

# SUBDIVISION REGULATIONS

for the  
Unincorporated Area  
of Maricopa County

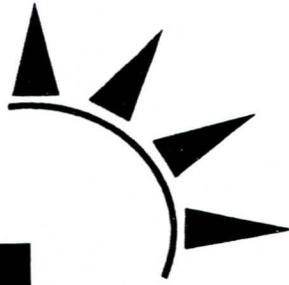
December 10, 1990

**Maricopa County**



Published by the  
Department of Planning and Development  
301 West Jefferson Street, Room 300  
Phoenix, Arizona 85003

**1399.007**



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\* ADDED BY ADOPTION OF BOARD OF SUPERVISORS ON DECEMBER 10, 1990

## PREFACE

The subdivision of land is the first step in the process of community building. The designer of a subdivision is in actuality planning an integral portion of the urban community, not an isolated residential entity. Therefore, land subdivision in harmony with public objectives is essential for sound community growth.

Poor subdivisions in the past, with their lack of coordination with each other, have created problems for communities that have sometimes been insurmountable. They have increased the cost of public and private improvements, caused traffic congestion, and created early blight and obsolescence.

Good subdivisions lead to the development of permanently stable neighborhoods offering to their residents safe, healthful and pleasant living conditions. To the developer these factors are essential to buyer appeal, increased sales, sustained profits, and good reputation. From the public viewpoint, these are basic living needs and the elements of sound residential growth.

Subdivision of land is the method of transforming a community plan into a reality. The subdivider's layout of streets and blocks becomes a permanent part of the community of tomorrow, and a community plan is either realized or lost with the subdivision of land. Therefore, the control a community retains over land subdivision is one method by which the elements of a comprehensive plan are achieved.

Some individuals may regard subdivision review as unwarranted interference with their right to do as they please with their private property. However, if the health, safety, comfort, convenience and general welfare of the community are to be obtained and preserved, then community guidance and review of subdivisions is a necessity. Thus, land subdivision involves a grave responsibility that must be shared by the private developer and the governmental agencies concerned.

The regulations, procedures, principles, and standards contained herein and the administrative guidelines are intended to provide a common ground of understanding and a sound and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved.

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## MARICOPA COUNTY SUBDIVISION REGULATIONS

A REGULATION OF MARICOPA COUNTY, ARIZONA, PROVIDING FOR THE REGULATION OF SUBDIVISION DEVELOPMENT WITHIN THE UNINCORPORATED AREA OF THE COUNTY, DEFINING ITS TERMS, SETTING FORTH SUBDIVISION PLATTING PROCEDURES AND REQUIREMENTS, ESTABLISHING SUBDIVISION DESIGN PRINCIPLES AND STANDARDS, ESTABLISHING STREET AND UTILITY IMPROVEMENT REQUIREMENTS, PROVIDING FOR MODIFICATION OF THE REGULATIONS AND FOR OTHER PURPOSES. THE PROVISIONS OF THESE REGULATIONS SHALL BE IN ACCORDANCE WITH ARIZONA REVISED STATUTES, TITLE 11, CHAPTER 6, ARTICLE 1, SECTION 11-806.01

### ARTICLE I. TITLE, AUTHORITY, JURISDICTION, PURPOSE AND DEFINITIONS

Section 101. Title. This Regulation may be cited as "Subdivision Regulations for the Unincorporated Area of Maricopa County".

Section 102. Authority. By authority of the Maricopa County Board of Supervisors adopted pursuant to the powers and jurisdictions vested through Arizona Revised Statutes, Section 11-806.01 and other applicable laws, statutes, orders, and regulations of the State of Arizona and County of Maricopa, the Maricopa County Board of Supervisors does hereby exercise the power and authority to review and approve or disapprove, based upon recommendation of the Maricopa County Planning and Zoning Commission, plats for subdivision of land within the unincorporated areas of the County.

Section 103. Jurisdiction. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within unincorporated areas of the County. No land shall be subdivided within the unincorporated area of the County until the subdivider or his agent complies with these regulations, and shall obtain approval of the preliminary plat by the Planning and Zoning Commission and approval of the final plat by the Board of Supervisors. In addition, no land shall be subdivided until the approved plat is filed with and recorded by the Maricopa County Recorder's Office.

Section 104. Purpose. The purpose of these Regulations is to provide for the orderly growth and harmonious development of the County; to insure adequate 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, power, drainage, protection against flood, storm water retention/detention, sanitary sewerage; paved streets and other accesses; and other health and safety requirements; to consider 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.

Section 105. Definitions. for purposes of these Regulations, certain words, terms and phrases are hereby defined. Words in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "structure" includes the word "building"; the word "shall" is mandatory and not directory, and the word "may" is permissive.

1. Alley: A passage or way open to public travel, affording generally a secondary means of vehicular access to abutting lots or upon which service entrances of buildings abut, and not intended for general traffic circulation.

2. Approval, Conditional: An affirmative action by the Commission or the Board indicating that Approval will be forthcoming upon satisfaction of certain specified stipulations.

3. Approval, Preliminary: conditional approval of the Preliminary Plat by the Commission as evidenced in its meeting minutes and noted upon prints of the Plat; constitutes authorization to proceed with final Engineering Plans and Final Plat preparation.

4. Approval, Final: unconditional approval of the Final Plat by the Board as evidenced by certification on the Plat by the Chairman and the Clerk of the Board; constitutes authorization to record a plat.

4.a) Assurance: A guarantee that the specified improvements and services will be accomplished. This must be in the form of a financial guarantee, including, but not limited to, a Subdivision Bond, an irrevocable Letter of Credit, a Certificate of Deposit or a Certified Check for construction of improvements. Utility service assurances may be provided by letter from water, sewer, and other appropriate utility companies to guarantee improvements.

5. Board: The Board of Supervisors of Maricopa County.

6. Building Line: A line between which line and street right-of-way no building or structure or portion thereof, shall be erected, constructed and/or established other than steps, uncovered/unenclosed porches and roof overhangs.

7. Commission: The Maricopa County Planning and Zoning Commission.

8. Common Elements: All portions of a condominium other than the units.

9. Common Elements, Limited: A portion of the common elements specifically designated as a limited common element in the declaration and allocated by the declaration or by operation of Arizona Revised Statutes, Section 33-1212, Paragraph 2 or 4, (or its successor) for the exclusive use of one or more but fewer than all of the units.

10. Condominium: A lot or parcel, 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. A lot or parcel is not a condominium unless the undivided interests in the common elements are vested in the unit owners. For further information on condominiums as regulated in Arizona Revised Statutes, Section 3, Title 33, Chapter 9, please see Appendix C of the Subdivision Regulations administrative guidelines.

