

# CHAPTER 15

## SUBDIVISIONS REGULATIONS

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# SECTION 1- TITLE; PURPOSE; LEGAL AUTHORITY; JURISDICTION; SEVERABILITY; EFFECTIVE DATE

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## 15.1.1 SHORT TITLE

For the purpose of identification, this Chapter shall be known and may be cited as the *CITY OF ELOY SUBDIVISION REGULATIONS* and will be referred to herein as "this Chapter".

## 15.1.2 LEGAL AUTHORITY

This Chapter is adopted pursuant to the authority contained in the Arizona Revised Statutes section 9-463.01 et seq.

## 15.1.3 PURPOSE AND INTENT

- A. The purpose of this Chapter is to provide for the orderly growth and harmonious development of the City of Eloy; to ensure adequate vehicular and pedestrian traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, flood protection, sanitary sewerage, and other health and safety requirements; to ensure consideration for adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description; and to provide practical procedures for the achievement of this purpose.
- B. In the interpretation and application of this Chapter, it is intended that a common ground of understanding and a sound and equitable working relationship exist between the public and private interests and to this end, the independent and mutual objectives of the public and private interests can be achieved in the subdivision of land.

## 15.1.4 ADOPTION OF EXHIBITS AND MAPS

- A. Exhibits: All exhibits within this Chapter are hereby adopted and shall be incorporated herein as a part of this Chapter.
- B. Maps: All maps within this Chapter are hereby adopted and shall be incorporated herein as a part of this Chapter.

## 15.1.5 JURISDICTION

These regulations shall govern the subdivision of all land in the City of Eloy.

### **15.1.6 SEVERABILITY**

If any section and/or subsection sentence, clause, or phrase of the Subdivision Regulations is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Eloy hereby declares that it would have passed each section, subsection, sentence, clause and phrase of this ordinance irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional. No liability shall be created on the part of the City of Eloy or any district, office, or department or employee thereof for any damages that may result from the application of these regulations or any administrative decision made thereunder.

### **15.1.7 EFFECTIVE DATE**

These Subdivision Regulations shall become effective beginning upon adoption by the City of Eloy City Council and remain in full force hereafter.

## **SECTION 2- ADMINISTRATION AND ENFORCEMENT**

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### **15.2.1 ADMINISTRATION**

- A.** The City of Eloy Planning & Zoning Commission is hereby authorized to receive, process and otherwise act upon the application of preliminary subdivision plats in accordance with these regulations. The Development Review Committee and the Zoning Administrator are hereby designated to advise the Commission and the City Council and charged with the duty of investigating and reporting upon matters referred to them in accordance with these regulations.
- B.** No final plat of subdivision shall be received by the Planning & Zoning Commission and accepted by the City Council unless it conforms to the provisions of these regulations and to the provisions of the Zoning Ordinance for the City of Eloy.
- C.** All applications for action under this Chapter shall be filed initially with the Community Development Department or Zoning Administrator for processing in accordance with this Chapter.

### **15.2.2 COMPLIANCE REQUIRED**

- A.** The division of land, whether by subdivision plat, minor land division, and/or lot split, shall comply with this Subdivision Regulations; the Zoning Ordinance of the City of Eloy; any Zoning Conditions attached to the property being divided; any development agreements; the goals and objectives of the City's adopted General Plan; the Engineering Standards; MAG Uniform Standard Specifications and Details for Public Works Construction; requirements set forth in the City of Eloy

Code of Ordinances; and all other applicable Federal, State, and/or local laws, ordinances, codes, rules, regulations, policies and/or guidelines.

1. Concurrent Processing. If a proposed preliminary plat is inconsistent with the requirements for the zoning district in which the property is located and/or any zoning conditions or stipulations attached to the property ("zoning"), the City will concurrently process the application for the proposed preliminary plat and an application to amend the zoning (rezone) as generally described herein and as further described in the Eloy Zoning Ordinance. (and Chapter 15.3.2, STAGE 1. D.4) The Department shall not accept the submission of the preliminary plat until an application to amend the zoning on the property being platted has been submitted by the property owner or an authorized agent of the property owner and accepted by the Community Development Department. If the ordinance amending the zoning on the property has not been enacted or taken effect prior to the expiration of the substantive review time frame adopted for the review of preliminary plat applications, the application shall be denied prior to the expiration of the substantive review time frame. No pre-development activity for a subdivision that occurs while an application for zoning amendment is pending, including, but not limited to, the processing of a preliminary plat, shall be construed as having been undertaken in reliance on a favorable determination of such zoning application.

### **15.2.3 APPLICATION**

- A. Where this Chapter imposes a greater restriction upon land, land improvement, or development, and land use than is imposed by existing provisions of law, ordinance, contract or deed, this Chapter shall control.
- B. This Chapter shall apply to all subdivisions, land splits, and minor land divisions as defined in Section 15-5 of this Chapter.

### **15.2.4 FILING FEES**

The Mayor and City Council of the City of Eloy may, from time to time, establish, and set by resolution, administrative fees considered necessary to process subdivision applications, and to review improvement plans and construction documents. The subdivider/developer/applicant shall, at the time of filing, pay to the City those established fees. These fees shall be nonrefundable.

### **15.2.5 CONFLICTING REGULATIONS**

Where this Chapter imposes a greater restriction upon land utilization, land improvement or development, and land use than is imposed by existing provisions of law, ordinance, contract or deed, this Chapter shall control.

### **15.2.6 PROHIBITION OF CIRCUMVENTION**

- A. It is unlawful for any person 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 Chapter and of any Subdivision Regulations

which have been duly recorded in the office of the Pinal County Recorder, is recorded in the office of the Recorder, 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 the subdivision plat design and improvement of subdivisions in effect at the time the subdivision was established. The County Recorder shall not record a plat unless the plat has been approved by the City Council.

- B.** No person, firm or corporation shall divide any lot, piece or parcel of land for the purpose of financing, or sell or lease, or offer for sale or lease which:
  - 1. Is within a subdivision as defined in this Section without first having recorded a plat thereof in accordance with the provisions of this Chapter; or
  - 2. Is not within a subdivision as defined in this Section without first having obtained approval by the Zoning Administrator as provided in this Chapter.
- C.** No building permit shall be issued for construction on any lot, piece or parcel of land which is not a part of a recorded subdivision plat or has not been approved by the Zoning Administrator in accordance with the provisions of this Chapter.

### **15.2.7 MODIFICATIONS**

- A.** Where, in the opinion of the City Council, upon recommendation by the Community Development Department or the Planning & Zoning Commission, there exist extraordinary conditions of topography, land ownership or adjacent development, or other circumstances not provided for in this Chapter, the Council may modify these provisions in such a manner and to such extent as it may deem appropriate to the public interest.
- B.** In the case of a plan and program for a planned area development (PAD), the City Council may modify this Chapter in such manner as appears necessary and desirable to provide adequate space and improvements for the circulation, recreation, light, air, and service needs of the development when fully developed and populated and may require stipulations to assure conformance with the achievement of the approved plan.
- C.** In modifying the standards or requirements of these provisions as outlined in this Section, the City Council may make such additional requirements as appear necessary, in its judgment, to secure substantially the objectives of the standards or requirements so modified.

### **15.2.8 VACATION OF PLATS**

- A.** Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a City Council Resolution, to which a copy of such plat shall be attached, declaring the same to be vacated.
- B.** If no lots in a subdivision, for which a final plat has been approved and recorded, have been sold within five (5) years from the date of recordation, or if none of the improvements have been made in accordance with the assurance for completion of improvements, the City Council may, on its own motion, hold a public hearing after notice to determine whether the approval of such Final Plat should be revoked.

Such revocation shall be effective upon recordation of a certified copy of such resolutions; and thereupon, all streets, rights-of-way and easements dedicated or offered for dedication by such plat shall be of no further force or effect.

- C. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat, by petitioning the Council for consideration of the revocation of all or portions of the plat.
- D. Any action considered by the Council relating to the revocation of all or part of a subdivision plat, whether lots or lots and rights-of-way, shall be referred to the City Planning & Zoning Commission for evaluation of at least the following:
  - 1. Correlation of the City General Plan.
  - 2. Correlation with proposed development in adjacent areas.
  - 3. Recommendation as to whether or not zoning changes should accompany such action.
  - 4. Effect of such action on existing development in areas affected by the proposed reversion or abandonment.
  - 5. Effect of such action on existing or proposed public utilities.
- E. Any action taken by the Council on the revocation of a plat or any part thereof, shall be documented by Resolution, and said Resolution shall be recorded in the Office of the Pinal County Recorder. The recordation of this Resolution 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 or easements laid out or described in such plat except as specifically identified in the Resolution.
- F. In modifying the standards or requirements of this Chapter, as outlined above, the Council may make such additional requirements as appear necessary, in its judgment, to secure substantially the objectives of the standards or requirements so modified.

## **15.2.9 VIOLATIONS AND PENALTIES**

### **A. Legal Procedure**

Any building or structure erected or maintained on a lot or parcel of land that is subject to this Chapter, created or established subsequent to this Chapter becoming effective, that is contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the City Attorney shall, upon order of the City Council, immediately commence action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take such other steps, and shall apply to such court or courts as may have jurisdiction to grant relief as will abate or remove such building or structure.

### **B. Remedies**

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or

removal thereof.

### **C. Penalties**

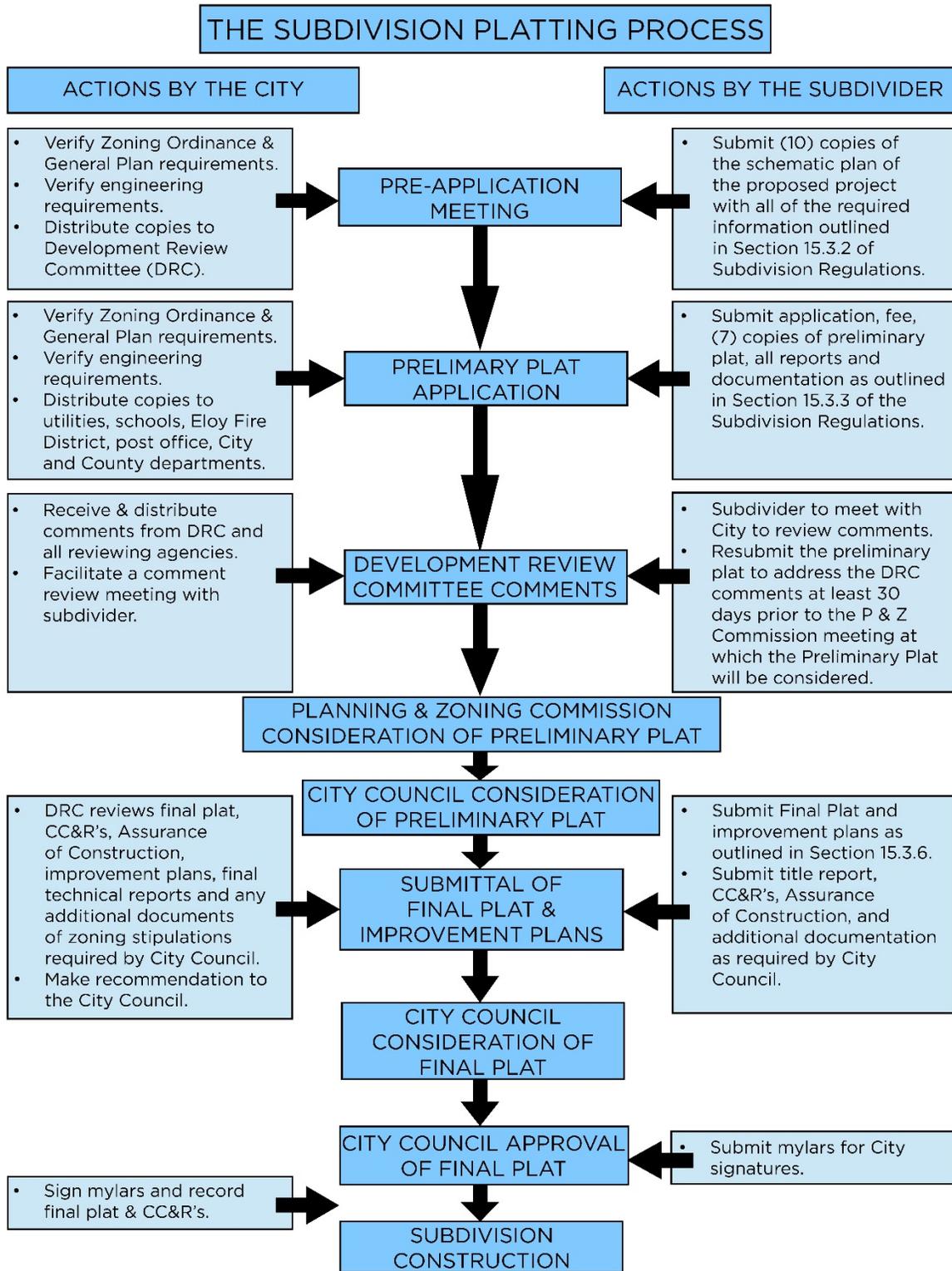
It is unlawful for any person, firm, or corporation to violate, or cause the violation of, any provision of this Chapter. Any person, firm, or corporation violating any of the provisions of this Chapter shall be guilty of a class one misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500) or by imprisonment for not more than six (6) months or by both such fine and imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

## **SECTION 3- PLATTING PROCEDURES AND REQUIREMENTS**

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### **15.3.1 OUTLINE OF PROCEDURES AND REQUIREMENTS**

- A.** The preparation, submittal, review, and approval of all subdivision plats located inside the jurisdictional boundaries of the City of Eloy shall proceed through the following progressive stages:
- Stage 1: Preapplication Conference
  - Stage 2: Preliminary Plat Application
  - Stage 3: Subdivision Technical Review
  - Stage 4: Preliminary Plat Approval
  - Stage 5: Final Plat and Improvement Plan Approval
  - Stage 6: Recordation of Plat
- B.** If a submittal is determined to be incomplete or inaccurate at/or during any of the different stages of the process, the subdivider shall be required to correct the inaccuracy and/or produce the omitted information.
- C.** The following flow chart depicts the different stages of the process and the necessary actions to be taken with each stage.



### 15.3.2 STAGE 1: PRE-APPLICATION MEETING

This stage affords the subdivider the opportunity to obtain advice and assistance, and informally conducting a cursory review of the proposed subdivision with the appropriate City departments prior to incurring the expense of preparing a preliminary plat. It also affords the City the opportunity to give informal guidance at a time when potential points of conflict can be most easily resolved, subsequent relations improved, official action simplified, and undue expense and delay saved by the subdivider.

#### **A. Actions by Subdivider:**

1. The subdivider shall schedule a meeting together with the Community Development Department and Engineering/Public Works Department staff and submit nine (9) copies of a sketch plan to the Community Development Department prior to the scheduled pre-application meeting.
2. The sketch plan shall be printed on twenty-four inches by thirty-six inches (24" x 36") blue line or black line. The Zoning Administrator may also accept sketch plans prepared in a different size and format. The sketch plan shall include, at a minimum, the following information:
  - a. Location map.
  - b. Scale drawing and north arrow.

#### **B. Location of all public provisions that c arterial and collector streets.**

1. Acreage and land uses of all parcels.
2. Conceptual lot configuration.

#### **C. Conceptual roadway layout and street design.**

1. Table of land use data including: gross and net acres; percent of total acreage in each land use category; existing zoning; proposed zoning; and tentative lot sizes.
2. Preliminary topography with two-foot (2') contour intervals along with the FEMA information overlaid.
3. Tentative proposals regarding water supply, sewage disposal, and surface drainage.

#### **D. Actions by City:**

1. The City shall discuss the proposal with the subdivider in general terms and provide advice on procedural steps, design and improvement standards, and general platting requirements. Depending on the scope of the proposed development, the City shall distribute the nine (9) sketch plans to the following departments and/or agencies:
  - a. Eloy Community Development Department.
  - b. Eloy Engineering Department.
  - c. Eloy Public Works Department.
  - d. Eloy Community Services Department.

- e. Eloy Police Department.
  - f. Eloy Fire District.
  - g. Pinal County Environmental Services Division.
  - h. Pinal County Flood Control District.
2. Check the existing zoning of the proposed development and advise the subdivider if a zoning change or a general plan amendment is necessary or desirable. Review the proposal and its relationship to adjacent land uses and the general plan's goals and objectives. Determine the amount and type of parks, open space or other public facility needs for the area as determined by the Eloy General Plan; to then determine what space needs shall be reserved or set aside with any special requirements for such site. Review for compliance with this Chapter and any other applicable regulations.
  3. Determine if the size or the complexity of the proposed development would warrant the preparation of a Planned Area Development (PAD). If a PAD is required, it shall be processed and approved prior to subsequent consideration of a preliminary plat.
  4. If a general plan amendment is required, such amendment must be obtained prior to additional processing of the application.
  5. Inspect the site and review the relationship of the property to major streets, utility systems and adjacent land uses and determine any unusual problems such as utilities, drainage or flooding. Determine street width and right of way requirements, intersection relationships and other traffic control related characteristics. Identify possible off site public improvements and dedications. Review the wastewater disposal system.
  6. Provide the applicant with the necessary City application forms, review the submittal requirements, and discuss tentative timetables for the project.

### **15.3.3 STAGE 2: PRELIMINARY PLAT APPLICATION**

The preliminary plat stage of land and airspace subdivision includes detailed planning, submittal, review, and approval of the preliminary plat. This stage is intended to resolve all major issues pertinent to the land development according to the City policies, standards, codes, and requirements. To avoid delay in processing the application, the subdivider shall provide the City with all information essential, as determined by the City, regarding the character and general acceptability of the proposed development.

- A.** Following the pre-application meeting, but prior to filing any application described by this Section, the applicant may request (in writing) a pre-application Completeness Review Meeting with Community Development Department Staff. Although not required, this meeting is recommended to allow Staff the ability to complete a cursory review of the planned submittal material. It will also identify if any required items are missing that may prevent an application from being accepted. This meeting should be scheduled several working days prior to the submittal deadline.
- B. Submittal Requirements:**

The following information is required as part of the preliminary plat submittal and shall be shown graphically, by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, adjusted to produce an overall drawing measuring twenty-four inches by thirty-six inches (24" x 36") and in conformance with requirements contained in this Chapter and by the City Engineer and other reviewing departments and agencies.

1. Seven (7) copies/sets of the proposed preliminary plat and other required supporting data prepared in accordance with requirements set forth in this Chapter shall be filed with the Community Development Department. Submission shall include fees as required. Copies of the preliminary plat shall be reproduced in the form of blue line or black line prints on a white background. Scheduling of the case for Development Review Committee meeting shall be dependent upon the adequacy of data presented and completion of processing.
2. If the proposed preliminary plat is within an approved PAD, seven (7) copies of the approved PAD site plan shall also be submitted as supporting documentation.
3. All subdivision submittals shall provide "identification and descriptive data", "existing conditions data", "proposed conditions data", "proposed utility methods", and "environmental assessment report" information by graphic representation or note as further outlined in the following subsections. The submittal shall be checked by the City for completeness and assigned a case number; if incomplete as to those requirements set forth in this Section, the submittal shall be rejected and the subdivider notified within ten (10) business days of the date the application was received. (Note: It is the applicant's responsibility to be sure their submittal is complete. The City does not accept the burden of being the engineer's conscience or to constantly remind them of their duty to their client.)
4. If the developer is planning to plat the proposed development in phases, it must be so indicated on their Preliminary Plat when submitted for subdivision review. If the developer later decides to phase the development, it will be necessary to resubmit for a second review.
5. Submit two (2) copies of the preliminary drainage report in a separate bound folder. See Subsection 15.5.3 (E) 1 of this Chapter for more specific details.
6. Submit two (2) copies of the preliminary traffic report in a separate bound folder. See Subsection 15.5.3 (E) 4 of this Chapter for more specific details.
7. Submit two (2) copies of the preliminary geotechnical report in a separate bound folder. See Subsection 15.5.3 (E) 3 of this Chapter for more specific details.
8. Submit a lot statistical table.
9. Submit three (3) copies of the preliminary landscape plan for all off site, open space, trails, and retention area landscaping. See subsection 15.5.3 (D) of this Chapter for more specific details.
10. Submit subdivision fencing detail, if applicable, depicting the type of fencing

being proposed; including elevations, and general locations.

