

# City of San Luis

## Final Draft Subdivision Regulations





**Draft Subdivision Regulations  
City of San Luis Arizona**

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# Title 17 Subdivision Regulations

## Chapter 17.05 Title, Authority and Definitions

### Section 17.05.10 – Short Title

These regulations shall be known and may be cited as the “City of San Luis Subdivision Regulations” hereinafter referred to as the “Subdivision Regulations.”

### Section 17.05.20 – Authority

This Ordinance is adopted pursuant to the authority contained in the Arizona Revised Statutes (A.R.S.) § 9-463, et seq. in order to conserve and promote the public interest, health, comfort, safety, convenience, and general welfare of the residents and property owners of the City of San Luis.

### Section 17.05.30 – Purpose

The purpose of this section is to provide for the public health, safety, and general welfare of the City by regulating the subdivision of land: 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 and distribution, drainage and flood control, sanitary sewerage, and other health requirements; to insure and facilitate reservation of sites for schools, recreation facilities, and other public purposes; to promote conveyance of land by accurate legal description; and to provide practical procedures for the achievement of this purpose.

### Section 17.05.40 – Conformance with the General Plan

This Ordinance is intended to implement the goals, objectives and policies of the “City of San Luis General Plan” and is hereby deemed to be in conformance with the adopted General Plan. Any amendments to or actions pursuant to this Ordinance shall be in conformance with the General Plan, as it may be amended from time to time.

### Section 17.05.50 – Effective Date

These Subdivision Regulations shall become effective upon adoption by the City of San Luis City Council and remain in full force here after.

## Section 17.05.60 – Definitions

The following definitions shall have the following meanings:

**Abutting:** The condition of two adjoining properties having a common property line or boundary or being contiguous to each other.

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

**ADEQ:** Arizona Department of Environmental Quality.

**ADWR:** Arizona Department of Water Resources.

**A.R.S.:** The abbreviation for the Arizona Revised Statutes.

**Bicycle Lane:** A paved area located within a street right-of-way and between the curbs that is designated for bicycle or other non-motorized traffic.

**Block:** Means a piece or parcel of land, or group of lots entirely surrounded by public rights-of way, streams, railroads or parks, or a combination thereof.

**City:** The City of San Luis, Arizona.

**Commission:** The Planning and Zoning Commission of the City of San Luis, Arizona.

**City Council:** The City Council of the City of San Luis, Arizona.

**City Engineer:** The City Engineer for the City of San Luis or his/her designated representative. The Public Works Director shall serve as the designated representative.

**County:** Yuma County, Arizona.

**Cul-de-sac:** A street or road having a traffic outlet on one end, and only having at the other end, facilities for the turning around of vehicular traffic.

**Depth:** When used in reference to a lot, means 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 (10) feet.

**Detention Basin:** A stormwater storage facility that temporarily stores surface runoff and releases it at a controlled rate through a positive outlet.

**Developer:** A person, firm, partnership, joint venture, trust, syndicate, association, corporation, limited liability company or other legal entity who desirers to improve or otherwise engage in any development of property within the City of San Luis, including the owner of the property; except that an individual serving as agent for such legal entity is not a developer.

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

**Final Approval:** Means approval of the final plat by the Council, as evidenced by certification on the plat by the Mayor of the City, which constitutes authorization to record a plat.

**Floodplain:** Areas adjoining the channel of a watercourse, or areas where drainage is or may be restricted by man made structures which have been or may be covered partially or wholly by floodwater from the one hundred (100) year flood.

**General Plan:** Means a comprehensive plan pursuant to A.R.S. § 9-461.05, providing for the future growth and improvement of the City and for the general location of streets, schools and recreation areas, public building sites, and other physical development, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

**Health Department:** Yuma County Health Department.

**Improvement:** means required installations, pursuant to this subdivision regulations, including grading, sewer and water utilities, streets, landscaping, easements, traffic control devices as a condition to the approval and acceptance of the final plat thereof.

**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, that are prepared and bear the seal of an Arizona Registered Engineer, Architect or Landscape Architect in accordance with the approved preliminary plat and zoning stipulations, and in compliance with public works standards adopted by the Public Works Department.

**Land Split:** The division of improved or unimproved land whose area is two and a half (2 ½) acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease. (More commonly referred to as Lot Split).

**Lot:** A single piece of property located in a recorded subdivision. A lot also includes a parcel of land, shown in the records of the Yuma County Assessor's Office, divided to be used separately from other parcels of property by description, legal manner pursuant

to all State, County and city requirements for the development and proposed use of that property.

**Lot Corner:** A lot located at the intersection of two (2) or more streets.

**Lot Line:** A line dividing one (1) lot from another or from a street or any public place.

**Plat:** Means a map of a subdivision.

**Preliminary Plat:** Means a preliminary map, including supporting data, indicating a proposed subdivision design prepared in accordance with the provisions of A.R.S. §9-463 et seq. and these Subdivision Regulations.

**Final Plat:** Means a map of all or part of a subdivision essentially conforming to an approved preliminary plat, prepared in accordance with the provisions of A.R.S. §9-463 et seq., these Subdivision Regulations, and other applicable state statutes.

**Recorded Plat:** Means a final plat bearing all of the certificates of approval required by A.R.S. 9-463 et seq., these Subdivision Regulations, and other applicable state statutes, and duly recorded in the Yuma County Recorder's Office.

**Public Works Director:** The Public Works Director for the City of San Luis or his/her designated representative.

**Retention Basin:** A stormwater 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.

**Street:** Means any existing or proposed street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct or easement for public vehicular access or a street shown in a plat heretofore approved pursuant to law or a street in a plat duly filed and recorded in the county recorder's office. A street includes all land within the street right-of-way whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges and viaducts.

**Subdivision:** Means improved or unimproved land or lands divided for the purpose of financing, sale or lease, as defined in A.R.S. §9-463.02.

**Tract:** A defined area of land regardless of size.

**Width:** When used in reference to a lot, means;

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.

2. For lots on the inside 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.

**Zoning Administrator:** The staff/official responsible for the enforcement and the interpretation of the zoning ordinance.

**Zoning District:** A zone area in which the same zoning regulations apply throughout the district.

**Zoning Ordinance:** The zoning ordinance for the City of San Luis.

## Chapter 17.10 Design Standards

### Section 17.10.10 – Purpose

The purpose of subdivision regulation is to create functional, attractive developments, minimize adverse impacts on the community, and to ensure that future subdivisions will conform to the community's expectations. To accommodate this purpose, all subdivision plats shall conform to the following design standards, which are designed to result in a well-planned community without adding unnecessarily to development costs.

