shall be submitted to the development services director or his or her designee for final signature and recordation, and a copy of the recorded land split shall be sent to the applicant. If the proposed land split is denied, a notice of the decision shall be sent to the applicant advising him or her that he or she may appeal the decision of the director or his or her designee to the city council. If approved, the applicant shall submit the following:

1. A final, recordable, reproducible, mylar map 18”x24” consistent with the approved land split map.
2. The format for recording shall meet all requirements of the county recorder’s office.
3. Once approved by the city, the city shall record the land split map with the county recorder’s office within 60 days of approval. The original mylar of the recorded land split map shall become the property of the city.

4. Within one (1) year of land split map approval, the owner/applicant shall record deeds for the new lots and shall utilize the approved legal descriptions for the newly created lots, as transcribed on the approved land split map.
5. Owner/applicant shall provide the planning division with copies of the recorded deeds within one (1) year. Failure to record the new deeds within one (1) year of approval shall render the approved land split null and void.

(J) *Appeal*. An appeal of the director's decision must be filed, in writing, with the city clerk's office within 30 days of the date of decision. The council shall consider the appeal no earlier than 14 days nor later than 45 days from the date of the filing of the appeal.

~~(K) *Decision*. The Planning Manager shall render a decision on the proposed land split.~~

~~(Prior Document, Ch. 2 § 3.07.11)~~

~~(L) *Notice of decision*. Notices of the decision shall be sent to the applicant advising him or her that he or she may appeal the decision of the Director to the City Council.~~

~~(Prior Document, Ch. 2 § 3.07.12)~~

~~(M) *Appeal*. An appeal of the Director's decision must be filed, in writing, with the City Clerk's office within 30 days of the date of decision. The City Council shall consider the appeal no earlier than 14 days nor later than 45 days from the date of the filing of the appeal.~~

~~(Prior Document, Ch. 2 § 3.07.13)~~

~~(N) *Evaluation criteria*. The Director of Development Services and the City Council, in evaluating and making decisions on land split proposals, shall consider the following criteria:~~

~~(1) The land split proposal's consistency with the city's General Plan;~~

~~(2) The proposal's conformity to the city's Zoning Ordinance;~~

~~(3) The proposal's conformity to Vol. II, Articles 2-3 and 2-4 of this Chapter and other applicable sections of the city's subdivision regulations;~~

~~(4) The proposal's conformity with the city's Street Classification Plan;~~

~~(5) The proposal's lot size and design in respect to the site's topography;~~

~~(6) The identification of any setback problems with respect to any existing development on the property and the new lot boundaries to be created;~~

~~(7) A determination from the title information and lot/street design that a subdivision is not being created;~~

~~(8) That the signatures on the land split map have been affixed with India ink, or similar permanent ink, and other requirements for recordations are complied with (if the map is to be recorded); and~~

~~(9) Other pertinent criteria.~~

~~(Prior Document, Ch. 2 § 3.07.14) (Am. Ord. 712, eff. 2-15-1990)~~

~~(O) *Distribution of approved maps.* One approved land split map each shall be distributed to: the Planning Manager, and the applicant; and one print each to the Building Official/Zoning Administrator, and to the City Engineer.~~

~~(Prior Document, Ch. 2 § 3.07.15) (Ord. 625, eff. 6-17-1988)~~

§ 2-5-4 LOT LINE ADJUSTMENT.

A. Purpose and applicability. The lot line adjustment is an agreement between adjoining property owners to adjust a common boundary line which does not result in a net gain in the number of lots or parcels. For purposes of this article, a lot line adjustment shall conform to the following provisions:

1. A lot line adjustment between owners of adjoining properties within the same recorded final plat solely for the purpose of revisions to common boundary lines; and,
2. Additional lots or parcels are not being created; and,
3. All lots remaining after the lot line adjustment shall contain conforming setbacks and minimum lot size, width, depth, and frontage as required by the zoning ordinance, and shall meet all other lot development standards of the zoning ordinance.

B. The council does grants the development services director or his or her designee, hereafter referred to as "director," the power and authority to administratively review and approve or disapprove of minor adjustments of lot line boundaries for parcels within the city, as per the regulations contained herein.

C. General standards.

1. All lot line adjustments shall comply with all the requirements of the specific zoning district in which the divisions are located. This includes compliance with the following standards, if applicable:
   a. Minimum lot size.
   b. Minimum lot width.
   c. Minimum setbacks.
   d. Minimum yard or frontage requirements.
2. No lot line adjustment shall result in more dwelling units than are permitted by the zoning district for which the lot or parcel is located.
3. No lot line adjustment shall results in a split zoning classification on a single lot or parcel.
4. No lot line adjustment shall result in the creation of a non-conforming structure or use.
5. No lot line adjustment shall result in a lack of legal access as defined by

city standards to any lots or parcels created by the division.

D. Application requirements. This section outlines the minimum information needed to enable the city to make informed and expeditious decisions regarding applications for lot line adjustments. Unless exempted by the director, or his/her designee, the information contained in this section shall be provided by each applicant. All mapped data shall be drawn to a scale of not greater than one inch equals one hundred feet (1" = 100'). Unless otherwise directed, the map data shall be drawn on a sheet size of twenty-four inches by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x24").

E. Lot line adjustment package.

1. Completed city lot line adjustment application form.
2. Lot line adjustment survey: two (2) copies completed by a registered land surveyor in the State of Arizona.
3. Payment of an application fee as set by the council under the Apache Junction City Code, Vol. I, Chapter 4, Fees, Article 4-4.

F. Lot line adjustment application process.

1. Application submittal. An application for lot line adjustment shall be submitted to the director with two (2) copies of the lot line adjustment survey and the application fee. The director shall have thirty (30) working days to approve or reject the application.
2. Review process. If necessary to accurately review the application, the director may require additional information to be shown on the lot line adjustment map, including buildings, structures, streets, driveways, and other information. If rejected, written notice shall be provided to the applicant via first class mail, postmarked within ten (10) days after the expiration of the thirty (30) day review period. The written notice shall specify the reasons for denial.

G. Decision. The director shall render a decision on the proposed lot line adjustment within 30 days after submittal. If approved, then one finalizedmylar lot line adjustment map shall be submitted to the director for final signature and recordation, and a copy of the recorded lot line adjustment map shall be sent to the applicant. If the proposed lot line adjustment is denied, a notice of the decision shall be sent to the applicant advising him or her that he or she may appeal the decision of the director to the council. If approved, the applicant shall submit the following:

1. A final, recordable, reproducible, mylar map 18"x24" consistent with the approved lot line adjustment map.
2. The format for recording shall meet all requirements of the county recorder's office.
3. Once approved by the city, the city shall record the lot line adjustment map with the county recorder's office within 60 days of approval. The

original mylar of the recorded lot line adjustment map shall become the property of the city.

4. Within one (1) year of lot line adjustment map approval, the owner/applicant shall record deeds for the new lots and shall utilize the approved legal descriptions for the newly created lots, as transcribed on the approved lot line adjustment map.
5. Owner/applicant shall provide the planning division with copies of the recorded deeds within one (1) year. Failure to record the new deeds within one (1) year of approval shall render the approved lot line adjustment null and void.

