



TOWN OF
QUEEN CREEK
 ARIZONA

TO: PLANNING & ZONING COMMISSION

THROUGH: BRETT BURNINGHAM, DEVELOPMENT SERVICES DIRECTOR

FROM: ERIK SWANSON, PLANNING ADMINISTRATOR, SARAH CLARK, SENIOR PLANNER/PROJECT MANAGER

RE: PUBLIC HEARING AND POSSIBLE ACTION ON P24-0044 SUBDIVISION AND ZONING ORDINANCE TEXT AMENDMENTS - FINAL PLAT APPROVAL, A STAFF INITIATED TEXT AMENDMENT TO MODIFY THE APPROVAL AUTHORITY OVER FINAL PLAT APPLICATIONS FROM THE TOWN COUNCIL TO THE DEVELOPMENT SERVICES DIRECTOR.

DATE: May 8, 2024

Suggested Action:

Move to recommend approval of P24-0044 "Subdivision and Zoning Ordinance Text Amendments-Final Plat Approval".

Discussion:

Every year, Development Services Staff evaluates the Department's requirements, processes, and procedures to identify strategies to increase efficiency, improve the customer experience, and streamline the development process. At the February 2024 Council Strategic Planning Session, staff presented a series of proposed strategies to further facilitate and streamline the residential development process. In an effort to streamline applications and consolidate staff's review process, staff proposed a text amendment to provide administrative review and approval for final subdivision plat applications (rather than include Council review and approval). Council directed staff to move forward with the proposed amendment.

Final plat applications are predominately approved on the consent agenda, are approved based on conformance with Town technical standards, and are generally not contentious. Staff estimates that implementing the text amendment to allow for administrative approval final plat applications has the potential to reduce the application review and approval process by at least two months.

The specific amendments included in the proposed text amendment, which amends the Subdivision Ordinance and Zoning Ordinance, are summarized below.

- Changes Final Plat approval authority from Town Council to the Development Services Director or designee
- Clarifies Development Services Director authority for approval over maps of dedication, right-of-way abandonments and public easements (this is the current approval process)
- Corrects references for consistency between the Zoning Ordinance and Subdivision Ordinance Updates processes to reflect administrative approval
- Deletes public notice procedures for preliminary plats (public notice procedures are identified in the Zoning Ordinance)
- Updates Town signature block language
- Deletes Planned Area Development section (Planned Area Development processes and requirements are identified in the Zoning Ordinance)

- Includes other minor amendments from previously approved text amendments and general clean up of outdated or duplicate information
- Revises the Final Plat definition in the Zoning Ordinance

Attachment(s):

1. [Final Plat Approval Zoning Ordinance Redlines.pdf](#)
2. [Final Plat Approval Subdivision Ordinance Redlines.pdf](#)

ARTICLE 1 – GENERAL PROVISIONS

FILL. Deposit of soil, rock, or other material placed in an area which created an obstruction or increases surface elevation.

FINAL PLAT. A survey map of record which indicates the boundaries for streets, blocks, lots, and other property divisions which is prepared pursuant to Section 4.5 of the Subdivision Ordinance for the Town of Queen Creek and recorded after approval by the Town Council Development Services Director or designee and any accompanying material as described in this Ordinance.

FINANCIAL INSTITUTION. As defined in A.R.S. §28-4301.

FIRE FLOW SURVEY. A testing of fire hydrants to determine capacity by volume and pressure for firefighting purposes.

FIRE PROTECTION FACILITIES. Fire stations and major pieces of firefighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by public fire districts.

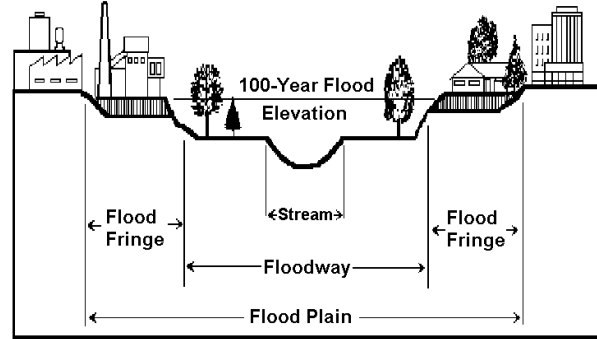
FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLEA MARKETS. A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two (2) or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets shall not include any of the following activities which occur at the same location four (4) or fewer days in any calendar year: garage sales, produce stands, or fund raising activities done by a non-profit organization.

FLOOD INSURANCE RATE MAP. (FIRM) The official map on which the Federal Emergency Management Agency that includes profiles, the Flood Boundary-Floodway Map, and the base flood water surface elevation.

FLOOD PLAIN. An area adjacent to a watercourse which may be subject to flooding as

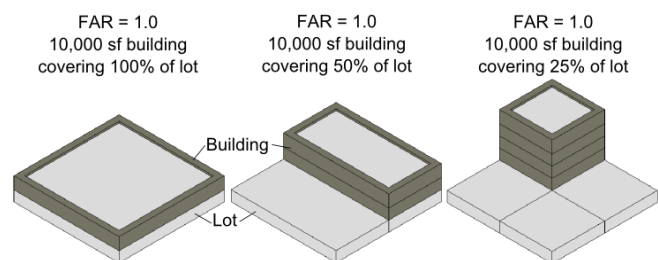
a result of an increase in water flow beyond a normal high water mark.



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

FLOOR AREA. The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. Included shall be any basement floor, interior balconies and mezzanines, elevator shafts, and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

FLOOR AREA RATIO. (FAR) The ratio of the gross floor area of all structures on a parcel to the gross area of the parcel on which such structures are located.