11. Submit documentation that a site records check, for potential cultural resources, has been conducted in conjunction with the Arizona State Historic Preservation Office.

**C. Identification and Descriptive Data:**

1. The proposed name of the subdivision shall be clearly indicated and include the location by section, township and range with reference by dimension and bearing to two (2) section or quarter section corners. Basis of bearings must be stated on the plat.
2. Name, address, phone number, and seal of registered land surveyor preparing the Preliminary Plat and the registered civil engineer preparing the improvements.
3. Name, address, and phone number of developer and/or subdivider.
4. Scale, north point (pointing up or to the right), and date of preparation including any subsequent revision dates.
5. Location map which shall show the relationship of the proposed subdivision to arterial and collector streets.
6. A surveyed boundary, including distances, lengths and bearings and the total size of the proposed subdivision.

**D. Existing Conditions Data:**

1. Topography by contours and "spot elevations" on City datum and related to USGS survey datum shown on the same map as the proposed subdivision layout. Contour intervals shall be one foot (1') and shall be shown extending a minimum of fifty feet (50') from the external boundaries of the proposed development so to adequately reflect the character and drainage of the land.
2. Location of fences, existing structures, wells, canals, irrigation materials, private ditches (open or covered), washes, stock ponds or other water features and characteristics that could have a bearing on the review.
3. Location, direction of flow, and extent of areas subject to flooding or storm runoff must be defined, whether such inundation is frequent, periodic, or occasional.
4. Location, widths and type of any and all easements (public and private) of public record of all private and public streets of public record that may exist around the perimeter of the site, through or across it. Show any permanent structures that are to remain, including water wells and public or private utility lines within, adjacent to, or extending from the proposed development.
5. Show all driveways, streets and median openings within three hundred feet (300') of any proposed driveway or street intersection on the opposite side of the perimeter streets.
6. Name, book, and page numbers of any recorded subdivision adjacent to or having common boundaries with the proposed development.
7. The existing base zone of the subject and adjacent parcel(s), the zoning

case number, if any, and the case number of the approved PAD of which the proposed development is a part, if applicable.

8. The gross acreage of the subject parcel(s). Do not include previously dedicated rights of way in this figure.
9. Boundaries and dimensions of the parcel(s) to be subdivided shall be fully dimensioned.
10. Engineers' calculations for each tributary area of the runoff for 10-year, 50-year and 100-year frequency storms. The values are to be indicated along the boundary of the parcel for all points of drainage entering and exiting the property.

**E. Proposed Conditions Data:**

1. Street layout, including design cross section, preliminary curve data, curve lengths, proposed street names based on existing projected alignments wherever possible, and pedestrian connections to adjoining developments.
2. Typical lot dimensions (scaled), dimensions of all corner lots, lots on curvilinear sections of streets, and all lots where the number of sides exceed four (4). Each lot shall be numbered individually and the total number of lots or dwelling units provided. Where plats will consist of a number of units/phases, utilizing the same subdivision name, the lot numbering shall be consecutive through the total number of lots or units.
3. Designation of all land to be dedicated or reserved for open space, parks, schools, well sites, or other public or private use with use indicated.
4. If multiple uses are planned (multiple residential, commercial, industrial, or office), such areas shall be clearly designated, together with existing zoning classification and status of zoning change, if any.
5. Show minimum setback lines. Where there are lots with more than four (4) sides, or whose shape may be considered atypical, show all setbacks.
6. Proposed storm water disposal system, preliminary calculations, and layout of proposed drainage system. The direction of proposed street drainage shall be indicated by arrows on the plat; and, if required by the City, a proposal to provide for the retention of storm water generated on the property. Retention of storm water to comply with Pinal County Flood Control District requirements, the design standards of this Chapter and the MAG Uniform Standard Specifications and Details for Public Works Construction.
7. Compliance with rules as may be established by the Arizona State Department of Environmental Quality and/or Arizona State Department of Water Resources relating to the provision of domestic water supply and sanitary sewerage disposal.

**F. Proposed Utility Methods:**

1. Sewage Disposal: A statement as to the type of facilities proposed shall appear on the Preliminary Plat. Also show the preliminary sewer layout indicating line sizes and manhole and cleanout locations.
2. Water Supply: A statement as to the assured water supply for the

development shall appear on the preliminary plat. The preliminary layout of the water system shall be shown, indicating fire hydrants, valves, meter vaults, water line sizes and locations.

3. Electric Supply: A statement as to the electric supply for the development shall appear on the preliminary plat. Any necessary easements shall be shown on the preliminary plat.
4. Natural Gas Supply: A statement as to the natural gas supply for the development shall appear on the preliminary plat. Any necessary easements shall be shown on the preliminary plat.
5. Telephone Service: A statement as to the telephone service for the development shall appear on the preliminary plat. Any necessary easements shall be shown on the preliminary plat.
6. Garbage Service: A statement as to the garbage service for the development shall appear on the preliminary plat.
7. Cable Television/Broadband Service: If applicable, a statement as to the cable television/broadband service for the development shall appear on the preliminary plat.

**G. Environmental Assessment Data:**

The purpose of the environmental assessment is to provide a written and graphic analysis of the environmental characteristics of the site so that the City of Eloy can evaluate its future use, especially for any parcels, lots or tracts that are intended for dedication, conveyance, use and/or maintenance by the City of Eloy. The "Phase 1 Environmental Report" will identify any hazardous waste site within the proposed subdivision. Environmental assessments are required for all Preliminary Plat applications. This study shall include written reports and maps that provide the information outlined below:

1. The "Phase 1 Environmental Report" shall:
  - a. Describe the site and identify uses or activities which might indicate the presence of disposed hazardous substances; and
  - b. Be prepared through the review of readily available information, including but not limited to, engineering, regulatory, and historical records of the site, and through the interviewing of the current and any past owners of the site, tenants and neighbors; and
  - c. Be prepared through the review of the regional geology and hydrology of the site and the site's vicinity, available records of ground water contamination up and down gradient from the site, obtainable reports of compliance violations and/or containment discharges in the site's vicinity, and the proximity of the site to known environmental conditions or problems within approximately one mile of the site; and
  - d. Reference the data, records and source of information.
2. The applicant's consultant shall:
  - a. Manually observe the site surface closely for evidence of potential contamination such as soil stabilizing, discarded chemical containers,

- vegetative distress; and
  - b. Interview the tenants on or adjacent to the site with respect to their use of hazardous substances on the site; and
3. Investigate the registration status of any existing underground storage tanks or drywells on or adjacent to the site; and
- a. Identify any adverse environmental impacts.

#### **15.3.4 STAGE 3: DEVELOPMENT REVIEW COMMITTEE REVIEW:**

In order for a Preliminary Plat to be scheduled for a particular Development Review Committee (DRC) meeting, a complete Preliminary Plat application must be received and accepted by the City.

- A.** The City shall host a Development Review Committee (DRC) meeting where the applicant is provided an opportunity to meet with the representatives from all applicable City departments, utilities and other interested governmental agencies to receive comments regarding the preliminary plat application. At this meeting the applicant may also receive written comments from the City within 10 working days from the DRC meeting date, detailing the extent to which the plans are required to be revised in order for the city to schedule the Preliminary Plat for consideration by the Planning & Zoning Commission. Extensive revisions caused by the comments received at the DRC meeting or by voluntary action of the applicant, may require additional DRC meetings. Additionally, circumstances may exist where the project may experience delay due to the applicant's time line in addressing agency comments.

#### **15.3.5 STAGE 4: PRELIMINARY PLAT APPROVAL**

The preliminary plat approval stage involves the resubmission of the preliminary plat to address the DRC comments. Included in this stage is the review of the resubmitted plans, reports, and required studies and acceptance of the Preliminary Plat. The subdivider shall provide the City with all information essential to determine the character and general acceptability of the proposed development.

**A. Preliminary Plat Resubmission:**

1. The applicant shall resubmit fifteen (15) full sized copies/sets of the Preliminary Plat, one eight and one-half inches by eleven-inches (8<sup>1</sup>/<sub>2</sub>" x 11") transparency of each sheet/exhibit, and one eight and one-half inches by eleven-inches (8<sup>1</sup>/<sub>2</sub>" x 11") pdf of each sheet/exhibit and all other required or requested supporting data to the City. Preliminary plats that correctly contain all of the information requested or required by the Development Review Committee (DRC), as determined by the City, shall be scheduled for Planning & Zoning Commission consideration. Incomplete or incorrect resubmittals could cause delays in a preliminary plat being presented to the Planning & Zoning Commission. Scheduling of the case for Commission consideration shall be determined by the Zoning Administrator and shall be dependent upon the adequacy of the data presented, completion of

- processing, and other legalities that may be required if the subdivision involves rezoning, PAD, and/or other land use exceptions.
2. As a prerequisite to the Commission considering any Preliminary Plat or PAD, a neighborhood meeting may be required to be conducted by the applicant; if determined by the Zoning Administrator to be necessary. The purpose of the meeting is to provide information to the adjacent property owners and citizens. The applicant shall notify all landowners, adjoining or adjacent to, the boundaries of the proposed development, the City of Eloy, and any neighborhood associations on record with the City by first class mail no less than fifteen (15) days prior to the scheduled Planning & Zoning Commission meeting. The applicant shall submit documentation of the attendees and minutes of the meeting(s) to the City Community Development Department. All meeting(s) shall be held within the City of Eloy corporate limits.
  3. An applicant has ninety (90) days from the date of the DRC meeting, or ninety (90) days from the date of receipt of later redlines, in which to resubmit said plans. Failure to resubmit plans which address all of the DRC comments, or subsequent redline comments, within days of the DRC meeting or ninety (90) days from the receipt of later redlines shall cause the application to be null and void and fees will not be refunded.
    - a. An applicant shall be required to submit a new Preliminary Plat application, including fees and another review of the subdivision by the DRC if the resubmittal is not in substantial conformance to the original application. Substantial nonconformance is considered to be, but not limited to, the following:
      - i. An increase in the number of lots or units in excess of 10%.
      - ii. A change in the size or configuration of the development parcel in excess of 10%.
  4. Preliminary Plat Review:
    - a. Zoning: The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. However, in the event that rezoning is necessary for the Preliminary Plat to conform with the zoning district regulations, or if a PAD approval is sought, said action shall be initiated concurrently with the Preliminary Plat by the property owner or his authorized agent. In any event, any such zoning amendment required in relation to the Preliminary Plat shall have been adopted prior to a Preliminary Plat approval.
    - b. Planning: The subdivision shall be designed to comply with the design principles of this Chapter and the goals and objectives of the Eloy General Plan. In the event that an amendment to the General Plan is necessary for the preliminary plat to conform with the specific land use, circulation, or open space elements, said amendment(s) required in relation to the preliminary plat shall have been adopted prior to a Preliminary Plat approval.
  5. Utilities and Services: As a prerequisite of Preliminary Plat approval by the City, the subdivider shall have reviewed tentative concepts with the Pinal

County Health Department, the Arizona Department of Environmental Quality, the Arizona Department of Water Resources, Arizona Public Service, Electrical District #2 or #4, Southwest Gas, CenturyLink, the cable television/broadband company servicing the development for general approval of the preliminary design to be used.

6. Preliminary Plat Approval:

- a. When all requirements of this Chapter have been satisfied, the case will be scheduled for Planning & Zoning Commission consideration at their regularly scheduled meeting. The Community Development Department report shall be submitted for Planning & Zoning Commission review and action.
- b. The Planning & Zoning Commission shall consider the preliminary plat, DRC comments, and the Community Development Department report and recommendations. If satisfied that all objectives have been met, the Commission may recommend approval of the Preliminary Plat to the City Council.
- c. If the plat is generally acceptable, but requires minor revisions before proceeding to the City Council for Preliminary Plat approval, the Planning & Zoning Commission may recommend conditional approval and the required revisions noted in the minutes of the meeting and in the written commission report submitted to the City Council.
- d. If the Planning & Zoning Commission finds that all of the objectives and requirements of this Chapter have not been met, the Commission may recommend that the Preliminary Plat be continued pending revisions, or recommend to the City Council denial of the preliminary plat. Resubmittals due to revisions, for the same parcel or any part thereof, shall follow the aforementioned procedure.
- e. The City Council shall consider the Preliminary Plat, the Commission requirements and recommendations, and the Community Development Department report and recommendations. If satisfied that all objectives and requirements of this Chapter have been met, the City Council may approve the Preliminary Plat and make a notation of the City Council's approval on the copy of the preliminary plat retained in the office of the Zoning Administrator.
- f. If the plat is generally acceptable, but requires minor revisions, the City Council may conditionally approve the Preliminary Plat and the required revisions noted in the minutes of the meeting. At the direction of the City Council, the Zoning Administrator may approve the Preliminary Plat when it has been satisfactorily revised in accordance with the stated conditions.
- g. If all of the objectives and requirements of this Chapter have not been met, the City Council may deny the Preliminary Plat.

7. Significance of Preliminary Plat Approval: Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the Final Plat and the improvement plans and specifications for public

improvements. Preliminary Plat approval is based on the following terms:

- a. Subject to the Basic Approval: The basic conditions under which preliminary approval of the Preliminary Plat is granted will not be substantially changed prior to the expiration date.
- b. Eighteen (18) Months Approval: Approval of the preliminary plat is valid for a period of eighteen (18) months from the date of City Council approval.
- c. After approval of the preliminary plat by the City Council, the sub-divider shall, within eighteen (18) months, cause a Final Plat of the subdivision or any part thereof to be prepared in accordance with a complete survey of the subdivision and in compliance with the approved Preliminary Plat within the provisions of this Chapter.
- d. Upon application by the sub-divider, the Council may grant an extension for submission of the final plat of one (1) year. In the event the Council denies a sub-divider application for extension, the decision shall be final.
- e. If the sub-divider fails to record a final plat for any phase of the Preliminary Plat within eighteen (18) months, the preliminary plat approval will expire unless the sub-divider applies for and receives an extension from the City Council.
- f. Any application of a sub-divider for such extension of time for the recording of a Final Plat tract map shall be made in writing to the Council not less than thirty (30) calendar days prior to the expiration of the time allowed.
- g. No Authority to Record: Preliminary approval, in itself, does not assure final acceptance of streets for dedication nor continuation of existing zoning requirements for the development or its environs nor constitute authorization to record the plat.
- h. Appeals
  - i. The decision of the Council to approve, approve with conditions or deny the Preliminary Plat shall be final.
  - ii. Whenever standards of subdivision design or subdivision improvement standards are requested to be modified or altered, application shall be made in writing on a form provided by the Community Development Department, stating fully the reasons for the application and the facts relied upon by the sub-divider. The City Council may, after receiving a recommendation from the Community Development Director and Public Works Director, allow a modification from the subdivision regulations, provided facts are presented to the satisfaction of the Council, that the modifications will not be detrimental to the public welfare or injurious to other property in the vicinity.
- i. Preliminary Plat Required Re-subdivision
  - i. A Preliminary Plat showing data and information required by this Section shall be required when the re-subdivision of a lot, lots, tracts, or parcels previously recorded as a subdivision or portion of a subdivision results in three (3) or more additional lots, tracts or parcels.
- j. Re-Filing Following Disapproval

- i. In the event that a Preliminary Plat is disapproved by the Council, a new preliminary plat of the same area or portion thereof may only be filed, within six (6) months of the date of disapproval, if the re-submittal is not in substantial conformance with the original application. The applicant shall be required to submit a new preliminary plat application, including fees and shall adhere to the same review process.

### **15.3.6 STAGE 5 FINAL PLAT AND IMPROVEMENT PLAN APPROVAL**

This stage includes the final design of the subdivision, engineering of public improvements, and submittal by the subdivider of the Final Plat, final reports, and plans for all of the required subdivision improvements, to the City, the state and county departments, and the utility companies for approval; including the submittal of the Final Plat for review and action by the City Council.

#### **A. Submittal Requirements:**

1. Final Plat Preparation:
  - a. Conformance: The Final Plat shall be presented in accordance with requirements set forth in this Section, and shall substantially conform to the approved preliminary plat and applicable zoning stipulations.
  - b. Zoning: The Final Plat shall meet all requirements of the zoning district in which it is located; and necessary zoning amendments shall have been adopted by the City Council prior to filing the Final Plat with the Zoning Administrator.
2. Prefinal Review: The subdivider shall file with the City ten (10) full size, twenty-four inches by thirty-six inches (24" x 36") blue or black line copies of the Final Plat to the City, who in turn will distribute copies to the various reviewing agencies. The reviewing agencies shall make known their recommendations in writing. The City shall review the plat for substantial conformity to the approved Preliminary Plat.
  - a. Final Plat Submission: The subdivider shall file with the City three (3) full size "Mylars", three (3) full size blue or black line copies, one eight and one-half inches by eleven-inches (8<sup>1</sup>/<sub>2</sub>" x 11") pdf and ten (10) copies thereof, of the Final Plat. The Final Plat shall be drawn in black ink on polyester "Mylar", measuring exactly twenty-four inches by thirty-six inches (24" x 36") with a left-hand margin of two inches (2") and be drawn to an accurate engineering scale from an accurate survey. The applicant shall also submit a computerized drawing of the final plat in a file format required by the City of Eloy.
  - b. Improvement Plans: Improvement plans shall be submitted in accordance with the procedures and standards established in Section 15.5.3 of this Chapter. Seven (7) complete sets of improvement plans shall be submitted to the City. If the submittal is complete, the City shall distribute sets of the plans to the appropriate reviewing departments, agencies and utility companies who shall make known their recommendations in writing.
  - c. Deed Restrictions: The subdivision deed restrictions shall be submitted

to the City for review as part of the final plat and improvement plan submittal package.

- d. Title Report: The subdivider shall, at the time of filing the application(s) for the final plat and improvement plans, submit an American Land Title Association (ALTA) title report certifying that the applicant has title, acceptable to the City Attorney, for all of the land being subdivided.
- e. Filing Fees: The subdivider shall, at the time of filing the application(s) for the Final Plat and improvement plans, pay the City the final application fee, improvement plan review fee, and the recordation fee, which are established by the City Council.
- f. Identification Data: The following identification data shall be required as a part of the final plat submittal:
  - i. A title, which includes the name of the subdivision and its location by number of section, township, range, and county.
  - ii. Name, address and seal of the Arizona registered land surveyor preparing the Final Plat.
  - iii. Scale, north arrow, and date of plat preparation.
  - iv. The name, address and telephone number of the property owner.
- g. Survey Data: The following survey data shall be required as a part of the Final Plat submittal:
  - i. The corners of the plat shall be located on the monument lines of abutting streets; boundaries of the parcel(s) to be subdivided fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field. The surveyor of record shall also provide a copy of the computer closure, properly stamped and signed showing registration number. All dimensions shall be expressed in feet and decimals thereof.
  - ii. Any excepted parcel(s) within or surrounded by the plat boundaries shall be noted as "not a part of this subdivision" and show all bearings and distances of the excepted parcel as determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
  - iii. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced. Each of two (2) separate corners of the subdivision traverse shall be tied by course and distance to separate section corners or quarter section corners. The certifying land surveyor shall submit subdivision boundary and lot closure and area calculations to the City.
  - iv. Location of all physical encroachments upon the boundaries of the tract.
  - v. Total subdivision gross acres.
  - vi. Total number of lots and parcels, and the size, in square feet, of each lot or parcel. The size of lots or parcels greater than ten (10) acres in

size may be expressed in acres.