H. Appeal. An appeal of the director's decision to the council must be filed, in writing, with the city clerk's office within 30 days of the date of decision. The council shall consider the appeal no earlier than 14 days nor later than 45 days from the date of the filing of the appeal.

ARTICLE 2- 6: CONDOMINIUM PLATS AND CONDOMINIUM CONVERSIONS

Section

2-6-1 Purpose
2-6-2 Applicability
2-6-3 General standards
2-6-4 Application process
2-6-5 Final plat approval

§ 2-6-1 PURPOSE.

The purpose of this section to establish requirements and procedures for new condominium developments and condominium conversions for existing development so as to provide for the public health, safety and general welfare through adherence to development standards as provided in this chapter and other applicable city codes and ordinances, including adequate provision of utilities, water supply, sanitary sewerage and similar common facilities.

§ 2-6-2 APPLICABILITY.

Condominium and condominium conversion is subject to the regulations as described by Arizona Revised Statutes, Title 33, Chapter 9, Condominiums, and Title 9, Chapter 6.2, Municipal Subdivision Regulations. The creation of a condominium form of ownership for properties shall be through the subdivision platting process. There must be a minimum of four (4) units in order to qualify for a condominium through subdivision platting. (ARS §§ 33- 1201. *et seq*., and 9-463. *et seq*.)

§ 2-6-3 GENERAL STANDARDS.

A. General. The council shall not refuse approval of a final plat of a project described as a condominium under provisions of this chapter because of location of buildings on the property shown on the plat and not in violation of this chapter or on account of the manner in which airspace is to be divided in conveying the condominium. Fees and lot design requirements shall be computed and imposed with respect to such plats on the basis of parcels or lots on the surface of the land shown thereon as included in the project. Plats of such projects may be based on building footprints but, as per state statute, they do not need show the buildings or the manner in which the buildings or airspace above the property are to be divided. This subsection does not limit the power of the council to regulate the location of buildings in such a project by or pursuant to a zoning ordinance.

B. New condominium development. New condominium development shall be subject to the standard procedures and requirements for development, as established by the city, including compliance with zoning ordinances, building codes, design review and other applicable codes and ordinances.

C. Condominium conversion. Condominium conversion of existing development shall be subject to final plat approval by the commission and council.

1. Disclosure report requirements: The subdivider shall submit an affidavit stating that the units to be converted meet the applicable standards of the building code, and city code. Any subdivider who files a final plat for a condominium, cooperative, community apartment, townhouse development, or manufactured home subdivision, whether for the purpose of new development or the subdivision of an existing development, shall submit a copy of a report on the physical condition of all buildings, structures, and other improvements to the property to be subdivided prior to approval of a final plat by the mayor and council. This report shall be made available by the subdivider to all prospective purchasers of the initial condominium units prior to execution of a binding contract of purchase. The disclosure report shall be recorded with the appropriate county recorder at the same time as the final plat. The report shall contain the following:

a. A report describing the physical condition of elements of the structure, equipment, or appliances in a unit, the repair or replacement of which will be the responsibility of the purchaser. The report shall state the approximate date on which the element, equipment, or appliance was originally constructed or installed; the

approximate date on which it was subsequently replaced or will likely require replacement; and the current estimated cost of replacement.

b. This report shall not be construed to create any warranties, express or implied.

c. A report containing information to be obtained from the fire district describing the extent to which the buildings and structures to be converted by the plat submitted by the subdivider deviate from applicable requirements of the fire code, and the city code in the following specified areas of fire safety:

1) Accessibility of buildings and structures to fire-fighting equipment; and
2) Proximity and frequency of fire hydrants; and
3) Description of the building construction rating for "party walls" and fire barriers between units.

d. A statement of the estimated fees or assessments, if any, that the purchaser of a unit will pay, on a monthly and yearly basis, for at least a two (2) year period following purchase.

e. A report from a licensed pest control operator on each building or structure and each unit within the building or structure. A statement of the unit's average monthly utility costs, including water, sewer, trash collection, electricity and natural gas, based on the preceding twelve (12) month period, where the subdivider has access to such utility cost data.

2. Certificate of Occupancy: Prior to final plat Approval, evidence of building permits and/or certificate of occupancy for the original construction must be submitted or the applicant must provide plans of the site with the water distribution system and wastewater drainage system shown on as-built plans "signed and sealed" by an Arizona registered professional engineer. Copies of the required Arizona Department of Environmental Quality ("ADEQ") application for such may be submitted to fulfill this requirement. The professional registrant shall also submit a "signed and sealed" statement that indicates that the existing systems are properly installed and located as per building safety requirements. The statement shall indicate the year the structure was built, the building codes in effect at the time of construction completion, if known, and the results of independent testing of the "party walls" or fire barriers between units. Independent testing of at least 10% of the units in

the overall project, including at least one unit in each separate building shall be required. This may require some site investigation by contractors to verify sizes and locations of systems and the physical condition of building components. The results shall be provided for the building official to review at the time the applicant applies for final plat approval.

§ 2-6-4 APPLICATION PROCESS.

General requirements.

A. Sanitary sewage, water supply and refuse disposal. It is the responsibility of the subdivider to provide the Arizona Department of Environmental Quality ("ADEQ") with plans and applications for the design and operation of sanitary sewer facilities, water supply and refuse disposal, as required.

B. New condominium development. For condominium projects being developed through new construction, the procedures for processing the application shall be the same as with other new development with the exception that the subdivision may be submitted directly for final plat review to the commission and council after preliminary approval by staff that the plat complies with all technical requirements. The following steps are required for the review of new condominium development:
   1. development review committee.
   2. submittal of final plat for technical review by staff.
   3. submittal of final plat to commission for review.
   4. submittal of final plat to mayor and council for review and approval.

C. Condominium conversion. Conversion of existing buildings to condominiums may proceed through an expedited process; however, such proposals still require review by various city departments and applicable agencies to ensure compliance with local and state requirements. Buildings constructed prior to issuance of building permits or certificates of occupancy may be required to provide evidence of adequacy of water distribution and wastewater drainage systems, as well as disclosure of building conditions as they relate to building and fire codes through the preparation of a building condition report by an Arizona registered professional that includes mechanical, electrical, and structural engineering analyses. The following steps are required for the review of condominium conversion projects:
   1. development review committee.
   2. submittal of final plat for technical review by staff.
   3. submittal of final plat to commission for review.
   4. submittal of final plat to mayor and council for review and approval.

§ 2-6-5 FINAL PLAT APPROVAL.

A. The commission and mayor and council shall review the final plat submittal for the condominium and make their determination for approval, approval with conditions or denial based on the requirements and procedures indicated in the subdivision regulations, and subject to the following:

1. That the proposed condominium subdivision conforms to the adopted goals, objectives and policies of the city.
2. That the proposed condominium subdivision will not be detrimental to the public health, safety, and general welfare.
3. That the proposed condominium subdivision is consistent with the provisions and intents of the zoning code, as applicable to the property.
4. That the proposed condominium subdivision conforms to the design standards set forth in this chapter and other applicable city, county, state and federal regulations.

B. After the applicant has received the required approvals, the final plat for the condominium development may be submitted to the development services director for recording.