### Section 17.10.11 – General Provisions

- A. All subdivisions shall conform to the following standards of subdivision design, except in those cases where the City Council has determined that a modification is justified pursuant to Section 17.10.13.
- B. Land which is subject to periodic flooding, or land which cannot be properly drained or other land which is unsuitable for the proposed use shall not be subdivided; however, the City Council may approve subdivisions of such land upon receipt of evidence from the Yuma County Flood Control District, County Health Department and the City Engineer that the construction of specific improvements can be expected to render the land usable, in which event construction, upon such land shall be prohibited until the specified improvements have been planned and construction guaranteed.

- C. 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 be reserved for acquisition by the appropriate agency within a specific period of time as prescribed in A.R.S. §9-463.01 (D) and (E). An agreement should be reached between the developer and the appropriate public agency regarding time, method, and cost of such acquisition. Dedication of such sites by the developer may be considered by the City.

### Section 17.10.12 – Approval Process

The subdivision of land and associated development shall follow the approval process below:

- A. Preliminary Plat:** A preliminary plat shall be reviewed and approved by the Planning and Zoning Commission (See Chapter 17.15).
- B. Improvement Plans:** Improvement plans shall be reviewed and approved by the City Engineer after the approval of the preliminary plat (See Chapter 17.20).
- C. Final Plat and Recordation:** Final plat shall be approved by City Council authorizing the recordation of the final plat with the Yuma County Recorder's office (See Chapter 17.20).

### Section 17.10.13 – Modifications

Whenever subdivision design standards or improvement standards are requested to be modified or not constructed, the appropriate technical registrant shall:

- A. Provide written justification and referenced section/standard proposed to be waived or modified.
- B. A detailed cost estimate of the improvements that are being requested to be waived or modified.

City Council may, after receiving a recommendation from the Planning and Zoning Commission and City Engineer, allow a modification from the City of San Luis Subdivision Regulations or that are determined not to be detrimental to the public interest or injurious to other property in the vicinity.

In modifying the standards or requirements of these provisions as outlined in this section, 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.

## Section 17.10.14 – Access Requirements

- A. No subdivision shall be recorded unless permanent public access is provided from the subdivision to a City, County, State or Federal maintained paved road. A public access means a dedication to the City or a permanent written easement from the County, State or Federal Governments.
- B. Road dedication for the purpose of providing fully improved access to the proposed subdivision shall be approved by the City Engineer prior to recording.
- C. Every subdivision (residential, commercial and industrial) shall have at least two (2) separate and distinct access points both of which shall provide fully improved and accepted access from a public road approved and developed to the City street standards.
- D. Access to Arterial or Collector Streets.
  - a. Lots shall not have access from arterial or collector streets. When subdivisions have access from arterial or collector streets it is required that:
    - 1. The lots front yard abuts a local or frontage road.
    - 2. The placement of the access shall be in compliance with the adopted Public Works Standards.
    - 3. A traffic impact study shall be obtained pursuant to the adopted Public Works Standards.
  - b. Lots abutting arterial or collector streets shall have non-access easements (N.A.E.) to prevent direct access and driveways to those streets.
- E. Separation of access point along arterial or collector streets.

Subdivision access roads shall be spaced according to Public Works Standards or standards of the jurisdiction that is responsible for the operation and maintenance of the arterial or collector road.
- F. Access to adjacent parcels.
  - a. Stub roads may be required to assure the integrity of the roadway network in serving potential future development such as in phased developments, master planned communities and other development areas.
  - b. All adjacent properties shall be considered when determining appropriate locations for stub roads.

- c. A turning feature that conforms to the applicable portions of the public works standards shall be provided in an approved improved condition in the interim for the terminus of a stub road until the permanent roadway is extended.
- G. Access from private property to any dedicated street shall be constructed in accordance with permits issued by the City. The width will depend on the access to be served (i.e., residential or commercial/industrial uses). Minimum driveway spacing shall be as defined in the City adopted public works standards. Exceptions to this requirement may be approved by the City Engineer based on unusual site constraints.

### **Section 17.10.15 – Subdivision Design**

- A. The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the City or any municipality within Yuma County, unless the subdivisions are adjacent and are in some way related and the name is not exactly the same.
- B. The street system in the proposed subdivision shall relate in alignment to the existing streets in the area adjoining the subdivision. The arrangement of streets in the new subdivisions shall make provisions for the continuation of existing or designated streets as the City may designate.
- C. The proposed street plan shall give consideration to the future use and/or subdivision of adjoining unsubdivided property.
- D. Local residential roads shall be laid out in a manner to discourage their use by through traffic. They should be discontinuous and generally should be interrupted with jogs and offsets.
- E. There shall be no reserved strips or easements controlling access to land or streets dedicated or intended to be dedicated to the public, except as may be required by a public agency for access management purposes.
- F. Pursuant to the authority of A.R.S. §9-243.B, streets adjacent to the property to be subdivided shall be required to be developed. No half-streets will be accepted.
- G. Where private streets are proposed, such streets shall be constructed to City standards of construction and shall be placed into specific "street tracts" of land.

Statements shall be contained on the plat and in the Deed Restrictions, the Homeowners Association Bylaws and the Covenants, Conditions and Restrictions (CCR's) 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 Association. If at any time the streets are proposed to be dedicated to, and accepted by the City, the streets must first have been designed and constructed to standards specified by the City for public streets and demonstrate they have been maintained to the current public street maintenance standards, as determined by the City Engineer.

### **Section 17.10.16 – Street intersections**

- A. 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.
- B. Arterial and collector streets shall not have offsets. Local streets with a centerline offset less than 200 feet shall be prohibited.
- C. Street corners shall be designed in accordance with the Public Works Standards adopted by the City.
- D. All corner lots shall have non-access easements (N.A.E.) along corner triangles to prevent direct vehicle access through and over handicap ramps.
- E. Right of way requirements at intersections shall be designed in accordance with the Public Works Standards adopted by the City.

## Section 17.10.17 – Street Right of Way

The following chart summarizes the functional classification designations for the City of San Luis and their corresponding cross section characteristics.

**Table 1.1 Roadway Functional Classifications and Physical Characteristics**

Type of Street	Minimum ROW	Travel Lane	Median Width	Bike Lane	Sidewalks
Principal Arterial	130 feet	42'/42' (2 Lanes)	16' raised	6' both sides	6' both sides
Minor Arterial	110 feet	38'/38' (2 Lanes)	16' raised	6' both sides	5' both sides
Collector Street	80 feet	24'/24' (1 Lane)	12' left turn lane	6' both sides	5' both sides
Local Roadways	52 feet	40'	None	None	4' both sides
Cul-de-sac	57' (radius)	48' (radius)	None	None	varies

## Section 17.10.18 – Blocks

- A. Blocks shall not be more than 1,200 feet in length unless deemed necessary for public safety and convenience. The maximum length of a block shall be measured along the centerline of the street and between intersecting street centerlines.
- B. Irregular shaped blocks indented by cul-de-sacs containing interior parks or playgrounds and adequate parking space, will be acceptable when properly designed and covered by agreements as to maintenance of such park areas.
- C. Blocks intended for business or industry shall be of such length and depth as may be considered most suitable for their prospective use by the Planning Commission, including adequate provision for parking, on-site loading and unloading and buffer, as required by the zoning ordinance.
- D. Pedestrian ways shall be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Pedestrian ways may be used for utility purposes.
- E. The arrangements of blocks shall conform to the street design criteria set forth in these regulations.