- h. Descriptive Data: The following descriptive data shall be required as part of the Final Plat submittal:
- i. Names, centerlines, right of way lines, courses, length and width of all public streets, alleys, pedestrian ways, and utility easements; radii, point of tangency, curve lengths, and central angles of all curvilinear streets, and alleys, radii of all rounded street line intersections.
  - ii. All drainage easements shall be shown on the plat. No structure will be allowed in the easements that will obstruct drainage. The rights of way of all major drainage ways shall be dedicated drainage easements or right of way as determined by the City Engineer.
  - iii. All lots shall be numbered by consecutive numbers throughout the plat. All "tracts" and "parcels" shall be designated, lettered, or named and clearly dimensioned; parcels which are not part of the subdivision shall be so designated. Ownership and maintenance responsibility for common open space areas shall be indicated on the plat.
  - iv. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
  - v. Location of all adjoining subdivisions with name, date, book, and page number of recordation noted, or if unrecorded, so noted.
  - vi. Any proposed private deed restrictions to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land, and to be recognized by the City, shall be noted on the plat (see Subsection 15.3.6 (B) 7 for details).
  - vii. All existing private easements within, on, or over the plat shall be indicated, dimensioned, and noted as to their use. The location and widths of all easements for right of way provided for public services, utilities, or drainage, and any limitations of the easements.

The following notation shall be placed on all Final Plats which provide drainage easements: "No structure of any kind shall be constructed or any inappropriate vegetation be planted nor be allowed to grow within, on or over the drainage easement, which would obstruct or divert the flow of storm water. The City may, if it so desires, construct and/or maintain drainage facilities on or under the land of the easement".

**A. Dedication and Acknowledgement:**

1. Dedication: There shall be required as part of the Final Plat submittal, a statement of dedication of all streets, alleys, drainage detention/retention basins and drainage ways, pedestrian/bicycle ways, equestrian trails and easements, and other easements for public use, including sanitation, utility, fire and other emergency related vehicles, executed by the person or persons holding title of record, by persons holding titles as vendees under land contract, by the spouse(s) of said parties, lien holders and all other parties having an interest in the property. If lands dedicated are liened, the lien holder shall also sign the plat. Dedication shall include a written location

by section, township and range, of the tract. If the plat contains private streets, a public easement shall be reserved which shall include the right to install and maintain utilities in any approved private street, including refuse collection, fire and other emergency services.

- 2. Acknowledgment of Dedication: Execution of dedication shall be acknowledged and certified by a notary public.

**B. Required Certification, Signatures and Notes:**

Multiple notations are required to appear on a Final Plat. The notations that are standard on every Final Plat include, but are not limited to, the following:

- 1. Assurance statement as follows:

*Assurance Statement:*

*Assurance in the form of a \_\_\_\_\_, issued from \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ has been deposited with the City Engineer to guarantee construction of the required subdivision improvements.*

- 2. Conveyance and dedication statements as follows:

*Know all men by these presents that (owner's name), as owner, have subdivided (or re-subdivided) under the name of (name of subdivision), (add Section, Township and Range) of the Gila and Salt River Base and Meridian, Pinal County, Arizona as shown platted hereon, and hereby publishes this plat as and for the plat of said (subdivision name), and hereby declares that said plat sets forth the location and gives the dimensions of all lots, easements, tracts and streets constituting the same, and that each lot, tract and street shall be known by the number, letter and name given each respectively, and that (owner's name), as owner, hereby dedicates to the public for use as such the streets and hereby grants to the public the drainage and public utility easements as shown on said plat. In witness (owner's name), as owner, has hereunto caused its name to be signed and the same to be attested by the signature of (owner or designated signatory and title).*

*By: \_\_\_\_\_ Date: \_\_\_\_\_*

*Owner's Name and Title*

*Conveyance of Water Rights:*

*Know all men by these presents that (owner's name), as owner, hereby*

*retires the water rights of the land to be subdivided and transfers to the City of Eloy all water credits that run with the land to be subdivided with this plat. In witness (owner's name), as owner, has hereunto caused its name to be signed and the same to be attested by the signature of (owner or designated signatory and title).*

*By: \_\_\_\_\_ Date: \_\_\_\_\_*

*Owner's Name and Title*

3. Notary acknowledgment statement as follows:

*Notary Acknowledgment: State of Arizona, County of Pinal*

*On this, the \_\_\_ day of \_\_\_\_\_, (year), before me the undersigned (title) personally appeared (Name) who acknowledges that he/she executed the foregoing instrument for the purposes contained therein.*

*In witness whereof I hereunto set my hand and official seal.*

*Notary Public My Commission Expires*

4. Certificate of assured water supply as follows:

*Assured Water Supply:*

*The Arizona Department of Water Resources has granted a Certificate of Assured Water Supply, DWR File No. \_\_\_\_\_, for the subdivision in accordance with Arizona Revised Statutes Section 45-576.*

5. City approval signature blocks as follows:

*City Council Approval:*

*Approved by the City Council of Eloy, Arizona, this \_\_\_ day of \_\_\_, (year).*

By: \_\_\_\_\_ Attest: \_\_\_\_\_ Mayor City Clerk

*City Department Approvals:*

*This plat was approved by the City Engineer and the Zoning Administrator.*

By: \_\_\_\_\_ Date: \_\_\_\_\_

*City Engineer*

By: \_\_\_\_\_ Date: \_\_\_\_\_

*Zoning Administrator*

6. Surveyors certification as follows:

*Surveyors Certification:*

*This is to certify the survey and subdivision premises described and platted hereon were made under my direction during the month of\_\_\_\_, (year), that the plat is correct and accurate, that the monuments shown hereon have been located or established as described and lot corners have been permanently set.*

\_\_\_\_\_  
(Surveyor's name and registration number) (Stamp)  
(Surveyor's address)

7. Deed restriction information as follows:

*Covenants, Codes and Restrictions for (name of subdivision) Eloy, Arizona are recorded in (document recording number), Pinal County Records.*

8. Typical notes as follows:

*Notes:*

- X benchmark information.*
- X basis of bearing information.*
- X Aviation disclosure (if applicable).*

**C. Final Plat Approval:**

1. Upon approval of the improvement plans and final reports; letters from all involved utility companies approving the utility installation plans and confirming the availability of services; all required certifications from state and county agencies; and receipt of a request for City Council action from the City Engineer; the City Clerk shall place the plat on the agenda of a the next regularly scheduled City Council meeting, where upon the City Council shall approve or deny the plat.
2. The City Council shall consider the Final Plat and the Department's recommendations and may take action to approve, approve with conditions, or deny the Final Plat.
3. The decision of the City Council to approve, approve with conditions or deny the Final Plat shall be final.
4. If the City Council approves the plat, the Mayor shall sign the plat and the City Clerk shall attest the Mayor's signature.
5. When the certificate of approval by the City Council has been transcribed on the plat, the Zoning Administrator shall retain the recording copies until the City Engineer certifies that the subdivision has been staked; the improvement plans and final reports have been approved; a computer closure of the plat has been received; that the subdivision improvement construction assurances are in the form and amount to the satisfaction of the City Engineer and the City Attorney, along with the engineer's estimated cost of said improvements has been received; and that any drainage or other restrictive covenants have been signed, notarized and received from the subdivider.
6. Approval of the Final Plat is valid for a period of twelve (12) months from the date of City Council approval. If the subdivider fails to provide the required material or perform the necessary work, as indicated in Subsection 15.3.6, within this twelve (12) month period, the Final Plat approval by City Council shall become null and void. Any further action on said plat, after the expiration of the approval, shall require a complete resubmittal of the plat.

**15.3.7 STAGE 6: RECORDATION OF PLAT**

Upon receipt of the recording fees and documents listed in Subsection 15.3.6, the City shall then cause the final plat to be recorded in the office of the County Recorder of Pinal County.

**15.3.8 REPLATS**

- A. Any division of a lot in a recorded subdivision, or any change in lot lines in a recorded subdivision, shall be processed in accordance with Section 15.3.6 of this Section after a pre-application conference with City staff as provided in section 15.3.2 of this Section.
- B. Any re-plat involving the dedication of land for a public street or any off site public improvements shall comply with all procedures set forth in Section 15.3.8

of this Chapter.

- C. If the abandonment of a street, alley or public utility easement or other recorded easement in a previously recorded subdivision is necessary, either a re-plat or certificate of correction, as determined by the Zoning Administrator, shall be processed concurrently with the abandonment and recorded immediately subsequent to the recordation of the abandonment.

### **15.3.9 ABANDONMENT OF RECORDED SUBDIVISION**

- A. Pursuant to the provisions of Arizona Revised Statutes, Section 28-7201 et seq., the abandonment of all or part of a recorded subdivision may be initiated by written petition to the City Council. The petition shall be signed by all owners of real property in said subdivision requesting abandonment of all streets, alleys and easements within said subdivision and giving the legal description and recording information thereof.
- B. Applications for the abandonment of a recorded subdivision are filed with the Zoning Administrator and referred for recommendation to the appropriate City staff and utility companies. After City Council approval of the abandonment of any streets, alleys and easements within the subdivision, and after City Council approval of the abandonment resolution for the recorded subdivision, and after the abandonment resolutions are recorded with the Pinal County Recorder's Office, the subdivision is removed from the official maps.

### **15.3.10 CONDOMINIUM DEVELOPMENTS**

- A. The application requirements, processing and approval regulations contained within this Chapter shall apply to all condominium developments.
- B. All condominium subdivisions shall comply with the provisions of this Chapter and the zoning ordinance for the City of Eloy, and the location of building shown on the plat and the manner in which the airspace is to be divided in conveying the condominium shall be clearly defined and shall not violate any provision of this Chapter.
- C. In order for the condominium subdivision application to be considered complete, the applicant shall provide to the City any plans, specifications, and/or analysis needed to show that the proposed condominium subdivision is in compliance with this Chapter and the Zoning Ordinance for the City of Eloy, including but not limited to grading plans, site plans, floor plans, elevations, and landscape plans.

### **15.3.11 MINOR LAND DIVISIONS; LOT SPLITS**

- A. The provisions in this Section shall apply to any "minor land division" of improved or unimproved property, including a lot, parcel, tract, or combination thereof, for the purpose of financing, sale or lease, whether immediate or future, if one of the following conditions exists:
  - 1. The division of land whose area is two and one-half (2<sup>1</sup>/<sub>2</sub>) acres or less and

- is being divided into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease.
2. The area of the property to be divided is greater than two and one-half ( $2\frac{1}{2}$ ) acres and requires the creation of a public or private street or easement to provide legal access to one or more additional lots.
  3. Any original "lot", as defined by this Chapter, in a residential zone, not a part of a recorded subdivision plat, to be divided into two (2) or three (3) lots.
  4. The division of land into more than two (2) parts, and when the boundaries of such property have been fixed by a recorded plat.
- B.** A minor land division does not include the adjustment of a property line, where land taken from one lot is added to an adjacent lot, provided the proposed adjustment does not create a substandard lot. A certificate of correction shall be required if the property line adjustment is for lots within a recorded subdivision plat.
- C.** An application for a minor land division shall be submitted to the City Engineer and the Zoning Administrator prior to any deeds related to a minor land division with the Pinal County Recorder's Office. The City may approve minor land divisions administratively.
- D.** Except where expressly modified or permitted by staff all minor land divisions shall be in general conformity with the design standards and principles outlined for subdivisions in Section 15.4.3 of this Chapter. All lots created by a minor land division shall be designed to conform to existing Zoning and the General Plan.
- E.** If dedicated and/or public improvements are required for minor land divisions, the applicant shall be responsible for the preparation of a complete set of improvement plans, prepared by an Arizona registered civil engineer, satisfactory to the City Engineer for the construction of the required improvements. The plans shall be prepared in conjunction with the minor land division map and the requirements outlined in Section 15.4.6 of this Chapter.
- F.** The minor land division map shall not be recorded, nor shall any improvement work commence until the City Engineer has approved the improvement plans.
- G.** No minor land division, which creates a substandard or nonconforming lot or structure, shall be approved except by City Council action.
- H.** If any improvements are required for the minor land division pursuant to regulations contained herein, no building permit for any lot created will be issued until such improvements are completed and the work accepted by the City Engineer unless the subdivider provides construction assurance in a form acceptable to the City Attorney.

## **SECTION 4 - SUBDIVISION DESIGN STANDARDS**

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### **15.4.1 PURPOSE**

The purpose of this Section is to provide the development community with a consistent set of standards to guide the physical development and the visual quality of the community. The design standards in this Section apply to all development in the City. They focus on preservation and revitalization of many aspects of the current rural/urban character of the City, while at the same time encouraging new development that is dynamic, creative and imaginative.

### **15.4.2 GENERAL**

- A.** Every subdivision shall conform to the Eloy Zoning Ordinance, other ordinances and regulations of the City, and the Arizona Revised Statutes, as well as implement the goals, objectives, and policies of the Eloy General Plan. In the event two (2) or more requirements conflict, the most restrictive requirement shall apply.
- B.** All public improvements shown on the Preliminary Plat, and any additional improvements that may be required by the City Council as a condition for approval of the Final Plat, shall be the responsibility of the developer.
- C.** All improvements shall be accepted by the City Engineer prior to the issuance of building permits for lots within the subdivision. Building permits for model homes, sales office and construction site trailers may be allowed, prior to the acceptance of the subdivision improvements by the City Engineer, with a Temporary Use Permit (TUP) through the Community Development Department.
- D.** Where the area proposed for development contains all or part of a park, a school, flood control facility, or other public site, as shown on the General Plan or as recommended by the City Council, such site shall either be dedicated to the public or reserved for acquisition by the public or appropriate agency within a specified period of time as prescribed in Arizona Revised Statutes 9- 463.01(D) and (E). An agreement shall be reached between the subdivider and the appropriate public agency regarding time, method, and cost of such acquisition.
- E.** Land which is subject to periodic flooding, land which cannot be properly drained, or land which is otherwise unsuitable for residential, commercial, or industrial uses shall not be subdivided; except that the City Council may approve the subdivision of such land upon receipt of evidence, including subdivision construction assurances, satisfactory to the City Engineer, City Attorney and Pinal County Floodplain Administrator that the construction of specific improvements will render the land suitable. The construction of subdivision improvements shall not commence until after Final Plat approval and financial assurances have been secured to the satisfaction of the City Engineer and City Attorney.

### **15.4.3 SUBDIVISION SITE DESIGN STANDARDS**

#### **A. General Site Design Requirements:**

1. Regardless of the density of the individual developments, single-family residential subdivisions, and condominium or multi- family subdivisions may be required to provide open space, provide buffering to adjacent

developments, provide landscaping, and provide physical connections to adjacent neighborhoods and to the community open space network and trail system.

2. Commercial and industrial subdivisions shall be subject to all the requirements set forth in the Zoning Ordinance and shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided; adverse impacts buffered; and open space, and landscaping provided. In addition, the following standards shall apply to commercial and industrial subdivisions:
  - a. Lots that back up to an existing or residentially designated land shall be designed with extra depth, and a landscape buffer strip shall be required.
  - b. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.
  - c. The City Engineer and the City Council may impose special requirements with respect to the design, construction and installation of the public utilities, storm water drainage, street, curb, gutter and sidewalk.
  - d. Street right of way and pavement design shall be adequate to accommodate the type and volume of traffic anticipated to be generated by the development.
3. Those portions of the community open space network and/or trail system adjacent to, or within, the area proposed for development shall be incorporated by that development. Construction of these open spaces and/or trails shall be the responsibility of the subdivider/developer and shall be part of the subdivision improvements. These trails shall be part of a "tract" and maintained by a homeowners/property owner's association with the exception of the trails as specifically delineated in the Eloy General Plan, which shall be dedicated to the public.
4. The development, through the planned area development (PAD) process as described in the Eloy Zoning Ordinance, upon the requisite findings, may vary the minimum lot area, minimum setbacks, and the maximum lot coverage from the standards specified in the zoning district(s), in effect over the area considered for subdivision provided that such variations are approved by the City Council prior to, or in conjunction with, the Preliminary Plat approval for the subdivision.
5. Neighborhood (Subdivision) Entryways: In order to enhance the appearance of subdivisions, developers are encouraged to provide landscaping, identification signage and textured pavement at the entryways on at least one major access point to the subdivision. Sight visibility triangles at entryways and landscaping at entryways should be designed to visually enhance all arrival points. Drought tolerant trees, shrubs, and ground covers should accent focal points and enhance the streetscape.

6. Signage, when proposed, shall be attractively designed and submitted along with the required landscape plans for approval. Signs shall be integrated to compliment the streetscape and landscaping frontages. Signage shall be in accordance with the requirements of the zoning ordinance.
7. Textured entryway drives (such as decorative stone, stamped concrete or brick) may be incorporated into access points from any collector or arterial street frontages.

**B. Open Space Requirements:**

1. If the subdivision is part of a planned area development (PAD), which has been approved by the City, the open space requirements shall be in accordance with the provisions of the approved PAD.
2. Open space area shall mean any area of land that can be enjoyed by people. Open space could include landscaped or hardscaped plazas, any parking area landscaping that exceeds that which is required by the zoning ordinance, fountains, and sitting areas all meant to provide an open park like atmosphere. Also, playgrounds, golf courses, bicycle trails (but not bike lanes within the public right of way), pedestrian trails (not residential sidewalks integrated with the curb), equestrian tracts and trailheads. Not more than fifty percent (50%) of the required open space shall be attributed to golf course use or ancillary golf uses. Open space does not include parking areas, retention/detention basins that are concrete lined or non-landscaped, vacant or undeveloped lots.
3. Open space intended to fulfill these open space requirements shall be calculated upon the net acres of the subdivision whether residential, commercial, or industrial. "Net acres" are defined as: total acres exclusive of the area required for arterial or collector street right of way dedications and school/public site dedications.
4. The open space areas shall be designed in such a manner as to be easily accessible to all lots. "Accessible" means one-sixth ( $\frac{1}{6}$ ) of a mile or eight hundred eighty feet (880') between any one lot and an entrance area allowing people, bikes or equestrians to enter into the open space area or view the open space area.
5. Retention or detention basins, which are required in accordance with the subdivision drainage report, shall not qualify as open space area unless fifty percent (50%) or more of the usable area of the basin is above the 25-year storm and designed to be used as an active multi-use area. The exception to this standard is for commercial and industrial developments, which shall be permitted to calculate the landscaped retention or detention area as part of the required open space area.
6. Required open space for all types of subdivisions shall be as prescribed in the following table 1 or per the council approved PAD; whichever is greater.