11. Department: The Department of Planning and Development of Maricopa County.

12. Drainage:

a. Drainage, Local: Water which accumulates as a result of local storms and flows over land not included in a delineated floodplain. This shall include sheetflow and such flow as may be concentrated in local drainage systems with or without defined channels, excluding delineated floodplains.

b. Drainage, One Hundred (100) Year Storm (Peak Discharge): Local drainage resulting from a storm which has a 1% chance of occurring annually, based upon a Design Storm within a defined area.

c. Drainage, One Hundred (100) Year, Two (2) Hour Storm (Retention/Detention): A storm which has 100-year rainfall values shown on the most current precipitation maps for the area, prepared by the National Weather Service (U.S. Weather Bureau) for the Soil Conservation Service. 2-Hour values are extrapolated from 24-hour and 6-hour values by using the rainfall depth-duration diagram given in Weather Bureau Technical Paper No. 40.

d. Drainage, Off-Site: The storm surface waters emanating from lands outside the limits of the proposed subdivision and draining through the site of the proposed subdivision.

e. Drainage, Direct On-Site Runoff: That portion of the rainfall which falls within the entire limits of the proposed subdivision and which flows across the land or enters streams promptly after the rainfall.

13. Easement: A grant by a property owner of the use of a strip of land for a specific purpose or purposes, by the general public, corporation, or a certain person or persons.

a. Easement, Aerial: A grant by a property owner for the use of a strip for the purpose of extending overhead utilities or other similar purposes.

b. Easement Drainage: An area designed and used for conveyance of runoff in which nothing can be placed which will impede, divert or cause the runoff to have an adverse affect on adjoining property.

c. Easement, Non-Vehicular Access: An easement prohibiting vehicular access from a street, or between inappropriate uses (i.e., zoning district boundaries).

13.a) Effluent, Treated: Wastewater that has completed its passage through a wastewater treatment plant (ADEQ 7 MCHD Code). Reclaimed wastewater equals effluent which meets the standards for the specific use contained in R 18-9-703 (ADEQ).

14. Flood: A general and temporary overflow of water onto normally dry land areas.

a. Flood, Regulatory: The one hundred (100) year flood as determined by criteria established by the Arizona Department of Water Resources.

b. One Hundred (100) Year Flood: A flood that has a 1% chance of occurring annually, based upon the criteria established by the Arizona Department of Water Resources.

15. Floodplain:

a. Floodplain, Delineated: That area delineated and mapped as a floodplain, as approved by the Board and as shown on the County Official Zoning District Maps.

b. Floodplain, Regulatory: That portion of the natural water course that would be inundated by the regulatory flood and in which land use is regulated by the County's Floodplain Regulations.

c. Floodway: The channel of a river or other watercourse and the adjacent land areas necessary in order to discharge the one hundred-year flood without cumulatively increasing the water surface elevation more than one foot.

\*16. Lake: A body of water other than a swimming pool which has a surface area greater than 12,320 square feet. Two or more lakes that are connected are considered to be one lake.

17. Lot: Any lot, parcel, tract of land, or combination thereof, shown on a plat of record or recorded by metes and bounds, having frontage on a public or private street or on a permanent roadway easement which adjoins a street, and intended for transfer of ownership or intended or used for building development.

18. Lot, Double Frontage: A lot which extends from one street to another street, existing or proposed, except where a non-vehicular access easement has been established on such a lot.

19. Lot, Hillside: Any lot or portion of a lot where the terrain has a natural slope of 15% or greater.

20. Minor Land Division: Improved or unimproved lands which are divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into three (3) or fewer lots or parcels any of which is or will be a gross area less than thirty-six (36) acres, measured to the center line of contiguous roads and easements, including horizontal property regimes as defined in Arizona Revised Statutes, Title 33, Chapter 4.1. This definition shall not be deemed to include the financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings mobile home parks or trailer parks, mineral, oil or gas leases, and land dedicated for cemetery purposes. This definition also does not include parcels or parcels leased or sold for agricultural purposes pursuant to Section 11-830, Arizona Revised Statutes.

\*21. Non-Potable Water: Water which cannot feasibly be economically or technologically treated to meet federal Environmental Protection Agency drinking water standards.

22. Owner: The person or persons holding title by deed to land, or holding title as vendees under land contract, or holding any other title of record.

23. Parcel Map: A map of a minor land division, duly recorded in the Maricopa County Recorder's Office.

24. Person: Any firm, partnership, association, corporation, individual, or any agent of any of the foregoing, or the state or any agency or political subdivision thereof.

25. Plan, County: A comprehensive plan, or parts thereof, providing for the future growth and improvement of Maricopa County and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, flood control channels, and other physical development, which shall have been duly adopted by the Board.

26. Plan, Development Master: A preliminary master plan for the development of a community or other large land area, the platting of which is expected to be undertaken in progressive stages. A Development Master Plan shall be subject to Commission and Board Approval.

27. Plans, Engineering: Plans, profiles, cross-sections and other required details for the construction of public improvements, prepared by a registered professional engineer in accordance with the approved Preliminary Plat and in compliance with standards of design and construction or policies approved by the Board.

28. Plat: A map of a Subdivision.

a. Preliminary Plat: A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with these Regulations.

b. Final (Record) Plat: A map of all or part of a subdivision providing substantial conformance to an approved Preliminary Plat, prepared in accordance with these Regulations and approved by the Board before recordation.

c. Recorded Plat: A Final Plat bearing all of the certificates of approval required in Section 203.2 of these Regulations and duly recorded in the Maricopa County Recorder's Office.

\*29. Potable Water: Water which meets Environmental Protection Agency-Drinking Water Standards for human consumption, or which can feasibly be economically or technologically treated to meet such standards.

30. Standards, Public Improvement: A set of regulations setting forth the details, specifications and instructions to be followed in the planning, design and construction of certain public improvements in Maricopa County, formulated by the County Engineer, County Flood Control District, the County Health Department, and other County Departments.

31. Streets: That area, whether public or private, between right-of-way lines, dedicated, reserved or provided for roadway purposes and other uses not inconsistent therewith.

a. Arterial Route: A general term including freeways, expressways and arterial streets; an interstate, state, or county highway having regional continuity; any urban street having considerable continuity and carrying a large volume of both passenger and commercial vehicles. These arterial routes are normally on the section lines.

b. Collector Street: A neighborhood street with limited continuity and having the primary function of carrying residential traffic from minor streets to arterial routes; a secondary function being to provide access to abutting residential properties.

c. Frontage Road: A minor street parallel and adjacent to an arterial route which provides access to abutting property, intercepts minor residential streets and controls access to an arterial route.

d. Minor Street: A street used primarily for providing access to abutting property.

e. Cul-de-sac Street: A minor residential street having one end permanently terminated in a vehicular turnaround.

f. Loop Street: A minor residential street which forms a loop and returns to the same street from which it originated.

32. Subdivider: A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of this Ordinance; and said subdivider need not be the person or persons holding title by deed to land, or holding title as vendees under land contract or holding any other title of record, but they must be authorized agents.

