

WHEN RECORDED RETURN TO:

City of Buckeye  
ATTN: City Clerk, Lucinda J. Aja  
530 East Monroe Avenue  
Buckeye, Arizona 85326

**ORDINANCE NO. 19-15**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, AMENDING THE CITY OF BUCKEYE CODE, CHAPTER 7, (DEVELOPMENT CODE), ARTICLES VI (LAND SUBDIVISION), AND ARTICLE VIII, (REVIEW AND APPROVAL PROCEDURES) RELATING TO THE STREAMLINING OF THE SUBDIVISION PROCESS AND REVIEW AND APPROVAL PROCEDURES FOR LAND USE MATTERS.**

**WHEREAS**, the Mayor and City Council of the City of Buckeye desire to amend the City Code, Chapter 7 (Development Code), Articles VI (Land Subdivision) and VIII (Review and Approval Procedures) to streamline and expedite the development review process; and

**WHEREAS**, public hearings have been conducted to obtain citizen input to the proposed changes to the Land Subdivision and Review and Approval Procedures proposed amendments; and

**WHEREAS**, the Planning and Zoning Commission of the City of Buckeye has reviewed the proposed amendments to the Land Subdivision and Review and Approval Procedures and has recommended approval of the same.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA**, as follows:

Section 1. That Buckeye City Code, Chapter 7 (Development Code), Article VI (Land Subdivision) is hereby amended by adopting the amendments contained in the City Council Report relating to this matter on file with the City Clerk of the City of Buckeye and incorporating said amendments herein by reference.

Section 2. That Buckeye City Code, Chapter 7 (Development Code), Article VIII (Review and Approval Procedures) is hereby amended by adopting the amendments contained in the City Council Report relating to this matter on file with the City Clerk of the City of Buckeye and incorporating said amendments herein by reference.

Section 3. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance

**PASSED AND ADOPTED** by the Mayor and City Council of the City of Buckeye, Arizona, this 1st day of December, 2015.

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Jackie A. Meck, Mayor

ATTEST:

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Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

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Scott W. Ruby, City Attorney

## ARTICLE 6: LAND SUBDIVISION

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### 6.1. GENERAL PROVISIONS

#### 6.1.1. Intent

This Article is intended to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City by:

- A. Promoting well-defined, sustainable neighborhoods that enhance the City's character and are compatible with adjoining lands;
- B. Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
- C. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient, and pleasant walking, biking and driving;
- D. Providing a variety of lot sizes and housing types in every neighborhood;
- E. Protecting sensitive natural and historic areas and the City's environmental quality;
- F. Providing protection from natural hazards and flood prone areas; and
- G. Ensuring compliance with the General Plan.

#### 6.1.2. Applicability

##### A. General

Unless exempted in subsection B., this Article shall be applicable to all subdivision of land within the City that results in the partitioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions created by an exercise of the power of eminent domain by an agency of the state or the City.

##### B. Exemptions

The standards of this Article shall not apply to:

1. Creation or realignment of an easement; and
2. Adjustment of the boundary line or the transfer of land between two adjacent property owners that does not result in the creation of any additional parcels.

##### C. Approvals Required

Before a preliminary plat for a subdivision shall be approved, the owner or authorized agent shall apply for and secure approval pursuant to Section 8.8, *Subdivision*.

#### 6.1.3. Safety and Public Facilities

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. Land shall not be subdivided until proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other public improvements.

#### **6.1.4. Engineering And Construction Plans**

##### **A. Registered Engineer**

It shall be the responsibility of the subdivider to have an engineer registered in the State of Arizona, prepare a complete set of engineering plans in accordance with all applicable City Codes, for the construction of all required improvements. Such plans shall be in conformance with the approved preliminary plat.

##### **B. City Engineer Approval**

All plans and supporting engineering reports for subdivision improvements shall be reviewed and approved by the City Engineer. All improvements shall be in accordance with the approved preliminary plat and all City standards, policies, and requirements.

#### **6.1.5. Limitation on Conditions**

**A.** In approving subdivisions, the City Council shall be authorized to impose such conditions upon the premises as may be necessary to carry out the general purpose and intent of this Development Code. Any conditions imposed on a development approval shall be based upon adopted standards that are: (a) contained in this Development Code, adopted plan or other document adopted by the city, and (b) sufficiently specific to ensure that the condition is imposed in a consistent and rational manner. Under no circumstance shall these provisions be interpreted to waive any responsibility to the public in the enforcement of provisions contained herein, where such conditions are necessary to protect public health, safety, and general welfare.

**B.** Any condition imposed on a development approval that would require the applicant to dedicate real property to the public or to pay money to the public in an amount that is determined on an individual and discretionary basis shall only be imposed if: (a) there is an essential nexus between the dedication or payment and a legitimate local government interest; and (b) the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of such property.

### **6.2. TYPES OF LAND DIVISION**

#### **6.2.1. Subdivision**

"Subdivision" means improved or unimproved land or lands divided for the purpose of financing, sale, or lease, whether immediate or future, into four or more lots, tracts, or parcels of land; or, if a new street is involved, any such property that is divided into two or more lots, tracts, or parcels of land. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

#### **6.2.2. Minor Subdivision**

A minor subdivision is a subdivision that creates ten or fewer lots, tracts, or parcels with or without dedications and easements, as defined in A.R.S. § 9-463.U. Minor Subdivisions do not require preliminary plats.

### **6.2.3. Land Split**

A land split is the division of improved or unimproved land whose area is two and one-half acres or less into two or three tracts or parcels of land for the purpose of sale or lease, as defined in A.R.S. § 9-463.