TABLE 1 _ OPEN SPACE REQUIREMENTS	
Type Of Development	Required Percentage Of Open Space

Rural residential (RR-5 and larger)	0 percent
Estate residential (R1-43)	5 percent
Low density residential (R1-12)	15 percent
Medium density residential (R1-8, R1-6)	20 percent
Medium high density residential (R-2)	20 percent
High density residential (R-3, R-4)	10 percent first floor FAR 50 percent third floor FAR
Commercial development	15 percent
Industrial development	10 percent

- C.** Landscape and Streetscape Requirements: Any lot, parcel, tract or development, or portion thereof, that is adjacent to a City of Eloy, county or state right-of way shall be required to be landscaped. This “streetscape landscape area” shall consist of the undeveloped portion of the right of way (back of sidewalk or pavement edge to the right-of-way edge), in addition to the required front yard setback on site landscaping that is required by this Section.
- D.** For any lot, parcel, property or tract that abuts or is adjacent to the Interstate 10 right of way or the State Route 87 and State Route 287 rights of way, the landscape plan and plant palette shall adhere to the "Landscape Design Guidelines For Urban Highways" prepared for roadside development services by the Arizona Department of Transportation (ADOT), or as may be amended, and shall be approved by ADOT and the City of Eloy. Maintenance agreements for the landscaping within the interstate highway right of way shall be required and shall be subject to ADOT and City approvals.
- E.** A landscape area shall be established, per the following table, between the right-of-way line and any buildings, parking lots, walls or fences, or other improvements in association with any use:

Table 15.4.1: Streetscape Landscape Area	
Adjacent To	Landscape Width (Feet)
Major Arterials	15
Minor Arterials	10
Major Collectors	10

## **F. Required Streetscape Landscape Planting Criteria**

1. All streetscape landscape areas shall be landscaped with vegetation and/or groundcovers or other landscape topping material as identified in the Pinal Active Management Area Low Water Use/Drought Tolerant Plant List. Plants not listed within the Pinal Active Management Area Low Water Use/Drought Tolerant Plant List, but which are low water use/drought tolerant, may be submitted to the City for consideration in the submittal of the preliminary landscape plans.
2. Quantity of Required Streetscape Landscaping: The total quantity of required landscape materials shall be computed for all streetscape landscape areas as follows:
  - a. Trees: A minimum of one (1) tree shall be required per 1,000 square feet of landscape area and a maximum of one (1) tree shall be required per 750 square feet of landscape area, depending on area configuration, orientation and use. All trees shall be twenty-four-inches (24") box. Calculations that result in a fraction shall be rounded up.
  - b. Shrubs: One shrub shall also be required per two hundred and fifty hundred (250) square feet of landscape area. All shrubs shall be a minimum of five (5) gallons in size.
  - c. Groundcover: All groundcover shall be a minimum of one (1) gallon in size. One groundcover plant shall be provided per two hundred and fifty hundred (250) square feet of landscape area.
  - d. Landscape Topping Materials: All landscaped areas shall be finished with a natural inert topping material which may include, but is not limited to, decomposed granite (two (2) inches minimum depth). Type, size and color of landscape topping material for projects shall be approved through the landscape plan review process.
  - e. Placement of Required Streetscape Landscaping:
    - i. Vegetation shall not be planted in drainage ways.
    - ii. Trees may not be planted where they will interfere with any overhead or underground utility lines in their initial planted or mature height or width.
    - iii. Trees are not to be planted in any sight visibility triangle. Shrubs to be planted in any sight visibility triangle shall be of varieties that do not exceed mature heights of more than twenty-four (24) inches, as measured from finished grade.
    - iv. Trees and/or shrubs shall not be planted closer than three (3) feet to any fire hydrant or utility transformer/pole.
    - v. Trees shall not be planted closer than five (5) feet, as measured to the face of any curb.
  - f. All trees and shrubs shall be provided with an automatic drip or soaker irrigation system.

- g. A pre-emergent herbicide shall be applied to the ground prior to and after the placement of natural surface materials (decomposed granite, river run rock, and the like) in any landscaped area to prevent weed growth.
- h. Landscape designs shall be compatible among adjacent and proximate properties.
- i. All on-site water retention areas shall be entirely landscaped and shall comply with the following criteria:
- j. The retention areas shall not occupy more than fifty (50) percent of the on-site street frontage landscape area;
- k. All retention areas shall maintain slopes no steeper than 6:1 when adjacent to public rights-of-way, or when there is pedestrian type access to that portion of the basin. Side slopes adjacent to walls, fences, hedges and the like (i.e., no or limited pedestrian type access in that area) may have side slopes up to 4:1.

#### **15.4.4 PROPERTY OWNER MAINTENANCE**

- A. All landscape improvements installed in accordance with the requirements and provisions of this Section for new or expanded developments and uses within on-site landscape areas as well as in the right(s)-of-way, shall be maintained, in perpetuity, by the property owner or owner's association (should the property be subdivided) or the lessee of the site.
- B. Any areas designated and intended for the purposes of on-site water retention shall be maintained and reserved for that specific purpose.
- C. Any alteration or deterioration of required landscape improvements and areas shall be considered a violation of this and any applicable Ordinance.
- D. Any plant material that does not survive initial planting shall be replaced within thirty (30) days.
- E. Landscaping and irrigation systems shall be reasonably maintained in accordance with the approved site and/or landscape plan. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form are significantly altered. Palm trees shall, however, be pruned a minimum of once each year to remove dried fronds and fruit and eliminate the potential of a fire hazard and insect/rodent infestation.
- F. Modifications and/or removal of any existing live landscaping on other than single family residential property shall require prior approval of the Zoning Administrator.
- G. Individual property owners and/or homeowners' associations shall properly maintain all landscaped areas, including those within the public and/or private rights of way adjacent to their property or the development, in accordance with the approved landscape plan, except in and along public rights of way and easements where the City of Eloy has agreed to provide maintenance.
- H. The replacement of dead street trees shall be by the individual property owners or the homeowners' association and shall be completed within thirty (30) days from the date that the association or property owner is notified by the City.

#### **15.4.5 SPECIFIC LANDSCAPE REQUIREMENTS FOR ON SITE SINGLE RESIDENTIAL LOTS**

- A. The front yard landscaping for a single residence lot within a new or existing recorded subdivision or dwelling, is required to be installed at the conclusion of home construction for lots, tracts or parcels within the R1-12, R1-6, R-2 or R-3 zoning districts.
- B. Required front yard landscaping shall, at a minimum, consist of organic and/or inorganic ground cover, one (1) tree and two (2) shrubs. The front yard landscaping is in addition to the local and neighborhood street right of way landscaping required in Eloy Zoning Ordinance Section 4.2.5
- C. The use of turf may be considered, within the front yard landscape, provided the total area of turf does not exceed fifteen percent (15%) of the total front yard area.

#### **15.4.6 SPECIFIC LANDSCAPE REQUIREMENTS FOR MULTIPLE RESIDENCE DEVELOPMENTS**

- A.** The required landscaping for an individual multiple family residence project, site plan, subdivision or development shall include the required common area and open space area, retention or detention basins, the community trail system, if applicable, parking area and the streetscape area adjacent to the public and/or private right of way, and above ground utility facilities.
- B.** Required streetscape landscaping for multiple family residence developments shall be in accordance with Section 15.5.3
- C.** Required landscaping for all parking areas in a multiple family residence district shall be in accordance with Section 4.2.3 of the Eloy Zoning Ordinance.
- D.** All multiple family residence developments (attached product, townhouse, condominium, apartments, etc.) shall provide a minimum of one (1) tree and two (2) shrubs, per dwelling unit, in the common or open space areas every forty (40) lineal feet. This landscaping shall be in addition to the required landscaping along streetscapes and parking lot areas as required in Section 15.5.3 and Section 4.1.5 of the Zoning Ordinance, respectively.
- E.** The required rear and side yards shall contain a continuous, landscaped buffer area having a minimum width of ten feet (10') and containing a minimum of one (1) tree and two (2) shrubs every forty lineal feet (40') or portion thereof, to provide visual screening between adjacent uses.

#### **15.4.7 SPECIFIC LANDSCAPE REQUIREMENTS COMMERCIAL AND INDUSTRIAL DEVELOPMENTS**

- A.** The required landscaping for an individual commercial office, commercial retail, industrial or business park project, site plan, subdivision or development shall include the required open space area, retention or detention basins, the community trail system, if applicable, parking area and the streetscape area adjacent public and/or private right of way. Any part of the lot area not developed for buildings, structures, approved storage, loading and vehicular access, streets, parking and above ground utility facilities shall be landscaped.
- B.** All C-1 zoned commercial developments that abut a residentially zoned property or abut a community trail system, as indicated in the Eloy General Plan, shall provide and maintain a landscaped buffer area, a minimum width of ten feet (10'), along the common property line. This landscaped area shall contain a minimum of one tree and two (2) shrubs every forty lineal feet (40') or portion thereof.
- C.** All C-2 zoned commercial and I-1 and I-2 zoned industrial developments that abut a residentially zoned property or abut the community trail system, as indicated in the Eloy General Plan, shall provide and maintain a landscaped buffer area, a minimum width of twenty feet (20'), along the common property line. This landscaped area shall contain a minimum of one (1) tree and two (2) shrubs every forty lineal feet (40') or portion thereof.
- D.** Vegetative screening, combined with architectural treatments, shall be provided to screen unattractive views and facilities such as storage areas,

trash enclosures, railroad sidings and yards, transformers, generators, heavy mechanical equipment and other similar features.

- E.** Vehicular parking areas adjacent to the right of way shall be screened to a height of at least three feet (3') by either a solid decorative masonry wall or a landscaped berm or a combination thereof. The slope of any berm shall not exceed a ratio of three to one (3:1) and shall be landscaped with vegetative and inert ground cover to prevent soil erosion and headcutting. All landscape areas adjacent to the vehicular parking and access areas shall be protected by a permanent vertical curb or concrete wheel stop in order to minimize landscape damage by vehicular traffic.

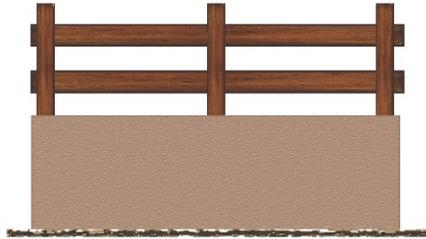
#### **15.4.8 WALL/FENCING REQUIREMENTS**

In order to enhance the appearance of the community, neighborhoods rather than individual subdivisions are desired. Walled in, separated subdivisions do not create neighborhoods by themselves and are strongly discouraged.

**A. Single and Multiple Residential Standards:**

1. The use of solid view obscuring perimeter walls along the boundary of the subdivision is not permitted except where specifically indicated on the Final Plat and approved by the City Council. Perimeter walls adjacent to the community open space system shall be view fences. External orientation of the subdivision to the surrounding arterial, collector and local streets as well as adjacent residential development is strongly encouraged and should limit the need for solid view obscuring perimeter walls.
2. Openings in the perimeter view fence are encouraged at the end of abutting interior cul-de-sac streets and along the community trail system, if applicable, to provide the desired connectivity to the community.
3. Vegetative screening is encouraged, in lieu of walls or fencing, when a residential subdivision is adjacent to a commercial development. Allowances for a solid wall may be made if the commercial use is required to have a wall or fence by national or state standards or if the residential area would be adjacent to the outdoor storage or loading area of an existing commercial use.
4. A solid wall may be required when a residential subdivision is adjacent to an existing industrial development or land zoned for future industrial use.
5. In the cases where a solid wall is used solely, or in combination with view fencing, the solid portion shall be decoratively treated on all sides to match the residential product architectural style and design.
6. Wire mesh or chain link, no higher than the top rail, may be used when in conjunction with a pipe rail or corral style fencing but not as a stand-alone fencing material. The use of slat filled chain link fences shall be prohibited.

## Exhibit 1 - Residential View Walls and Fences (Illustrative Only)



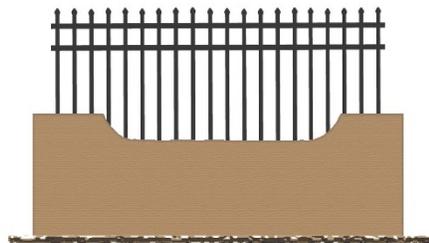
Solid wall and corral fencing combination.



Pipe rail or corral fencing with wire mesh or chain link.



Solid wall and ornamental iron combination.



Solid wall and ornamental iron combination.

### B. Commercial and Industrial Standards:

1. When solid view obscuring perimeter walls are necessary or required they shall be decoratively finished on all sides to match the commercial and/or industrial product architectural style and design.
1. Where a commercial or industrial development share a common property line with a residentially zoned property (including agricultural lands) or the community open space areas a solid perimeter wall shall not enclose the required landscaped buffer area. Rather the perimeter wall shall be a view fence and any necessary view obscuring screen walls shall be setback from the property line a minimum of forty feet (40') or behind the buffer area whichever is greater.
2. Trash and refuse collection locations shall be screened with a six foot (6') decorative masonry wall. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street.
3. Outside storage areas, transformers, generators, heavy mechanical equipment and other similar eyesores shall be screened from the public street view and adjacent residential, office, and commercial uses to a height

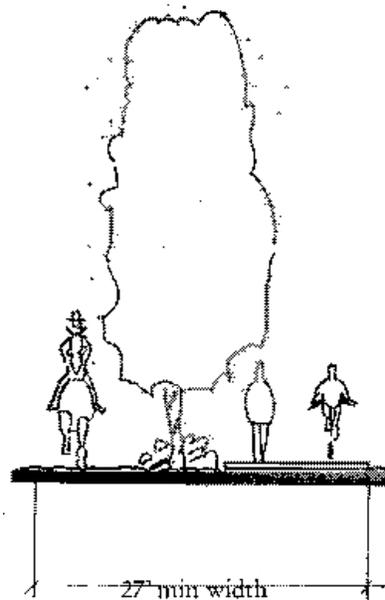
of at least six feet (6'). Materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall.

4. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three feet (3') in order to adequately screen the undercarriages of the parked vehicles.
5. Access Requirements:
  - a. Every subdivision (residential, commercial and industrial) shall have two (2) access points.
  - b. Rural and estate type developments shall front onto and take access from streets classified as arterial or collector streets as set forth in the circulation element of the Eloy general plan.
  - c. All low, medium and high density residential developments shall front onto and take access from public, or approved private streets, classified as and developed to the city of Eloy street standards.
  - d. Every lot shall have frontage onto a fully improved, publicly dedicated and accepted right of way (street or alleyway) that meets all city of Eloy street standards. Private streets that meet City of Eloy street standards may provide frontage to lots if the development is approved through the planned area development (PAD) process.
6. Multi-Use Pathways and Trail Requirements:
  - a. New development shall incorporate, at a minimum, and where appropriate, multi-use pedestrian walkways and bicycle paths as an integral component of the required open space of the development. These multi-use pathways must be located and designed to assure complete separation from vehicular traffic and be wide enough to accommodate two-way pedestrian and bicycle movement. Pathways shall have a minimum separation of five feet (5') from the back of curb to where the path is when adjacent to and parallel with a street.
  - b. New development that proposes parcels or lots in excess of two and one-half ( $2\frac{1}{2}$ ) acres in size should accommodate equestrian uses in conjunction with the required multi-use pedestrian walkways and bicycle paths, or as a separate trail.
  - c. Developers are urged to take into account actual or probable paths and routes that pedestrians, bicycle riders and equestrians may take for circulation, access to schools, parks, playgrounds, shopping, entertainment and other key community destinations. Particular care should be given to linkages with adjacent subdivisions to promote internal pedestrian, bicycle and equestrian traffic without crossing arterial or collector streets as much as possible.
  - d. Pedestrian, bicycle and equestrian trails within and through a development should connect to, and be a part of, the linear park and open space system of the community. These paths and trails should be landscaped and minimally furnished to provide shade and rest areas in order to encourage their extensive use as a secondary mode of

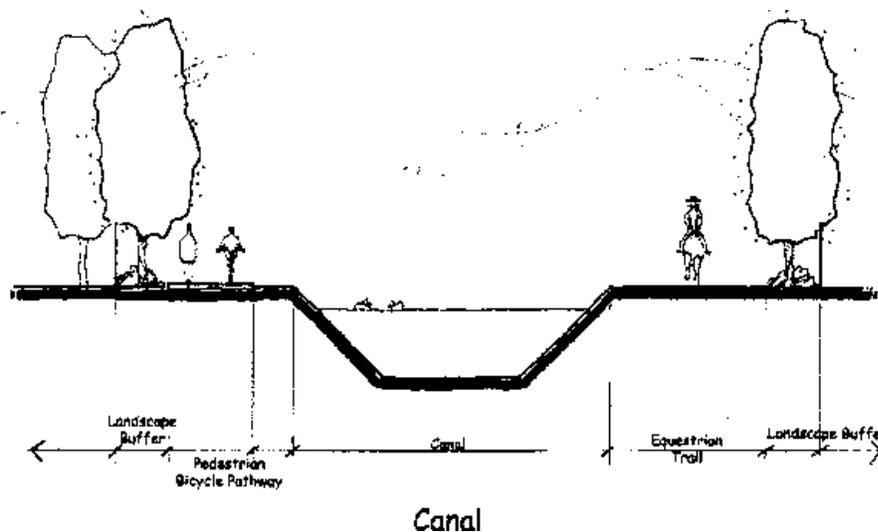
transportation and access throughout the neighborhoods and the City.

- e. Pedestrian and bicycle pathways shall have a total right of way or easement width of fifteen feet (15') to accommodate landscaping and furnishings as well as an eight foot (8') wide hard surface of asphalt concrete or similar material. If the multi-use pathways include an equestrian trail, the total right of way or easement width shall be twenty-seven feet (27'), with the additional twelve-foot (12') portion devoted to equestrians constructed of a softer surface treatment consisting of finely ground gravel or other compatible dense, yet soft material.

### Exhibit 2 - Multi-use Pathway and Equestrian Trail Typical Profiles



### Exhibit 3 - Irrigation Canal Trail Typical Profile



## 15.4.9 ARCHITECTURAL/PRODUCT REQUIREMENTS

### A. General:

All subdivisions that intend to use home product "standard plans", rather than each lot developing as a custom home design, shall submit all proposed standard plans to the City for approval after the Final Plat has been approved and prior to any building permits being issued. Deviations from the approved standard plans (e.g., exterior materials and details, floor plans, square footage, etc.) shall require review and re-approval by the City.

### B. Rural and Estate Residential:

Open space and vegetation dominate; architectural and manmade elements are apparent, but secondary. Rural uses, such as horses and view fencing, hedgerows along property boundaries, and generous setbacks from the street will visually contribute to the rural and estate character.

1. Mechanical equipment, electrical meter and service components, propane tanks, coolers, water filters and similar utility equipment shall be installed at ground level or wall mounted and shall be screened from public view and designed to appear as an integral part of the building.
2. Detached garages and side entry garages are encouraged and shall architecturally match the residential structure. The garage area shall not comprise more than thirty five percent (35%) of the total front elevation as visible from the front yard. Attached garages, facing the front yard and street, should have a facade that is recessed a minimum of seven feet (7') from the forward most living space, exclusive of a porch or courtyard, to provide interest and relief from the street.
3. The front elevation should prominently feature a pedestrian scaled entry or porch. The rear and side elevations should be aesthetically enhanced and of an architectural character comparable with the front elevation.
4. Embellish window treatments on all homes by adding architectural features which enhance the elevations, e.g., gabled roof features over windows, structural pop-outs, recesses, different window styles, etc.
5. Accessory buildings and/or farm buildings should be maintained in a structurally sound condition and should complement the architecture of the primary structure.

### C. Low and Medium Density Residential:

Architecture and the manmade elements are the predominant features. Setbacks for, and between, buildings are reduced proportionately to the size of the lots. Front yards may be reduced and street presence become more predominant for porches if the garage/auto area is proportionately recessed from the street or detached with access from a rear alley. Sufficient open space must be provided between or within adjacent subdivision developments for effective contrast and balance to the buildings and the land.