1. Time Limit. The applicant/subdivider shall have six (6) months from the date of approval by the council to submit all required materials and to demonstrate all conditions have been met.
2. Copies. Three (3) reproducible sets of the final plat shall be submitted to the development services director.
3. Fees. All development fees for subdivision and recording shall be received prior to the recording of the final plat. Recording fees shall be made payable to the appropriate county recorder.
4. Conditions, Covenants and Restrictions ("CC&Rs"). The subdivider shall submit two (2) copies of the deed restrictions that describe the responsibilities of the unit owners for maintaining common areas and facilities and all other pertinent information and requirements as applicable.

C. Assurances. Any assurances required for improvements in accordance with these regulations shall be received and approved prior to recording of the final plat.

D. Certificate of occupancy. After recording of the final plat the applicant may then apply for certificate(s) of occupancy for the newly created condominiums from the development services department and sell the

units as condominiums in accordance with the requirements of the State of Arizona Department of Real Estate.

ARTICLE 2-7: DEFINITIONS.

For the purposes of this Cchapter, the following words and phrases shall have the meanings respectively ascribed to them by this section. If not defined herein or within other sections of this Cchapter, terms words and phrases used in this Cchapter shall have the meanings provided in any standard dictionary as determined by the Planning Manager development services director or his or her designee.

(A) *Definitions beginning with "A."*

ABUT. To touch or adjoin along a common border or property line.

ABUTTING. Same as ***ADJOINING***.

ACCESS. The way or means by which pedestrians and vehicles enter or leave property.

ADJACENT. Two or more lots or parcels of land separated only by an alley or street, or 2 or more objects which lie near or close to each other (compare ***ADJOINING***). Next to or having a common boundary.

ADJOINING. Two or more lots or parcels of land sharing a common boundary line, or 2 or more objects in contact with each other. (Synonyms are ***CONTIGUOUS*** or ***ABUTTING.***) Touching or bounding at a point or line.

AGENT. A person authorized, in writing, by the an owner, (in compliance with this Chapter) to act in the owner's behalf for the purposes of representing the owner's interest before an official city body with regard to the development or non-development of the owner's land.

ALLEY. A public right-of-way which affords a secondary means of vehicular access to properties adjoining the ***ALLEY*** and being on the side or rear of such properties.

AMENDMENT. Any repeal, modification or addition to a regulation; any new regulation; any change in the numbers, shape, boundary or area of a district or in a plat; or any repeal or abolition of any map, part thereof or addition thereto.

APPELLANT. That person or agency filing appeals, paying fees (if required), and complying with the procedural requirements as stated in this Cchapter.

APPLICANT. That person or agency initiating action for changes or amendments, paying fees (if required), and complying with the procedural requirements as stated in this Cchapter.

APPROVED LENDING INSTITUTION. Any of the following listed institutions, and any other lending institution approved by the Ccity Eengineer:

(a) Title insurance company;

(b) Title insurance agent;

~~(c)~~ (a) b~~B~~ank;

~~(d)~~ (b) ~~Savings and loan association; or~~ credit union; or

~~(e)~~ (c) m~~M~~ortgage lending company currently approved by the Federal Housing Administration to act as a mortgagee, and qualified to transact business in the State of Arizona, and having a business office within the Phoenix metropolitan area.

~~(Prior Document, Ch. 2 § 7.03.01)~~

~~(B) *Definitions beginning with "B."*~~

BLOCK. A piece of land, or parcel of land, or group of lots, entirely surrounded by public streets, private streets, water courses, ~~railroads,~~ parks, greenways, or a combination thereof.

~~(Prior Document, Ch. 2 § 7.03.02)~~

~~(C) *Definitions beginning with "C."*~~

CC&R. Conditions, covenants and restrictions. See also ***PROTECTIVE COVENANT.***

CEMETERY. Any ~~1~~ one or combination of more than ~~1~~ one of the following, in a place dedicated and used or intended to be used for cemetery purposes:

(a) A burial park, for earth interment;

(b) A mausoleum, for crypt or vault entombments; or

(c) A crematory, or a crematory and columbarium, for cinerary interments.

CHANNEL. A natural or artificial water course, including dry washes, at perceptible extent with definite bed and banks to confine and conduct continuously or periodically flowing water.

CONDITIONAL APPROVAL. An affirmative action indicating that approval will be forthcoming upon satisfaction of certain specified stipulations or conditions.

CONDOMINIUM. Any real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSERVATION LANDS. Retention or acquisition of land for the purposes of preservation and public use.

CONSERVATION EASEMENT. ~~A right granted to a governmental body over privately-owned land to prohibit development of property, including roads and utilities, and to use the land for permanent public open-space purposes.~~ A power invested in a qualified private land conservation organization or government to constrain, as to a specified land area, the exercise of rights otherwise held by a landowner, so as to achieve certain conservation purposes.

CONTROLLED ACCESS HIGHWAY. A divided expressway, including an interstate highway, which provides at least 2 moving lanes in each direction and for

which curb cuts are prohibited and access is fully controlled. These generally serve high-speed interregional traffic or traffic which has either its origin or destination outside the city. Intersections have grade separations and are fully controlled. These routes are continuous throughout the area.

CROSS SLOPE. The percent of slope measured at right angles to the natural contours along a line passing through the center of a probable building site. The lot ***CROSS SLOPE*** shall include the differences in the elevation of the natural grade and the elevation of the street giving access to the lot where this inclusion is necessary to provide safe and convenient access to the lot cut. ~~The land surface which is shaped through the removal of soil, rock or other materials.~~

~~(Prior Document, Ch. 2 § 7.03.03)~~

~~(D) *Definitions beginning with "D."*~~

DESIGN. The street alignment, grades and widths, alignments and widths of easements and rights-of-way for drainage and utility locations and the arrangement and orientation of lots.

DEVELOPER. ~~Shall be deemed to be t~~The person, individual, firm, corporation, partnership, association, syndication, trust or other legal entity or his, her or its successor, assignee or heir who intends to develop land for commercial, industrial or multiple-family or other residential purposes in accordance with the provisions of this ~~C~~chapter~~; and the ***DEVELOPER*** need not be the owner of the property as defined by this Chapter~~.

~~***DEVELOPMENT MASTER PLAN (DMP).*** A preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages.~~

DRAINAGEWAY. An alignment for the purpose of routing stormwater. t~~o include constructing and maintaining of the drainage improvements.~~

~~(Prior Document, Ch. 2 § 7.03.04)~~

~~(E) *Definitions beginning with "E."*~~

EASEMENT. An interest in a defined area of land granted to or owned by another that entitles its holder to specific limited uses and/or purposes.

ENGINEERING PLANS. Plans, profiles, cross-sections and other required details, including narrative or reports, for the construction of improvements, prepared by a registered engineer in accordance with the approved preliminary plat and in compliance with standards of design and construction approved by the city.

EXCEPTION. In legal descriptions of the area to be subdivided, that portion of lands to be deleted or excluded from the subdivided land.

~~(Prior Document, Ch. 2 § 7.03.05)~~

~~(F) *Definitions beginning with "F."*~~

FILL. The placing, storing or dumping of any material, such as (by way of illustration, but not of limitation) earth, clay, sand, concrete, rock, rubble or waste of any kind upon the surface of the ground which results in increasing the natural ground surface elevation.

FILL, SOLID. Any non-combustible material insoluble in water, such as soil, rock, sand or gravel, that can be used for grading land or filling depressions.