33. Subdivision: Subdivision or subdivided lands means improved or unimproved land or lands divided or proposed to be divided for the purposes of sale, lease, or for cemetery purposes, whether immediate or future, into four (4) or more lots, parcels or fractional interests. This paragraph shall not apply to the division or proposed division of land located in the State of Arizona into lots or parcels each of which is or will be thirty-six acres or more in area including to the center line of dedicated roads or easements, if any, contiguous to the lot or parcel. This definition shall not be deemed to include the leasing of agricultural lands, or of apartments, offices, stores, hotels, motels, or similar space within an apartment building, industrial building or commercial building, except that horizontal property regimes as defined in Arizona Revised Statutes, Title 33, chapter 4.1 and condominiums as defined in Arizona Revised Statutes, Title 33, Chapter 9 shall be included in this definition.

34. Unit: A portion of a condominium designated for separate ownership or occupancy.

35. Utilities: Installations or facilities, underground or overhead, furnishing for the use of the public electricity, gas, steam, communications, water, drainage, sewage disposal or flood control, owned and operated by any person, firm, corporation, municipal department or board, duly authorized by State or municipal regulations.

36. Utility Committee: An individual or group of individuals designated by the several utility companies as their representative(s) in subdivision matters related to location of any or all private utilities.

37. Way, Pedestrian: A public walk provided entirely through a block from street to street and/or providing access to a school, park, recreation area, or a shopping center.

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\* ADDED BY ADOPTION OF BOARD OF SUPERVISORS ON DECEMBER 10, 1990

## ARTICLE II

### SUBDIVISION APPLICATION AND APPROVAL

**SECTION 201. PURPOSE.** The purpose of this Article is to establish application, review, approval, and recordation regulations for subdivisions (i.e., preliminary plats, final plats, replats, abandonments, lot line relocations), and Development Master Plans. The precise content of such applications as adopted by the Maricopa County Board of Supervisors upon recommendation of the Planning and Zoning Commission and adopted herein by reference.

**SECTION 202. PRELIMINARY PLAT.** The preliminary plat stage of land subdivision includes detailed subdivision planning by subdivider, application submittal, review of the plat by the Department, the Technical Advisory Committee, and review and action by the Commission.

1. **APPLICATION SUBMITTAL.** A preliminary plat application shall be made to the Department. Such application shall be made on forms, together with documents and drawings, the precise contents of which shall be as provided by administrative guidelines as adopted by the Maricopa County Board of Supervisors. The application must be submitted a minimum of thirty (30) days prior to the regular Commission meeting at which the subdivider desires to be heard (this period of time for review may be shorter or longer based on the applicant's compliance with technical aspects of these regulations). The preliminary plat application will not be considered accepted for processing until all required information as described in the aforementioned administrative guidelines is provided to the Department and appropriate fees as provided herein are paid.
2. **INFORMATION REQUIRED FOR PRELIMINARY PLAT SUBMITTAL.** A preliminary plat shall contain the following information areas (detail information required shall be as specified in the Administrative Guidelines):
  - a. Identification of the subdivision by name, location, legal description and zoning district.
  - b. Identification of persons involved in the preliminary plat application (e.g., owner, subdivider, engineer, surveyor).
  - c. Identification of all lots in the subdivision and verification of Zoning Ordinance compliance. All lots which are considered potentially reserved for school sites and fire stations in accordance with Section 308 of these regulations shall also be shown on the preliminary plat.
  - d. Identification of all public streets and private rights of way, both existing and proposed.
  - e. Identification of all water and drainage features (e.g., Regulatory Floodplain, lakes, streams, washes, canals, irrigation laterals, drainage easements, or tracts, retention/detention facilities, etc.), both existing and proposed.

- f. Identification of method of provision of domestic water supply and sewage disposal facilities, both existing and proposed.
- g. Identification of all utility services (electric, natural gas, telephone, cable TV, etc.) in and for the subdivision, both existing and proposed.
- h. Identification of method of fire protection.
- i. Identification of a condominium and its characteristics, if applicable, and its conformance with zoning ordinance standards.
- j. Identification of a Unit Plan of Development and its characteristics, if applicable, and its conformance with zoning ordinance standards.
- k. A list by lot, parcel and/or tract number that identifies lot width and area for each lot, parcel and/or tract.
- l. Any other information as may be required by the administrative guidelines, in order to carry out the purpose and intent of these Regulations.

3. **DEPARTMENT/TECHNICAL ADVISORY COMMITTEE REVIEW PROCESS.**

- a. The subdivision shall be designed to comply with the requirements of the specific zoning district within which it is located. In the event that a change of zoning is necessary, a rezoning application may be processed concurrently.
- b. Upon acceptance of the preliminary plat application, the Department will distribute copies of the documents and drawings to the following reviewing offices and other organizations or individuals with special expertise: 1) County Engineer, 2) Flood Control District of Maricopa County, 3) County Health Department, 4) Superintendent of the appropriate school district, 5) County Parks Department, 6) State Highway Department, where warranted, 7) natural gas provider, 8) Irrigation District affected if lots are proposed to be irrigated, 9) appropriate telephone company, 10) Salt River Project, 11) Arizona Public Service, 12) Rural Metro or other appropriate fire department or district, 13) Arizona Department of Water Resources, 14) appropriate postal district, and 15) any city or town within 3 miles of the limits of the proposed subdivision.
- c. Upon acceptance of the preliminary plat application, the Department will schedule the matter for review at the next available Technical Advisory Committee meeting. The purpose of this Committee meeting is to resolve with all affected parties, technical problems with the proposed subdivision before hearing by the Commission. The subdivider and/or his representative(s) is required to attend the Technical Advisory Committee to meet together with representatives of the Committee.
- d. The preliminary plat will not be scheduled for hearing by the Commission unless: 1) It contains all of the required information; and 2) Written responses have been received from all county departments which have representatives on the Technical

Advisory Committee that the preliminary plat is in satisfactory form. Scheduling of a preliminary plat for a Commission hearing will be dependent upon adequacy of data presented and completion of review by all agencies concerned.

4. **PRELIMINARY PLAT APPROVAL.**

- a. If satisfied that all requirements of these regulations have been met, the Commission may approve the preliminary plat. If approved a notation of approval shall be stamped on two (2) copies of the plat, one (1) being returned to the subdivider and one (1) retained in the permanent file of the Department.
- b. If the Commission finds that the plat requires revision, the plat shall be held over pending revisions, resubmittal, processing and rescheduling for hearing.
- c. If a plat is rejected, the new filing of a plat for the same tract, or any part thereof, shall follow the aforementioned procedure and be subject to the required fee.
- d. Preliminary plat approval constitutes authorization for the subdivider to proceed with the preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary approval is based on the following:
  - 1) The basic conditions under which preliminary approval of the plat is granted will not be changed prior to the expiration date.
  - 2) Preliminary plat approval is valid for a period of twelve (12) months from the date of Commission action.
  - 3) Preliminary plat approval may, upon written application to the Commission by the subdivider prior to expiration, be extended for an additional twelve (12) month period if in the opinion of the Commission there has been no change in conditions within or adjoining the preliminary plat that would warrant a revision in the design of the original preliminary plat.