FOOD VENDING VEHICLE. Any vehicle, as that term is defined in the Arizona Revised Statutes, which is equipped or primarily used for retail sales of fruits, vegetables, or produce, and/or prepared, pre-packaged, or unprepared, unpackaged food or beverage of any kind on any public or private street, alley, highway, or property within the town. The inventory of these vehicles is not necessarily limited to edible items and may include non-food sundries. A human powered food vending vehicle is not a food vending vehicle.

CHAPTER 2 ADMINISTRATION

SEC. 2.0 RESPONSIBILITY.

- A. The Town of Queen Creek ~~Planning and Zoning Commission~~Development Services Director or their designee is hereby authorized to receive, process and otherwise act upon applications for preliminary or final subdivision plats, ~~Development Master Plans (DMP) and Planned Area Developments (PAD)~~, in accordance with this Ordinance.
- B. ~~The Town Council shall neither receive nor review an application for preliminary or final plats, DMP, or PAD until a recommendation on such has been forwarded to the Council by the Commission.~~ The ~~Town Council~~Development Services Director shall have final jurisdiction over all matters pertaining to the implementation of this Ordinance, except as noted otherwise.
- C. All applications for action under this Ordinance shall be filed initially with the ~~Planning Division of the Community Development Department~~Development Services Department for processing in accordance with this Ordinance.

SEC. 2.1 APPLICATION.

- 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.
- B. This ordinance shall apply to all subdivisions as defined in the Appendix - Glossary of Terms and Definitions of this Ordinance.

SEC. 2.2 FILING FEES. The subdivider shall, at the time of filing, pay to the Town the subdivision application fees established by the Town Council.

SEC. 2.3 PROHIBITION OF CIRCUMVENTION. No person, firm, corporation or legal entity shall sell, offer to sell, or divide any lot, piece, or parcel of land which constitutes a subdivision or part thereof, as defined herein, or in the Arizona State Revised Statutes, without first having recorded a plat thereof in accordance with this Ordinance. The Town shall not issue any construction and/or building permit for work on any parcel in violation of this Ordinance.

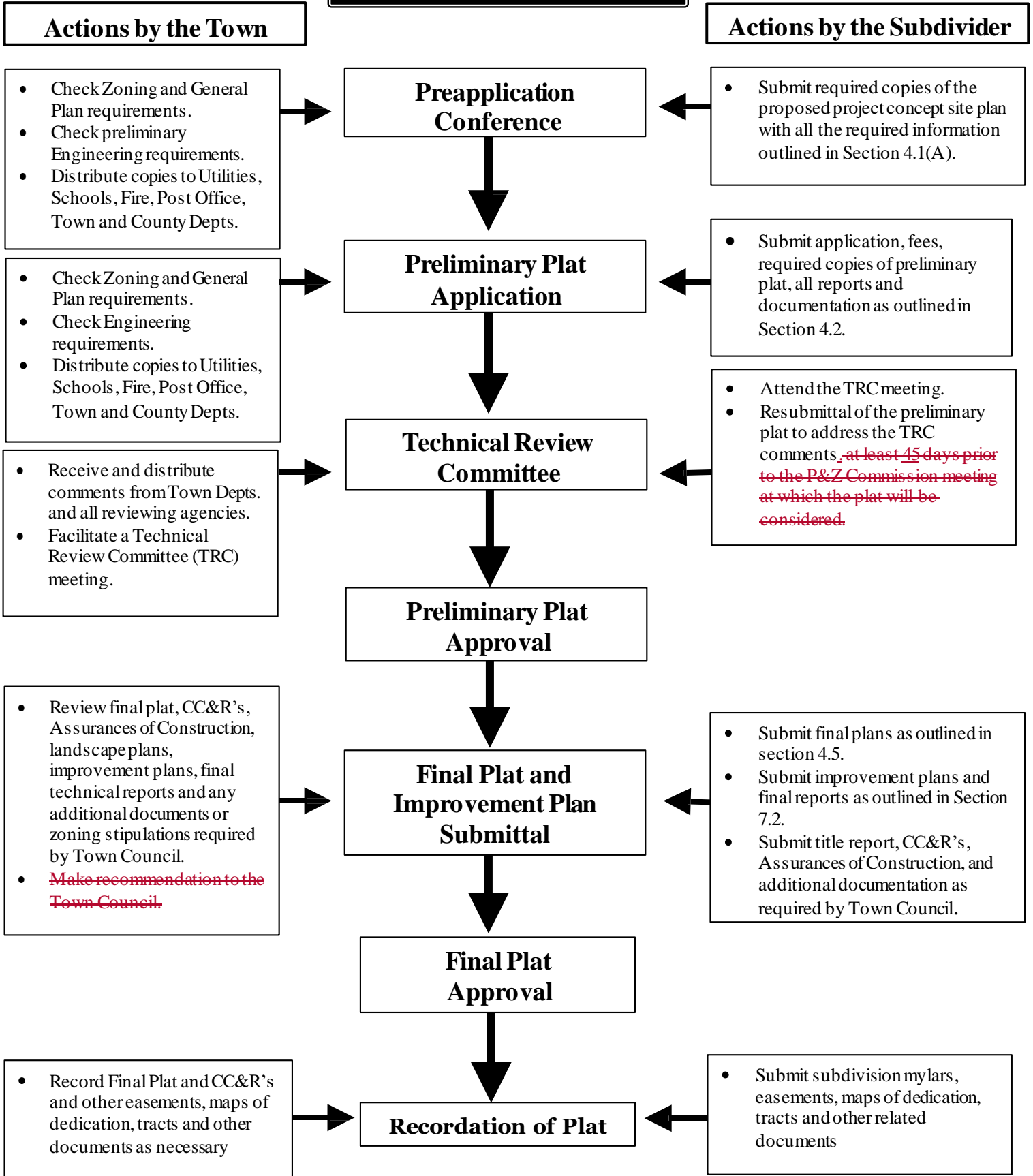
SEC. 2.4 MODIFICATIONS.