FINAL APPROVAL. ~~Unconditional a~~Approval by the ~~C~~council of the final plat as evidenced by the signatures required to complete the certifications necessary for final plat authorization to record the plat.

FINISH GRADE. The final grade or elevation of the ground surface after grading is completed.

FREEBOARD. A factor of safety usually expressed in feet above a design flood level for flood protecti~~ve~~ on~~or control works~~. ~~***FREEBOARD*** tends to compensate for the many unknown factors that can contribute to flood heights greater than the height calculated for a selected size flood; floodway conditions, such as wave action, bridge opening and floodway obstructions; and the hydrological effects of urbanization upon the watershed.~~

~~(Prior Document, Ch. 2 § 7.03.06)~~

(G) *Definitions beginning with "G."*

GENERAL PLAN. An official public document adopted by the ~~C~~council in accordance with A.R.S. § 9-461 and which is a comprehensive, general and long-range policy guide for present and future development with any supplements thereto and which may include elements on but not limited to land use, housing, recreation, streets, schools, governmental services, utility provisions and environmental considerations.

GRADE. The degree of inclination or declination.

GRADING. Any excavating or filling or combination thereof, including:

(a) The conditions resulting from any excavation or fill;

(b) Any alteration of the natural drainage pattern; or

(c) The removal or rearrangement of surface soil.

GROSS LOT AREA. The area of a lot or parcel, including all non-dedicated road rights-of-way and easements.

~~(Prior Document, Ch. 2 § 7.03.07)~~

~~(H) *Definitions beginning with "H."*~~

HOMEOWNERS' ASSOCIATION. An association of ~~homeowners~~ real property owners having responsibilities with respect to common property of a project or specific area or subdivision, including but not limited to condominium associations.

~~(Prior Document, Ch. 2 § 7.03.08)~~

~~(I) *Definitions beginning with "I."*~~

IMPROVEMENTS. Such street work and utilities required to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, highways, alleys, pedestrian ways and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood and for through traffic and drainage needs, and required as a condition precedent to the approval and acceptance of the final plat map~~.~~, ~~Such ***IMPROVEMENT***~~ and may include but is not limited to street improvements—survey monuments, street name signs, guardrails, barricades, safety devices, fire hydrants, grading, retaining walls, storm drains, and flood control channels, erosion control structures, landscaping, sanitary sewers, streetlights, and other facilities as are required by the ~~C~~council, as well as utility installations (water, electric, gas, telephone~~), television cable)~~.

IMPROVED LOT OR PARCEL. A lot or parcel of a subdivision upon which there is a residential, commercial, industrial or public building or structure, or concerning which a valid building permit is in effect to erect such an improvement.

IRRIGATION FACILITIES. ~~Include c~~Canals, laterals, ditches, conduits, gates, pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water and the construction, operation and maintenance of such.

~~(Prior Document, Ch. 2 § 7.03.09)~~

~~(J) *Definitions beginning with "J."* [Reserved]~~

~~(Prior Document, Ch. 2 § 7.03.10)~~

~~(K) *Definitions beginning with "K."* [Reserved]~~

~~(Prior Document, Ch. 2 § 7.03.11)~~

~~(L) *Definitions beginning with "L."*~~

LAND SPLITS. The division of improved or unimproved land the area of which is 2.5 acres or less into 2 or 3 tracts or parcels of land for the purposes of sale or lease.

LOT. ~~A piece or parcel of land under 1 ownership abutting upon at least 1 street, being of at least sufficient size to meet minimum zoning requirements, and separated from other pieces or parcels by description, as in a subdivision or on a record survey map, or by metes and bounds, for purposes of sale, lease or separate use~~ A parcel of real property with a separate and distinct number or other designation shown on a plan or parcel map recorded in the office of the Pinal or Maricopa County Recorder's Office, or a parcel of real property delineated on an approved record of survey, parcel map or subdivision map as filed in the office of the Pinal or Maricopa County Recorder and abutting at least one public street or right-of-way, or easement determined to be adequate for the purpose of access. The word ***LOT*** is synonymous with the word~~s~~ ***PLOT*** or ***PARCEL.***

LOT AREA. ~~The total area measured in a horizontal plane, included within the lot lines of a lot or parcel of land.~~ The total area of a lot measured in a horizontal plane,

included within the lot lines of a lot or parcel of land. Also see ***GROSS LOT AREA*** and ***NET LOT AREA***.

LOT AREA, MINIMUM. See Vol. II, § 1-1-4(C)(3)(j), Zoning Ordinance.

LOT, CORNER. A lot abutting on ~~2~~ two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. ~~A ***CORNER LOT*** shall be considered to be in that block in which the lot fronts. In the event a street line is a curve at its point of intersection with a lot line other than a street line, the tangent to the curve at that point shall be considered the direction of the street line. For the purpose of applying the regulations of this Chapter, any portion of a ***CORNER LOT,*** the nearest frontage of which is more than 100 feet from the point of intersection of the 2 street lines or the 2 tangents, shall not be considered a ***CORNER LOT.***~~

LOT DEPTH. ~~The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.~~ The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT, DOUBLE FRONTAGE (see also LOT, THROUGH). ~~A lot abutting on 2 non-intersecting streets. Also known as ***REVERSE FRONTAGE.***~~ An interior lot abutting two parallel or approximately parallel streets.

LOT, FRONTAGE. A lot boundary line at any point where it abuts a street, right-of-way or easement.

LOT, INTERIOR. ~~A lot having only 1 side abutting a street.~~ Any lot that is not a corner lot.

LOT, KEY. An interior lot, ~~1~~ one side of which is contiguous to the rear line of a corner lot.

LOT LINE. ~~The property line bounding a lot.~~ The legal boundary of a lot or parcel.

LOT LINE ADJUSTMENT. A procedure that may be used under certain specified circumstances as a method for making minor revisions to property lines between two or more existing lots within the same subdivision.

LOT LINE, FRONT. On an interior lot, the front lot line is the property line abutting the street where access is provided. On a corner lot, the front lot line is the shorter property line abutting a street, except in those cases where the subdivision or parcel map specified another line as the front lot line. On a through lot or a lot with three or more sides abutting a street or a corner lot with lot lines of equal length.

LOT LINE, INTERIOR. A lot line not abutting a street.

LOT LINE, REAR. ~~A lot line opposite and most distant from the front lot line and, in the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length wholly within the lot, parallel to and at the maximum distance from the front lot line.~~ A lot line not abutting a street which is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, a line within the lot, parallel to and at a maximum

distance from the front lot line, having a length of not less than 10 feet; also a lot which is bounded on all sides by streets may have no rear lot lines.

LOT LINE, SIDE. Any lot boundary line, not a front or rear lot line. In the case of a corner lot, the lot line abutting the street side and which is not the front lot line shall be termed an ***EXTERIOR SIDE LOT LINE;*** all other side lot lines are termed ***INTERIOR SIDE LOT LINES.***

LOT OF RECORD. A lot which is part of a legal subdivision recorded in the office of the ~~C~~county ~~C~~clerk in the county in which the lot is located, or a lot or parcel described by metes and bounds, or by a rectangular survey system.