**SECTION 203. FINAL PLAT.** The final plat stage of land subdivision includes submittal, review and approval of the final plat and improvements required by the Board and recording of the plat with the County Recorder. The final plat shall conform to the approved preliminary plat and any stipulations thereto made by the Commission.

1. **APPLICATION SUBMITTAL.** A final plat application shall be made to the Department. In accordance with Arizona Revised Statutes, Section 32-101, a land surveyor registered in the State of Arizona is the only person that can sign a final plat. A registered engineer cannot sign a final plat unless he is registered as a land surveyor and uses the surveyor seal. Such application shall be made on forms, together with documents and drawings, the precise contents of which shall be as provided by administrative guidelines as adopted by the Maricopa County Board of Supervisors. The application must be submitted a minimum of thirty (30) working days prior to the regular meeting at which the subdivider desires to be heard by the Board (this period of time for review may be shorter or longer based on the applicant's compliance with technical

aspects of these Regulations). The final plat application will not be considered for processing until all required information as described in the aforementioned administrative guidelines is provided to the Department and appropriate fees as provided herein are paid.

2. **INFORMATION REQUIRED FOR FINAL PLAT SUBMITTAL.** A final plat shall contain the following information areas (detailed information required shall be as specified in the administrative guidelines):
- a. Identification of the subdivision by name, location, legal description and zoning district.
  - b. Identification of persons involved in the plat preparation (e.g., owner, subdivider, engineer, surveyor, etc.).
  - c. Identification of all lots in the subdivision utilizing engineered data. This shall include certification by a registered professional land surveyor preparing the plat that it is correct and accurate. All lots which have been recommended by the Commission to be reserved for school sites and fire stations in accordance with Section 308 of these regulations shall also be shown on the final plat.
  - d. Identification of all public streets and private rights of way. This shall include the identification of dedication of all streets and alleys for public use, and an acknowledgment of that dedication.
  - e. Identification of all drainageways, retention/detention facilities and drainage easements/tracts. This shall include identification of the limits of the Floodplain if any portion of the land being subdivided is within the Floodplain.
  - f. Identification of method of fire protection.
  - g. Identification of a condominium and its characteristics, if applicable, and its conformance with zoning ordinance standards.
  - h. Identification of a Unit Plan of Development and its characteristics, if applicable, and its conformance with zoning ordinance standards.
  - i. Assurance Statements regarding the following (specific format of Assurance Statements shall be as specified in the administrative guidelines):
    - 1) Pavement and improvement of roads.
    - 2) Utility services.
    - 3) Assured water supply.
  - j. Certifications from the following Maricopa County Agencies (specific format of Certifications shall be as specified in the administrative guidelines):
    - 1) Maricopa County Engineer.

- 2) Maricopa County Assessor.
  - 3) Maricopa County Treasurer.
- k. A statement regarding adherence with the provisions of Section 2318 of the Maricopa County Zoning Ordinance (Outdoor Light Control Provisions).
  - l. Notes on final plat that all private streets and tracts will be maintained and by whom.
  - m. Space for approval of the Board under the signature of the Chairman of the Board and attested to by the Clerk of the Board.
  - n. A list by lot, parcel and/or tract number that identifies lot width and area for each lot, parcel and/or tract. (Identify by footnote all changes made from preliminary plat list.)
  - o. Any other information as may be required by the administrative guidelines, in order to carry out the purpose and intent of these Regulations.

3. **DEPARTMENT/COUNTY AGENCIES REVIEW PROCESS.**

- a. Upon acceptance of the final plat application, the Department will distribute copies of the plat and supporting information to the following reviewing offices: 1) Flood Control District of Maricopa County, 2) County Health Department, 3) County Highway Department, and 4) State Highway Department (when plat abuts a State Highway). The reviewing offices shall make known their recommendations in writing addressed to the Department. The Department shall assemble the recommendations of the various reviewing offices, and will make them available to the subdivider for any necessary amendment.
- b. After review and approval by the reviewing agencies, and completion of appropriate amendment/s by the subdivider, the linen or polyester copy of the final plat, signed by the owner or owners and duly acknowledged, and an appropriate number of copies reproduced in the form of blue-line or black-line prints on a white background shall be taken by the owner or subdivision engineer to the County Highway Department to obtain any necessary signatures. Upon the obtaining of signatures at the County Highway Department, the linen or polyester copy of the plat shall be forwarded to the Department, who shall obtain the signatures of the County Assessor and County Treasurer on the required Certificate on the plat.

4. **FINAL PLAT APPROVAL.** Upon receipt of written approval from all departments concerned after the completion of the above signature procedure, the final plat will be forwarded by the Department to the Board for approval provided the reviewing agencies have certified that their requirements have been met. The Department shall then assemble the above information, prepare a concise summary of the requirements and submit said summary together with the reviewers' recommendations at the next regular meeting of the Board.

5. **FINAL PLAT RECORDATION.** When the final plat has been approved by the Board, the linen or polyester copy of the final plat and the original copy of the deed restrictions will be transmitted by the Clerk of the Board to the County Recorder's Office for recording. The subdivider will be notified later of the date, book and page number of the recording by the Clerk of The Board.

**SECTION 204. REPLATS.**

1. Any division of a lot or lots in a recorded subdivision into four (4) or more adjoining lots in a recorded subdivision, but creating no new street, shall be processed in accordance with Section 203 (Final Plats) of these Regulations.
2. Any replat involving dedication of land for a public street shall comply with all procedures set forth in Sections 202 and 203 of these Regulations (Preliminary and Final Plat) unless, at the discretion of the Director of the Department, the preliminary plat stage is waved.
3. If abandonment of a street, alley or easement (e.g., public utility, drainage, access, equestrian, non-vehicular, etc.) in a previously recorded subdivision is necessary during the process of replatting, the replat of that area shall be processed concurrently with the abandonment and recorded immediately subsequent to the recordation of the abandonment.

**SECTION 205. ABANDONMENTS.** Pursuant to provisions of Title 18, Chapter 2, Article 1, Section 18-201, and Title 28, Chapter 14, Article I, Subsections 28-1901 through 28-1908, ARS, the abandonment of all or part of a recorded subdivision may be initiated by written petition to the Board, said petition to be signed by ten (10) or more owners of real property in Maricopa County, requesting abandonment of all streets, alleys and easements within said subdivision and giving the legal description and recording information thereof. Applications for abandonment are filed with the Clerk of the Board and referred for recommendation to the County Highway Department and the utility companies concerned. After approval of the abandonment of the streets, alleys and easements by the Board and upon recordation of the Abandonment Resolution and a subsequent County Road Map in the office of the Maricopa County Recorder, the subdivision is removed from official maps and the land reverts to acreage as far as the Assessor's records are concerned.