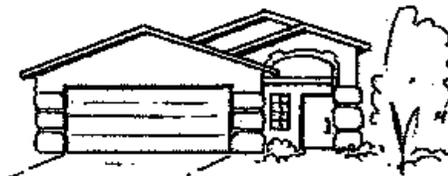
1. Mechanical equipment, electrical meter and service components, propane tanks, coolers, water filters and similar utility equipment shall be installed at ground level or wall mounted and shall be screened from public view and designed to appear as an integral part of the building.
2. The entryway of the dwellings, rather than the garages, should have a strong relationship to the neighborhood street (public realm). Detached garages are encouraged and should architecturally match the residential structure.
3. The garage area shall not comprise more than forty five percent (45%) of the total front elevation as visible from the front yard. Attached garages shall have a recessed facade and door when facing the front yard and street, with the recess varying a minimum of three (3) to seven feet (7') from the forward most living space, exclusive of a porch or courtyard. One plan per product line may have a garage that extends in front of the living space of the dwelling.
4. Several driveway approaches shall be incorporated into a tract home subdivision, e.g., side entry garage, detached garages, in-line garages and alley frontage garages, etc. At least one standard plan offered shall include a detached garage design. At least one standard plan offered shall include a side entry garage as a standard feature.

### **DESIRABLE:**



Front porch provides friendly relationship to the street and

### **UNACCEPTABLE:**



Garage as the dominant front face to the neighborhood.

5. The front elevation should prominently feature a pedestrian scaled entry or porch. The rear and side elevations should be aesthetically enhanced and of an architectural character comparable with the front elevation.
6. Overhanging eaves, and front facing covered porches are strongly encouraged.
7. Roof material shall not be wood shake shingles. Open gable roofs, emphasizing the lack of detail, should be avoided.
8. Straight rooflines should be varied by using offsets, differing heights, stepping, or different orientations to produce more variety within a development.

**DESIRABLE:**

Varied roof forms provide interest and

**UNACCEPTABLE:**

Open gable end emphasizes the lack of detailing

9. Embellish window treatments on all homes by adding architectural features, which enhance the elevations, e.g., gabled roof features over windows, structural popouts, recesses, headers, tile inlays, different window designs and styles, etc. Such features must be added to all of the exterior elevations of the structures to provide interest and relief.
10. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. The use of "T1-11 siding" (rough sawn plywood siding with vertical grooves at four (4) inches or eight (8) inches O.C.) shall be prohibited. All residential buildings shall have a permanent foundation and a garage or carport structure.
11. Repetitious elevations shall be avoided. The same elevations shall not be utilized across from or adjacent to each other. Repetitive use of standard plans shall be avoided. A minimum of four (4) floor plans, with at least three (3) distinctly different elevations for each floor plan, shall be required for all tract home subdivisions. Additionally, a minimum of three (3) colors of roof material, three (3) styles of garage doors and three (3) exterior paint colors shall be required to further promote visual interest and architectural diversity. A variety of building details, form, massing, material, proportion, and sighting shall be used to promote well-proportioned four (4) sided architecture.
12. A walkway from the street to the front porch or entry is strongly encouraged.

**D. Medium High and High Density Residential:**

1. Mechanical equipment, electrical meter and service components, propane tanks, coolers, water filters and similar utility equipment shall be installed at ground level or wall mounted and shall be screened from public view and designed to appear as an integral part of the building.
2. Roof material shall not be wood shake shingles. Open gable roofs, emphasizing the lack of detail, should be avoided. Overhanging eaves that help shade the building and create interest and relief are strongly encouraged.
3. Straight rooflines should be varied by using offsets, differing heights, stepping, or different orientations to produce more variety within a

development.

4. The front elevation should prominently feature pedestrian scaled entryways that are easily identifiable. The rear and side elevations should be aesthetically enhanced and of an architectural character comparable with the front elevation.
5. All of the exterior elevations of the structures shall provide interest and relief. Embellish window treatments on buildings by adding architectural features which enhance the elevations, e.g., gabled roof features over windows, structural pop outs, recesses, headers, tile inlays, different window designs and styles, etc.
6. All of the dwellings units within the development should have a strong relationship to one another, to the common open space and to the neighborhood street. A walkway from the street to the front entry is strongly encouraged.
7. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. The use of "T1-11 siding" (rough sawn plywood siding with vertical grooves at four (4) inches or eight (8) inches O.C.) shall be prohibited. All multiple residential buildings shall have a permanent foundation and a garage or carport structure.

#### **E. Commercial and Industrial Development:**

Architecture and the manmade elements is the predominant feature and thus must be sited and designed in a manner that will benefit the community, improve the physical appearance, contribute to the small-town character and be pedestrian friendly.

1. Mechanical equipment, electrical meter and service components, electrical transformers, backflow prevention devices, large water standpipes, propane tanks, telephone boxes, chilling units, and any other obtrusively large electrical, mechanical or similar utility device or equipment, whether ground level, wall mounted, or roof mounted, shall be fully screened from public view and designed to appear as an integral part of the building.
2. The building materials of a project shall be durable, require low maintenance, and be of a substantial quality.
3. All building elevations, which face a public street or are adjacent to residential uses or zoning districts, shall have an architectural design other than metal or corrugated metal.
4. All buildings shall incorporate three hundred sixty-degree (360°) architecture, a variety of massing and building heights, and stepping rooflines.

#### **15.4.10 STREET LOCATION AND ARRANGEMENT**

- A. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic and pedestrians; meet, but not exceed, the needs of present and future population served; have a simple and logical pattern; respect natural features and topography; and, present an attractive streetscape.

- B. In residential subdivisions, the road system shall be designed to serve the needs of the greater neighborhood. Vehicular through traffic should be discouraged using traffic calming methods such as decorative raised paving, traffic circles, landscaped diverters, traffic chokers and other landscaping devices.
- C. There shall be no development of roadways built to arterial or collector standards unless that roadway and roadway alignment is shown in the Circulation Element of the Eloy General Plan as a proposed roadway.
- D. Whenever a proposed subdivision embraces any part of an arterial or collector street designated in the general plan, such street shall be platted in conformity therein. Street layout shall provide for the continuation of such arterial and collector streets as the general plan or City Engineer may designate.
- E. Certain proposed streets, as designated by the City, shall be extended to the subdivision boundary to provide future connection with adjoining unsubdivided lands.
- F. All "local streets" shall be designed with curb separated sidewalks to meet the safety needs of the pedestrians and to enhance the streetscape.
- G. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility, streets of reasonable gradient, and the facilitation of adequate drainage.
- H. Where private streets are approved through the PAD process, such streets shall be constructed to City public street specifications and shall be placed into specific "street tracts" of land. Statements shall be contained on the plat and in both the deed restrictions and the homeowners' or property owners' association bylaws that those streets are declared private subject to an easement authorizing use by emergency and public service vehicles, and remain the permanent responsibility of the homeowners' or property owners' association. If at any time the streets are dedicated to, and accepted by, the City, the streets must first be developed to standards specified by the City at the time of dedication.
- I. If approved by the City Council, low density and medium density residential subdivisions designed in a neo-traditional manner may designate an alley as the primary means for access. Alleys may be required in commercial and industrial subdivisions as approved by the City Council.

#### **15.4.11 STREET DESIGN**

See Exhibits 4 through 9 at the end of this subsection.

##### **A. Design of Streets:**

The design of streets shall conform to standards established by the MAG Uniform Standard Specifications and Details for Public Works Construction and by this Chapter. See exhibit 4 through exhibit 10 at the end of this section for specifics.

##### **B. Private Streets:**

Private streets shall conform to above stated design standards unless

otherwise approved by the City Council. Private streets shall be placed within their own parcel or tract of land and shall only be approved through a PAD. Where site conditions necessitate unique design solutions, modifications may be approved by the City Council.

**C. Cul-De-Sac Streets:**

Cul-de-sac streets shall be constructed as shown in Exhibit 10. The City Engineer may recommend an equally convenient form of turning and backing areas where extreme conditions justify. The maximum length of cul-de-sac streets shall be six hundred feet (600') or twenty (20) homes as measured from the intersection of right of way lines to the extreme depth of the turning circle along the street centerline. An exception may be made where topography justifies but shall not be made merely because the tract has restrictive boundary dimensions, wherein provision should be made for extension of the street pattern to the adjoining unplatted parcel and a temporary turnaround installed.

**D. Dead End Streets:**

Dead end streets will not be approved except in locations recommended by the City Engineer as necessary to future development of adjacent lands.

**E. Private Access and Driveways:**

Access from private property to any dedicated street shall be constructed in accordance with permits issued by the City. Width of driveway at the property line shall be a minimum of twelve feet (12') and a maximum of forty feet (40'). The width will depend on the access to be served (e.g., residential, commercial or industrial). All residential access treatment within the right of way will be constructed with five inches (5") of concrete or two inches (2") of asphalt over a five-inches (5") aggregate base.

**F. Alleys:**

Alleys shall be designed with a minimum of twenty-four feet (24') of pavement when there is residential property on both sides and thirty feet (30') when abutting commercial or industrial properties. Dead end and "half" alleys shall be prohibited.

**G. Street Intersections:**

1. Streets intersecting a major street shall do so at a ninety-degree (90°) angle; intersection of local streets shall not vary from ninety degrees (90°) by more than fifteen degrees (15°). The City Engineer, based on terrain and other conditions, will consider exceptions to these requirements.
2. Street jogs with centerline offsets less than one hundred thirty-five feet (135') shall be prohibited, except when approved by the City Engineer. Under special circumstances where local streets intersect major streets, the City Engineer may require minimum centerline offsets of four hundred feet (400').
3. Local streets intersecting a collector street or arterial street shall have a tangent section of centerline at least one hundred fifty feet (150') in length

measured from the right of way line of the major street, except that no such tangent is required when local street curve has a centerline radius greater than four hundred feet (400') with the center located on the major street right of way line. Where topographic conditions make necessary other treatment to secure the best overall design, these standards may be varied by the City Council upon the recommendation of the city engineer.

4. Street intersections with more than four (4) legs and Y-type intersections where legs meet at acute angles shall be prohibited.
5. At local intersections, property line corners shall be rounded by circular arc, having a minimum radius of twenty feet (20'). A thirty-three (33') by thirty-three (33') triangle shall be provided at each corner of the intersection of two (2) major streets. Under special conditions the City Engineer may recommend other dimensions for the above.

**H. Surface Treatment:**

The traveled way of all streets shall be surfaced with asphalt concrete. The placing of asphalt concrete shall be accomplished under generally accepted construction techniques provided in Section 321 of the MAG standard.

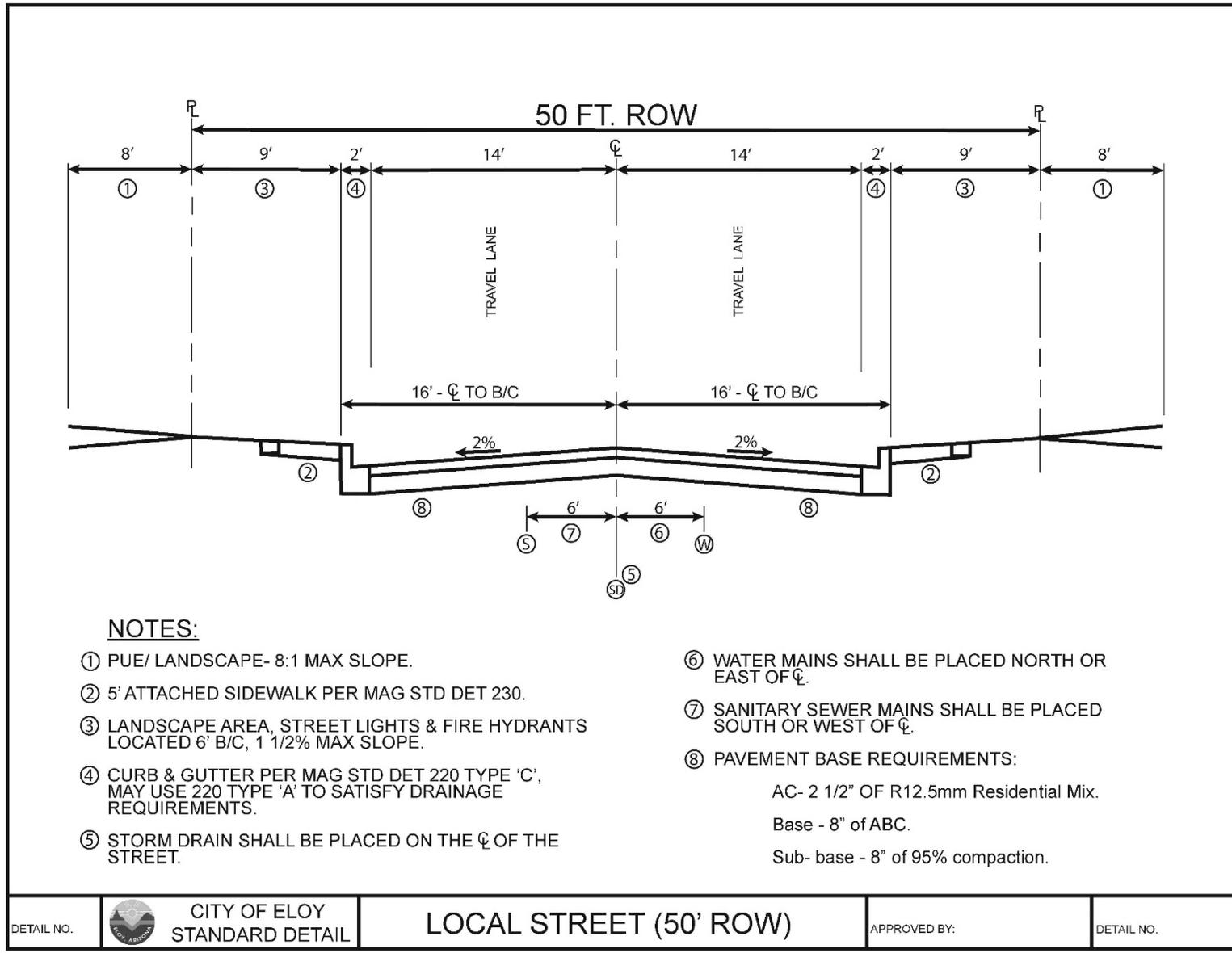
**I. Structural Section:**

The thickness of base and surface treatment for all streets shall be based on geotechnical analysis and pavement thickness design provided by the developer. In no case will the base be less than eight inches (8") and the surface treatment less than three inches (3") (compacted thickness).

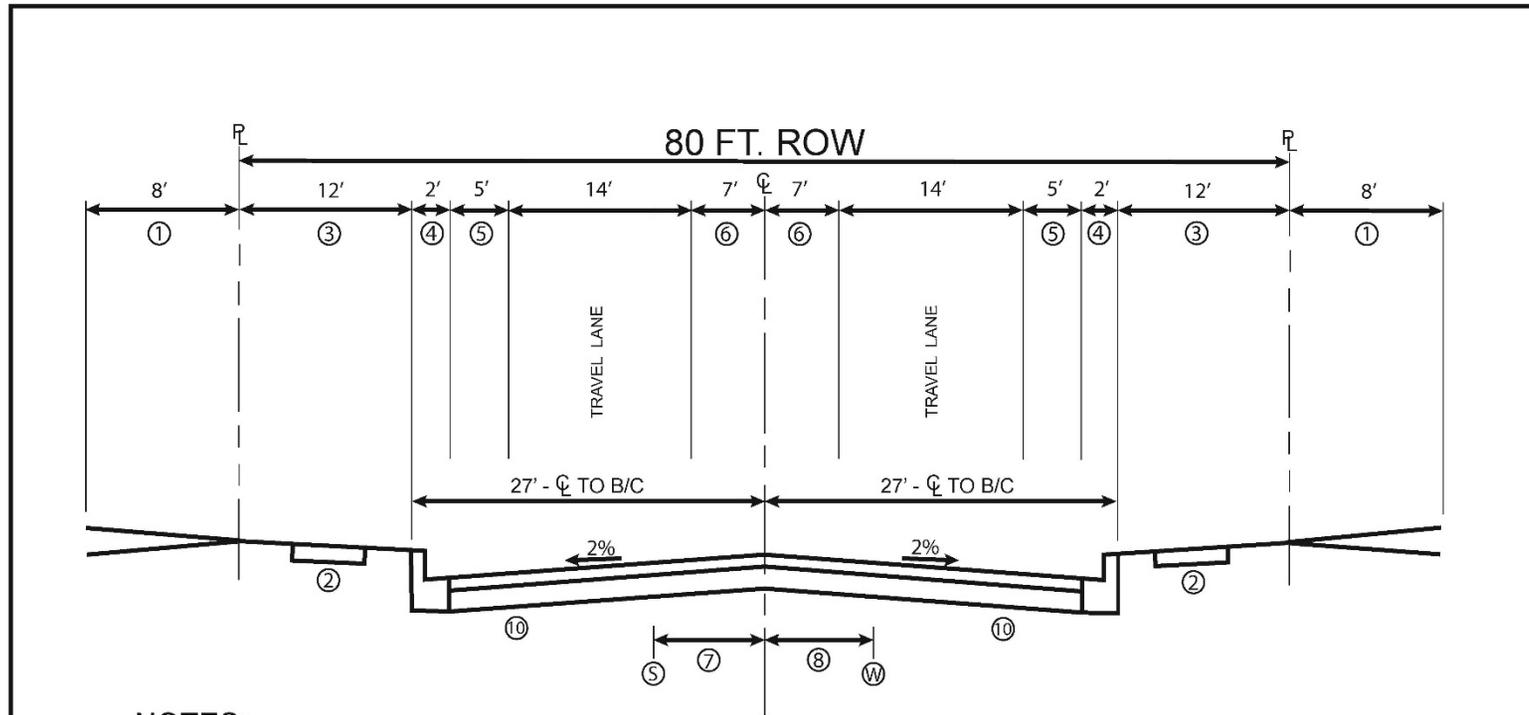
**J. Aggregate Base Course:**

All developments will be required to submit a geotechnical report and pavement recommendation prepared by an Arizona registered geotechnical engineer. The pavement report will recommend at least two (2) alternative structural sections for each street classification. Additional asphalt may be substituted for untreated base at the ratio of one inch (1") to three inches (3") (1:3). The top four inches (4") must be ABC, the balance may be ABC or select material.

**Exhibit 4 - Local Street**



**EXHIBIT 5 - COLLECTOR STREET**



**NOTES:**

- ① PUE/ LANDSCAPE- 8:1 MAX SLOPE.
- ② 6' MEANDERING S/W PER MAG STD DET 230. S/W SHALL BE A MIN OF 3' FROM B/C.
- ③ LANDSCAPE AREA, STREET LIGHTS & FIRE HYDRANTS LOCATED 6' B/C.
- ④ CURB & GUTTER PER MAG STD DET 220 TYPE 'A'.
- ⑤ BICYCLE LANE
- ⑥ CENTER TURN LANE. OPTIONAL RAISED MEDIAN, MEDIAN INCREASES CENTER LANE TO 16'.
- ⑦ SANITARY SEWER MAINS SHALL BE PLACED SOUTH OR WEST OF  $\phi$ , CENTERED IN DRIVING LANE.
- ⑧ WATER MAINS SHALL BE PLACED NORTH OR EAST OF  $\phi$ , CENTERED IN DRIVING LANE.
- ⑨ NO PARKING/ BIKE LANE SHALL BE SIGNED ON BOTH SIDES OF THE STREET.
- ⑩ PAVEMENT BASE REQUIREMENTS:
  - AC- 2" of A12.5mm Arterial Superpave.
  - AC- 3" of A19.0mm Arterial Superpave.
  - Base - 12" of ABC.
  - Sub- base - 12" of 95% compaction.

DETAIL NO.