- A. Where, in the opinion of the Town Council, upon recommendation by the Development Services Director Planning Division, Engineering Division, and/or Technical Review Committee, Council, upon recommendation by the Planning Division and/or the Engineering Division of the Community Development Department or the Planning and Zoning Commission, there exist extraordinary conditions of topography, land ownership or adjacent development, or other circumstances not provided for in this Ordinance, the Council may modify these provisions in such a manner and to such extent as it may deem appropriate to the public interest.

- B. In the case of a plan and program for a Development Master Plan (DMP), or a Planned Area Development (PAD), the Council may modify this Ordinance in such manner as appears necessary and desirable to provide adequate space and improvements for public facilities, traffic and pedestrian circulation, recreation, light, air, and other service needs of the development when fully developed and populated and may require stipulations to assure conformance with the achievement of the approved plan.

- C. In modifying the standards or requirements of this Ordinance, as outlined above, the Council may make such additional requirements as appear necessary, in its judgment, to secure substantially the objectives of the standards or requirements so modified.

The Subdivision Process



SEC. 4.3 STAGE 3 - TECHNICAL REVIEW COMMITTEE

In order for a preliminary plat to be scheduled for a particular Technical Review Committee (TRC) meeting, a complete preliminary plat application must be received and accepted by the Town.

- A. Upon receipt of a preliminary plat application the Town shall determine if the application is a complete submittal. If complete, the Town shall forward copies of the preliminary plat to the adjacent jurisdictions, the US Postmaster, Williams Gateway Airport, the adjacent Indian Communities, and to those entities outlined in Section 4.1(B) for their review and comments. The reviewing agencies shall transmit their written comments and recommendations to the Town.
- B. The Town shall host a Technical Review Committee (TRC) meeting where the applicant is provided an opportunity to meet with the representatives from all applicable utilities and other interested governmental agencies to receive comments regarding the preliminary plat application. At the TRC meeting the applicant may also receive written comments from the Town, detailing the extent to which the plans are required to be revised ~~in order for the Town to schedule the preliminary plat for consideration by the Planning and Zoning Commission~~. Revisions caused by the comments received at the TRC meeting or by voluntary action of the applicant may require additional TRC meetings. Additionally, circumstances may exist where the project may experience delay due to the applicant's time line in addressing agency comments.

SEC. 4.4 STAGE 4 - PRELIMINARY PLAT APPROVAL.

The preliminary plat approval stage involves the re-submission of the preliminary plat to address the Technical Review Committee (TRC) comments. Included in this stage is the review of the resubmitted plans, reports, and required studies and acceptance of the preliminary plat. The subdivider shall provide the Town with all information essential to determine the character and general acceptability of the proposed development. The following submittal requirements pertain only to conventional plats for which rezoning is/was not a condition of approval. Consult with the Planning Division for the submittal requirements, time requirements and rezoning procedures for those subdivisions involving rezoning, PAD, DMP, and other land use exceptions.

A. Preliminary Plat Re-submission.

1. The applicant shall resubmit full-sized copies/sets of the preliminary plat, one (1) 8 1/2" x 11" transparency of each sheet/exhibit, and one (1) 8 1/2" x 11" photo mechanical transfer (PMT) of each sheet/exhibit and all other required or requested supporting data to the Town. Preliminary plats that correctly contain all of the information requested or required by the (TRC), as determined by the Town, may be approved by the Planning Administrator. ~~shall be scheduled for Planning and Zoning Commission hearing. Incomplete or incorrect resubmittals could cause delays in the preliminary plat being presented to the Planning and Zoning Commission. Scheduling of the case for Commission hearing shall be determined by the Town and shall be dependent upon adequacy of data presented and completion of processing.~~

2. ~~As a prerequisite to the commission hearing for any preliminary plat, PAD or DMP, the applicant is required to hold at least one neighborhood meeting at least fifteen (15) calendar days prior to their scheduled planning commission meeting. The purpose of the meeting is to provide a means for the applicant, surrounding neighbors and homeowners associations to review preliminary development proposals and solicit input and exchange information about the proposed development with the intent to resolve potential conflicts prior to the required formal hearings.~~

~~Neighborhood meetings shall be held at a location near or on the development site. The meeting shall be held on a week day evening or weekend day at a reasonable time and in a publicly accessible place.~~

~~Notification requirements for preliminary plats; notice of the meeting shall be provided by the applicant as follows:~~

1. ~~The development site shall be posted with at least one sign having a minimum sign area of sixteen (16) square feet with black copy on a~~

~~white background not less than fifteen (15) calendar days prior to the date of the neighborhood meeting. Sites that exceed five (5) acres in size and/or have frontage on more than one (1) street shall post additional signs at the rate of one additional sign per every ten (10) additional acres or one sign for each street with a maximum of four (4) signs per project. Such signs shall be clearly legible and wherever possible placed adjacent to the right of way of a public street. The notice shall contain the date, time, and location of the meeting and a summary of the request. It shall also have contact information for the application's representative. It shall be the responsibility of the applicant to use reasonable efforts to maintain the sign once it has been placed on the property.~~

~~2. Mailing a notice by first class mail not less than thirty (30) calendar days prior to the scheduled commission meeting and not less than fifteen (15) calendar days prior to the date of the neighborhood meeting to:~~

~~A. All property owners of record, chairpersons and management association of homeowners associations, and any neighborhood associations on record with the town at a distance determined in table~~

~~B. The above noted property owners and management association names shall be obtained from Maricopa county or Pinal county assessor's office, as appropriate.~~

~~3. A meeting summary shall be submitted to the community development department not less than seven (7) calendar days prior to the planning commission meeting with a written summary of the issues and discussion from the meeting and list of attendees.~~