**SECTION 206. DEVELOPMENT MASTER PLAN.** The Development Master Plan stage of land planning provides a site specific arrangement of various land uses, and includes conceptual planning by the owner; review of the Development Master Plan by the Department/Technical Advisory Committee; review and approval by the Commission; and approval by the Board of Supervisors.

1. **APPLICATION SUBMITTAL.** Application for approval of the Development Master Plan shall be made to the Department whenever it is the decision of the Department that:
  - a. The tract is sufficiently large enough to comprise an entire community;
  - b. The tract initially proposed for platting is a portion of a larger land holding of 640 acres or more of the owner or subdivider; and

- c. Or the tract is a part of a larger land area, the development of which is complicated by unusual topographic, utility, land use, land ownership or other conditions. Such application shall be made on forms, together with documents and drawings, the precise contents of which shall be as provided by administrative guidelines as adopted by the Maricopa County Board of Supervisors. The application must be made a minimum of ninety (90) days prior to the regular Commission meeting at which the owner desires to be heard (this period of time for review may be shorter or longer based on the applicant's compliance with technical aspects of these regulations). The Development Master Plan application will not be considered accepted for review until all required information as described in the aforementioned administrative guidelines is provided to the Department and appropriate fees as provided herein are paid.

ARTICLE III - SUBDIVISION DESIGN PRINCIPLES, STANDARDS, AND MINIMUM  
IMPROVEMENTS REQUIRED

Section 301. Purpose. The purpose of this Article is to identify the area of good subdivision design (as provided in the administrative guidelines as adopted by the Maricopa County Board of Supervisors upon recommendation of the Planning and Zoning Commission and adopted herein by reference), identify minimum required standards of the Department and other County agencies, and further to identify the minimum improvement standards required for approved subdivisions.

Section 302. Subdivision Design Principles. Acceptable subdivision design principles are as provided in the administrative guidelines. The areas of acceptable subdivision design which are specified in the administrative guidelines are as follows:

1. Neighborhood planning considerations.
2. Streets and highways.
3. Block and lot design.
4. Alley and easement design.
5. Drainage and detention/retention of storm water.
6. Sanitary and water facilities.
7. Fire protection.
8. Hillside subdivisions.

The Planning and Zoning Commission in its review of preliminary plats and the Board of Supervisors in its approval of final plats may either deny subdivision plat applications or condition them such that they conform to the above minimum acceptable design principles.

Section 303. Design Standards. The following subdivision standards, presented on an agency by agency basis, are the minimum required standards for subdivision development. No final or record plat of any subdivision shall be approved unless the following standards of development are complied with:

1. Department of Planning and Development:

a. No final plat of land subject to the existing Zoning Ordinance or existing Building Code shall be approved unless it conforms to such ordinance or code. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in Zoning Ordinance regulations, building code or other official regulations, the highest standards shall apply.

b. Lot width and area shall be closely related to the terrain, drainage, percolation factors or construction of sanitary sewers, with emphasis placed on selection of homesites and access to the homesites.

c. "Panhandle", double frontage and other unorthodox lotting arrangements, when permitted under zoning ordinance standards, may be permitted so long as it can be adequately demonstrated that no lot will be adversely affected by any other lot so arranged.

d. Corner lots for residential use shall be wider than the minimum lot width required in the zoning district in which the lots are located in order to provide adequate yard setbacks from both streets.

e. Property line corners at street intersections shall be rounded by arcs having a minimum tangent length of 12 feet. Property line corners at streets and alleys for all subdivisions and at street accesses (i.e., driveways) for multi-family, commercial or industrial subdivisions shall provide a "sight-distance triangle" as required in section 2308 of the zoning ordinance (with twenty-five (25) foot triangle "legs" at street intersections and ten (10) foot triangle "legs" at alleys and street accesses).

f. Side lot lines shall be substantially at right angles or radial to street lines, and shall be straight unless dictated by topography or other physical reasons.

g. Rear lot lines shall avoid acute angles with side lot lines and shall be straight unless dictated by topography or other physical reasons.

h. Names of streets shall be consistent with the natural alignments and extensions of existing streets. If new street names must be used, they shall not duplicate in whole or in part existing names.

2. County Highway Department.

a. The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in the adjoining areas or their proper projection where adjoining land is not subdivided insofar as they may be deemed necessary for public requirements.

b. Wherever a subdivision adjoins a major thoroughfare, access to all residential lots shall be provided from other than the major thoroughfare. In the case of lots fronting on a section line road, it is required that a frontage road be provided. This standard is shown as MCHD Standard #2019-B.

c. The width of all major thoroughfares shall conform to the width designated on the adopted County Plan and in the absence of an adopted County Plan, minimum right-of-way widths shall be provided as determined by the County Engineer.

d. Design standards for street construction have been established by the Maricopa County Highway Department and approved by the Board. For further details, refer to "Supplement To The MAG Uniform Standard Details For Public Works Construction" (as adopted 1982).

e. Residential streets (MCHD #2019A) service residential areas of subdivisions and areas of low traffic generation. Curbs may be either MAG Standard 220 Type A or C at the option of the developer. In subdivisions with lot sizes of 18,000 square feet and above, twenty-eight foot (28') width of paving with a thickened edge will be required as a minimum (MCHD #2020). Sidewalks shall be provided under the following conditions in subdivisions: 1) In residential subdivisions with lots containing less than 18,000 square feet, and 2) along any curbed public street. Sidewalk locations shall be a minimum of five feet (5') behind back of curb for streets with speeds of 45 M.P.H. or greater (generally streets with a half width right-of-way of forty feet (40') or greater) and at back of curb for all other streets. Master Planned Communities that are developing in accordance with development Master Plans approved prior to the effective date of these regulations and Development Master Plans subsequently amended will be allowed to continue their existing approved approach to sidewalks.

f. Residential collector streets (MCHD #2018B) act as traffic collectors in subdivisions, or streets with medium traffic generation and generally terminate at a section line or mid-section line road. Curbs may be either MAG Standard 200 Type A or C, at the option of the developer.

g. Major collector/high volume streets (MCHD #2018A) are usually found at the mid-section location and are designed to handle four (4) moving lanes of traffic, if necessary. Curbs must be MAG Standard 220 Type A.

h. Major County highways or section line roads (MCHD #2017A or B) are used to handle through traffic of high volume and designed to accommodate four (4) moving lanes and two (2) parking or turning lanes. The curb on section line roads must be MAG Standard 220 Type A, or Arizona Department of Transportation Standard C-5.01-A on all Federal Aid Secondary Routes. In cases where the road is designed with a median island, that island is to be nominally sixteen (16) feet face to face of curb with left turn lanes as required.

i. Streets in industrial park or commercial subdivisions will be wider, have more strength structurally than residential streets, and be required to have sidewalks. Typical Sections are contained in MCHD Standard #2021.

j. Private streets may be platted with the concurrence of the Maricopa County Highway Department and the Commission under the following conditions:

1) That easements satisfactory to the County Engineer be platted for roadway and utility purposes.