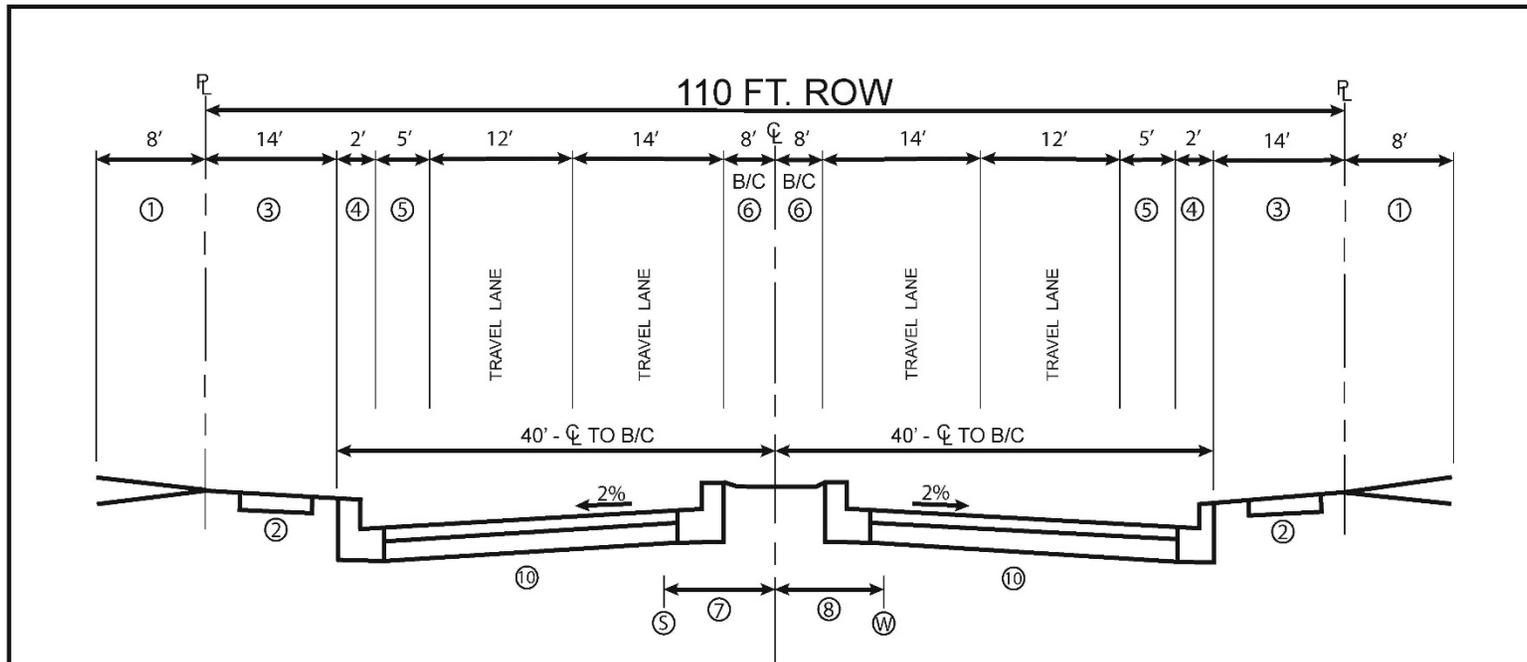
CITY OF ELOY  
STANDARD DETAIL

**COMMERCIAL COLLECTOR (80' ROW)**

APPROVED BY:

DETAIL NO.

**EXHIBIT 6 - Commercial Collector**

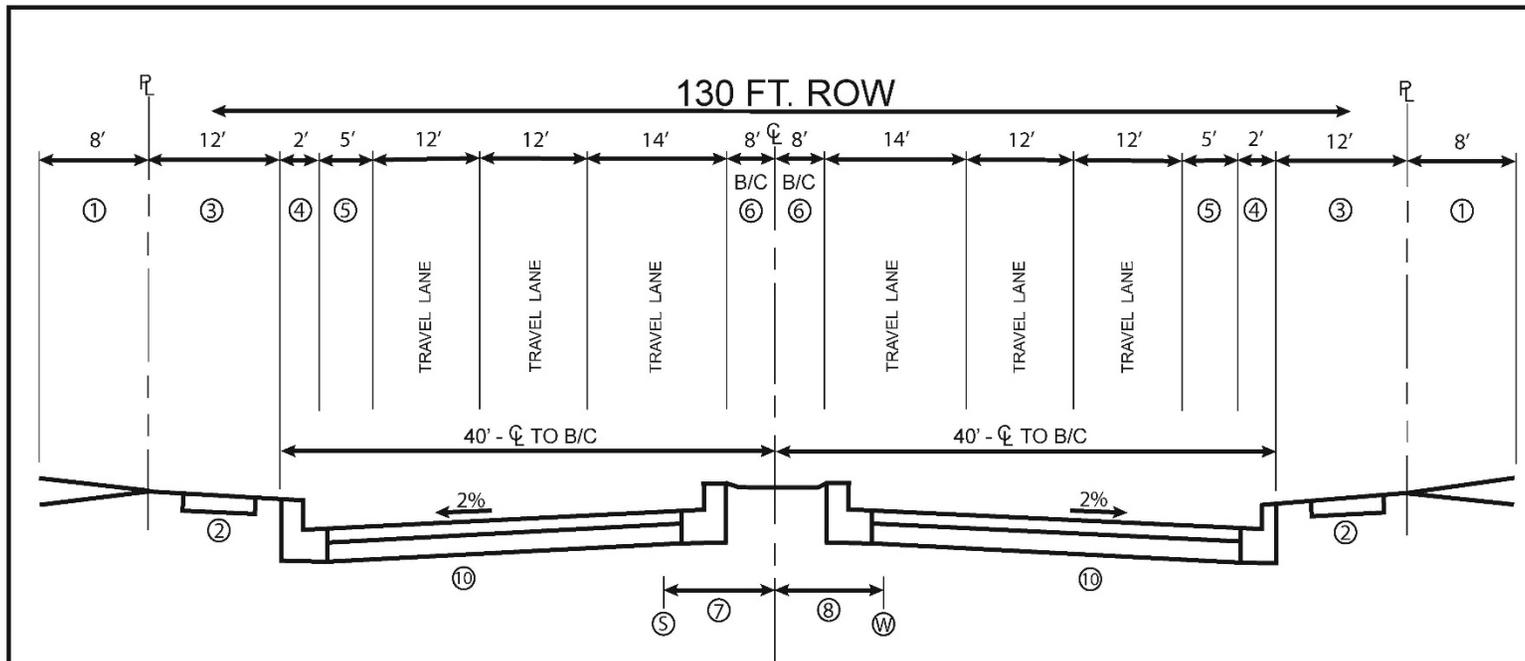


**NOTES:**

- ① PUE/ LANDSCAPE- 8:1 MAX SLOPE.
- ② 6' MEANDERING SW PER MAG STD DET 230. S/W SHALL BE A MIN OF 3' FROM B/C.
- ③ LANDSCAPE AREA, FIRE HYDRANTS LOCATED 6' B/C. STREET LIGHTS CENTERED IN MEDIAN.
- ④ CURB & GUTTER PER MAG STD DET 220 TYPE 'A'.
- ⑤ BICYCLE LANE
- ⑥ REQUIRED RAISED MEDIAN.
- ⑦ SANITARY SEWER MAINS SHALL BE PLACED SOUTH OR WEST OF  $\bar{C}$ , STANDARD OFFSETS SHALL BE 16', 22', 28', AND 34'.
- ⑧ WATER MAINS SHALL BE PLACED NORTH OR EAST OF  $\bar{C}$ , STANDARD OFFSETS SHALL BE: 16', 22', 28', AND 34'.
- ⑨ NO PARKING/ BIKE LANE SHALL BE SIGNED ON BOTH SIDES OF THE STREET.
- ⑩ PAVEMENT BASE REQUIREMENTS:
  - AC- 2" of A12.5mm Arterial Superpave.
  - AC- 3" of A19.0mm Arterial Superpave.
  - Base - 12" of ABC.
  - Sub- base - 12" of 95% compaction.

DETAIL NO.	<b>CITY OF ELOY</b> STANDARD DETAIL	<b>MINOR ARTERIAL STREET (110' ROW)</b>	APPROVED BY:	DETAIL NO.
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**EXHIBIT 7 - MINOR Arterial Street**



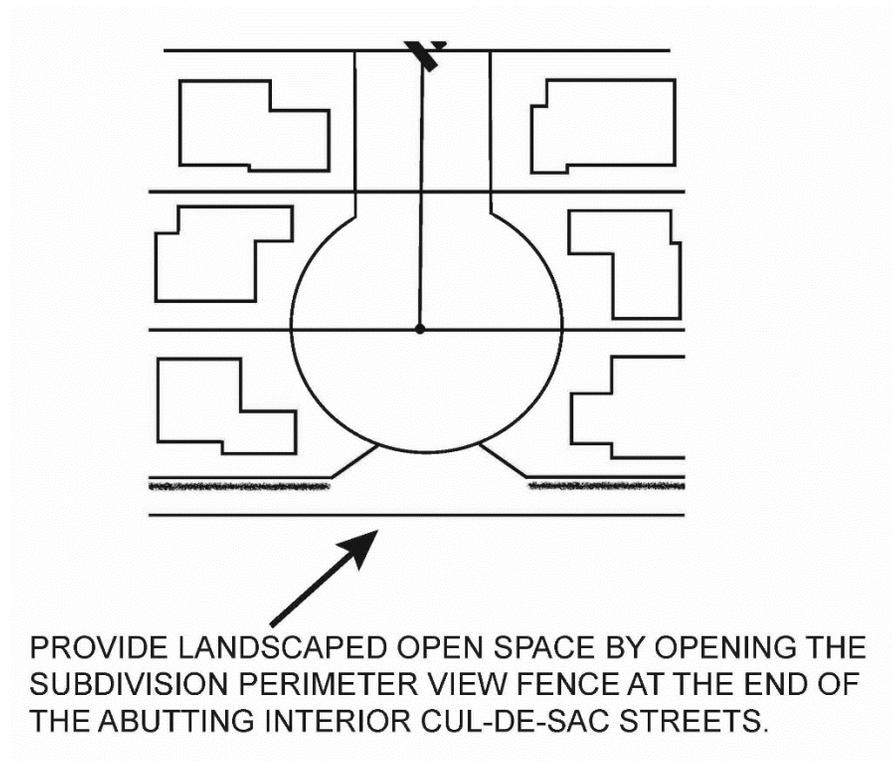
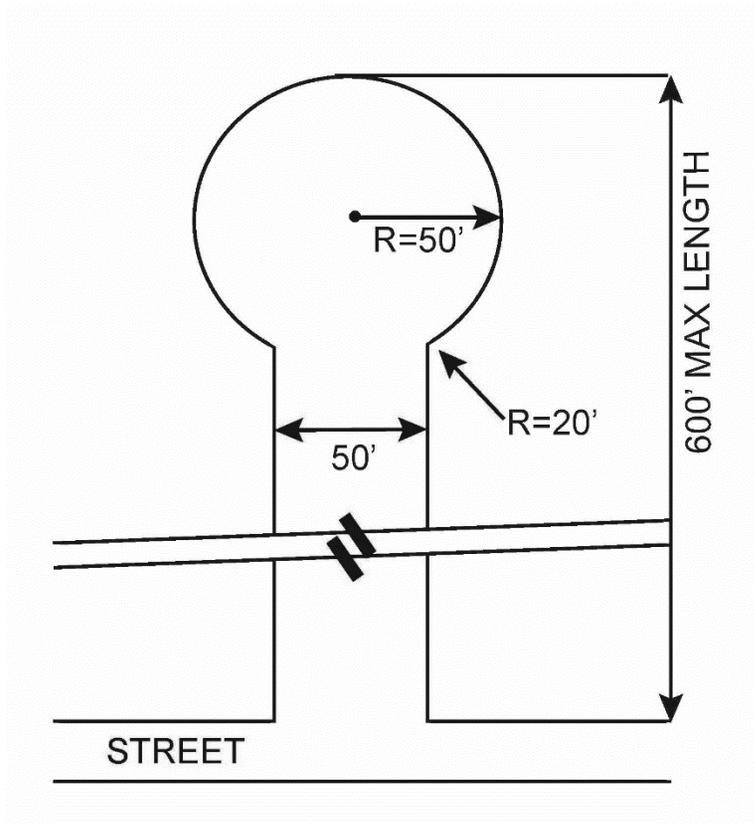
**NOTES:**

- ① PUE/ LANDSCAPE- 8:1 MAX SLOPE.
- ② 6" MEANDERING S/W PER MAG STD DET 230. S/W SHALL BE A MIN OF 3' FROM B/C.
- ③ LANDSCAPE AREA, FIRE HYDRANTS LOCATED 6' B/C. STREET LIGHTS CENTERED IN MEDIAN.
- ④ CURB & GUTTER PER MAG STD DET 220 TYPE 'A'.
- ⑤ BICYCLE LANE
- ⑥ REQUIRED RAISED MEDIAN.
- ⑦ SANITARY SEWER MAINS SHALL BE PLACED SOUTH OR WEST OF  $\phi$ . STANDARD OFFSETS SHALL BE 16', 22', 28', 34', 40' AND 46'.
- ⑧ WATER MAINS SHALL BE PLACED NORTH OR EAST OF  $\phi$ . STANDARD OFFSETS SHALL BE: 16', 22', 28', 34', 40', AND 46'.
- ⑨ NO PARKING/ BIKE LANE SHALL BE SIGNED ON BOTH SIDES OF THE STREET.
- ⑩ PAVEMENT BASE REQUIREMENTS:  
 AC- 2" of A12.5mm Arterial Superpave.  
 AC- 3" of A19.0mm Arterial Superpave.  
 Base - 12" of ABC.  
 Sub- base - 12" of 95% compaction.

DETAIL NO.	CITY OF ELOY STANDARD DETAIL	<b>MAJOR ARTERIAL STREET (130' ROW)</b>	APPROVED BY:	DETAIL NO.
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**EXHIBIT 8 - Major Arterial Street**

**Exhibit 9 - Cul-de-sac Street**



### **15.4.12 LOT PLANNING**

- A.** Lot width, depth and area shall comply with the minimum requirements of the zoning ordinance; however, where drainage or flooding problems exist or prevail, the City may require special lot width, depth and/or area exceeding minimum requirements of the zoning district.
- B.** Depth to width ratio of the usable area of a single residence lot shall usually not be greater than three to one (3:1).
- C.** All proposed lots must be developable without the need of a variance, waiver or further discretionary approvals from the City. Prior to Final Plat approval, the City may require additional documentation, including, but not limited to, engineered concept plans, for lots with questionable developability.
- D.** Corner lots shall generally be designed larger to accommodate the increased setback requirements of the zoning ordinance.
- E.** Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment may be justified in the opinion of the City Engineer.
- F.** Residential lots extending through the block and having frontage on two (2) parallel streets which are both local streets, or one of which is a local street and the other is a collector street, shall not be permitted; except when there are commercial or industrial zoning districts on the opposite side of the street and except where justified in the opinion of the Zoning Administrator.

### **15.4.13 EASEMENT PLANNING**

- A.** Easements will be required for all private utilities outside of the street right of way and shall be placed along lot lines as required by the City/utility companies.
- B.** Where a stream, wash or important surface drainage course abuts or crosses a development, dedication of a drainage easement of a width sufficient to permit widening, deepening, relocating, or protecting and maintaining said watercourse shall be required. All drainage easement widths shall be approved by the City Engineer and the Pinal County Flood Control District based upon the hydrological analysis of a 100-year frequency storm.
- C.** All retention and detention areas shall be in tracts with drainage easements.
- D.** It shall be the responsibility of each public utility company to review Preliminary Plats and indicate on them the easements necessary to serve the proposed development. It is also the public utility company's responsibility to review Final Plats to ensure that all requested easements have been included.
- E.** Land within a drainageway or within an easement for major power transmission (tower) lines or pipelines shall not be considered a part of the useable lot area.
- F.** Lots arranged to back to arterial streets, railroads, or commercial or industrial districts shall have a recorded one-foot (1') nonvehicular access easement along the rear lot line.

**15.4.14: STREET NAMING**

- A. Street names should be consistent with the natural alignment and extension of existing named streets. New street names shall be sufficiently different in sound and spelling from other street names in the City so as to not cause confusion.
- B. The developer shall propose a list of street names to be reviewed and approved by City Staff. Once approved by Staff, they may be incorporated the street names on the preliminary plat for recommendation the Commission and approved by Council. The City reserves the right to change any proposed street name to conform to the City's overall pattern.
- C. Street name signs shall be placed at all street intersections and be in place by the time the street pavement is ready for use. Specifications for design, construction, location, and installation shall be by the City Engineer or his/her designee.

**15.4.15: DRAINAGE**

- A. Proper and adequate provision shall be made for disposal of storm water; this shall apply equally to grading of private properties and to public streets. Existing major watercourses shall be maintained and dedicated as drainageways. A preliminary drainage report indicating the type, extent, location and capacity of drainage facilities shall be submitted for the individual subdivision and approved by the City Engineer. All drainage improvements shall be accomplished under generally accepted construction techniques in accordance with the MAG Uniform Standard Specifications and Details for Public Works Construction.
- B. The design and construction of storm water retention areas which meander through the residential development as a greenbelt, as opposed to constructing a series of separate and distinct basins, is strongly encouraged. Such greenbelt areas shall qualify as open space and, if of sufficient width, may be used to provide the required multi-use pedestrian walkways and bicycle paths.
- C. Post development flows cannot exceed predevelopment flows in peak runoff, volume, or velocity and may not concentrate sheet flows without downstream off-site control.
- D. Drywells are discouraged. If drywells are necessary they shall be spaced as far apart as possible, and only fifty percent (50%) of the percolation capacity can be used in calculating the required number of drywells to be utilized. All drywells shall comply with applicable Arizona Department of Environmental Quality (ADEQ) requirements. In addition, a maintenance plan shall be prepared that provides for routine inspection and maintenance to the approval of the City Engineer.
- E. When computing the weighted C-factor, a C-factor of 0.95 shall be used for the entire allowed lot coverage area.

**15.4.16: SANITARY SEWAGE DISPOSAL**

- A. All subdivisions within the City's sewer service area shall install sewer collection lines, and all dwelling units shall be required to connect to the collection system.
- B. Public sanitary sewers shall be installed in accordance with plans, profiles and

specifications approved by the City Engineer and Arizona Department of Environmental Quality (ADEQ). The installation shall be accomplished under generally accepted construction techniques in accordance with the MAG Uniform Standard Specifications and Details for Public Works Construction and ADEQ.

- C. All subdivisions not in the City's sewer service area shall submit a sewer service plan acceptable to the City Engineer and Arizona Department of Environmental Quality.
- D. Sewer lines are subject to approval by the City Engineer and ADEQ.
- E. Service stubs to platted lots within the subdivision for underground utilities shall be placed to the right of way line or the public utility easement whichever is greater.
- F. Sanitary sewer lines shall be extended to the boundaries of the subdivision to provide service connections to abutting unsubdivided land.

