CHAPTER 2: SUBDIVISION AND MINOR LAND DIVISION REGULATIONS

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§ 2-1-1 SHORT TITLE.

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

§ 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.

§ 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.

§ 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.~~

§ 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.

§ 2-1-~~7~~ 6 MINIMUM REQUIREMENTS.

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

§ 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.

§ 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.

Penalty, see Apache Junction City Code, Vol. I, § 1-1-11.

§ 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.

§ 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.

§ 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.

§ 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.

(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 ~~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 effects 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 a compliance with the provisions of these regulations or stipulations ~~are being complied with~~ has been achieved. 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-~~a~~Application Conference
Stage II	Conceptual Subdivision Plat (optional)
Stage III	Preliminary Plat
Stage IV	Final Plat

§ 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~~,~~. ~~a~~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.

§ 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 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 city's other 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.

§ 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 Pplanning 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. Ddirector of Ppublic Wworks;
2. Ccity Eengineer 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. Ppolice Cchief for review of the proposed development relative to public safety;
4. 5. Ffire district Cchief for review of the proposed development relative to fire protection;
5. 6. Ccounty Hhealth Ddepartment 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. Ssuperintendent of the appropriate school district;
7. 8. United States Postmaster at Apache Junction, Arizona;
8. 9. Ccounty Eengineer and Director director of Ccounty Pplanning, 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 Pplanning Ddivision. 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.

(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" x 36" 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~~;~~.

(5) 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.

(6) The director or his or her designee may require an applicant to adhere to all preliminary plat requirements during the final plat process, such as, but not limited to, establishing an HOA and including CC&Rs in its deeds setting forth the perpetual obligation to financially contribute for the maintenance of all community

areas such as private roads, pools, and playground and recreational areas.

(~~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)~~ (7) 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.

(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)~~ (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.

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.~~

§ 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 Dd~~evelopment ~~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 Dd~~evelopment ~~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.

(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.

§ 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.

§ 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~~ 750 feet measured from the intersection of right-of-way lines to the extreme depth of the turning circle along the street centerline, and serve no more than 24 dwellings. 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.

§ 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.

§ 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.

§ 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

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

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
2-5-5 Lot combination

§ 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.

(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.~~

~~(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.~~

~~(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.~~

~~(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.

~~(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 ~~C~~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.

§ 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.

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

(A) *Approval of map.* The division of land defined by this ~~A~~article ~~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 ~~C~~city ~~C~~council.

(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.

(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~~ x 24" ~~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 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.

(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 ~~M~~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 by~~x 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;

(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.~~

(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" x 24" 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.

§ 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 hereby grants the development services director or his or her designee, hereinafter 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 result 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 eighteen inches by twenty-four inches (18" x 24").

E. Lot line adjustment application process.

1. Completed city lot line adjustment application form shall be submitted to the director.

2. Lot line adjustment survey submittal: 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. Recording fees are separately applied by the county recorder's office.
4. 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. The written notice shall specify the reasons for denial.

F. Decision. The director shall render a decision to approve or reject the application of the proposed lot line adjustment within thirty (30) days after submittal. If approved, then one finalized mylar 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 Board of Adjustment. If approved, the applicant shall submit the following:

1. A final, recordable, reproducible, mylar map eighteen inches by twenty-four inches 18" x 24" 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 thirty (30) 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.

G. Appeal. An appeal of the director's decision to the Board of Adjustment shall be filed, in writing, with the development services department within thirty (30) days from the date of the Board's decision. The Board of Adjustment shall consider the appeal as set forth in A.R.S. §9-462.06.

§ 2-5-5 LOT COMBINATION.

A. Purpose and applicability. The lot combination process allows an owner of two or more contiguous lots, which are not in a platted subdivision and/or in a planned development zoning district, to combine the lots into one lot without a subdivision plat amendment. For purposes of this article, a lot combination shall conform to the following provisions:

1. The proposed lot combination shall not violate any provision of the city land development code, or other provisions of applicable ordinances and regulations.
2. The proposed lot combination shall not substantially reduce the amount of privacy currently enjoyed by nearby property owners.
3. The proposed lot combination shall not substantially and adversely affect traffic or traffic circulation, drainage, sewage treatment systems, or other such systems.
4. The lot combination does not create a situation where the proposed use of the property will create a hazard or nuisance.
5. The lots being combined shall be contiguous, and if in a platted subdivision, shall not include lots located in another separate subdivision.
6. The lots shall have the same owner.
7. The lots being combined shall have the same zoning designation.
8. The applicant shall obtain a new assessor parcel number through the county assessor's office.