2) That satisfactory assurance, adequate to guarantee construction of these streets to at least a standard commensurate with that required under County pavement standards for subdivisions with lots of comparable size will be deposited with the County Engineer prior to recording of the final plat, or such street constructed and approved prior to recording of the final plat. The final plat must contain the certification called for in Article II, Section 203 of these Regulations.

3) That provision, satisfactory to the County Engineer, is made for maintenance of the streets.

4) That adequate provision is made for access of emergency vehicles, utility vehicles, and vehicles providing services such as garbage and trash pickup.

5) That clear statements be contained on the final plat that those streets are declared private and remain the responsibility of the homeowners association and not be maintained by Maricopa County. This would not preclude dedication to and acceptance by the County if the private streets have been developed and maintained to minimum County standards.

6) That the health, safety and welfare of the occupants of the subdivision will be adequately served thereby, and that the health, safety and welfare of the public will not be impaired hereby.

k. Those streets proposed to be over one thousand five hundred feet (1,500') in length shall be specifically identified in each plat submitted, and a recommendation shall be made regarding a "Variance/Modification" by the County Highway Department for consideration by the Commission during the preliminary plat hearing.

l. The use of alleys is discouraged. Dead-end alleys are prohibited. Alleys will be acceptable if the subdivider meets the guideline/construction standards of the County Engineer. Private access roads/drives that provide primary access to multi-family uses will be considered as tracts and will not be considered alleys or streets. Where alleys are designated for public use, they shall conform to the following standards for the type of development intended:

1) Residential Alleys:

- a) Alley width shall be a minimum of sixteen feet (16').
- b) At the intersection of two (2) alleys, a minimum twenty-five foot (25') by twenty-five foot (25') triangle shall be provided at all corners.
- c) Shall be paved and the pavement structure shall be a minimum of two inches (2") of asphalt concrete over a minimum six inches (6") of aggregate base as determined from an engineering analysis.

2) Commercial/Industrial Alleys:

- a) Alley width shall be a minimum of twenty feet (20').
- b) At the intersection of two (2) alleys, a minimum twenty-five foot (25') by twenty-five foot (25') triangle shall be provided at all corners.
- c) Shall be paved and the pavement structure shall be a minimum of two inches (2") of asphalt concrete over a minimum nine inches (9") of aggregate base as determined from an engineering analysis.

m. Utility easements along rear lot lines shall be as straight and long as possible in order to avoid an excessive number of manholes, poles and guy wires at angle points. Easement widths of sixteen feet (16') are normally required for residential subdivisions.

n. An easement prohibiting vehicular access (non-access easement) from the arterial street side of double frontage lots is required. The minimum width for said easement is one foot (1').

o. For lots facing on curvilinear streets, utility easements or alleys may consist of a series of straight lines with points of deflection not less than one hundred twenty feet (120') apart. Points of deflection shall always occur at the junction of side and rear lot lines on the side of the exterior angle. Curvilinear easements or alleys may be used, provided the minimum radius for the alley or easement is not less than one hundred thirty-five feet (135').

p. Streets in hillside subdivisions:

- 1) Street grades shall not exceed fifteen percent (15%).
- 2) Portions of streets with grades exceeding twelve percent (12%) shall not exceed six hundred feet (600') in length.
- 3) Street right-of-way width may vary depending upon conditions.

4) "T" or "V" type turning and backing cul-de-sacs may be substituted for circular turnarounds.

3. Flood Control District of Maricopa County:

a. Residential lots shall contain a building finished floor elevation which is above the Regulatory Flood Elevation.

b. In areas subject to flooding by the Regulatory Flood, approval of the type and amount of development will be determined by the Floodplain Board in accordance with the Floodplain Regulations For The Unincorporated Areas of Maricopa County, Arizona.

c. In areas subject to flooding by the Regulatory Flood where no fill is proposed, the building line shall be located no closer to the stream, watercourse, drainage way, or channel than the edge of the area subject to flooding. In areas where fill is used to raise the elevation of the building site, no fill shall be placed within any Floodway and placement of fill within the Floodplain must comply with development standards of the County's Floodplain Regulations.

d. Development must be in accordance with the Drainage Regulations of Maricopa County.

4. County Health Department:

a. Percolation tests and boring logs in accordance with the requirements of the County Health Department shall be taken at the proposed subdivision, unless the subdivision will be served by a public sewer system, prior to the approval of the preliminary plat.

b. Utility easements must be shown on all lots and tracts of the subdivision. These easements are not mandatory where other means of providing utility access have been used.

c. Provision for the supply of adequate and safe drinking water to all lots must be assured.

d. Provision for adequate sewage disposal for all lots must be assured. A community sewer system connected to adequate treatment facilities must be used whenever possible. The use of individual sewage disposal systems are discouraged.

e. Provision for safe and sanitary collection and disposal of garbage and trash generated by the development must be provided.

Section 304. Improvements. This Section shall specify the minimum acceptable improvements that are required in a subdivision. No final or record plat of any subdivision shall be approved unless the improvements as required and listed herein have been satisfactorily completed prior to such approval, or the owner or subdivider shall have deposited with the office of the County Engineer assurances satisfactory to the County Engineer and County Attorney sufficient to guarantee said improvements at such time as required by the County Engineer as required by Article II, Section 203, Paragraphs "i" and "j", of these regulations. The owner or subdivider shall provide the engineer's cost estimate, including engineering and supervision, for the proposed improvements detailed as to quantity and installed unit price per item.

1. Street improvements:

a. All subdivisions with public streets shall have adequate dedicated public access satisfactory to the County Engineer. All subdivisions with private streets shall have adequate legal access satisfactory to the County Engineer.

b. All streets within a subdivision or development, whether public or private, shall have been improved, or adequate assurance shall have been deposited with the County Engineer to guarantee construction, in accordance with the latest edition of the "Uniform Standard Specifications for Public Works Construction" - Maricopa Association of Governments, together with Maricopa County Supplements, "Special Provisions for Construction of Street Improvements" and "Special Provisions For Installation of Underground Utilities (Adopted 8/2/82)".

c. If a subdivision borders on a street, the owner or subdivider shall also be required to improve the near half of all perimeter streets in accordance with the requirements of the Maricopa County Highway Department and the Guide For Improvement of Subdivision Perimeter Streets as adopted by the Board.

d. The owner or subdivider is responsible for installation of surfacing between the nearest paved road and the subdivision in accordance with MCHD Standard #2020.

e. Approval of improvement plans will be valid for a period of one (1) year from the date of approval. Any work not done under permit within the above period must have plans resubmitted for approval. The approval process shall be in accordance with the provisions and requirements of the procedure of the Maricopa County Highway Department.

f. The assurance deposited to guarantee required street improvements will be released upon completion thereof conditioned however that there be deposited with the County Engineer a bond or other satisfactory assurance in an amount of ten percent (10%) of the cost of said improvements. The latter bond or assurance shall be conditioned to guarantee against damage by on-site construction for a period of one (1) year after approval or until completion of all construction by the developer, whichever occurs first.