#### **15.4.17 WATER SYSTEM**

- A. Potable Water Supplied to Lots: Each lot shall be supplied with potable water in sufficient volume and pressure for domestic use and fire protection purposes. Design and construction of any and all facilities relating to the supply, storage, transmission, treatment and distribution of potable water within or outside of any subdivision shall be accomplished under generally accepted construction techniques in accordance with the MAG Uniform Standard Specifications and Details for Public Works Construction and meet with the written approval of the City Engineer, Eloy Fire District, and ADEQ.
- B. Design and Construction: All design and construction must meet MAG Uniform Standard Specifications and Details for Public Works Construction, City and ADEQ specifications and requirements in force at the time of plan renewal and approval. If it is necessary for the City to apply specifications or requirements not in force at the time of plan review, but necessary to achieve the orderly and proper development of any portion of the public water system, the City reserves the right to enforce such specifications and requirements to ensure and protect the public welfare.
- C. Fire Protection: Water specifications and requirements relating to fire protection are established by the City Engineer and Eloy Fire District. At a minimum, fire protection must be provided in accordance with the currently City adopted Uniform Fire Code.
- D. Line Sizing: Minimum size lines for water lines shall be six inches (6") without hydrants and eight inches (8") with hydrants. Minimum eight-inches (8") lines shall be required on dead end hydrant lines longer than three hundred feet (300') along with a backflow prevention device.
- E. Services:
  - 1. Minimum one-inch (1") service tap and service pipe shall be permitted with a three fourth inch ( $\frac{3}{4}$ " ) meter and shall serve only one property.
  - 2. Service stubs to platted lots within the subdivision for underground utilities shall be placed to the right of way line or the public utility easement,

whichever is greater.

- F. Fire Hydrants: Maximum spacing for fire hydrants shall be five hundred feet (500') in single residence areas and three hundred feet (300') in all other areas. Installation shall be accomplished under generally accepted construction techniques in accordance with the MAG Uniform Standard Specifications and Details for Public Works Construction and the Uniform Fire Code as designated by the City Engineer and the Eloy Fire District.
- G. Lines Extended To Subdivision Boundaries: Water distribution lines shall be extended to the boundaries of the subdivision to provide service connections to abutting unsubdivided land.
- H. Sampling Points: Water sampling points shall be provided at locations designated by the City Engineer.

#### **15.4.18 STREETLIGHTS**

- A. Fixture type, height, etc., shall meet the specific criteria established by the City.
- B. Streetlights shall be installed only at the entrances to a subdivision or neighborhood and at those streetlight locations required by the City Engineer.

#### **15.4.19 PUBLIC UTILITIES**

- A. All existing and new utility and telephone lines, electric utility distribution feeders, cable television lines, and all other communication and utility lines adjacent to or within new residential, commercial, or industrial subdivisions or other areas to be developed within the City, shall be installed underground at the time of development of the property as part of the required off site and on-site improvements. The developer of the property shall be responsible for the costs of the underground construction in accordance with the underground policy of the serving utility.
- B. When, as a result of the subdivision development, it is necessary to relocate, renew or expand existing facilities within or adjacent to the platted area, the subdivider shall make the necessary arrangements with the serving utility for these installations to be placed underground. The subdivider shall arrange with the serving utility for, and be responsible for, the cost of underground service lines to approved streetlight locations.
- C. Service stubs to platted lots within the subdivision for underground utilities shall be placed to the right of way line or the public utility easement whichever is greater.
- D. Underground utilities shall be extended to the boundaries of the subdivision to provide service connections to abutting unsubdivided land.

## SECTION 5- IMPROVEMENT REQUIREMENTS

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### 15.5.1 PURPOSE

The purpose of this Section is to further describe "Stage 5; Final Plat and Improvement Plan Approval" of the subdivision process, the specific responsibilities of the subdivider in the design, construction and financing of improvements and to establish procedures for review and approval of these improvements.

### 15.5.2 GENERAL

**A. Responsibility:** The subdivider shall be responsible for all costs, including review fees, for the installation of the improvements as a stipulation of zoning and/or Preliminary Plat which shall include, at least, but not limited to, the following improvements:

1. Public/private sewers.
2. Public/private water supply systems.
3. Grading/drainage/storm drains.
4. Streets/private accessways.
5. Alleys (where applicable and approved).
6. Utilities (electric, telephone, cable television/broadband).
7. Streetlights (where applicable and approved).
8. Monuments and signage.
9. Landscaping and streetscape.
10. Multi-use pathways and trails.

**B. Streets and Public Easements:** All streets and public easements within the boundary lines of the subdivision shall be improved to cross sections, grades, and standards outlined in this Chapter or approved by the City Engineer. Where there are existing City streets adjacent to the subdivision, subdivision streets shall be improved to the intercepting paving line of such existing streets, or to a matching line determined by the City Engineer; transition paving, including turn lanes, shall be installed as required by the City Engineer. When a subdivision includes a portion of a major street or a collector street, the remainder of which outside of the subdivision is not paved, an all-weather two (2) lane street at least twenty-four feet (24') wide may be constructed in the interim as approved by the City Engineer. Financial assurances, in the amount necessary for completion of the ultimate improvements of the major street or a collector street, shall be filed with and retained by the City. In the case where there is an unimproved street or roadway easement between the subdivision and the improved City street system, an interim all weather two (2) lane street at least twenty-four feet (24') wide shall be constructed to a standard approved by the City Engineer to connect the subdivision to the improved street system. Any interim roadway shall have sufficient culverts and drainage facilities to allow a 25-year frequency storm to pass under the road section and a 100-year frequency storm to pass over the road section at a depth not to exceed six

inches (6") of water. Dead end streets extending two hundred feet (200') or more and dead end interim roads shall be graded and have an all-weather surface with a temporary minimum fifty-foot (50') radius turning circle.

- C. Utilities:** The subdivider shall be responsible to make the necessary arrangements with each of the serving utility companies involved for the installation of the underground facilities. Letters from each of the serving utility companies indicating that said arrangements have been made shall be submitted to the City Engineer at the time the Final plat is submitted for approval.
- D. Monuments:** Permanent monuments shall be installed along the easement and right of way lines, including drainage easements, and in accordance with current City standards at all corners, angle points, and points of curve and in the center at all street intersections. After all improvements have been installed, an Arizona registered land surveyor shall check the locations of the monuments and certify their accuracy.
1. Iron pins shall be set at all lot corners, angle points and points of curve for each lot within the subdivision within one (1) year of Final Plat approval and before the recording of the Final Plat. Permanent brass cap in concrete monuments shall be set for all subdivision points that are located in the public rights of way. These are to be placed in accordance with the applicable MAG standard.
  2. Blue reflective markers shall be placed in the center of the right of way of all paved streets across from each fire hydrant.

### 15.5.3 SUBMITTAL REQUIREMENTS

**A. General:**

1. It shall be the responsibility of the subdivider to have an Arizona registered professional engineer, in the correct discipline, prepare a complete set of engineering plans and reports for construction of all required improvements and an Arizona registered landscape architect prepare a complete set of landscape plans. All plans submitted to the City shall be stamped/sealed by the professional who prepared them. Such plans shall be based on the approved preliminary plat and be prepared in conjunction with the Final Plat and in accordance with all applicable city, county, or state standards.
2. All improvement plans submitted to the City of Eloy for approval must be submitted on twenty-four inches by thirty six inches (24" x 36") sheets of blue or black line paper prints. The scales chosen for plans shall be such that existing features, proposed construction and any other information to be provided will be depicted in a clear, uncluttered, understandable manner. Water system, sewer system and street paving improvements should be drawn at a horizontal scale of one-inch equals forty feet (1" = 40') and a vertical scale of one-inch equals two feet (1" = 2'), unless the City Engineer approves the use of another scale. Plans for other purposes may require the use of a larger or smaller scale.
3. Water and sewer improvement plans shall be submitted on the same set of plans, but shall also show on the paving plans. Separate grading and

drainage plans shall be submitted.

**B. Improvement Plan Submittal Requirements:**

1. Initial Submittal with Final Plat: The following sets of plans and reports along with the required fees shall be submitted to the City Community Development Department:
  - Improvement plan review fee.
  - Final plat review fee.
  - 7 copies of the final plat.
  - 7 sets of water and sewer improvement plans.
  - 7 sets of paving, grading, and drainage improvement plans.
  - 7 sets of landscape improvement plans.
  - 2 copies of the final drainage report.
  - 2 copies of the final geotechnical report.
  - 2 copies of the final traffic report.
  - 2 copies of the boundary closure.
  - 2 copies of the subdivision deed restrictions.
2. Form Of Final Plat: The Final Plat should be in final form showing all information including dedication statement, signature blocks, and other notations as necessary.
3. Redline Check Prints: Subsequent submittals will require that the redline check prints be submitted in addition to the number of sets outlined in the initial submittal requirements.
4. Final Submittal: The following information, documents and material shall be submitted to the City Community Development Department:
  - 2 copies of engineers cost estimate.
  - Improvement plan Mylar cover sheet.
  - 3 copies of the final plat (paper prints).
  - 8<sup>1</sup>/<sub>2</sub>" x 11" pdf of the final plat.
  - 8<sup>1</sup>/<sub>2</sub>" x 11" pdf of the final landscape plan.
  - ALTA title report (current to the date of final plat recordation).
  - Assurance of construction (refer to section 15.5.5 of this Section for specifics). Utility companies' approval and clearance letter.
5. City Recordation Submittal: The following fees, documents and plans shall be submitted to the City Community Development Department after the City Engineer has approved the improvements plans and the City Council has approved the final plat: Recording fees (for final plat and CC&R's).
  - 1 original signed deed restrictions.

- 1 photo Mylar (not ammonia process) for county records. 1 Mylar sepia, not less than 3 mil, for city records.
- 1 Mylar sepia, not less than 3 mil, for project engineers' records. 3 copies approved improvement plans (paper prints).

**C. Water Service Requirements:**

1. Prior to the recordation of any Final Subdivision Plat affecting all or any portion of the property, the developer shall obtain Arizona Department of Water Resources (ADWRs) consent to modify the City's "designation of assured water supply" so that the City's demonstrated ground water supply (the "physical, legal and continuous availability demonstration") shall be enlarged in amounts sufficient to serve the property.
2. The developer shall extinguish all grandfathered ground water rights and transfer all credits related to the property to the City, and/or otherwise meet all requirements of this Section, as a condition of new water service. Until all grandfathered ground water rights have been extinguished, prior to the recordation of any Final Subdivision Plat affecting all or any portion of the property, the developer shall extinguish a sufficient quantity of grandfathered ground water rights and transfer to the City all assured water supply credits that may be issued by the ADWR resulting from the extinguishment of said grandfathered rights as are necessary for the City to remain designated as having an assured water supply for the portion of the property affected by said subdivision plat. All phases of a development, after all grandfathered ground water rights related to the property have been extinguished with credits transferred to City, shall be served by renewable water sources, including surface, effluent, effluent recharge, Central Arizona Project (CAP) and CAP recharge, at no expense to the City or its customers located outside of the property.
3. In accordance with water service agreements to be entered into between the City and the developer prior to the City's delivery of water to the property, the developer, will construct, to all applicable standards, the necessary water infrastructure to serve the property, which shall include such water treatment, storage, recharge, pumping and delivery systems as may be necessary for the City to remain designated as having an assured water supply for the property. The developer further agrees that the City shall be entitled to any and all storage and recharge credits resulting from the facilities and programs constructed and implemented as part of this requirement. Recharge credits resulting from the use of such facilities originating from the property shall be attributed to the development for purposes of meeting its assured water supply obligation herein. Upon completion of the construction warranty period the developer will convey the completed and accepted water service infrastructure to the City for operation and maintenance. Upon conveyance by the developer, and acceptance by the City of the water service infrastructure, the City shall, at its own cost and expense, operate and maintain such infrastructure.
4. The developer acknowledges that the City reserves the right to pass through Central Arizona Ground Water Replenishment District (CAGR) replenishment assessments to water customers located within the property, where the City's obligations to provide water to such users are the cause of

the City having incurred CAGR assessment.

**D. Landscape Plan Submittal Requirements:**

1. Preliminary Landscape Plan: A preliminary landscape plan, prepared by an Arizona registered landscape architect, shall be submitted as part of the "Stage 2; Preliminary Plat Application" and shall at a minimum contain the following:
  - a. Call out the location of all proposed species and inorganic ground covers, sidewalks, paths, curbing, fencing, walls, benches, ramadas, fountains, and waterways. For fencing and walls, provide a preliminary graphic representation as to what is intended relative to the fencing and wall themes.
  - b. Right of way landscaping is required. The entire area of the right of way, between street property line and back of curb (BOC) and/or pavement, except for approved driveways, walkways and bike paths, shall be landscaped.
  - c. Include a plant palette, in list form, on the landscape plans that call out all proposed plant species and inorganic ground covers.
  - d. Identify existing and proposed lots, streets, fences, walls, wells, or other features as may be applicable.
  - e. Identify the line of sight requirements of the City, county and state.
  - f. Identify the name of the developer, project engineer, and landscape architect on the plan.
2. Final Landscape Plan: A final landscape plan shall be prepared by an Arizona registered landscape architect and shall be submitted as part of the Final Plat and improvement plan submittal and shall at a minimum contain the following:
  - a. Final irrigation plan.
  - b. Plant location. Call out the location of all proposed species and inorganic ground covers, sidewalks, paths, curbing, fencing, walls, benches, ramadas, fountains, and waterways. For fencing and walls, provide a final graphic representation as to what is intended relative to the fencing and wall themes.
  - c. Right of way landscaping is required. The entire area of the right of way, between street property line and back of curb (BOC) and/or pavement, except for approved driveways, walkways and bike paths, shall be landscaped.
  - d. Plant species. Include the approved preliminary landscape plan plant palette, in list form, on the landscape plans that call out all proposed plant species (common and botanical name) and inorganic ground covers.
  - e. Plant sizes. Call out the specific sizes of all proposed plant and inorganic ground covers. This information shall be included within the plant palette list on the landscape plan.
  - f. Plant quantities. Call out the exact quantities for each species of tree,

shrub and ground cover per each size and species. This information shall be included within the plant palette list on the landscape plan.

- g. Paths, trails and sidewalks. Call out the material type, width and depth of the surfacing of all proposed paths, trails and walks.
- h. Walls/fencing. Call out the type and location of proposed perimeter subdivision walls/fencing and entry monumentation. Indicate exact material types for all fencing and walls and entry monumentation proposed. A separate twenty-four inches by thirty-six inches (24" x 36") wall/fence sheet may be required to be submitted as part of the improvement plan submittal.
- i. Identify existing lots, streets, fences, walls, wells, or other features as may be applicable.
- j. Identify the line of sight requirements of the city, county and state.
- k. Identify the name of the developer, project engineer, and landscape architect on the plan.

#### **E. Report Submittal Requirements:**

1. Preliminary Drainage Report: A preliminary drainage report shall be submitted as part of the "Stage 2; Preliminary Plat Application" and shall at a minimum contain the following information:
  - a. Delineation of the boundaries of onsite and off-site drainage areas.
  - b. Identify the drainage pattern for all existing and proposed streets and building sites. Label by number the different critical points and where inlets/outlets are to be located.
  - c. Justify the runoff factor (C-factor) used in the computations for a typical lot cross section and street.
  - d. If storm runoff flows onto the property (to be developed) from the adjacent properties, this must be described in detail. Drainage area, calculated peak flows, velocity and other pertinent runoff data must be presented. If the flow is in a defined channel, the channel must be improved. Special consideration for joint use of open channels is to be given on each individual project. The runoff from areas outside the development may be realigned through the new development.
  - e. Indicate the retention volume required, and provided. Indicate the method for draining basins in thirty-six (36) hours, and who is responsible for maintenance.
  - f. Provide location of all drainage easements.
2. Final Drainage Report: Two (2) copies of a final drainage report shall be submitted as a part of the improvement plan submittal for all developments. The report shall be a complete report and not an addendum to the preliminary drainage report. The format shall be as previously described and include the following additional information.
  - a. Place inlets wherever the flow exceeds the street capacity. The inlets are to be analyzed separately and catch basin computations shall be submitted.

- b. Size the storm drains and culverts and submit design computations.
  - c. Final retention basin(s) calculations including thirty-six (36) hour percolation rates.
  - d. Final channel flow calculations taking into account the impacts of landscaping and other joint use impacts on the cross section and Manning's coefficients.
  - e. Adjusted calculations for pre and post development conditions.
3. Geotechnical Report: Two (2) copies of a geotechnical report shall be submitted as part of the "Stage 2; Preliminary Plat Application" and shall at a minimum contain the following information:
- a. Identifies any special geotechnical hazards, and develops recommendations regarding the hazards, grading, foundations and pavement.
  - b. The geotechnical hazards portion shall consider expansive soils, soil creep, land sliding, and ground water at a minimum.
  - c. The grading and foundations portion of the report shall include data regarding the distribution and engineering characteristics of the various soil materials; data about ground water levels; an opinion regarding the geotechnical feasibility of the development as planned; recommendations about any needed mitigation measures for geotechnical hazards, grading criteria and foundation design criteria and any other pertinent information.
  - d. The pavement design portion shall include data regarding the distribution of various subgrade materials, and for each, design test such as R-value. The design procedure and all assumptions used to determine the pavement section shall be presented. The selected design procedure as per the traffic and geotechnical report shall not result in a lesser pavement section than the minimum allowed in Section 15.4.14 of this Chapter.
4. Preliminary Traffic Report: All traffic study information shall be prepared by an Arizona registered professional traffic engineer or civil engineer with adequate experience in transportation engineering. A preliminary traffic report shall be submitted as part of the "Stage 2; Preliminary Plat Application" and shall at a minimum contain the following information:
- a. A project trip generation report that provides an analysis of the number of trips generated by the development during a weekday in a one-hour A.M. and P.M. peak hour and daily traffic. Trip generation shall be developed utilizing the latest edition of the "Institute of Transportation Engineers Trip Generation Manual".
  - b. An analysis of the nonvehicular modes of transportation (e.g., sidewalks, multi-use pathways and trails) proposed for the development and their impact on the trips generated by the development.
5. Final Traffic Report: If the number of peak hour trips generated by the development is greater than one hundred (100) trips, two (2) copies of a final

traffic study shall be provided. The City Engineer may require a final traffic study to be provided for projects with a peak hour trip generation of less than one hundred (100) trips due to safe access concerns. The final traffic study shall include the following information:

- a. Introduction which outlines the land use, site and study boundaries, and existing and proposed site uses.
- b. Project trip generation estimates (A.M., P.M., and ADT).
- c. Project access and internal circulation evaluation.
- d. Trip distribution.
- e. Trip assignment.
- f. Existing and projected traffic volumes.
- g. Capacity analysis of all impacted public/private street intersections and access points.
- h. Level of service with a minimum service of Level C.
- i. Evaluation of existing and existing plus project conditions, as well as cumulative and cumulative plus project conditions.
- j. Project impacts and mitigation measures (recommendations to include the proposed recommended improvements, volume/capacity analysis at critical points, traffic volume proportions for funding of improvements).
- k. Other special requirements, as determined by the City Engineer.

#### **15.5.4 IMPROVEMENT PLAN REVIEW PROCESS**

- A. Copies of plans shall be submitted to the City and shall be distributed by the City to the appropriate agencies.
- B. The City staff will review the submittal for accuracy, completeness, compliance with stipulations made by the Commission or City Council, requirements of the Development Review Committee, and conformance with all city codes.
- C. Marked up prints will be returned to the developer's engineer and landscape architect of record for corrections, additions and revisions.
- D. Within ninety (90) days from the date of City Council approval, and prior to the recording of the Final Plat and deed restrictions, the following items must be submitted:
  1. A project approval letter, signed by the City Engineer, stating that all of the subdivision improvement plans and reports have all been approved by the City.
  2. A project approval letter, signed by the Zoning Administrator, stating that any and all required agreements between the City and subdivider have been executed.
  3. A letter of agreement from the serving utilities stating the availability of utilities and the approval of improvement plans for the subdivision.
  4. The required financial assurance for construction.

- E. If the engineering plans have not been approved within ninety (90) days, solely due to reasons on the part of the subdivider, the City Council may require that the Final Plat be resubmitted.