~~Table 1 Notification Requirements~~

Type of case*	Distance requirement
Minor general plan amendments	900²
Major general plan amendment	1200²
Rezoning, 5 acres and less	900²
Rezoning, above 5 acres	1200²
Site plan, 5 acres and less	900²
Site plan, 5 acres and above	1200²
Indoor conditional use permit, up to 2,500 square feet of building/leased area	900²
indoor conditional use permit, above 2,500 square feet of building/leased area	1200²
Outdoor conditional use permit, 5 acres and less	900²
Outdoor conditional use permit, above 5 acres	1200²
Board of adjustment case	900²
*any case that is part of another application with a larger notification distance, the larger notification distance will be required	

~~3.2. An applicant has 120 days from the date of the (TRC) meeting, or 120 days from the date of receipt of later redlines, in which to resubmit said plans. Failure to resubmit plans which address all of the redlines shall cause the application to be null and void and fees will not refunded.~~

4.3. An applicant shall be required to submit a new preliminary plat application, including fees and another review of the subdivision by the (TRC), if the re- submittal is not in substantial conformance to the original application. Substantial non-conformance is considered to be, but not limited to, the following:

- An increase or decrease in the number of lots or units by more than 5%
- A substantial change in the size or configuration of the development parcel.

B. Preliminary Plat Review

1. **Zoning.** The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. However, in the event that rezoning is necessary for the preliminary plat to conform to the Zoning District regulations, or if a DMP or PAD approval is sought, said action shall be initiated concurrently with the preliminary plat by the property owner or his authorized agent. In any event, any such zoning amendment required in relation to the preliminary plat shall have been adopted prior to a preliminary plat approval.

2. **Planning.** The subdivision shall be designed to comply with the Design Principles of this Ordinance and the goals and objectives of the Queen Creek General Plan. In the event that an amendment to the General Plan is necessary for the preliminary plat to conform to the specific land use, circulation, or open space elements, said amendment(s) required in relation to the preliminary plat shall have been adopted prior to a preliminary plat approval.
3. **Utilities and Services .** As a prerequisite of preliminary plat approval by the Town, the subdivider shall have reviewed tentative concepts and possible requirements with the County Health Department, the Town Engineering Division, the Queen Creek Water Company or private water company servicing the development, Salt River Project, U.S. West Communications, the cable television company(s) servicing the development, Southwest Gas and Rural Metro Fire Company for general approval of the preliminary plat design.

C. Preliminary Plat Approval.

- ~~1. When all requirements of this Ordinance have been satisfied, the case will be scheduled for presentation to the Planning and Zoning Commission. The Planning Division report shall be submitted for Commission review and action.~~
- ~~2.1. The Commission-Planning Administrator shall consider the preliminary plat and ~~-(TRC)~~ comments and recommended conditions, ~~the Planning Division report and recommendations~~. If satisfied that all objectives have been met, the Commission-Planning Administrator may ~~recommend approval of the preliminary plat to the Town Council~~ approve the preliminary plat.~~
- ~~3. If the plat is generally acceptable, but requires minor revisions before proceeding to the Town Council for preliminary plat approval, the Commission may recommend conditional approval and the required revisions noted in the minutes of the meeting and in the written Commission report submitted to the Town Council.~~
- ~~4.2. If the Commission-Planning Administrator finds that all of the objectives and requirements of this Ordinance have not been met, the Commission-Planning Administrator may recommend revisions to the preliminary plat or deny the preliminary plat request, ~~that the preliminary plat be continued pending revisions, or recommend to the Town Council denial of the preliminary plat~~. Resubmittals due to revisions, for the same parcel or any part thereof, shall follow the resubmittal ~~mentioned~~ procedure.~~
- ~~5. The Town Council shall consider the preliminary plat, the Commission requirements and recommendations, and the Planning Division report and recommendations. If satisfied that all objectives and requirements of this~~

~~Ordinance have been met, the Town Council may approve the preliminary~~

~~plat and make a record of the Town Council's approval on the copy of the preliminary plat retained in the offices of the Planning Division.~~

~~6.3.~~ If the plat is generally acceptable, but requires minor revisions, the ~~Town Council~~ Planning Administrator may conditionally approve the preliminary plat and the required revisions noted ~~in the minutes of the meeting~~ the preliminary plat approval letter. At the direction of the ~~Town Council~~ Planning Administrator, the plat may be approved subject to the revisions in accordance with the stated conditions.

~~7.4.~~ If all or certain identified and significant objectives and requirements of this Ordinance or General Plan have not been met, the ~~Town Council~~ Planning Administrator will have grounds to deny the preliminary plat.

D. Significance of Preliminary Approval.

Preliminary plat approval constitutes authorization for the subdivider to submit the final plat and the improvement plans and specifications for the proposed project. Preliminary approval is based on the following terms:

1. **Subject to the Basic Approval.** The basic conditions under which preliminary approval of the preliminary plat is granted will not be substantially changed prior to the expiration date.
2. **~~One-Two (12)~~ Year Approval with Extension.** Approval of a preliminary plat is valid for a period of ~~one-two~~ years from the date of ~~Town Council~~ Planning Administrator approval. A request can be made for a single, one year extension of the original preliminary plat approval. An extension of the preliminary plat approval may be granted by the Zoning Planning Administrator upon receipt of a letter from the subdivider stating the reason for an extension prior to the expiration date. Requests for extensions are predicated on the plat continuing to meet current Town development standards, payment of a continuance fee and the submission of an updated assurance of construction. Should the requested extension not be approved by the ~~Zoning-Planning~~ Administrator, the applicant may appeal this determination to the Town Council.
3. **No Authority to Record.** Preliminary approval, in itself, does not assure final acceptance of streets for dedication nor continuation of existing zoning requirements for the development or its environs nor constitute authorization to record the plat.

SEC. 4.5 STAGE 5 - FINAL PLAT AND IMPROVEMENT PLAN APPROVAL.