## Section 17.10.19 – Lots

- A. No lot shall have less area or width than required by the zoning ordinance applying to the area in which it is located.
- B. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for all types of uses permitted. Lot dimensions shall not include part of the existing or proposed streets. All lots shall be buildable, except as a public utility lot. Depth and width of utility lots shall be adequate to provide for standard setbacks for service structures, and to furnish off-street parking facilities required by the kind of use contemplated. In no other case shall the width or area be less than that prescribed for the zoning district in which a lot is proposed.
- C. Detached single-family residential lots shall not have a width-to depth ratio greater than one to three.
- D. Lots shall front a dedicated public street or private street.
- E. Corner lots shall generally be designed larger to accommodate the increased setback as per the zoning ordinance.
- F. Driveways for each subdivision lot must be clearly shown on the subdivision improvement plans subject to approval of the City Engineer.
- G. Only one (1) driveway with access to a public street, private road, or alley is allowed per lot in the low and medium density residential zoning districts and shall be facing the narrow side of the lot.
- H. Non-residential double frontage lots in commercial and industrial areas should be considered where advantages to provide for required parking facilities and for essential activities of the contemplated use, e.g., loading, unloading, and drive-in or drive-through services.
- I. No lot shall be divided by the boundary line of a municipality, county, school district or other taxing agency.

### Section 17.10.20 – Cul-De-Sacs

Cul-de-sac streets in the low and medium density residential subdivisions will serve no more than (20) dwelling units and shall be no longer than 600 feet, unless necessitated by topography or other circumstances beyond the subdividers control.

### Section 17.10.21 – Alleys

Alleys are not allowed in residential subdivisions except that the alleys may be required in certain situations to complete existing patterns or to serve as secondary access. Alleys may be required in commercial and industrial subdivisions and shall conform to the Public Works Standards for roadways.

### Section 17.10.22 – Pedestrian Circulation System

- A. Pedestrian ways and multi-use paths shall also be provided in accordance with the adopted Pathway Master Plan.
- B. Pedestrian ways and multipath may be required where essential for circulation or access to schools, playgrounds, shopping centers, parks, transportation, and other community facilities.
- C. The developer shall be responsible for the design and development of all pathway improvements within the limits of their subdivision.

### Section 17.10.23 – Fire Protection

- A. Fire hydrants and a fire distribution system shall be provided in accordance with the recommendations or requirements of the City of San Luis Department of Public Works, and the City of San Luis Fire Department. In no case are the requirements to be less restrictive than the most restrictive provisions of the adopted fire codes of the City and/or the Office of the Arizona State Fire Marshall.
- B. Fire hydrants shall be installed in accordance with requirements of the Public Works Standards and City Fire Department.

### Section 17.10.24 – Utilities

- A. **Sewer:** Subdivisions shall be provided with sanitary sewer connections to each lot. Public sewage collection lines shall be installed to serve all lots within the subdivision in accordance with the minimum standards of the City. Plans for sanitary sewer shall be approved by Arizona Department of Environmental Quality.

- B. **Water:** Water mains and services shall be installed to serve all lots within the subdivision. In accordance with the minimum standards of the City public water mains shall be approved by the Arizona Department of Environmental Quality. Water wells may not be connected to the City water system.
- C. **Electricity:** The developer shall submit certification from the local electric power company that electrical service is available and will be provided to the subdivision. Location of the street lighting shall be indicated on the final approved plans. All electrical and telecommunication lines shall be underground within the subdivision.
- D. **Street Lighting:**
- a. Street lighting shall be installed in accordance with the City standards along all streets within the subdivision and along perimeter streets developed in conjunction with the subdivision. All utilities to be underground, and underground street light circuits shall be provided by developer. The developer shall provide the pole, lamp, luminaries and bracket and underground circuits.
  - b. The developer will take such actions as may be necessary to form, establish and include the subdivision in an improvement district to purchase electricity for the lighting of public streets and parks of the subdivision.
- E. **Improvement District:** The developer will take such action as may be necessary to form, establish and include the subdivision in an improvement district for the purpose of providing enhanced municipal services and/or maintain any retention basins as may be established for said subdivision and all other improvements which serve and benefit the subdivision.
- F. **Street Name Signs:** Developer shall provide street signs and required traffic control signs. Specifications for design, construction, location and installation shall be in accordance with the Public Works Standards or other standards adopted or amended by the City.
- G. **Utility Connections:** All underground utilities on public right of way shall be installed by the developer in accordance with Public Works Standards.
- H. **Water Rights:** When property has rights to receive irrigation water from the Yuma County Water Users association:

- a. Developer shall provide to the City, prior to final approval of any subdivision plat by the City of any subdivision being developed, receipts or other documentary proof indicating that assessments levied by the Yuma County Water Users association for water services to the parcel have been paid to date and/or that there are no delinquent assessments that were levied by the Yuma County Water Users Association.
- b. At the time of subdivision plat approval, developer agrees to take such acts or actions in cooperation with the City, to cause the irrevocable assignment of the right to delivery agent for purpose of accepting, treating and delivering potable water to the future occupants of the parcel within the approved subdivision.

### **Section 17.10.25 – Flood Control Facilities**

- A. The minimum facilities for the control of floodwaters crossing, flowing into, or falling upon a subdivision shall be designed in accordance with the City adopted Yuma County Public Works Standards Volume 3.
- B. The City Engineer shall approve flood control facilities design.
- C. Streets and highways shall not be used as flood channels without approval of the City Engineer.
- D. The use of streets and highways for tract drainage purposes may be prohibited by the City Engineer if, in his opinion, said use is impractical or not in the interests of public health and safety.
- E. Drainage improvements or channels between lots shall be prohibited.

### **Section 17.10.26 – Flood Plains**

Any subdivision development within a floodplain shall comply with the provisions of the adopted Floodplain Regulations of Yuma County.

### **Section 17.10.27 – Street Naming**

- A. All road names shall comply with the City of San Luis Roadway Naming and Addressing Policy.

- B. The developer shall propose the street names at the preliminary plat submittal stage and the names shall be recommended by the Planning and Zoning Commission and approved by City Council.