## 2. Water Lines:

a. Every subdivision shall be provided with a complete water distribution system, which will adequately and safely serve the area platted.

b. Fire hydrants will be connected to an adequate water supply and shall be provided in accordance with the recommendations or requirements of water departments or water companies and fire departments or districts having jurisdictions for all subdivisions having lots one hundred ninety thousand square feet (190,000 sq.ft.) or less in size.

c. The developer shall provide guarantees acceptable to the Board that the subdivision can and will receive an adequate supply of pure and wholesome water from a water system operated by a certificated water company or a municipality. The existence of such a water company or municipality at or adjacent to the development in itself shall not be considered an adequate basis for approval.

d. The developer shall be required to post satisfactory assurance with the County Engineer as part of the aforesaid guarantee that connection to such a water system will be made available to a lot owner at the street or alley abutting his lot when building construction commences (or when the building is ready for occupancy), and that fire hydrants have been installed at approved locations.

e. All service lines under proposed pavement must be installed prior to placement of the final course of pavement or installed without open cutting of the pavement.

f. The plat shall contain a statement that a one-hundred (100) Year Assured Water Supply Certificate has been issued by the Arizona Department of Water Resources where required.

## 3. Sanitary Sewers:

a. Where public sanitary sewers are within reasonable access of the subdivision, in the opinion of the County Health Department, each lot shall be provided with a connection to such sanitary sewer.

b. Where a public sanitary sewer is not accessible, in the opinion of the County Health Department, proper provision shall be made for the disposal of sanitary wastes in accordance with standards and requirements of said department.

c. In unsewered areas where it is determined feasible by the Health Department and with the concurrence by the entity having responsibility for sewers in the area, dry sewers will be constructed. Individual sewage disposal systems will be installed for each lot at the time of building construction. A mandatory abandonment of these systems will be accomplished at the time the responsible agency has brought trunk sewers to the area. The connection of the dry sewer system to the trunk sewer will be mandatory and bonding for this connection may be required at the discretion of the County Health Officer or the County Engineer.

d. Where sewerage is to be provided in accordance with this section, paragraphs a. and c., the developer shall be required to post satisfactory assurance with the County Engineer and guarantee installation of sewer facilities.

4. Drainage and Retention/Detention of Stormwater:

a. All necessary facilities, as determined by the Flood Control District of Maricopa County and the County Engineer specified in Section 303 herein, including underground pipe, inlets, catch basin, open drainage ditches, lining or detention facilities, shall be installed to provide for adequate retention/detention and disposal of stormwater and other surface water and to maintain any natural drainage course.

b. Where a subdivision is traversed by or abuts a stream, watercourse or drainageway, a drainage easement shall be provided. This easement shall be capable of conveying drainage for at least a One Hundred Year Storm and shall not be obstructed.

c. Grading and drainage plans must be submitted and approved based upon an approved drainage study to include additional hydrology or hydraulics if necessary.

5. Reference Monuments:

a. Permanent reference monuments shall be installed in accordance with County standards at all corners, angle points and points of curves and at all street intersections.

b. After all improvements have been installed, a registered surveyor or engineer employed by the subdivider shall punch the exact points on the monuments and certify their accuracy.

c. Lot corners: Iron pipe shall be set at all corners, angle points, and points of curve for each lot within the subdivision prior to the recording of the plat. Steel pins 1/2" x 18" may be used as an alternate to iron pipe at property corners. Survey monuments are designated in accordance with Section 304.5.a and are not required at property corners.

6. Street Name Signs. The developer is required to furnish and install one (1) street name sign for each intersection within the limits and along the perimeter of the subdivision in accordance with the latest applicable standards of the Maricopa County Highway Department (MCHD Standard #2054). The developer may be required to install additional street signs on opposite corners of streets which exceed sixty feet (60') in width.

7. Utilities. Utilities required to service the area must be provided within each subdivision. The Commission shall require the developer to arrange for location of utility lines underground. The developer shall be required to post satisfactory assurance with the County Engineer to insure installation of electric service, and natural gas where applicable to all lots.

Section 305. Plans, Specifications and Supervision. All of the improvements required in this article shall be installed in accordance with the specifications and under the general review of the appropriate public officials.

Section 306. Provisions For Maintenance And Operation. Where the developer proposes drainage improvements, sewers, sewage treatment plants, domestic and/or fire water systems, park areas, landscaping such as lawns, trees, and shrubs in tracts or common areas proposed to be owned or operated in common, then provisions shall be made by trust agreement, which is a part of the deed restrictions and which are acceptable to the proper agencies having jurisdiction over the location and improvements of such facilities, for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

Section 307. Suitability of The Land. The Board may reject a plat that is determined to be physically unsuitable because of flooding, bad drainage, lack of adequate sewage and waste disposal, steep slopes, rock formations and other features which may endanger health, life or property, aggravate erosion, increase the flood hazard, necessitate unreasonable expenditure of public funds or which is found to be not in the best interest of the public.

Section 308. Reservations for Public Facilities and Services:

1. The Board of Supervisors, upon recommendation of the Commission, may require that land areas within a subdivision be reserved for school sites and fire stations subject to the following conditions:

a. Requirement may only be made on preliminary plats filed at least thirty (30) days after the adoption of a Comprehensive Plan or amendment of the Plan affecting the land area to be reserved.

b. The required school reservations must be consistent with a specific request from the school district servicing the subdivision and/or the required fire station reservations may be consistent with a specific request from the fire district servicing the subdivision and must be in conformance with the following standards:

1) Reservations may not be located within a floodplain.

2) Reservations must be located such that they are oriented to their service areas.

3) Elementary school site reservations must be located, as far as possible, to allow walking to the school by students such that they would not have to cross any arterial streets.

4) High school site reservations must be located, as far as possible, to allow good access to arterial streets.

5) Fire station site reservations must be located, as far as possible, to allow access to arterial streets.

c. The land area reserved is such a size and shape as to permit the remainder of the land area of the subdivision within which the reservation is located to develop in an orderly and efficient manner.

d. The land area reserved is in such multiples of streets and parcels as to permit an efficient division of the reserved area if it is not acquired within the prescribed period.

2. The public agency for whose benefit an area has been reserved has one (1) year after recording the final plat to enter into an agreement to acquire the reserved land area. The purchase price is the fair market value of the land at the time of the filing of the preliminary plat plus the taxes against the reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of the reserved area, including interest costs incurred on any loan covering the reserved area.