LOT OF RECORD, PREEXISTING NONCONFORMING: A tract of land on the date of adoption of this ~~C~~chapter that:

(a) h~~H~~as less than the prescribed minimum lot size, width or depth, or any combination thereof, for the zoning district within which it is located;

(b) i~~I~~s shown by a recorded plat or deed to have been owned separately and individually when creation of a lot of such size, width or depth, or any combination thereof existed at that location~~ would not have been prohibited by any applicable zoning regulations~~; and

(c) h~~H~~as remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that creation of such a lot has been prohibited by the applicable zoning regulations.

LOT, THROUGH. An interior lot abutting ~~2~~ two parallel or approximately parallel streets.

LOT, USABLE AREA. That portion of a lot usable for or reasonably adaptable to the normal use for which the lot is intended and not including area which is covered by water, is excessively steep, or has its normal use restricted by certain types of easements or setbacks.

LOT WIDTH. ~~The width of a lot shall be either:~~

~~(a) If the side property lines are parallel, the shortest distance between these side lines: or~~

~~(b) If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the zoning district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.~~ The distance between side lot lines measured perpendicular to the lot depth at the front setback line.

LOW IMPACT DEVELOPMENT. Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat.

~~(Prior Document, Ch. 2 § 7.03.12)~~

~~(M) *Definitions beginning with "M."* [Reserved]~~
~~(Prior Document, Ch. 2 § 7.03.13)~~
~~(N) *Definitions beginning with "N."* [Reserved]~~
~~(Prior Document, Ch. 2 § 7.03.14)~~
~~(O) *Definitions beginning with "O."*~~

OBSTRUCTION, ARTIFICIAL. Any hindrance which is not naturally existing.

OPEN SPACE LANDS ~~or ***OPEN AREA***~~**.** ~~Any space or area characterized by great natural scenic beauty or whose existing openness, natural condition or present state or use maintains or enhances the conservation of natural or scenic resources or the production of food and fiber.~~ The area or areas of a lot, parcel, or tract intended to provide light and air, and is designed and set aside for either scenic, aesthetic, conservation, or recreational purposes, excluding buildings, parking, man-made retention areas, driveways and other vehicular surfaces.

OWNER. The person or legal entity who has the right to possess and use real property to the exclusion of others.
~~(Prior Document, Ch. 2 § 7.03.15)~~
~~(P) *Definitions beginning with "P."*~~

PARENT PARCEL. A large parcel of land from which smaller parcels have been subdivided.

PEDESTRIAN WAY. A public walk dedicated entirely through a block from street to street or parallel to a street and/or providing access to a school, park, recreation area or shopping center.

~~***PERFORMANCE AGREEMENT.*** A written document submitted to and approved by the city setting forth certain agreements as to the construction of public improvements.~~

PERSON. Any individual, corporation, partnership, company, firm, association or any other form of multiple organizations which may carry on business, foreign or domestic, or its successors or assignees, or the agent of any of the aforesaid.

PLAT. A map of a subdivision.

PLAT, FINAL. A final map, including supporting data and attachments of all or part of a subdivision essentially conforming to an approved preliminary plat and prepared in accordance with this Chapter and any other applicable statutes.

PLAT, PRELIMINARY. A preliminary map, including supporting data and attachments, indicating a proposed subdivision prepared in accordance with this ~~C~~chapter and any other applicable statutes.

PLAT, RECORDED. A final plat, including supporting data and attachments, and containing all of the certificates of approval required by this ~~C~~chapter and the state of Arizona and recorded in the ~~C~~county ~~R~~recorder's office of the county within which the

subdivision is located.

PRINTS. To include but not limited to making reproductions of the original document by blueline or blackline (ozalid) prints.

PRIVATE ACCESS WAY. Any private street or private way of access to ~~1~~ one or more lots which is owned and maintained by an individual or group of individuals and has been improved in accordance with city standards and plans approved by the ~~City Engineer~~ development services project engineer~~and inspected by the City Engineer~~. ~~A ***PRIVATE ACCESS WAY*** is intended to apply where its use is logically consistent with a desire for neighborhood identification and control of access and where special design concepts may be involved, such as within planned development areas, mobile home developments, sublot developments, and hillside areas.~~

PROTECTIVE COVENANT. A restriction on specified uses of private property within a subdivision for the purpose of providing mutual protection against undesirable aspects of development, usually in the form of ~~. ***PROTECTIVE COVENANTS*** regulating the use of land represent~~ an express agreement between the lot purchasers and the lot sellers (usually subdivider). ~~(Conditions, Covenants and Restrictions = ***CC&Rs***.)~~

PUBLIC IMPROVEMENT ~~PER FORMANCE~~ PERFORMANCE STANDARDS (ENGINEERING STANDARDS). A set of regulations setting forth the details, specifications and instructions to be followed in the planning, design and construction of certain public improvements in the ~~C~~city ~~of Apache Junction~~.

~~(Prior Document, Ch. 2 § 7.03.16)~~

~~(Q) *Definitions beginning with "Q."* [(Reserved]~~

~~(Prior Document, Ch. 2 § 7.03.17)~~

~~(R) *Definitions beginning with "R."*~~

RECLAMATION. A process of restoring land to its former or other productive use which achieves a stable ecological state, and which does not contribute substantially to environmental deterioration or the degradation of surrounding aesthetic values.

RETENTION BASIN/AREA. A pond, pool, basin, or area used for the permanent storage of water runoff.

RIGHT-OF-WAY. The entire strip of land lying between the property lines of a street, thoroughfare, or alley ~~or easement~~ dedicated to the public and over which exists a legal right of passage by other persons.

~~(Prior Document, Ch. 2 § 7.03.18)~~

~~(S) *Definitions beginning with "S."*~~

SALE or ***LEASE.*** Every disposition, transfer or offer, or attempt to dispose of or transfer land in a subdivision or an interest therein by a subdivider or his or her agent, including the offering of such property as a gift or prize if a monetary charge or consideration for whatever purpose is required by the subdivider or his or her agent.

SEPTIC SYSTEM. A sewage system usually consisting of a septic tank, distribution box, and septic field or dry-well with service connecting pipes.

STREET. A way designated or intended for general public use, accepted by the ~~C~~council, as a public right-of-way open to vehicular and pedestrian travel or a street shown on a plat heretofore approved pursuant to law or approved by official action; or a street on a plat duly recorded in the ~~C~~county ~~R~~recorder's office. It shall not include a controlled access highway, thoroughfare, alley, private street or private driveway, but shall include ~~streets using such terms as~~ "avenue," "boulevard," "circle," "court," "drive," "lane," "place," "road," "row," ~~"street,"~~ "walk" and other similar designations. ~~A ***STREET*** includes~~ Also included is the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, curbs, gutters, sidewalks, viaducts, bridges, utilities, lawns and parking areas. Street types shall include the following:

(a) ***ARTERIAL.*** Provides for through traffic movement between areas of the city and which is used or is intended to be used as part of the principal network for through traffic within the city.

(b) ***COLLECTOR.*** That which is used or is intended to provide for the movement of traffic between major arterials and local streets within the city and may have direct access to abutting property.

(c) ***CUL-DE-SAC.*** A local street having only ~~1~~ one outlet for vehicular traffic with a turn-around at the opposite end.