### **Section 17.10.28 – Subdivision Perimeter Wall Standards**

- A. A protective fence shall be placed around the perimeter of a subdivision and along any canal, drain, retention basins that abut any lot line, highway or other feature deemed by the City Engineer to be hazardous to the residents of the subdivision.
- B. Perimeter walls shall be six (6) feet in height for residential subdivisions and eight (8) feet in height for commercial or industrial subdivisions not adjacent to residential, measured from the highest grade, and constructed per the City adopted standards of construction of an impervious masonry material.
- C. Any lands proposed for development adjacent to rights-of-way of an irrigation district or Bureau of Reclamation, facilities such as canals, laterals, or drainage ways, excluding privately owned canals, laterals, drainage ways, or similar facilities, shall have constructed a minimum six (6) foot masonry wall or fence using six-inch block or greater for the area bordering such facility.

### **Section 17.10.29 – Entryway Monuments**

- A. Developers are encouraged to provide landscaping and identification signage at the entryways on at least one access point to the subdivision. Developer shall provide a method/system of perpetual maintenance of such landscaping and signage.
- B. Signage shall be submitted along with the required landscaping plans in accordance with the zoning ordinance for approval. Signs should be designed to complement the streetscape and landscaping frontage and shall not exceed the number and size allowed by the zoning ordinance.

### **Section 17.10.30 – Subdivision Monuments**

All subdivision monuments and lot corners shall be in place at the conclusion of subdivision improvement work.

### **Section 17.10.31 – United States Postal Service (USPS) Cluster Mailbox Units**

- A. Provide dedication to City of San Luis on final plat for USPS cluster mailbox unit location. Location to be approved by City Engineer and United States Postal Service (USPS).

- B. Where postal service is available developer to provide cluster mailbox units in accordance with this section.
- C. For residential developments, Cluster Mailbox Units must be installed prior to the final inspection of the first dwelling unit (not including the model homes).
- D. Cluster Mailbox Units shall comply with the handicap accessibility requirements of the latest version of the Americans with Disabilities Act (ADA) Guidelines.
- E. The Cluster Mailbox Units and supporting structures shall be located so that they do not create a traffic hazard, sight hindrance or other safety hazard per the American Association of State Highway and Transportation Officials' (AASHTO's) "Intersection Sight Distance" methodology, as presented in the most current revision adopted by the State of Arizona of "A Policy on Geometric Design of Highways and Streets" and are 25 feet clear of any driveways, alleys or vehicular access locations.
- F. Purchase, installation, and maintenance of mail receptacles are the responsibility of the customer.

## Chapter 17.15 Preliminary Plat

### Section 17.15.10 – Pre-Development Meeting

- A. The pre-development meeting stage affords the developer the opportunity to meet the appropriate city departments, prior to the expense of a preliminary plat preparation, to obtain advice, assistance, and a cursory review of the proposed subdivision.
  - a. During this stage, it may be determined that a General Plan amendment or a change in zoning would be required for the subject tract or a part thereof and, in that case, the developer shall consider initiating the necessary amendment or rezoning application. Amendment and rezoning applications must be obtained prior to additional processing of the preliminary plat application.
  - b. The pre-development meeting offers city staff the opportunity to give informal guidance to the developer. Lot layout shall be governed by the buildable site on the lot, the grading and drainage pattern of the lot, the

natural ecosystem and features, and the coordination of sizes of lots with requirements for community infrastructure. Staff will discuss the proposal with the developer. Written list of comments is to be provided by the different city departments in order that the developer may be informed of the City's procedures, design and improvement standards, and general plat requirements. The information given at a pre-development meeting is limited. Any determinations made will be very tentative and still subject to the formal process.

- B. In carrying out the purposes of the pre-development stage, the developer and city staff may meet informally and discuss the proposal. The developer shall provide two (2) hard copies or one (1) electronic copy of the pre-conceptual subdivision showing the project location, and proposed street and lot layout.

### **Section 17.15.20 – Preliminary Plat Application**

- A. 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's policies, standards and requirements. To avoid delay in processing the application, the developer shall provide the City with all essential information in accordance with the procedures generally described herein.
- B. An applicant may withdraw the preliminary plat application at any time by submitting written notice of the withdrawal to the Zoning Administrator.

### **Section 17.15.30 – Preliminary Plat Submittal Requirements**

- A. The following information is required as part of the preliminary plat submittal and shall be shown graphically on the plans, by notes on the plans, or by supporting documentation supplied as part of the plan submittal and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at a scale no smaller than 50 feet to the inch, adjusted to produce an overall drawing measuring 24" x 36".
  - a. Two (2) hard copies/sets and one (1) electronic copy of the proposed preliminary plat prepared in accordance with requirements set forth in this chapter shall be filed with the Zoning Administrator. Submission shall include applicable application form and fees as established in the City fee schedule. Copies of the preliminary plat shall be reproduced in the form of black line prints on a white background.

B. All subdivision submittals shall provide” Identification and Descriptive Data”, “Existing Conditions Data”, “Proposed Conditions Data”, and “Proposed Utility Methods” information by graphic representation or note as further outlined in these subsections.

i. 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 and elevation 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 at 1” = 1000’ or 1” = 2000’ which shall show the relationship of the proposed subdivision to arterial and collector streets.
6. A surveyed boundary (i.e., legal description), including distances, lengths and bearings and the total size (acreage) of the proposed subdivision.

ii. Existing Conditions Data

1. Contours intervals 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. Copies of USGS Maps are not acceptable.
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 gross acreage of the subject parcel(s). Do not include previously dedicated rights of way in this figure.
- iii. 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. 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. Submit a lot information table.
  4. 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.
  5. 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.
  6. If the subdivision is larger than forty (40) acres or the developer is planning to plat the proposed development in phases, development phasing plans must be so indicated. If the developer later decides to phase the development, it will be required to resubmit for an additional review.
  7. Show minimum setback lines for all lots, including lots whose shape may be considered atypical, show all setbacks.
  8. Proposed storm water disposal system, preliminary calculations, and layout of proposed drainage system. The direction of proposed street drainage to 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 the City standards.
  9. Compliance with rules as may be established by ADEQ and/or ADWR relating to the provision of domestic water supply and sanitary sewerage disposal.
- iv. Proposed Utility Method
1. **Sewage Collection:** An engineering statement as to the type of facilities proposed shall appear on the preliminary plat, including sewer lift stations. Also show the preliminary sewer layout indicating line sizes and manhole and cleanout locations.

2. **Water Supply:** 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 by service provider 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. **Gas Supply:** A statement by service provider as to the gas supply for the development shall appear on the preliminary plat. Any necessary easements shall be shown on the preliminary plat.
  5. **Telecommunication Service:** A statement by service providers as to the telephone and/or cable 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 by service provider other than the City as to the garbage service for the development shall appear on the preliminary plat.
- C. Submit one (1) electronic copy of the **preliminary drainage report**. Prepared in compliance with Public Works Standards.
- D. Submit one (1) electronic copy of the **preliminary water and sewer report**. Prepared in compliance with the City standards, Yuma County Environmental Programs Division and the Arizona Department of Environmental Quality.
- E. Additional documentation may be required by the zoning administrator.