This stage includes the final design of the subdivision, engineering of the public improvements, and submittal by the subdivider of the final plat, final reports, and plans for all of the required subdivision improvements, to the Town, the County Departments, and the utility companies for approval; including the submittal of the final plat for review and action by the Town ~~Council~~.

A. Submittal Requirements.

1. Final Plat Preparation.

- a. The final plat shall be presented in accordance with requirements set forth in this section, and shall substantially conform to the approved preliminary plat and applicable zoning stipulations.
- b. **Pre-Final Review.** The subdivider shall file with the Town full size (24"x36") blue or black line copies of the final plat along with copies of the approved D.M.P. or P.A.D. (if applicable) for review by the Town, together with a letter of transmittal, indicating "Pre-Final Review Requested" the Town shall review the plat for substantial conformity to the approved preliminary plat and refer copies of the pre-final submittal to the reviewing agencies who shall make known their recommendations in writing.
- c. **Final Review.** The subdivider shall file with the Town full size "mylars" (4 mil thickness), full size blue or black line copies, one 8 1/2"x11" copy thereof, of the final plat. The final plat shall be drawn in black ink on polyester "mylar", measuring exactly 24" x 36" with a left hand margin of 2 inches and be drawn to an accurate engineering scale from an accurate survey. The applicant shall also submit a computerized drawing of the final plat in a file format required by the Town of Queen Creek.

2. **Improvement Plans.** Improvement plans, reports and other documents, shall be prepared and submitted in accordance with the procedures and standards established within the Town of Queen Creek Design Standards and Procedures Manual and Chapter 7 of this Ordinance. If the submittal is complete, the Town shall distribute sets of the plans to the appropriate reviewing departments, agencies and utility companies who shall make known their recommendations in writing.

3. **Deed Restrictions.** The subdivision covenants, conditions and restrictions (CC&R's) shall be submitted to the Town for review as part of the final plat and improvement plan submittal package. These CC&R's shall include

4. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
5. Location of all adjoining subdivisions with name, date, book, and page number of recordation noted, or if unrecorded, so noted.
6. 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 Town, shall be noted on the plat (see Sec.4.5 (G) for details).
7. All existing private easements within, on, or over the plat shall be indicated, dimensioned, and noted as to their use. The location and widths of all easements for right-of-way provided for public services, utilities, or drainage, and any limitations of the easements.
 - a. The following notation shall be placed on all final plats that provide drainage easements: “No structure of any kind shall be constructed, nor any vegetation be planted or allowed to grow within on or over any drainage easement, which would obstruct or divert the flow of storm water. The Town may, if it so desires, construct and/or maintain drainage facilities on or under the land of the easement”.

E. Dedication and Acknowledgment.

1. **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, equestrian trails and easements, and other easements for public use, including sanitation, utility, fire and other emergency related vehicles, executed by the person or persons holding title of record, by persons holding titles as vendees under land contract, by the spouse(s) of said parties, lien holders and all other parties having an interest in the property . If lands dedicated are liened, the lien holder shall also sign the plat. Dedication shall include a written location by Section, Township and Range, of the tract. If the plat contains private streets, a public easement shall be reserved which shall include the right to install and maintain utilities in any approved private street, including refuse collection, fire and other emergency services.
2. **Acknowledgment of Dedication.** Execution of dedication shall be acknowledged and certified by a Notary Public.

F. Final Plat Approval.

1. The Town Engineer may approve ~~Upon approval of the~~ improvement plans, final plats, maps of dedication, right-way-way abandonments, public easements, ~~and~~ all related engineering documents, and reports and other

~~information upon completion and conformance with all applicable codes, ordinances, and conditions of approval. , and receipt of a request for Town Council action from the Town Engineering Manager, the Town Clerk shall place the plat on the agenda of a Council meeting, where upon the Town Council shall approve or deny the plat.~~

~~2. If the Town Council approves the plat, the Town Clerk shall transcribe a Certificate of Approval upon the plat, over the Mayor's signature, first making sure that the other certifications required by this section have been duly signed.~~

~~3.2. When the certificate of approval by the Town Council has been transcribed on the plat, T~~the Engineering Division shall retain the recording copy until the Town Engineering Manager certifies that the improvement plans have been approved; a computer closure of the plat has been received; the Engineer's estimated cost of said improvements have been approved by the Town Engineering Manager; the subdivision improvement construction assurances are in the form and amount to the satisfaction of the Town ~~Community~~ Development Services Director and that any drainage or other restrictive covenants have been signed, notarized and received from the subdivider.

~~4.3. Upon receipt of the recording fees and documents listed in Subsection 4.5 F.3 the Town shall then cause the final plat to be recorded in the Office of the County Recorder of Maricopa County or Pinal County (whichever county the development is located in).~~

G. Required Certification, Signatures, and Notes

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

1. Assurance Statement as Follows:

Assurance Statement:

Assurance in the form of a cash, performance or subdivision bond or irrevocable letter of credit in an amount of "\$_____" has been deposited with the Town Engineering Manager to guarantee construction of the required subdivision improvements.

2. Conveyance and Dedication Statement as Follows:

Conveyance and Dedication:

Know all men by these presents that (owner's name), as owner, have subdivided (or re-subdivided) under the name of (name of subdivision), (add

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

By: _____ Date:
Owner's Name and Title

3. Notary Acknowledgment Statement as Follows:

Notary Acknowledgment:

State of Arizona)

County of Maricopa/Pinal)

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

In witness whereof I hereunto set my hand and official seal

Notary Public

My Commission Expires:

4. Town Approval Signatures Blocks as Follows:

Town Approval:

~~Approved by the Town Council of Queen Creek, Arizona, this ____ day of _____, (year).~~

By: _____ Attest: _____
Mayor _____ Town Clerk _____

Department Town Approvals:

This plat was approved as to form by the Town Engineering Manager and the Town Planning Manager.