(d) ***FRONTAGE.*** A local street which is parallel to and adjacent to an arterial, limited access highway or thoroughfare, and which provides access to abutting land while relieving them of the effects of through traffic on the adjacent parallel facility. (Also referred to as ***MARGINAL ACCESS STREET.***)

(e) ***LOCAL.*** Used primarily for providing direct access to abutting land and for local traffic movement connecting to collector and/or ~~major~~ arterial streets.

STREET, CENTERLINE OF. A line established as a centerline of a street by any state, county, municipality or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map. Where street lines are indeterminate or where no official centerline of a street exists, the ***CENTERLINE*** shall be established by the ~~D~~director of ~~P~~public ~~W~~works or his or her designee.

STREET CLASSIFICATION PLAN. A plan which provides for the development of a system of major streets and highways, including the location, width and alignment of existing and proposed thoroughfares.

STREET LINE. A line defining the edge of a street right-of-way and separating the street from abutting property or lots. If on the Street Classification Plan duly adopted by

the ~~C~~council a street is scheduled for future widening, the proposed right-of-way line shown on the plan shall be the ***STREET LINE.***

STREET WIDTH. The distance between street lines, measured at a right angle to the centerline of the street.

SUBDIVIDER. A person, firm, corporation, partnership, association, syndication, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of this ~~C~~chapter and any other applicable ordinance or statute, except that an individual serving as agent for such legal entity is not a ***SUBDIVIDER.***

SUBDIVIDER AGREEMENT. A written document submitted to and approved by the city setting forth certain agreements as to the development of the subdivision.

SUBDIVISION or ***SUBDIVIDED LANDS.***

(a) Improved or unimproved land or lands divided or proposed to be divided for the purpose of financing, sale or lease, whether immediate or future, into ~~4~~ four or more lots, tracts or parcels of land or, if a new street is involved, any such property as is divided into ~~2~~ two or more lots, tracts or parcels of land or any such property, the boundaries of which have been fixed by a recorded plat which is divided into more than ~~2~~ two parts. ***SUBDIVISION*** also includes any condominium, cooperative, community apartment, townhouse or similar project containing ~~4~~ 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 airspace above the property shown on the plat are to be divided.

(b) ***SUBDIVISION*** does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if the sale or exchange does not create additional lots;

2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership; or

3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor mineral, oil or gas leases.

SURVEYOR. A ~~licensed~~ registered land surveyor authorized to practice in the State of Arizona under A.R.S. Title 32.

~~(Prior Document, Ch. 2 § 7.03.19)~~

~~(T) *Definitions beginning with "T."*~~

~~***THOROUGHFARE.*** A primary route which has at least 2 moving lanes in each direction which may be separated by a median. ***THOROUGHFARES*** generally serve to move traffic over relatively long distances within the city. Intersections are usually at grade. Direct curb cuts to abutting property are provided, but controlled by permit of the~~

~~Arizona Department of Transportation and/or the City of Apache Junction.~~

TRACT. A defined area of land regardless of size.

~~(Prior Document, Ch. 2 § 7.03.20)~~

~~(U) *Definitions beginning with "U."*~~

UNIMPROVED LOT OR PARCEL. A lot or parcel of a subdivision which ~~is not improved~~ has no development.

UTILITIES. Installations or facilities, underground or overhead, furnishing for the use of the public (e.g., communication, drainage, electricity, gas, water, sewer, stormwater disposal, solid waste disposal and steam) which are 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 sense requires.

~~(Prior Document, Ch. 2 § 7.03.21)~~

~~(V) *Definitions beginning with "V."*~~

~~***VARIANCE.*** A modification of the terms of this Chapter.~~

~~(Prior Document, Ch. 2 § 7.03.22)~~

~~(W) *Definitions beginning with "W."*~~

WALKWAY, COMMON. Any parcel of land privately owned, contained within a building site area, and appropriated to the passage of tenants, employees or owners, but not a private walkway.

WALKWAY, PRIVATE. Any parcel of land or extension of a dwelling unit appropriated to the passage of the resident of that dwelling unit to a common walkway, public walkway, driveway or street.

WALKWAY, PUBLIC. Any parcel of land appropriated and dedicated by action of the ~~C~~council to the free passage of the general public.

WATER SUPPLY. Such ~~water supply~~ system and distribution facilities as are necessary to provide a reliable and adequate ~~***WATER SUPPLY***~~ amount for private use and public fire protection services.

~~(Prior Document, Ch. 2 § 7.03.23)~~

~~(X) *Definitions beginning with "X."* [Reserved]~~

~~(Prior Document, Ch. 2 § 7.03.24)~~

~~(Y) *Definitions beginning with "Y."* [Reserved]~~

~~(Prior Document, Ch. 2 § 7.03.25)~~

~~(Z) *Definitions beginning with "Z."*~~

ZONING. The public regulation of the character and intensity of the use of real estate. ~~This is accomplished by ordinance creating the establishment of districts or areas in each of which uniform restrictions, relating to improvements, structure height, areas, bulk, density of population, and other limitations, are prescribed for the use and~~

~~development of private property.~~
~~(Prior Document, Ch. 2 § 7.03.26) (Ord. passed 2-16-1982)~~

APPENDIX

PRELIMINARY AND FINAL PLAT CONDITIONS

The preliminary and final plat shall conform to the city's zoning ordinance requirements, specific zoning stipulations, and subdivision regulations. The following information shall be provided on the preliminary and final plat:

Legend

X = Required
- = Not Required
✓ = Requirement Satisfied
0 = Requirement not satisfied

Required Submittal	***Pre-Plat***	***City Review***	***Final Plat***	***City Review***
Submittal Requirements				
(1) The maximum allowable drawing size is 24" x 36".	**X**		**X**	
(2) Scale no smaller than 1 inch = 100 feet. The scale shall be noted on each sheet.	**X**		**X**	
(3) The minimum height of all text and lettering shall be 0.125 inch (1/8 inch), provided in full density black ink.	**X**		**X**	
Cover sheet information				
(4) The subdivision's name.	**X**		**X**	
(5) The subdivisions location as defined by its section, township, range, and county shall be shown on the final plat. This information shall be included in the heading portion of the cover sheet. If the subdivision is located in part or total over a previously recorded plat, make appropriate record reference in the heading statement.	**X**		**X**	
(6) Vicinity map with city limit lines shown, if adjacent to the proposed subdivision.	**X**		**X**	

(7) Sheet Index is required when the preliminary/final plat contains more than 2 sheets.	**X**		**X**	
(8) Developer's name, address and phone number.	**X**		**-**	
(9) The design professional's name, address and phone number.	**X**		**-**	
(10) All elevations shown on the preliminary plat shall be referenced to an approved city benchmark per NAVD 88. The benchmark number, description and elevation shall be shown.	**X**		**-**	
(11) Site data to include: gross area, net area, open space percentage, number of lots, existing and proposed zoning, density percentage, lot area table in square feet and acres, curve and line data table, tract use and area table in square feet and acres showing all tracts that will be dedicated to the city.	**X**		**X**	
(12) Property legal description for the exterior boundaries of the subdivision.	**X**		**-**	
(13) Add the following notes: *a) All tracts not dedicated to the City of Apache Junction shall be improved in accordance with the approved plans and deeded to the Homeowners' Association upon recordation of the final plat. Tracts shall not be conveyed to any private or public entity without prior City Council approval.* *b) The maintenance of landscaping and drainage areas either within the public right-of-way and/or up to a perimeter wall or fence or private yard shall be the responsibility of the homeowners' association or the abutting lot, tract or parcel owner.* *c) Construction within utility easements shall be limited to utilities, fences and driveways.* *d) No structures, earthwork or other construction shall be carried out in drainage paths or retention basins as shown on the approved improvement plans and, except as may be approved by the*	**X**		**X**	