## Section 17.15.40 – Planning and Zoning Commission Review

Upon receipt of a complete application for a preliminary plat, The Development Services Department shall log in the date of submittal and forward one (1) copy and/or digital file of the preliminary plat to the following staff and agencies for review and written comments that pertain to their area of expertise and responsibilities:

1. Director of Public Works
  2. City Engineer
  3. Fire Department
  4. Parks and Recreation Director
  5. Superintendent of School District
  6. United States Postmaster
  7. County Engineer and Planning Director, if proposed subdivision abuts county areas
  8. Where the land abuts a State or Federal highway, to the Arizona Department of Transportation
  9. Utility Companies
  10. Irrigation Districts
- i. The reviewing staff and agencies shall transmit their recommendation to the Development Services Department.
  - ii. The Development Services Department shall consolidate the reviewing staff and agencies comments and requirements and transmit the same to the applicant for incorporation of the revisions to the preliminary plat.
  - iii. The developer shall be responsible for revising the preliminary plat submission in accordance with the comments provided by staff and agencies. The response to the comments shall be in writing and shall be submitted back to the City within six (6) months. If a response is not submitted to the City with six (6) months a new preliminary plat application and fees shall be required to re-initiate the preliminary plat process.
  - iv. When all changes have been made and a satisfactory revised version of the preliminary plat has been submitted (including an electronic version), the preliminary plat shall be placed on the Planning and Zoning Commission agenda. The Zoning Administrator shall notify the applicant

of meeting date of Planning and Zoning Commission to consider the preliminary plat application.

### **Section 17.15.50 – Preliminary Plat Approval**

- A. The Planning and Zoning Commission shall review the preliminary plat to determine if the proposed subdivision and associated development complies with all applicable provisions of these regulations. Preliminary Plat approval does not authorize any development but authorizes the applicant to apply for approval of improvement plans and final plats for the subdivision.
- B. The Planning and Zoning Commission shall take action to approve, approve with conditions, or deny said plat.
- C. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the subdivision layout, road alignments and number of lots submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be accepted only upon fulfillment of the preliminary plat conditions of approval.
- D. If the Planning and Zoning Commission denies the application, it shall identify the reason(s) for denial.
- E. The Zoning Administrator shall send the applicant written notice of the Planning and Zoning Commission's decision on the application including any conditions of approval. If the Planning and Zoning Commission denies the application, the notice shall state the Planning and Zoning Commission's reasons for its decision.
- F. Preliminary Plat approval shall be valid for a period of three (3) years if not phased, or first phase thereof if phased, and five (5) years for all phases from the date of Planning and Zoning Commission approval. If the final plat of the subdivision for the first phase of the subdivision (if developed in phases) has not been recorded within three years of Preliminary Plat approval, approval of the preliminary plat shall be void.

## Chapter 17.20 Final Plat and Improvement Plan

### Section 17.20.10 – Final Plat Application

- A. This stage includes the final design of the subdivision, engineering of public improvements, and submittal by the developer 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.
- B. The final plat and improvement plans shall be accepted only upon fulfillment of the preliminary plat and conditions of approval if any.
- C. An applicant may withdraw the final plat application at any time by submitting written notice of the withdrawal to the Zoning Administrator.

### Section 17.20.20 – Final Plat Submittal Requirements

- A. Prior to the expiration of the approved preliminary plat, the developer shall file a complete final plat meeting the requirements of these regulations.
- B. 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 any other applicable federal, state, and/or local law, ordinance, code, rule, regulation, policy and/or guideline.
- C. The following required information shall be shown graphically on the plans, by notes on the plans, or by supporting documentation supplied as part of the plan submittal, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at a scale no smaller than 50 feet to the inch, adjusted to produce an overall drawing measuring 24" x 36".
  - 1. **Final Plat** - The developer shall file with the City two (2) hard copies/sets and one (1) electronic copy of the final plat for final review by the City. All final plat submittals shall provide "identification data", "survey data", "descriptive data", and "dedication and acknowledgement" information by graphic representation or note as further outlined in Section 17.20.30.
    - a. If the developer is planning to construct the proposed development in phases, the developer must submit separate final plats for each

phase of the project. Project phases shall be consistent with the development phasing plans approved with the preliminary plat.

2. **Covenants, Conditions & Restrictions (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.
3. **Title Report** - The developer shall, at the time of filing the application(s) for the final plat and improvement plans, submit a Title Report certifying that the developer has title, acceptable to the City Attorney, for all of the land being subdivided.
4. **Water Assessments** – When property has rights to receive irrigation water from the Yuma County Water Users Association (YCWUA) the developer shall provide to the City, prior to final plat approval, receipts or other documentation proving that assessments levied by the YCWUA for water service to the property have been paid to date and that there are no delinquent assessments due or levied on the properties.
5. **Water Rights** – As part of the final plat submittal the developer, in cooperation with the City, shall cause the irrevocable assignment of the right to delivery of water to the property to the City as the delivery agent for purposes of accepting, treating, and delivering potable water to the future residents or occupants of the property/lots within the approved subdivision. After treatment the potable water will be delivered to the residents/occupants of the same property. No independent or private organizations shall be formed by the developer to contract with or otherwise provide for any water delivery to the property.
6. **Improvement District or Community Facilities District** – The developer shall take the necessary actions to form, establish and include the subdivision in an Improvement District or Community Facility District for the purpose of providing monthly costs associated with public improvements such as:
  - a. Enhanced municipal services
  - b. Landscaping improvement district
  - c. Street light improvement district
  - d. Community facilities within the subdivision

7. **Utility Documentation** - A “will serve” letter from the respective utility companies proposed to serve the subdivision. This shall also include documentation from the City of San Luis for water and sewer services.
8. **Filing Fees** - The developer shall, at the time of filing the application(s) for the final plat and improvement plans, pay the City the final plat application fee, improvement plan review fee, in accordance with the approved fee schedule, which are established by the City Council.
9. **Engineers Cost Estimate & Financial Assurance Document** – Assurance in the form acceptable to the City Attorney and in the amount required by the City of San Luis shall be reviewed and approved by the City Engineer and the City Attorney to guarantee construction of the required subdivision improvements. (See section 17.25.50)
10. **Disclosure Documents** – Any disclosure documents, such as but not limited to, Agricultural Land Uses, Agricultural Spraying, and Airport Overflight and Noise Potential shall be written and recorded as a covenant running with the land, binding all succeeding owners of the property.

### **Section 17.20.30 – Final Plat Preparation**

The following information shall be required as part of the final plat submittal.

#### **a. Identification Data**

- 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 final plat preparation.
- iv. Sheet number in relation to total sheet count.
- v. The name, address and telephone number of the property owner.
- vi. Name, address and seal of the Arizona registered civil engineer responsible for the engineering of the proposed subdivision.