By: _____ date:
Town ~~Engineering Manager~~ Engineer

By: _____ date:
Town Planning Manager

Surveyors Certification:

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

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

6. Certificate of Assured Water Supply as follows for all plats. This requirement may be waived by the Town Engineering Manager for commercial plats based on site specific conditions or other information related to the project.

Assured Water Supply

The Arizona Department of Water Resources has granted a Certificate of Assured Water Supply, DWR File No. _____

7. Deed Restriction Information as Follows:

Covenants, Codes and Restrictions for (name of subdivision) Queen Creek, Arizona are recorded in (document recording number) , (county name) County Records.

SEC. 4.6 REPLATS.

- A. Any plat involving either of the following two conditions shall be processed in accordance with Section 4.5 of this Ordinance as provided in Section 4.1 of this Ordinance.
 - 1. Dedication of land for a public street or any off-site public improvements. Dedications shall comply with all procedures set forth in Chapter 4 of this Ordinance.
 - 2. Abandonment of a street, alley or public utility easement or other recorded easement in a previously recorded subdivision. Replatting of the affected area, if required, shall be processed concurrently with the abandonment and recorded immediately subsequent to the recordation of the abandonment
- B. The merger of two lots through the use of a lot tie shall comply with the requirements and procedures set forth in this Chapter, as well as the lot tie/merger agreement shown in the Town of Queen Creek Design Standards and Procedures Manual.
- C. Division of a single lot into two separate parcels, shall comply with the requirements set forth in this Chapter and processed as a “lot split”.

SEC. 4.7 ABANDONMENT OF A RECORDED SUBDIVISION.

- A. The abandonment of all or part of a recorded subdivision approved pursuant to the laws of the State of Arizona may be initiated by written petition to the ~~Town Council~~Development Services Director. The petition shall be signed by all owners of real property in said subdivision requesting abandonment of all streets, alleys and easements within said subdivision and giving the legal description and recording information thereof.
- B. Applications for the abandonment of a recorded subdivision are filed with the Town ~~Engineering Manager~~ and referred for recommendation to the appropriate Town staff and utility companies. After ~~Town Council~~Town Engineer approval of the abandonment of any streets, alleys and easements within the subdivision, and after Town Council approval of the abandonment resolution for the recorded subdivision, and after the abandonment resolutions are recorded with the County Recorder's Office, the subdivision is removed from the official maps.
- C. Abandonment of public right of way and public use easements may be initiated by submission of a right of way or easement abandonment application signed by all property owners adjacent to, or whose land includes, the public way or easement proposed for abandonment to the ~~Town Council~~Development Services Director. All such requests will be referred to the ~~Town Engineering Manager~~ for review and recommendation. The Town

~~Engineering Manager~~ will consult with appropriate Town and utility company staff to evaluate the ~~effect~~effect of the abandonment on present and future transit and utility systems planned for the area. After Town ~~Council~~Engineer approval of the abandonment of any street, alley or other public right of way or public use easement, the abandonment resolution shall be recorded with the County Recorder's Office, and the right of way or use easement abandoned.

SEC. 4.8 CONDOMINIUM DEVELOPMENTS.

- A.** The application requirements, processing and approval regulations contained within this Ordinance shall apply to all condominium developments.
- B.** Condominium subdivisions shall also comply with the provisions of this ordinance and The Town of Queen Creek Zoning Ordinance. The location of all building shown on the plat and the manner in which the airspace is to be divided in conveying the condominium shall be clearly defined and a plat completed as would be done for any other subdivision of property.
- C.** In order for the condominium subdivision application to be considered complete, the applicant shall provide to the Town any plans, specifications, reports and/or analysis needed to show that the proposed condominium subdivision is in compliance with this Ordinance and *The Town of Queen Creek Zoning Ordinance*, including but not limited to grading plans, site plans, floor plans, elevations, and landscape plans, drainage reports and traffic impact analyses.

**CHAPTER 5
PLANNED AREA DEVELOPMENTS AND
DEVELOPMENT MASTER PLANS**

SEC. 5.0 GENERAL.

- A. The purpose of a Planned Area Development (PAD) or a Development Master Plan (DMP) is to provide for the orderly development of land while permitting flexibility in the design and development of residential, commercial, and/or industrial environments of a quality which could not be achieved by traditional lot by lot development under conventional subdivision design. In areas of environmental sensitivity such as the San Tan foothills, Queen Creek or the Sonoqui Wash, or in an effort to preserve open space or agricultural areas free of development that may otherwise occur, a PAD or DMP utilizing a cluster development option is recommended. Use of a PAD or a DMP will allow development of residential subdivisions with lots that are smaller and arranged differently than would otherwise be required by the zoning district within which the project is located.

Any rezoning necessary for the development of a PAD shall be processed in conjunction with, or prior, to consideration of a preliminary plat. Approval of the DMP is to be done in conjunction with a rezoning request, or as a separate second step, in the development of the property in question. Approval of a DMP separate from a rezoning case will be processed as using the same standards as would be required for a rezoning request, as described in Article 3 of the Town of Queen Creek zoning ordinance.

- B. Any PAD development shall abide by the subdivision design standards and principles outlined in Chapter 6 of this Ordinance unless otherwise modified by the Town Council at the time of zoning approval.