Development Services Project Engineer. Fencing shall be limited to wire-strand or break-away sections that cannot impede water flow or collect debris which would impede water flow. Vegetation shall not be planted nor allowed to grow within drainage paths, easements or retention basins which would impede the flow of water. *e) Maintenance of the drainage areas within the tracts and easements shall be the responsibility of the _____ Homeowners' Association. Should the Association not adequately maintain them, the governing entity having jurisdiction over the area in which the tract or the easement is located, at its discretion, may enter upon and maintain the drainage areas, and assess the Homeowners' Association the cost of maintenance.* *f) The overhead utility lines on or adjacent to the site shall be undergrounded as outlined in § 1-8-6(K), Relocation of Overhead Wires and Equipment, Zoning Ordinance, Vol. II, Apache Junction City Code. All existing and proposed onsite overhead utility lines shall be placed underground.*				
(14) The basis of bearings shall be shown with a reference to appropriate horizontal control as outlined in §10-1-4(B)(2) Horizontal and Vertical Control, Engineering Standards, Vol. II, Apache Junction City Code.	**X**		**X**	
(15) A key map shall show all tracts, parcels and lots by number or letter.	**-**		**X**	
(16) The name, address and registration number of the registered land surveyor preparing the final plat shall be shown on the plat with the state of Arizona seal, signature, and date provided.	**-**		**X**	

(17) Street right-of-way dedication to the city and a note referencing drainage, utility, roadway easements stating: "Easements are dedicated for the purposes shown" shall be mentioned in the dedication statement.	-		**X**	
(18) Add the following certifications: *a) This is to certify that this final plat is a correct representation of all the exterior boundaries of land surveyed and the subdivision of it; that I have prepared the description of the land shown on the final plat and I hereby certify to its correctness, and that all lots are staked or will be staked and all monuments are set or will be set within one year after recordation.* *_____* *Seal and signature of the Arizona registered land surveyor* *b) This final plat has been checked for conformance with the requirements of the Land Development Code and any other applicable ordinance and regulations and that assurances have been provided for improvements in the amount of $_____.* *_____* *Development Services Project Engineer Date*	-		**X**	

c) Approved by the Council of the City of Apache Junction, Arizona this _____ day of _____, 20__. And the City Council accepts the rights-of-way dedicated herein on behalf of the Public. The subdivider has provided a Certificate of Assured Water Supply as required by Arizona Revised Statues (ARS) § 45-576 or evidence that the area has been designated by the Arizona Department of Water Resources as having an assured water supply. *BY: _____* *Mayor* *Attest: _____* *City Clerk*				
(19) The following statement shall appear in the dedication statement: *Tracts _____, _____ and _____, (include all applicable tracts) are not to be construed to be dedicated to the public or city, but are deeded to* *_____* *Homeowners' Association for its use and enjoyment as more fully set forth in the Declaration of Covenants, Conditions and Restrictions and said Association shall be responsible for the maintenance thereof.*	-		X	
(20) The dedication statement shall be signed by the land owner. If the owner is a partnership, corporation, or limited liability company the Article of Incorporation or a certified copy of a resolution by the Board of Directors authorizing the individuals signing the final plat to act on its behalf is required.	-		X	

(21) All holders of deeds of trust shall sign a lienholder ratification statement as a beneficiary, if lands being subdivided are encumbered. The following lienholder ratification statement shall be shown: *<u>Lienholder Ratification</u>* *Know All Men By These Presents:* *That The Undersigned as Beneficiary of That Certain Deed Of Trust Recorded In Fee No. _____, Records Of Pinal County, Arizona, Hereby Ratifies, Affirms And Approves This Final Plat, The Declaration Of Restrictions Recorded Concurrently Herewith And Each And Every Dedication Contained Herein.* *IN Witness Whereof, The Undersigned Have Signed Their Names This _____ Day Of _____, 20__.* *[Beneficiary Name as Shown in the Title Report]* *By:_____* *Its _____*	-		**X**	
(22) The following notary public acknowledgment statement is required for the dedication statement and the leinholder ratification statement:				

Acknowledgment *State of)* *) SS* *County of)* *On this _____day of _____, 20__, before me, the undersigned, personally appeared _____, who acknowledged himself/herself to be the person whose name is subscribed to the instrument within, and who executed the foregoing instrument for the purposes therein contained.* *IN WITNESS WHEREOF, I have hereunto set my hand and official seal.* *_____* *NOTARY PUBLIC* *My Commission expires:* *_____*	-		X	
Plat layout sheet information				
(23) North arrows shall be shown on each sheet.	X		X	
(24) A "Legend" for all symbols utilized on the plat shall be shown on each sheet.	X		X	
(25) The existing topography shall be represented by a 2' maximum contours or better data, if available.	X		-	
(26) All existing buildings and significant structures shall be shown. Any modifications shall be noted.	X		-	

(27) All wells, washes, canals, irrigation laterals and ditches, lakes and other water features. Any modifications shall be noted, along with an indication of any building or structure which shall remain.	**X**		**-**	
(28) The subdivision boundary shall extend to the monument lines of adjacent streets, if the rights-of-way are not dedicated.	**X**		**X**	
(29) Existing fire hydrants within 500 feet and streetlights within 200 feet of the site shall be shown.	**X**		**-**	
(30) Proposed water, sewer, streetlight improvements, sidewalks, paths, entrance features/monument sign, and public and private community facilities such as parks, schools, fire stations, library, police station, community buildings, etc. shall be shown.	**X**		**-**	
(31) City corporate limit to be outlined when they are adjacent to or near the subdivision.	**X**		**X**	
(32) The names of all subdivisions adjacent to the subject property shall be shown, along with the recording information and zoning classification.	**X**		**X**	
(33) The property owners' names of all adjacent parcels (non-subdivision) to the proposed subdivision shall be shown along with the parcel number and zoning classification.	**X**		**X**	
(34) Proposed phasing shall be shown.	**X**		**X**	
(35) Typical detail of lot dimension and setbacks.	**X**		**X**	
(36) Curvilinear back lot lines are discouraged. Every effort shall be made to avoid them.	**X**		**X**	
(37) All lots shall be numbered consecutively beginning with Lot No. 1, and tracts and parcels be				

lettered consecutively beginning with Tract or Parcel "A". Exception parcels shall be labeled with the boundary traverse data and area to be noted.	**X**		**X**	
(38) Private streets shall be designated as tracts with 24-foot minimum width of pavement; two-foot (2') curb and gutter, and four-foot (4') sidewalk on both sides of the street and shade trees. Structural Pavement section for private streets shall conform to public street standards, as outlined in Appendix 10-D, Standard Details AJ-20.1 through AJ-20.2, Engineering Standards, Vol. II, Apache Junction City Code.	**X**		**X**	
(39) Rights-of-way to be dedicated to the city shall be shown. All rights-of-way which expand on existing dedicated rights-of-way shall be defined and dimensioned.	**X**		**X**	
Survey Requirements				
(40) Two (2) separate survey ties to two (2) section corners or quarter-section corners are required. The type of monumentation shall be defined. Survey ties shall meet the criteria shown in §10-1-4(B)(2) Horizontal and Vertical Control, Engineering Standards, Vol. II, Apache Junction City Code. Subdivision's boundary and survey shall be tied into the City GDACS grid.	**X**		**X**	
(41) Survey data is required for the entire subdivision boundary traverse and streets centerlines. For tangents this consists of bearings and distances. For curves this consists of radii, delta angles and curve lengths. On non-tangent curves, show radial bearings.	**X**		**X**	
(42) Show names of existing and proposed public and private streets.	**X**		**X**	
(43) Boundary closure calculations are required with error of closure for the subdivision's exterior boundaries, tracts, parcels, and lots.	**-**		**X**	