B. The council hereby grants the development services director or his or her designee, hereinafter referred to as "director," the power and authority to administratively review and approve or disapprove a lot combination of parcels within the city, as per the regulations contained herein.

C. General standards.

1. All lot combinations shall comply with all the requirements of the

specific zoning district in which the divisions are located.

2. No lot combination shall result in more dwelling units than are permitted by the zoning district for which the lot or parcel is located.
3. No lot combination shall result in a split zoning classification on a single lot or parcel.
4. No lot combination shall result in the creation of a non-conforming structure or use.
5. No lot combination shall result in a lack of legal access as defined by city standards to any lots or parcels created by the combination.

D. Application requirements. This section outlines the minimum information needed to enable the city to make informed and expeditious decisions regarding applications for lot combinations. 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 eighteen inches by twenty-four inches (18" x 24").

E. Lot combination application process.

1. Completed city lot combination application form shall be submitted to the director.
2. Lot combination survey submittal: 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. Recording fees are separately applied by the county recorder's office.
4. If necessary to accurately review the application, the director may require additional information to be shown on the lot combination map, including buildings, structures, streets, driveways, and other information. If rejected, written notice shall be provided to the applicant via first class mail. The written notice shall specify the reasons for denial.

F. Decision. The director shall render a decision to approve or reject the application of the proposed lot combination within thirty (30) days after submittal. If approved, then one finalized mylar lot combination map shall be submitted to the director for final signature and recordation, and a copy of the recorded lot combination map shall be sent to the applicant. If the proposed lot combination 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 Board of Adjustment. If approved, the applicant shall submit the following:

1. A final, recordable, reproducible, mylar map eighteen inches by twenty-four inches 18" x 24" consistent with the approved lot combination 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 combination map with the county recorder's office within thirty (30) days of approval. The original mylar of the recorded lot combination map shall become the property of the city.
4. Within one (1) year of lot combination map approval, the owner/applicant shall record a deed for the new combined lot and shall utilize the approved legal description for the newly created lot combination, as transcribed on the approved lot combination map.
5. Owner/applicant shall provide the planning division with copy of the recorded deed within one (1) year. Failure to record the new deed within one (1) year of approval shall render the approved lot combination null and void.

G. Appeal. An appeal of the director's decision to the Board of Adjustment shall be filed, in writing, with the development services department within thirty (30) days from the date of the Board's decision. The Board of Adjustment shall consider the appeal as set forth in A.R.S. §9-462.06.

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 to 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.
5. The director or his or her designee may require an applicant to adhere to all preliminary plat requirements during the final plat process, such as, but not limited to, establishing an HOA and including CC&Rs in its deeds setting forth the perpetual obligation

to financially contribute for the maintenance of all community areas such as private roads, pools, and playground and recreational areas.

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 ~~C~~chapter, 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 ~~C~~chapter, ~~terms~~ words and phrases used in this ~~C~~chapter 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 ~~C~~chapter.

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 ~~C~~chapter.

APPROVED LENDING INSTITUTION. Any of the following listed institutions, and any other lending institution approved by the ~~C~~city ~~E~~engineer:

~~(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.

~~*(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.

~~*(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.~~

~~(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. ~~to include constructing and maintaining of the drainage improvements.~~

~~(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.

~~(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.

FLAG LOT. A long, slender strip of land resembling a flag pole that extends from the typically rectangular main section of the lot or the "flag" to the street.

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)~~

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.

~~(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.

~~(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.

~~(J) *Definitions beginning with "J."* [Reserved]~~

~~(K) *Definitions beginning with "K."* [Reserved]~~

~~(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.

~~(M) *Definitions beginning with "M."* [Reserved]~~

MARGINAL ACCESS STREET. A residential or non-residential street parallel and adjacent to a major thoroughfare, which provides access to abutting properties with protection from through traffic.

~~(N) *Definitions beginning with "N."* [Reserved]~~

~~(Prior Document, Ch. 2 § 7.03.14)~~

NET LOT AREA. The area of lot or parcel, excluding dedicated and non-dedicated public road rights-of-way.

~~(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.

~~(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]~~

~~(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.

~~(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.

SPITE STRIP. Strip of land which a grantor reserves in title for himself/herself when transferring a larger interest in land with the intent of compromising the transaction or any development.

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.

~~(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.

~~(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.

~~(V) *Definitions beginning with "V."*~~

~~***VARIANCE.*** A modification of the terms of this Chapter.~~

~~(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.

~~(X) *Definitions beginning with "X."* [Reserved]~~

~~(Y) *Definitions beginning with "Y."* [Reserved]~~

~~(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.~~

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, its successors and/or benefiting properties 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 in perpetuity .*	-		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**	