~~**SEC. 5.1 PLANNED AREA DEVELOPMENT.**~~

~~A. An application for a PAD shall be made on forms provided by the Planning Division. In addition to the submittal requirements outlined in Chapter 6 of this Ordinance, any application for a PAD shall submit the information, and provide the design elements and amenities as set forth in the Planned Area Development Overlay District of the Zoning Ordinance. Additional information may be necessary as requested by the Planning Department to adequately review the project.~~

~~B. The development progression, for review and approval, of the subdivision of land utilizing a PAD follows the same progressive stages (Stages 1-5) as outlined in Chapter 4 of this Ordinance.~~

~~C. As a prerequisite to the commission hearing for any planned area development, development master plan or cluster development, the applicant is required to hold at~~

~~least one neighborhood meeting at least fifteen (15) calendar days prior to their scheduled planning commission meeting.~~

~~The purpose of the meeting is to provide a means for the applicant, surrounding neighbors and homeowners associations to review preliminary development proposals and solicit input and exchange information about the proposed development~~

~~Neighborhood meetings shall be held at a location near or on the development site. The meeting shall be held on a week day evening or weekend day at a reasonable time and in a publicly accessible place.~~

~~Notification requirements for planned area developments; notice of the meeting shall be provided by the applicant as follows:~~

~~(1) The development site shall be posted with at least one sign having a minimum sign area of sixteen (16) square feet with black copy on a white background not less than fifteen (15) calendar days prior to the date of the neighborhood meeting. Site that exceed five (5) acres in size and/or have frontage on more than one (1) street shall post additional signs at the rate of one additional sign per every ten (10) additional acres or one sign for each street with a maximum of four (4) signs per project. Such signs shall be clearly legible and wherever possible placed adjacent to the right of way of a public street. The notice shall contain the date, time, and location of the meeting and a summary of the request. It shall also have contact information for the application's representative. It shall be the responsibility of the applicant to use reasonable efforts to maintain the sign once it has been placed on the property.~~

~~(2) Notice shall be provided by first class mail not less than thirty (30) calendar days prior to the scheduled commission meeting and not less than fifteen (15) calendar days prior to the date of the neighborhood meeting to:~~

~~A. All property owners of record, chairpersons and management association of homeowners associations, and any neighborhood associations on record with the town at a distance determined in Table 1.~~

~~B. The above noted property owners and management association names shall be obtained from Maricopa County or Pinal County assessor's office, as appropriate.~~

~~(3) a meeting summary shall be submitted to the community development department not less than seven (7) calendar days prior to the planning commission meeting with a written summary of the issues and discussion from the meeting and list of attendees.~~

Table 1 Notification Requirements

Type of Case*	Distance Requirement
Minor General Plan Amendments	900'
Major General Plan Amendment	1200'
Rezoning, 5 acres and less	900'
Rezoning, above 5 acres	1200'
Site Plan, 5 acres and less	900'
Site Plan, above 5 acres	1200'
Indoor Conditional Use Permit, up to 2,500 square feet of building/leased area	900'
Indoor Conditional Use Permit, above 2,500 square feet of building/leased area	1200'
Outdoor Conditional Use Permit, 5 acres and less	900'
Outdoor Conditional Use Permit, above 5 acres	1200'
Board of Adjustment Case	900'
* Any case that is part of another application with a larger notification distance, the larger notification distance will be required	

- E. Residential lots extending through the block and having frontage on two parallel streets which are both local streets or one of which is a local street and the other is a collector street shall not be permitted; except where approved by the Town Engineering Manager based on site specific conditions.
- F. Where steep topography (exceeding 15% in grade), unusual soil conditions, drainage problems, abrupt changes in land use or traffic safety based on sight and visibility or inadequacy of public facilities that would not allow a lot to be buildable without a variance or waiver, the ~~Town Council~~ Development Services Director or designee may deny the creation of the lot.
- G. Individual residential lots on curvilinear streets shall have rear lot lines consisting of a series of straight lines with the points of deflection occurring at the junction of side and rear lot lines, unless otherwise approved by the Town Engineering Manager.

SEC. 6.6 EASEMENT PLANNING.

- A. Easements will be required for all private utilities outside of the street right-of-way and shall be placed along lot lines as required by the utility companies and/or as directed by the Town Engineering Manager..
- B. Where a stream, wash or important surface drainage course abuts or crosses a development, dedication of a drainage easement of a width sufficient to permit widening, deepening, relocating, or protecting and maintaining said water course shall be required. Drainage easement width shall be approved by the Town Engineering Manager, and where appropriate, the Maricopa and/or Pinal County Flood Control District based upon the hydrological analysis of a 100 year frequency storm.
- C. All drainage channels, washes, or ditches which convey a 100 year frequency storm flow volume exceeding a flow rate of one hundred (100) cubic feet per second shall be designated as Tracts with drainage easements. When it is determined by the Town Engineering Manager that the topographic conditions and wash alignments on the parcel will result in extraordinary development constraints, a drainage easement may be accepted, without a Tract designation.
- D. All storm water retention basins shall be designated as drainage easements.
- E. Vehicular cross-access easements shall be required where deemed necessary by the Town Engineering Manager and Town Traffic Engineer to accommodate lot planning issues, minimize driveway locations and provide vehicular accessibility to adjacent properties.

- F. Sidewalk easements of a minimum of five (5) feet in width shall be required when the proposed sidewalk is not contained within the public right of way. The final sidewalk easement width will be determined by the Town Engineering Manager.

SEC. 6.7 STREET NAMING

- A. Street names shall comply with the overall Maricopa and Pinal County street naming systems for section line and half section line roads, as well as per the Town of Queen Creek Street Naming and Lot Numbering System shown in the Town of Queen Creek Design Standards and Procedures Manual.
- B. Street names should be consistent with the natural alignment and extension of existing named streets.
- C. ~~All proposed public and private street names/types shall be approved by the GIS Department or authorized staff prior to approval of the final plat. The developer shall propose the street names at the preliminary plat submittal stage and the names shall be recommended by the Commission and approved by Council.~~
- D. Street name signs shall be placed at all street intersections and be in place by the time the street pavement is ready for use. Specifications for design, construction, location, and installation shall conform to the Town of Queen Creek Design Standards and Procedures Manual.