3. If the public agency for whose benefit the area has been reserved does not exercise the reservation agreement within the one (1) year period or an extended period mutually agreed on by the public agency and the subdivider, the reservation of the area terminates.

4. School districts and fire districts desiring to have a portion of a subdivision designated as reserved for a school site or fire station site must submit their request within thirty (30) days of the date of receipt of a proposed preliminary plat.

\*Section 309 Water Use: If a common area over ten (10) acres in size, a lake or a golf course requiring irrigation is proposed within a subdivision or a Development Master Plan, one hundred (100%) percent of the water used to fill or refill the lake, and irrigate the golf course and common area shall be a renewable supply of water, such as treated effluent, surface water or Central Arizona Project (CAP) water. A plan shall be submitted that includes a schedule which ultimately provides for one hundred (100%) percent use of a renewable supply of water to fill, refill or irrigate the facilities noted above. A renewable water supply must be used during each phase of the project and at the completion of the project. The facilities subject to this regulation shall be designed and constructed to facilitate the use of treated effluent. The Plan approved by the Board of Supervisors may provide for the interim use of groundwater in conjunction with the use of a renewable supply of water during the development phases of the project. The Plan approved by the Board of Supervisors may also allow for:

1. The use of groundwater in the event of a threat to public health and safety, only if the additional use of groundwater will reduce the risk of a public health and safety hazard and all other actions would not reduce the risk.

2. The use of groundwater to leach soil to maintain turf, provided there is no other available source of water that would achieve the same result.

3. The use of non-potable groundwater.

4. The plan may also provide for the use of groundwater in subdivisions or Master Planned Communities where the seasonal occupancy of the residents will cause a seasonal fluctuation in the availability of treated effluent.

This regulation may exceed but is not intended to conflict with State law or state mandated regulations regarding the use of water in filling and refilling lakes. Conflicts that may arise shall be decided by the Department Director in favor of State law or State mandated regulations.

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\* ADDED BY ADOPTION OF BOARD OF SUPERVISORS ON DECEMBER 10, 1990

## ARTICLE IV

### ADOPTION, AMENDMENTS, ADMINISTRATION, ENFORCEMENT AND FEES

**SECTION 401. ADOPTION AND AMENDMENTS.** It shall be the responsibility of the Board of Supervisors to adopt rules and regulations or any amendments related to subdivisions. Before adoption of any rule, regulation or amendment thereof, a public hearing shall be held by the Commission. A copy of the rule, regulation or amendment shall be certified by the Commission to the Board which shall hold a public hearing after notice of the time and place has been given by one (1) publication fifteen (15) days prior to the public hearing in a newspaper of general circulation in the County.

**SECTION 402. ADMINISTRATION.** It shall be the responsibility of the Department to administer the provisions contained herein, except where it is indicated that provisions are administered by other County agencies. However, the Department's duly authorized representative:

1. Shall receive all applications for Subdivisions or Development Master Plans.
2. May examine premises for which applications of Subdivision and Development Master Plans have been received.
3. May make necessary investigations to secure compliance with the provisions of these regulations.
4. Shall issue such notices or orders as may be necessary for the purpose of enforcing compliance with the provisions of these regulations.
5. May adopt rules and procedures consistent with these regulations for the implementation thereof.
6. Shall serve as Chairman of the Technical Advisory Committee in matters of review of Subdivision and Development Master Plan applications.
7. Shall prepare all reports and make all presentations to the Planning Commission and the Board of Supervisors regarding Subdivision and Development Master Plan applications.
8. Shall keep careful and comprehensive records of a) applications for Subdivisions and Development Master Plans, b) inspections made, c) reports rendered, and d) notices or orders issued, and shall further retain on file copies of all papers in connection with such applications for such time as may be required by law.

**SECTION 403. ENFORCEMENT.** It shall be the duty of the Department's duly authorized representative to enforce the provisions of these regulations, except where it is indicated that the provisions are enforced by other County agencies. Any violation or lack of compliance shall be brought to the attention of the County Attorney and the subdivider.

**SECTION 404. FEES.** The fees for processing Subdivisions and Development Master Plans shall be payable upon the acceptance by the Department of Applications with no provision for refund and shall be equal to the following:

1. **Preliminary Plats and Replats:**
  - a. \$30 per lot, tract and/or parcel provided that no preliminary/replat subdivision fee shall be less than \$250 nor more than \$22,500
  - b. Additional fees as prescribed by the County Health Department and the Flood Control District of Maricopa County for all applications
2. **Final Plats:** \$5 per lot, tract and/or parcel provided that no final subdivision fee shall be less than \$250 nor more than \$1,000
3. **Waiver of Standard:** \$500 per standard provided that no fee for a waiver request shall be less than \$500 nor more than \$5,000

ARTICLE V - VARIANCES AND MODIFICATIONS

Section 501. Variances. Where the Commission finds that, in Development Master Plans, Unit Plans of Development, or in specific cases where unusual typographic or other exceptional conditions exist, extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the Master Plan or these regulations. Approval of a Variance or modification by the Commission shall not suspend review and approval by appropriate agencies.

Section 502. Large Scale Development. The standards and requirements of these regulations may be modified by the Board in the case of a plan and program for a community plan (Development Master Plan) or neighborhood plan which, in the judgment and recommendation of the Commission, provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Section 503. Conditions. In granting Variances and modifications, the Board, upon recommendation of the Commission, may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

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ARTICLE VI. VIOLATION AND PENALTY

Section 601. Violation. If any land is subdivided in violation of these regulations, the Board of Supervisors, the County Attorney, duly authorized representatives of the Department or any adjacent or neighboring property owner who is especially damaged by the violation, in addition to the other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent such violation or attempted violation and to restrain, correct or abate such violation or attempted violation, or to prevent any act which constitutes a violation.

Section 602. Penalty. It is unlawful to record the subdivision of property without the prior approval of the Board of Supervisors. Pursuant to Title II, Section II-806.01C, Arizona Revised Statutes, any person causing a Final Plat to be recorded without first submitting the plat and obtaining approval of the Board shall be guilty of a Class 2 Misdemeanor. Any apparent violations of these regulations will be brought to the attention of the County Attorney for appropriate legal action pursuant to Title II, Section II-808.H, Arizona Revised Statutes. In addition, the matter will be brought to the attention of the Arizona State Department of Real Estate for possible action by the Arizona Attorney General's Office.

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ARTICLE VII. SEPARABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES

EFFECTIVE DATE

Section 701. Separability Clause. Should any article, section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any portion thereof, other than the article, section, or provision declared to be unconstitutional or invalid.

Section 702. Repeal of Conflicting Ordinances. All ordinances or portions of ordinances in conflict with these regulations, or inconsistent with the provisions of these regulations, are hereby repealed to the extent necessary to give these regulations full force and effect.

Section 703. Effective Date. These regulations shall become effective on August 6, 1990.

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