**b. Survey Data**

- 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.
- 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 separate corners of the subdivision traverse shall be tied by course and distance to separate section corners or quarter-section corners. All subdivision survey data including boundary bearings and distances and lot closure and area calculations shall be submitted to the City by an Arizona registered Land Surveyor.
- iv. A statement labeled "Map Notes" shall be shown on one sheet of the final plat. Such statements shall include the basis of bearings, what monuments were found, what monuments and points were set, a key to symbols and abbreviation and such other information deemed by the City Engineer to be necessary.
- v. Location of all physical encroachments upon the boundaries of the tract
- vi. Centerline data, width, sidelines and purpose of all easements to which the subdivision is subject shall be noted. Distances and bearings on the sidelines of lots which are cut by an easement shall be so shown as to indicate clearly the actual lengths of the lot lines. The width of the easements and the lengths and bearings of the lines thereof and sufficient ties to locate the easements definitely with respect to the subdivision shall be shown. The easement shall be clearly labeled and identified, and if already of record, proper reference to the records given. Easements being dedicated shall be so indicated in the Certificate of Dedication. Easements shall be shown on the map by broken lines.
- vii. All drainage easements and/or tracts shall be shown on all residential plats. No structure shall be allowed in these easements that will obstruct drainage. All major drainage ways shall be

dedicated drainage easements, right-of-way or tracts as determined by the City Engineer. Commercial and industrial plats which provide self-contained and privately owned underground drainage systems and structures shall be required to provide private drainage easements within their sites. Public drainage easements shall be required for all retention basins which accept drainage from a public street.

- viii. All lots shall be numbered by consecutive numbers throughout the plat with no omissions or duplications. Each lot shall be shown in its entirety on one sheet. 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 and tracts shall be indicated on the plat.
- ix. Intersecting lot lines, parcel numbers and current zoning of all adjacent property. Location of all adjoining City and County boundaries as well as subdivisions with name, date, book, and page number of recordation noted, or if unrecorded, so noted.
- x. Adequate sight visibility shall be documented at all intersections in accordance with requirements of Public Works Standards.
- xi. 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

**c. Dedication and Acknowledgement**

- i. Dedication. There shall be required as part of the final plat submittal a statement of dedication of all streets, alleys, drainage ways and drainage detention/retention basins, pedestrian/bicycle ways, 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.

- ii. Acknowledgment of Dedication. Execution of dedication shall be acknowledged and certified by a Notary Public.

### **Section 17.20.40 – Improvement Plans Submittal Requirements**

Two (2) hard copies/sets and one (1) electronic copy of improvement plans shall be submitted to the Development Services Department. If the submittal is complete, the Development Services Department shall distribute sets of the plans to the appropriate reviewing departments, agencies and utility companies who shall make known their recommendations in writing to the Public Works Department.

- a. Submit one (1) electronic copy of the final drainage report. Prepared in compliance with Public Works Standards.
- b. Submit one (1) electronic copy of the final water and sewer report. Prepared in compliance with the City standards, Yuma County Environmental Programs Division and the Arizona Department of Environmental Quality.
- c. Submit one (1) electronic copy of the traffic impact analysis if required. Prepared in compliance with the adopted Public Works Standards.
- d. Submit one (1) electronic copy of the geotechnical report, as required by the City. Prepared in compliance with the Public Works Standards.
- e. Submit two (2) copies and one (1) electronic copy of the landscape plan for all off site, open space, trails, and retention area landscaping. Prepared in compliance with the zoning ordinance.

### **Section 17.20.50 – Final Plat and Improvement Plan Review**

- A. Upon receipt of the final plat and improvement plans submittals, shall immediately record the date of filing and shall review the final plat and improvement plans for completeness.
- B. The Development Services Department shall forward one (1) hard copy or one (1) electronic file of the final plat to the staff and agencies, listed on Section

17.15.40 A, for review and written comments that pertain to their area of expertise and responsibilities.

- a. The City Engineer, and any appropriate agency or utility company shall conduct a plan check, an internal review of the final plat and improvement plans and if necessary, examine and approve any revisions required of the developer before forwarding the final plat and improvement plans and any review comments to the Zoning Administrator. If additional questions about the plat or improvement plans are presented by any reviewing agency, staff may arrange a project review meeting with that agency to discuss said questions with the applicant or applicant representative.
- b. When all comments have been received the Zoning Administrator shall prepare a correlated report (if necessary), including all comments from each reviewing agency and forward a copy to the developer and/or authorized agent. The Department's comments shall identify areas in which the final plat submission, which includes the final plat, improvement plans and all required supporting documentation, requires revision in order to comply with applicable requirements.
- c. The developer shall be responsible for revising the final plat submission and all improvement plans in accordance with the comments provided by the departments and external agencies. The response to the comments shall be in writing and shall be submitted back to the City within six (6) months. If a response is not submitted to the City with six (6) months a new final plat application and fees shall be required to re-initiate the final plat process.
- d. The subdivision deed restrictions shall be signed, notarized and received from the developer prior to City Council approval.
- e. No final plat shall be forwarded to the Council for final approval until improvement plans, engineers cost estimate and financial assurance documents have been approved by the City Engineer and the City Attorney.

### **Section 17.20.60 – Final Plat Approval**

- A. If the final plat is in conformance with the preliminary plat and all applicable regulations, the Zoning Administrator shall place the item on the agenda of the next scheduled meeting of the Planning and Zoning Commission for consideration and final plat approval. The Zoning Administrator shall notify the applicant of the meeting date.
- B. If any changes are proposed to the final plat, after the Planning and Zoning Commission recommendation of the final plat, which constitute changes in the number of lots, an altered access or traffic way or create a significant impact that would affect the approved preliminary plat, the Zoning Administrator shall require the final plat to first be reviewed and acted upon by the Commission, prior to final council approval.

### **Section 17.20.70 – City Council Action**

- A. The Commission's recommendation shall be forwarded to the City Council. If the City Council approves or conditionally approves the final plat, the Mayor shall sign the plat and the City Clerk shall attest the Mayor's signature.
- B. The decision of the Council to approve, approve with conditions or deny the final plat shall be final.
- C. Approval of the final plat is valid for a period of two (2) years from the date of City Council approval. If the developer fails to provide the required material or perform the necessary work within two (2) year period, the final plat approval by council shall become null and void; unless a one time one (1) year extension has been approved by the City Council. Any further action on said plat, after the expiration of the approval, shall require a complete resubmittal of the plat.

## **Chapter 17.25 Recordation of Plat**

### **Section 17.25.10 – Preparation and Recording of Plat Required**

- A. Following City Council approval, the final plat shall not be recorded until all requirements of Section 17.25.50 Assurance for Completion and Maintenance of Improvements have been met to the satisfaction of the City Engineer and the City Attorney.