Street design requirements				
(44) Show plan's layouts for public and private streets, and easements.	**X**		**-**	
(45) The sizes, depth, and types of all existing utility infrastructure within and adjacent to the subdivision shall be shown. Dimensional ties to street centerlines are required for all utility lines.	**X**		**-**	
(46) 20' x 20' triangular corner cutoffs shall be dedicated to the city at all streets lines and alleys intersections to accommodate a sidewalk ramp and provide a space for traffic signal equipment such as poles and/or cabinets, if needed. It also creates an area for a site visibility triangle by preventing land owners from building walls blocking view of traffic.	**X**		**X**	
(47) 33' x 33' feet sight triangle measured at the intersection of lot lines is to be provided where streets, alleys, or driveways intersect. Also, the sight distances shall be calculated to assure that no structure or planting higher than 36 inches is allowed in the area.	**X**		**X**	
(48) Show typical cross sections for proposed improvements of exterior and interior streets.	**X**		**-**	
(49) Proper turnarounds are required at all dead-end streets and alleys. Cul-de-sac and turnaround geometrics for public and private streets shall meet the city and the fire district requirements. Connections to abutting subdivisions to create connectivity and walkability shall be provided.	**X**		**X**	
(50) Public streets rights-of-way widths and cross-sections shall comply with city standards unless exceptions are required or approved by the City Engineer or the City Council.	**X**		**X**	
(51) Provide Traffic Impact Analysis as outlined in ADOT publication 35-209, and a traffic circulation	**X**		**X**	

study.				
(52) The street light district shall be established prior to final plat recordation.	-		X	
Easements and Rights-Of-Way Requirements				
(53) Show existing and proposed rights-of-way and easements widths. Proposed extinguishment and abandonment of rights-of-way and easements shall be noted.	X		X	
(54) 1' vehicular non-access easement is required for streets and lots abutting retention basins and lots abutting perimeter streets rights-of-way.	-		X	
(55) Easements to be extinguished shall include the following: *a) A letter from the utility companies agreeing to the abandonment.* *b) A legal description and Pinal County recording information and limits of the abandonment.* *c) The following statement located above the Mayor's approval block is required on the final plat:* *"By acceptance of this final plat, the City of Apache Junction agrees to the extinguishment of the easements described and shown hereon".*	-		X	
(56) Existing right-of-way to be abandoned/extinguished shall include the following: *a) The City Engineer shall approve the abandonment/extinguishment.* *b) The City Attorney shall approve as to form of the abandonment/extinguishment resolution.* *c) A filing fee and appraisal fee shall be paid.*	-		X	

d) The abandonment shall be in accordance with the requirements and procedures of the Public Works Department.				
Drainage Design and Requirements				
(57) Flow drainage arrows shall be shown for all drainage areas, storm drains, and streets.	**X**		**-**	
(58) All portions of the development within the FEMA 100-year flood zones shall be identified. FEMA Special Flood Hazard Area (SFHA) on or adjacent to the subject subdivision shall be drawn and labeled, including any determined floodway boundaries. Provide flood zone information per the following table:	**X**		**X**	

Community Number	*Panel Number*	*Suffix*	*Date of FIRM*	*Flood Zone*	*Base Flood Elevation*

(59) Submit a preliminary drainage report in accordance with Article 10-4 Stormwater Management, Engineering Standards, Vol. II, Apache Junction City Code. Adequate details are required to demonstrate the layout feasibility.	**X**		**-**	
(60) The storm drainage system shall comply with the standards presented in Article 10-4 Stormwater Management, Engineering Standards, Vol. II, Apache Junction City Code. All retention areas and drainage channels along with their cross sections shall be shown on the preliminary plat.	**X**		**-**	
General Requirements				
(61) Each sheet of the preliminary and final plat shall be sealed and signed by the design registered	**X**		**X**	

professional in the State of Arizona.				
(62) Submit a current Title Report, no older than 6 months at preliminary plat submittal. An updated report no older than 30 days is required to be submitted prior to final plat recordation. Include Schedules "A" and "B" together with an ALTA survey.	**X**		**X**	
(63) A detailed infrastructure analysis is required and shall include traffic, water and wastewater.	**X**		**-**	
(64) Name changes to the development will only be allowed: *a) After verifying any name conflicts through the Arizona Department of Real Estate and providing the city with a copy; and* *b) Prior to the preliminary plat approval by the City Council.*	**X**		**-**	
(65) Areas within the subdivision that may represent soil or topographical hazardous conditions or requiring special precautions shall be identified to insure that the proposed uses of these areas are compatible with such conditions, such as natural features, rock outcrop, fissure, riparian corridors, etc.	**X**		**-**	
(66) The final plat shall provide private cross access easements for pedestrian, vehicular, drainage access.	**-**		**X**	
(67) Phasing of the final plat and the improvement plans shall be allowed only for large tracts greater than 40 acres, and if approved by the Development Services Project Engineer.	**-**		**X**	
(68) Engineer's Cost Estimate shall be provided for the construction of all public improvements to determine the amount of construction assurance required.	**-**		**X**	

(69) The construction assurance shall be submitted and approved by the Public Works Department, prior to the approval of the improvement plans and the recordation of the final plat.	-		**X**	
(70) Submit copies of the approvals to construct water and sewer issued by Arizona Department of Environmental Quality ("ADEQ"), as required per Item 13(g), § 10-2-17 Civil Engineering Plan Review Checklist, Engineering Standards, Vol. II, Apache Junction City Code.	-		**X**	
(71) Submit a copy of the Assured Water Certificate for the 100 year water supply, issued by Arizona Department of Water Resources ("ADWR") for sites located within the Arizona Water Company, or a Designation of Assured Water Supply letter for sites located within the Water Utilities Community Facilities District ("WUCFD").	-		**X**	
(72) All official seals and stamps affixed to the final plats shall be in black ink or as required by the Pinal County Recorder's Office.	-		**X**	
(73) A 4 mil Mylar of the final plat shall be submitted to the Development Services Project Engineer for final approval and recordation, along with an electronic copy in DWG and PDF formats.	-		**X**	

~~**Disclaimer:**~~
~~This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing Corporation provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.~~

~~For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.~~

~~© 2015 American Legal Publishing Corporation~~
~~techsupport@amlegal.com~~
~~1.800.445.5588.~~