### **15.5.5 ASSURANCES BY SUBDIVIDER**

#### **A. Agreement by Subdivider:**

1. The subdivision improvements in an approved development may be constructed in practical increments in accordance with a City Council approved phasing plan subject to provisions for satisfactory drainage, traffic circulation, utilities, landscaping and other elements of the total development plan.
2. The improvements shall be constructed in accordance with plans approved by the City Engineer and shall be completed within an agreed specific time period.
3. The subdivider shall give adequate financial assurance for construction for each phase in accordance with this Chapter and to the satisfaction of the City Engineer and City Attorney.
4. Once a construction permit has been issued for improvements under the financial assurance of construction, work shall proceed without interruption until the City Engineer accepts the improvements.
5. Any work shown on approved plans that has been abandoned for a period of ninety (90) days, or not completed by the subdivider in accordance with an agreed upon time period, may be completed by the City which may recover the construction costs from the subdivider.
6. When in the opinion of the City and the developer it is in the best interest of both parties to delay installation of development required improvements to coincide with adjacent work, the City Council may elect to accept payment of the estimated cost of said improvements in lieu of construction by the developer. The timing of this payment will be specified in a City Council approved phasing plan.

#### **B. Financial Assurances of Construction:**

1. The City Council shall require that the applicant provide: cash; a performance bond from a corporate surety licensed to do business as a surety in Arizona; an irrevocable letter of credit; or funds in escrow, at the time of application for Final Subdivision Plat approval in the amount sufficient to secure to the City the satisfactory construction, installation, and dedication of the required improvements. The amount of the financial guarantee shall be one hundred percent (100%) of the cost of the installation and materials necessary to complete the subdivision.
2. Such financial guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution, as set forth in this Chapter. The periods within which required improvements must be completed shall be incorporated in the financial guarantee and shall not, in any event, exceed two (2) years from the date of final approval. The City shall require that ten percent (10%) of the total cost of public improvements be retained by the City for the duration of the

warranty period which begins from the "date of acceptance" of said improvements by the City Council.

3. Whenever it is deemed necessary by the City Engineer and the City Council to defer, for an additional two (2) year period, the construction of any required public improvements, because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other suitable reasons, the subdivider shall provide renewed assurances based on updated costs as determined by the City Engineer to secure completion of the required public improvements.

#### **15.5.6 CONSTRUCTION AND INSPECTION**

- A.** All improvements whether public or private shall be constructed to the MAG Uniform Standard Specifications and Details for Public Works Construction as written and promulgated by the Maricopa Association of Governments (MAG) or the latest standards and specifications adopted by the City.
- B.** All improvements shall be constructed with the inspection and approval of the City Engineer. All construction shall require a City construction permit. Construction shall not begin until a permit has been issued for such construction.
- C.** Public utilities must be installed either in public dedicated rights of way or public utility easements or easements dedicated specifically by the landowner for such usage and maintenance.
- D.** All underground utilities to be installed in streets and public accessways, shall be constructed prior to the surfacing of such street or private access way.
- E.** The developer shall provide for an Arizona registered engineer to be present on the site for sufficient time to assess compliance with the plans and specifications for each element of construction.
- F.** The City Engineer shall be notified forty-eight (48) hours prior to any construction on the project site.
- G.** The City Engineer shall be notified upon completion of all underground utilities within the street rights of way and prior to any street preparation work. Interim as built plans of the utilities and all passing test results shall be submitted for review. Upon review and approval of the supplied information, the developer may proceed with the installation of street improvements.
- H.** The developer's engineer shall request the City Engineer to perform inspections of the subgrade base prior to placement of the overlaying materials. In addition, the City Engineer will perform periodic inspections throughout the course of the construction. These inspections or approvals do not signify that the City has accepted any of the improvements for maintenance.
- I.** The developer's engineer shall submit progress reports to the City Engineer throughout the construction as requested by the City Engineer. The progress reports shall include the results of all tests taken.
- J.** Testing during the construction phase of the project shall be done as required by the City Engineer.

## 15.5.7 SUBDIVISION IMPROVEMENTS ACCEPTANCE

### A. General:

Upon completion of all subdivision improvements and installation of monumentation the City Engineer will perform a final inspection and review the final reports and as built drawings for approval.

### B. Final Inspection:

At completion of the project, a final inspection shall be requested with the City Engineer. At the time of request for the final inspection one set of Mylars and two (2) sets of blue-line as built drawings shall be submitted along with a final engineers' report and warranty statement to the City Engineer. The as built drawings shall be certified and contain the following statement:

*I certify that the construction of the public improvements and the "as built" plan preparation were performed by me or under my direct control and supervision. The construction details as shown on the as-builts are accurate and complete to the best of my knowledge and belief.*

\_\_\_\_\_ *Arizona Registered Engineer Date & Registration Number*

### C. Final Report:

A final report shall be submitted upon completion of the project. The final report shall be compiled by the developers' engineer and shall include the following:

1. A brief statement of the testing on the project and a statement as to whether the observations and tests indicate that the various materials in place comply with the plans and specifications.
2. A summary of all field density test and compaction tests on trench backfill, on street subgrade and base material and on any fill material.
3. Asphalt and pavement mix design and all results of Marshall gradation, asphalt content and compaction tests.
4. All concrete mix designs and all test results on air content, slump, unit weight, compressive strength at seven (7) and twenty-eight (28) days.
5. All line pressure, bacteria and manhole test information.
6. Any other tests or information that may be required as a part of the specifications or that may add to the integrity of the report.

### D. Procedure:

The following procedure will be followed for final acceptance of the improvements:

1. The City Engineer shall make a final inspection of all public improvements in the project. The developer will be notified of any items that are not in conformance with the City specifications, and shall bring the items into conformance.
2. The as built plans and final report will be reviewed by the City Engineer. Any additional information needed will be noted and the plans will be returned to the developer for revision and resubmittal as Mylars.
3. When the public improvements have passed the final inspection, the "as built" plans and final report have been stamped and approved and the warranty statement provided, the City Engineer shall make a written recommendation to the City Council to accept the public improvements for maintenance.

**E. Warranty Period on Public Improvements:**

The warranty period begins on the day that the City Council accepts the public improvements. At a minimum, the MAG standard warranty period of one (1) year shall apply to all subdivision improvements; however the warranty period may extend beyond that time period as determined by the City Engineer. During the warranty period, the developer is responsible for repair work to any of the public improvements. The City Engineer will periodically inspect the public improvements and will notify the developer of the necessary repair work. The developer is responsible for having the repair work completed prior to the end of the warranty period. Upon completion of the warranty period and acceptable repair of any necessary warranty items the remainder of the financial assurances retained by the City will be released.

## SECTION 6- DEFINITIONS

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**ABUTTING:** The condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only at a corner or corners.

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

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

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

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

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

**BASIN, RETENTION:** A storm water storage facility that stores surface runoff. Stored water is infiltrated into the subsurface or released to the downstream drainage system or watercourse (via gravity outlet or pump), or evaporated after the storm event. A retention basin and park may be joined to serve both recreational needs and as a water storage facility.

**BERM:** An earthen mound, either natural or manmade.

**BICYCLE LANE:** A paved area located within a street right of way and between the curbs that is designated for bicycle or other nonmotorized traffic.

**BICYCLE TRAIL:** A paved or improved surfaced trail, located outside of a street right of way,

utilized for bicycle, pedestrian or other nonmotorized traffic. Public utility maintenance vehicles may be permitted use if joint access is allowed.

**BICYCLE WAY:** A paved area located within a street right of way but not between curbs that is designated for bicycle or other nonmotorized traffic.

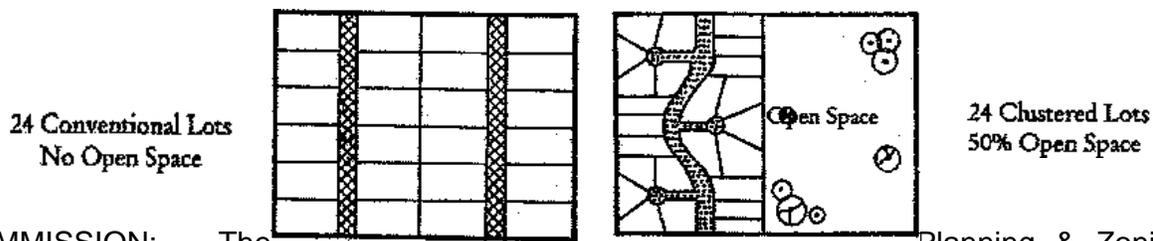
**BLOCK:** A piece or parcel of land or group of lots entirely surrounded by public or private streets, streams, washes, parks, or a combination thereof of sufficient magnitude as to interrupt the continuity of development.

**BUILDABLE:** A lot or parcel that has the area, shape, slope, street frontage, or other attribute in order for a permitted use, based on the lot or parcel's zoning district, to be developed, without the need for any variance from the city zoning ordinance.

**BUILDING SETBACK LINE:** The required minimum distance, as prescribed by the Zoning Ordinance, between the property line and the closest point of any building or structure.

**CHORD:** A straight line joining two (2) points on a curve. **CITY:** The city of Eloy, Arizona.

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



**COMMISSION:** The Planning & Zoning commission of the City of Eloy.

**CONDITIONAL APPROVAL:** An affirmative action by the commission or council indicating that approval will be forthcoming with satisfaction of certain specified stipulations.

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

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

**CONVENTIONAL DEVELOPMENT:** Development other than a planned area development or a cluster development. **COUNCIL:** The City Council of the city of Eloy.

**COUNTY:** Pinal County, Arizona.

**DEPARTMENT:** The Community Development Department of the City of Eloy.

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

**DEVELOPMENT:** The utilizations of land for public or private purpose.

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

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

**ENGINEER:** The City Engineer of Eloy or his/her designated representative.

**PUBLIC WORKS DEPARTMENT:** The Public Works Department of the City of Eloy.

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

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

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

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

**FLOOD PRONE AREA:** Any area within a floodplain.

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

**FLOODWAY:** The channel of a wash or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot (1').

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

**HEALTH DEPARTMENT:** Pinal County Department of Health and Human Services.

**IMPROVEMENT PLANS:** A set of plans setting forth the profiles, cross sections, details, specifications, and instructions and procedures to be followed in the construction of public or private improvements in the City of Eloy that are prepared and bear the seal of an Arizona registered land surveyor, engineer, architect or landscape architect in accordance with the approved preliminary plat, and zoning stipulations, and in compliance with standards of design and construction that are to be approved by the City Engineer, other City departments, the applicable county departments, and all applicable utilities.

**IMPROVEMENTS:** Required installations, pursuant to this Chapter and zoning stipulations, including but not limited to: grading, sewer, water, utilities, streets, curbs, gutters, sidewalks, trails, alleys, streetlights, traffic control devices and landscaping; as a condition to the approval and signing of the Final Plat, precedent to recordation.

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

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

**LAND/LOT SPLITS:** The division of improved or unimproved land, the area of which is two

and one-half ( $2\frac{1}{2}$ ) acres or less, into two (2) or three (3) parcels of land for the purpose of sale, lease, or conveyance.

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

**LOT AREA:** The area of a horizontal plane within the lot lines of a lot but not including any area in a public way. **LOT CORNER:** The intersection of two (2) or more lot lines, or angle point or change in direction of a lot line.

**LOT, CORNER:** A lot located at the intersection of two (2) or more streets.

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

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

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

**LOT, INTERIOR:** A lot other than a corner lot.

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

**LOT LINE:** A line dividing one lot from another or from a street or any public place.

**LOT LINE, FRONT:** In the case of an interior lot, a line separating the lot from the street right of way. In the case of a corner lot, the narrower of the two (2) lot lines adjoining a street right of way.

**LOT LINE, REAR:** A lot line which is opposite and most distant from, the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot

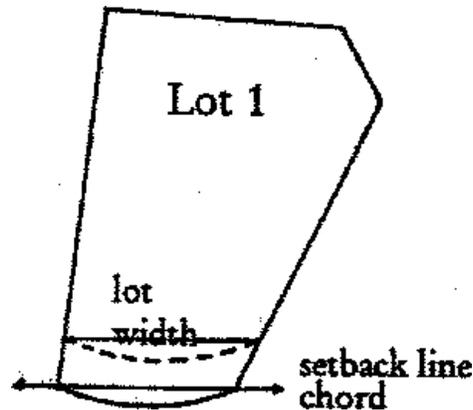
line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length or not less than ten feet (10').

**LOT LINE, SIDE:** The boundary of a lot that is not a front lot line or a rear lot line.

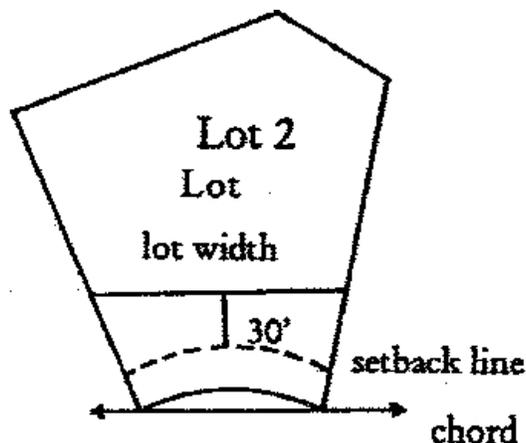
**LOT, THROUGH:** A lot having a part of opposite lot lines abutting two (2) streets, and which is not a corner lot (also known as a "double frontage lot"). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant from the lot line containing the non-access easement.

**LOT WIDTH:**

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



**Lot 2:** For lots on the inside of the curve of a street, the distance between side lot lines measured thirty feet (30') behind the required minimum front yard setback line on a line parallel to the street or street chord.



**OFF SITE:** Not located within the area of the property to be developed.

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

**OPEN SPACE, COMMON:** Open space usable by all people within a certain development and such area is owned in common by all property owners in that development.

**OPEN SPACE, NATURAL AREA:** Dedicated open space areas required for the preservation and conservation of plant and animal life, including habitat for fish and wildlife species; and areas required for ecological, cultural and other scientific study purposes for long term public benefit.

**OPEN SPACE, PUBLIC:** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school district, state or county agency, or other public body for recreational or conservational uses.

**OPEN SPACE, USABLE:** Land which can be enjoyed by people. This could include landscaped or hardscaped plazas, paseos and promenades, fountains and sitting areas meant to provide an open park like atmosphere. Also playgrounds, golf courses, bicycle trails (but not bike lanes), pedestrian trails (not residential sidewalks), and trail heads. Usable open space does not include parking areas and vacant or undeveloped lots.

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

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

**PATHWAY:** Path; course; route; track; footway; and equestrian trail.

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

**PLANNED AREA DEVELOPMENT (PAD):** A development of one hundred sixty (160) or more acres, in which flexibility can be permitted in the zoning standards, in order to encourage more creativity and sustainable design, thereby providing usable open spaces within and about the development and enhancing the residential character of the city.

**PLAT:** A map that provides for changes in land use or ownership. See the following:

*FINAL PLAT:* A final map of all of a subdivision, including supporting data, in substantial conformance to an approved Preliminary Plat, prepared by a registered land surveyor, in accordance with this Chapter and the Arizona Revised Statutes.

*PRELIMINARY PLAT:* A tentative map, including supporting data, indicating a proposed subdivision design, prepared by a registered civil engineer, or a registered land surveyor, in accordance with this Chapter and the Arizona Revised Statutes. A preliminary site plan for a condominium development shall be considered a Preliminary Plat.

*RECORDED PLAT:* A Final Plat bearing all certificates of approval required by this Chapter and the Arizona Revised Statutes and duly recorded in the Pinal County Recorder's Office.

*REVERSIONARY PLAT:*

- A. A plat for the purpose of reverting previously subdivided acreage to unsubdivided acreage, or;
- B. A plat for the purpose of vacating rights of way previously dedicated to the public and abandoned under procedures prescribed by the City code, or;
- C. A plat for the purpose of vacating or redescribing lot or parcel boundaries previously recorded.

**PRE-APPLICATION CONFERENCE:** An initial meeting between subdivider and municipal representatives that affords the subdivider the opportunity to present their proposals informally and discuss the project and address any items of controversy or requirements before the Preliminary Plat is submitted.

**PRELIMINARY APPROVAL:** Affirmative action on a Preliminary Plat, noted upon prints of the plat, indicating that approval of a Final Plat will be forthcoming upon satisfaction of specified stipulations; and which constitutes authorization to submit final engineering plans and the Final Plat.

**PRIVATE ACCESSWAY:** Any private street or private way of access dedicated as a tract to one or more lots or air spaces, which is owned and maintained by an individual or group of individuals and has been improved in accordance with City standards and plans approved by the City Engineer. A private accessway 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 area developments and condominiums.

**PROTECTED DEVELOPMENT RIGHTS PLAN:** A Final Subdivision Plat that meets all the requirements of this Chapter and Arizona Revised Statutes, Section 9-463.01 and has been recorded with the Pinal County Recorder shall constitute a protected development rights plan.

**RECORDER:** The Recorder of Pinal County.

**RIGHT OF WAY:** Any public or private accessway required for ingress or egress, including any area required for public use pursuant to any official plan; rights of way may consist of fee title dedications or easements.

**ROADWAY EASEMENT:** A recorded conveyance to the public over a described area for roadway related uses.

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

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

**STREET, ARTERIAL:** Arterial streets provide a high level of mobility for citywide through traffic movement and are typically spaced at one mile or greater intervals, have limited access, and no on-street parking. The locations of arterial streets are designated in the Eloy General Plan.

**STREET, COLLECTOR:** The collector streets provide mobility and access and link the arterial and local roadways as well as allowing access to adjacent properties.

**STREET, CUL-DE-SAC:** A local street having one end permanently terminated in a vehicular turnaround, or an equally convenient form of turning, and backing areas as may be recommended by the City engineer.

**STREET, FREEWAY/PRINCIPAL ARTERIAL:** Principal arterials carry a high proportion of vehicular travel on a minimum of mileage and are integrated with arterial streets with full access control. The locations of freeway/principal arterial streets are designated in the Eloy General Plan.

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

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

**SUBDIVIDER:** A person, firm, corporation, partnership, association, syndicate, trust, or other legal entity that files the application and initiates proceedings for a subdivision in accordance with the provisions of this Chapter and statutes of the State of Arizona, except that an individual serving as agent for such legal entity is not a subdivider; and said subdivider need not be the "owner" of the property as defined in this section. The City Council may itself prepare or have prepared a plat for the subdivision of land under municipal ownership.

**SUBDIVISION:**

- A. Improved or unimproved land or lands divided for the purpose of financing, sale, lease, or conveyance whether immediate or future, into four (4) or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into two (2) or more parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, patiohome, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.
- B. "Subdivision" does not include the following:
  - 1. The sale or exchange of parcels of land between adjoining property owners if such sale or exchange does not create additional lots.
  - 2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
  - 3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil, or gas leases.

**TECHNICAL REVIEW:** The detailed review of proposed preliminary plats, by the Development Review Committee, for compliance with City codes, ordinances, standards, or conditions of approval by the Commission or City Council. Other utilities and public agencies are invited to review the plat as it relates to their conditions of service or need.

**USC&GS:** United States Coast and Geodetic Survey.

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

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

**VIEW FENCING:** Any fencing or wall which is adjacent to a designated open space area or public trail except when adjacent to an arterial or collector shall be constructed in such a manner as to achieve fifty percent (50%) openness overall. Any fencing or wall which is adjacent to an arterial or collector road, whether public or private, shall be constructed in such a manner as to achieve thirty three percent (33%) openness overall.

**WATER SUPPLY ASSURANCE (100 YEARS):** A subdivision proposal must include written evidence of meeting Arizona Department of Water Resources requirements for 100-year assured water supply.

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

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

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

**ZONING DISTRICT:** A zone area in which the same zoning regulations apply throughout the district.

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