- B. Prior to recordation, the developer shall submit to the City the following fees and documents in a form acceptable to the City:
1. A certification that a Development Agreement, if required, between the City and developer has been executed.
  2. A letter of agreement between the serving utilities and the developer.
  3. Final plat recording fees.
  4. Deed Restrictions signed and notarized.
  5. One (1) original mylar and two (2) mylar copies of the Final Plat and all other easements, maps of dedication, warranty deeds and other legal documents that need to be recorded.
  6. An AutoCAD copy of the final plat that conforms to the CAD Standards used by the City shall be submitted electronically and approved by the City Engineer.
  7. The final plat shall show all certificates and acknowledgements. They shall appear on the final plat or they may be combined on a separate mylar of the same size as the final plat. The notations that are standard on every final plat include, but are not limited to Assurance Statement, Conveyance and Dedication, Notary Acknowledgment, City Approval, Department Approval, and Surveyors Certification.
  8. If improvements are constructed, one (1) set of mylars and two (2) sets of black line copies of the as-built drawings along with a PDF format and AutoCAD drawings of the as-built drawings, a final engineering report, and a two-year construction assurance warranty to the City.
- C. Upon receipt of required documents listed in Section 17.25.10 A and B, the City shall then cause the final plat to be recorded in the office of the County Recorder.
- D. The developer shall complete off-site improvements within one (1) year from the date of the final plat recording. Upon written request of the developer the City Engineer may consider a request for a one (1) year extension to complete improvements. In the event the City Engineer denies the developer's request for extension, the developer may appeal within thirty (30) days of denial to the City

Council. If the developer fails to complete construction of off-site improvements within one (1) year, or within two (2) years if an extension is granted, the City may complete the construction of such off-site improvements by drawing upon the funds posted by the developer for assurance.

### **Section 17.25.20 – Plat Amendments**

Any plat amendment involving the dedication of land for a public street or any off-site public improvements shall comply with all procedures set forth in Section 17.20.10 to 17.20.70 of this Ordinance. If the abandonment of a street, alley or public utility easement or other recorded easement in a previously recorded subdivision is necessary (Section 17.25.10), the plat amendment of that area shall be processed concurrently with the abandonment and recorded immediately subsequent to the recordation of the abandonment.

### **Section 17.25.30 – Condominium Development**

- A. The development of Condominiums shall be subject to the following requirements, unless as may be otherwise set forth in in Title 33, Chapter 9 of the Arizona Revised Statutes.
- B. Application requirements, processing and approval regulations contained within this ordinance shall apply to all condominium subdivisions and/or conversion subdivisions. A preliminary site plan shall be considered a preliminary plat and a final site plan, a Final Plat as specified under this subsection.
- C. In order for the condominium subdivision application to be considered complete, the applicant shall provide to the City any plans, specifications and/or analyses needed to show that the proposed condominium subdivision is in compliance with this Ordinance.
- D. Condominium subdivision plats shall be certified by a registered architect or engineer and include the following:
  - 1. Conversions of conventional apartment developments or new development**
    - a. Preliminary Plats shall show the following:
      - i. Location of all building shown on the plat and the manner in which the airspace is to be divided;
      - ii. Firewall construction, as required by the Fire Code;

- iii. Additional Parking, if required;
- iv. Retention basins, if required;
- v. Additional Open space, if required;
- vi. Locations of individual utility lines and meters, if needed.

b. Final Plats shall show the following:

- i. location of all building shown on the plat and the manner in which the airspace is to be divided;
- ii. Private driveways and parking areas;
- iii. Emergency access as required by the fire code;
- iv. Required easements;
- v. Designation of commonly owned property;
- vi. Necessary dedication statement;
- vii. Statement concerning the formation of a homeowner's association for the maintenance of the commonly owned property;
- viii. Necessary certifications and approvals;
- ix. As specified by the Zoning Administrator, but not limited to, grading plans, floor plans, elevations, and landscape plans.

E. Upon final condominium subdivision approval and recordation, the owner of the condominium subdivision may build that condominium subdivision, including individual condominium units, using the exact dimensions and locations as shown on the final condominium subdivision plat map. However, if the owner proposes any changes to the dimensions or locations as shown on the final condominium subdivision plat map, including but not limited to the locations and dimensions of individual condominium units, the owner shall be required to submit a plat amendment, and the plat amendment shall be required to be in conformance with the subdivision and zoning regulations in effect at the time of plat amendment application.

### **Section 17.25.40 – Land Splits**

- A. The division of improved or unimproved land whose area is two and a half (2 ½) acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease.
- B. Any proposed land split shall be submitted to the Development Services Department to determine compliance with applicable platting, subdivision and zoning regulations.

- C. The applicant shall submit the following materials to the Development Services Department for a land split application:
  - a. A complete land split application form.
  - b. The required fee for land split application adopted by City Council by resolution.
  - c. A preliminary title report and deed or other instrument showing proper title to the land to be divided.
  - d. A land split map prepared by a Land Surveyor registered in the State of Arizona including items specified in Section 17.20.30 (a)(b) of this Subdivision Ordinance.
  
- D. Except where expressly modified or permitted by staff all land splits shall be in general conformity with the design standards and principles outlined for subdivisions in Chapter 17.10 of this Ordinance. All lots created by land split shall be designed to conform to existing zoning and the General Plan.
  
- E. If right of way dedication and/or public improvements are required for land splits, the developer 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 lot split map and the requirements outlined in Section 17.20.40 of this Ordinance.
  
- F. Development agreements for land splits with right of way dedications and improvement plans.
  
- G. If any improvements are required for the land split 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 developer provides construction assurance in a form acceptable to the City Attorney.

### **Section 17.25.50 – Lot Ties**

- A. A combination of 2 or more lots or parcels of under single ownership into 1 lot of record.
  
- B. Any proposed lot tie shall be submitted to the Development Services Department to determine compliance with applicable platting, subdivision and zoning regulations.

- C. The applicant shall submit the following materials to the Development Services Department for a lot tie application:
  - a. A complete lot tie application form.
  - b. The required fee for lot tie application adopted by City Council by resolution.
  - c. A preliminary title report and deed or other instrument showing proper title to the land to be tied.
  - d. A lot tie map prepared by a Land Surveyor registered in the State of Arizona including items specified in Section 17.20.30 (a)(b) of this Subdivision Ordinance.
  