SEC. 6.8 DRAINAGE

- A. Proper and adequate provision shall be made for disposal of storm water; this shall apply equally to grading of private properties and to public streets. Existing major water courses shall be maintained as drainage ways. Drainage systems shall meet the requirements of the "Drainage Design Manual" for Maricopa County Arizona, Volumes I, II & III.
- B. Post development flows can not exceed pre-development flows in peak runoff, volume, or velocity and may not concentrate sheet flows without down stream off-site control.
- C. If drywells are necessary they shall be spaced as far a part as possible and only 50% of the percolation capacity can be used in calculating the required number of drywells to be utilized. In addition, a private maintenance plan shall be prepared that provides for routine inspection and maintenance to the approval of the Town Engineering Manager.

SEC. 6.9 SANITARY SEWAGE DISPOSAL.

the nature of the project, as determined by the Town Engineering Manager and/or the Town Traffic Engineer.

SEC. 7.3 IMPROVEMENT PLAN REVIEW PROCESS

- A.** Copies of plans shall be submitted to the Town and shall be distributed by the Town to the appropriate agencies.
- B.** The Town staff will review and comment on the submittal for accuracy, completeness, compliance with the preliminary plat and/or site plan and all stipulations made by town staff, the Planning Commission, and/or Town Council, the requirements of the ~~Subdivision~~—Technical Review Committee, and the requirements by other agencies, as well as conformance with all Town Codes.
- C.** All improvement plans, reports and other documentation will be returned to the Engineer and Landscape Architect of record for corrections, additions and revisions.
- D.** Prior to the recording of the plat the following items must be submitted before final plat approval:
 - 1. A signature block of approval of engineering plans signed by the Town Engineering Manager.
 - 2. A certification that an Agreement, if required, between the Town and subdivider has been executed.
 - 3. A letter of agreement between the serving utilities and the developer.
 - 4. Required assurances for construction (such as a performance bond, cash, or irrevocable letter of credit), sewer buy in fees, cash in lieu of construction, or any type of shared cost participation fee.
 - 5. Developer cost participation agreements and fees.
 - 6. A certificate of assured water supply
 - 7. All other easements, maps of dedication, warranty deeds and other legal documents which need to be recorded.
- E.** If the engineering plans have not been approved within 90 days, the ~~Council~~ Development Services Director or designee may require that the final plat be resubmitted.

SEC.7.4 DEFERRED IMPROVEMENTS

- A.** Subdivisions of four (4) or Less Parcels: The frontage improvements may

be deferred when deemed appropriate by the Town Engineering Manager. Deferral will be allowed when the Town Engineering Manager finds that construction is impractical due to physical constraints, timing of future adjacent improvements or the surrounding neighborhood is absent similar improvements. When improvements are deferred, the subdivider shall pay cash in lieu for the future installation of all improvements as determined by the Town. This shall not relieve the owner from any other specific requirements of the Subdivision Final Plat or this Subdivision Ordinance.

B. Remainders: Where remainders are made part of a Subdivision Final Plat, the subdivider may enter into an agreement, per a recommendation by the Town Engineering Manager, with the Town to construct improvements within, and along exterior boundaries of the remainder parcel at a future date and prior to the issuance of a permit or other entitlement for development of a remainder parcel. The improvements shall be at the subdivider's expense. In absence of an agreement, the Town may require completion of the construction improvements within a reasonable specified time following approval of the Subdivision Final Plat upon a finding that completion of the improvements is necessary for the following reasons:

1. The public health and safety; or
2. The required construction is a mandatory prerequisite to the orderly development of the area.

SEC. 7.5 ASSURANCES BY SUBDIVIDER

A. Agreement by Subdivider:

1. The subdivision improvements in an approved development may be constructed in practical increments in accordance with a ~~Council-Town~~ approved Phasing Plan subject to provisions for satisfactory drainage, traffic, circulation, utilities, landscaping and other elements of the total development plan.
2. The improvements shall be constructed in accordance with plans approved by the Town and shall be completed within an agreed specific time period.
3. The subdivider shall give adequate Assurance for Construction for each phase in accordance with this Ordinance and to the satisfaction of the Town and Town Attorney.
4. Once a construction permit has been issued for improvements under the Assurance of Construction, work shall proceed without interruption until the improvements are accepted by the Town.

~~**PLANNED AREA DEVELOPMENT (PAD):** A development of 40 or more acres, in which flexibility can be permitted in the zoning standards, in order to encourage more creativity and sustainable design, thereby providing usable open spaces within and about the development and enhancing the rural character of the Town.~~

PLAT: A map which provides for changes in land use or ownership.

1. **Preliminary Plat:** A tentative map, including supporting data, indicating a proposed subdivision design, prepared by a registered civil engineer, or a registered land surveyor, in accordance with this ordinance and the Arizona Revised Statutes. A preliminary site plan for a condominium development shall be considered a preliminary plat.
2. **Final Plat:** A final map of all of a subdivision, including supporting data, in substantial conformance to an approved preliminary plat, prepared by a registered land surveyor, in accordance with this Ordinance and the Arizona Revised Statutes.
3. **Recorded Plat:** A final plat bearing all certificates of approval required by this Ordinance and the Arizona Revised Statutes and duly recorded in the Maricopa County Recorder's Office and/or the Pinal County Recorder's Office.
4. **Reversionary Plat:**
 - a. A map for the purpose of reverting previously subdivided acreage to unsubdivided acreage, or;
 - b. A map for the purpose of vacating rights of way previously dedicated to the public and abandoned under procedures prescribed by the Town Code, or;
 - c. A map for the purpose of vacating or redescribing lot or parcel boundaries previously recorded.

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

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

PRIVATE ACCESS WAY: Any private street or private way of access dedicated as a tract to one or more lots or air spaces which is owned and maintained by an individual or group of individuals and has been improved in accordance with Town standards and plans approved by the Engineering Manager. A private access way is intended to apply where its use is logically consistent with a desire for neighborhood identification and control of access, and where special design concepts may be involved, such as within planned area developments, hillside areas and condominiums.