- D. Except where expressly modified or permitted by staff all lot ties shall be in general conformity with the design standards and principles outlined for subdivisions in Chapter 17.10 of this Ordinance. All lots created by lot tie shall be designed to conform to existing zoning and the General Plan

### **Section 17.25.60 – Assurance of completion and improvements**

- A. No final subdivision plat shall be recorded by the City unless one (1) or more of the following methods of assurance are submitted with the final plat. Said assurance shall be entered into in the form of a written agreement between the developer, the City and the financial institution, title insurance escrow company, bonding agent or other third party. Said assurance shall cover all the improvements on the approved improvement plans and any improvements required by a traffic study or as a condition of approval.
  - 1. **Surety Performance and Payment Bonds.** The developer shall obtain an irrevocable security performance and payment bond from a surety bonding company authorized to do business in the State of Arizona. The bond shall be payable to the City, and shall be in an amount sufficient to cover the entire cost (100%), as estimated by the engineer of record, and approved by the City Engineer, of installing and/or constructing all required improvements for property covered by the final plat. A final plat approval shall specify the time in which the subdivision improvements are to be completed and the surety performance bond shall specify that the bond funds shall be provided to the City if the improvements are not completed by the specified completion date. All bonds must be in compliance with A.R.S. § 34-222 et seq.

2. **Escrow Account.** The developer shall deposit cash, either with the City, or in escrow with a financial institution or title insurance escrow company. The amount of the deposit shall be at least equal to the entire cost (100%), as estimated by the engineer of record and approved by the City Engineer, of installing and/or constructing all required improvements for the property covered by the final plat.

In the case of an escrow account, the developer shall file with the City an agreement between the financial institution or title insurance company and himself, guaranteeing that the funds of said escrow account shall be held in trust until released by the City and may not be used or pledged by the developer as security in any other matter during that period. A final plat approval shall specify the time in which the subdivision improvements are to be completed and the escrow monies shall be provided to the City if the improvements are not completed by the specified completion date.

3. **Letter of Credit.** The developer shall provide, from a financial institution, an irrevocable letter of credit, in the amount at least equal to the entire cost (100%), as estimated by the engineer of record and approved by the City Engineer, of installing and/or constructing all required improvements for the property covered by the final plat. A final plat approval shall specify the time in which the subdivision improvements are to be completed and the monies from the letter of credit shall be provided to the City if the improvements are not completed by the specified completion date.

B. **Duration.** The duration of the performance bond or other assurance shall be until acceptance of the improvements is made by the City Engineer. The assurance may be released in phases as improvements are completed and accepted as being constructed to standards. In releasing assurance in phase, the City Engineer shall retain enough monies to insure completion of the remaining off-sites. In all cases an amount representing not less than ten percent (10%) of any assurance shall be retained for a period of two (2) years after the completion and inspection of all improvements to insure that all work and materials are adequate and in satisfactory condition.

C. **Default** In the event that the developer defaults or fails or neglects to satisfactorily install and/or construct the required improvements in accordance with Section 17.25.10 D, the City may declare the bond, or other assurance forfeited, and the City may make or cause the required improvements to be made, using the trust funds, or proceeds of the collection of the bond or other

assurances to defray the expense thereof. In addition, the Director of Development Services shall notify the Arizona State Real Estate Commission of the default.

**D. Inspection of Improvements.** The City shall inspect the required improvements during construction and insure their satisfactory completion. If the City inspections reveal that any of the required improvements have not been constructed in accordance with the approved plans and the City standards and specifications, the developer shall be responsible for correcting and completing the improvements according to the plans and specifications.

1. After completion of improvements, the developer shall furnish to the City Engineer a set of as-built improvement plans that shall show the as-built horizontal and vertical location of the improvements, including utility companies. The plans shall be certified by an Arizona registered Civil Engineer. This material shall then become a permanent part of the City file.
2. Once the required improvements have been accepted and an acceptance letter has been issued by the City Engineer, the City will release any financial assurances to the developer, except 10% of the total assurance amount. This amount shall be kept by the City for two (2) years from the date of the acceptance of the public improvements.

**E. Warranty Period on Public Improvements.** Warranty period shall be two (2) years from the day that the City Engineer approves and accepts the public improvements. During the warranty period the developer is responsible for repair work of any of the public improvements. The City assigned personnel 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 the remaining 10% of the assurances retained by the City will be released or used to do any needed repairs.

## Chapter 17.30 Administration and Enforcement

### Section 17.30.10 – Administration and Responsibility

A. The San Luis Planning and Zoning Commission is charged with the duty of reviewing the design of the proposed subdivisions and is hereby authorized to

approve, conditionally approve or disapprove preliminary subdivision plats and to designate the kinds, nature and extent of the improvements to be installed in the subdivisions.

- B. The City Council for the City of San Luis is hereby authorized to receive, process and otherwise act upon applications for final subdivision plats in accordance with this ordinance.
- C. The City Council shall have final jurisdiction over all matters pertaining to the implementation of this ordinance.
- D. All applications for action under this ordinance shall be filed initially with the Zoning Administrator or his/her designee for processing in accordance with this ordinance.

#### **Section 17.30.20 – Sales of lots by metes and bounds description.**

- A. The sale of property to be used as lots, plots, or building sites in subdivisions only by metes and bounds description shall be presumed to be an attempt to evade the provisions of this ordinance, and such an instrument shall not be eligible for filing and recording in the office of the County Recorder.

#### **Section 17.30.30 – Issuance of Building permits**

- A. The Building Official shall not issue any building permits for development on any part of a subdivision until a subdivision acceptance letter has been issued by the City Engineer; except that no more than four (4) model units are permitted at such time as the base course for roadway access and water and sewer improvements are completed to the model unit site and upon the approval of the Zoning Administrator or his or her designee.

#### **Section 17.30.40 – Certificate of Occupancy Not to be Issued**

- A. The City building division shall not issue a certificate of occupancy for a building on any lot shown on the final plat until all required improvements shown on the approved improvement plans serving the lot have been completed.

#### **Section 17.30.50 – Enforcement and Penalties**

- A. The Zoning Administrator shall be responsible for the enforcement of this ordinance to further the promotion of the public health, safety, and general welfare.
- B. Any subdivision, lot split or other use of property in violation of this Subdivision Ordinance shall be prevented or restrained through appropriate action instituted

by the City in accordance with A.R.S. Section 9-463.01, 9-240.B.28 and 9-240.B.29.

- C. The Zoning Administrator may also request that the court issue an injunction against a violator to prevent further violations or irreparable harm to persons or property when the circumstances warrant it.
- D. Unless a specific penalty is set forth herein any person, firm, or corporation found guilty of violating any provision of this Ordinance, or any amendments thereto, shall be guilty of a class one misdemeanor punishable as set forth in the “City Code” for the City of San Luis, and each day of continued violation shall be a separate offense, punishable as described.
- E. In addition to, or independent of the penalties provided above, the City may bring a civil proceeding in a court of competent jurisdiction to enforce compliance with the terms of this ordinance or to prevent, restrain, or abate any violation of the terms of this ordinance.

### **Section 17.30.60 – Conflicting Provisions**

- A. Where this Ordinance 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 Ordinance shall control.

### **Section 17.30.70 – Severability**

- A. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.