### **6.2.4. Map of Dedication**

A Map of Dedication dedicates right-of-way prior to other platting process to establish main roadways without subdividing adjacent property into building lots. No new parcels or tracts shall be established by Map of Dedication.

## **6.3. DESIGN STANDARDS**

### **6.3.1. Minimal Standards**

The design standards in this Article are minimum standards. The City, at its discretion, may impose more restrictive standards when it finds that they are necessary to preserve and protect public health, safety, and welfare.

### **6.3.2. Compliance with Adopted Plans and Development Code**

All subdivisions shall comply with all other applicable zoning, design, and development regulations set forth in this Development Code, the Buckeye General Plan and all other adopted city plans, including but not limited to:

- A.** Area Plans;
- B.** Specific Plans;
- C.** Community Master Plans and Planned Area Developments;
- D.** Transportation and Transit Plans; and
- E.** Parks, Trails, Recreation, and Open Space Plans.

### **6.3.3. Suitability for Subdivision**

Land subject to hazardous conditions such as floods, mud flows, rock falls, possible mine subsidence, mine shafts, shallow water table, open quarries, and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been mitigated or will be mitigated by the subdivision and construction plans.

### **6.3.4. Streets**

All public and private streets shall comply with the City of Buckeye Standard Engineering Specifications and Section 5.5.3, *Streets and Vehicular Circulation*, and in addition shall comply with the following standards.

#### **A. Coordination of Streets**

1. All new streets shall intersect with surrounding existing streets at safe and convenient locations. Collector, local, and minor residential streets shall connect with surrounding streets where necessary to allow convenient movement of traffic and reasonable access for emergency vehicles, but connections shall not be permitted where the effect would be to encourage the use of such streets by cut-through traffic.

2. When connections to surrounding streets are proposed or required by the City, public right-of-way shall be dedicated and streets developed to existing paved rights-of-way.
3. The City may also require temporary hammerheads or turnarounds to be constructed for temporary cul-de-sacs between development phases.

**B. Street Intersections**

1. Streets shall intersect as nearly as possible at right angles, and no more than two streets may intersect at any one point.
2. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than required by City engineering standards, and in no case less than 135 feet.

**C. Street Design Standards**

1. Streets shall be related appropriately to expected use. Streets shall be designed as set forth in the City of Buckeye Standards Engineering Specifications and as warranted by an approved Traffic Impact Analysis.
2. Streets constructed according to the City of Buckeye Standard Engineering Standards shall provide a standard curb, gutter and sidewalk.
3. Other suitable designs and materials may be approved for the construction of streets, curbs and sidewalks when in the opinion of the Planning Commission, such methods would be more environmentally desirable or more in keeping with the design of the development or neighborhood.
4. Collector Streets, Minor Arterial Streets, and Major Arterial Streets shall have a landscaped median as determined by the City.

**D. Bridges**

All bridges shall be constructed according to applicable Arizona Department of Transportation and City standards.

**E. Fire Hydrants**

1. Every new development (subdivided and unsubdivided) that is served by a public water system shall include a system of fire hydrants which are constructed according to MAG standards.
2. The Fire Chief shall determine the precise location, number and type of all hydrants depending on the location, building size, density and lot size of the subject development.
3. Water lines that serve hydrants shall be at least six (6) inch diameter, and unless no other practicable alternative is available, no such lines shall be dead-end lines.

**F. Lighting Requirements**

1. All exterior lighting shall comply with the requirements of Section 5.10, *Exterior Lighting*.
2. All streets, sidewalks and other common areas or facilities in subdivisions created after the effective date of this Development Code shall be

sufficiently illuminated to ensure the safety and security of persons and property.

3. All driveways, pedestrian and bicycle paths, parking areas, and other improved common areas located in or adjacent to new development shall be sufficiently illuminated to ensure the security and safety of persons and property.
4. Street lighting improvements shall be in accordance with the City of Buckeye Engineering Standards.

**G. Street Naming**

**1. Continuation of Existing Names**

The subdivider shall indicate the street name for public streets on the preliminary plat by projecting existing north-south and east-west street names that fall in alignment. Where no current streets are in alignment, the subdivider may propose a name based on the MAG or City street naming policy. All names are subject to final approval by the City.

**2. Sign Posts**

Street sign posts shall be placed at all street intersections by the subdivider and shall be in place when street paving is complete. Specifications for design, construction, location, and installation shall be in accordance with City roadway standards.

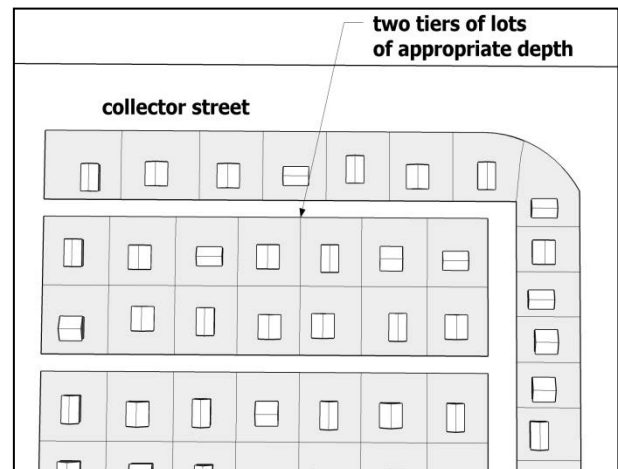
**6.3.5. Blocks**

**A. Block Length**

Residential blocks shall not be less than 300 feet nor more than 660 feet in length. The City may approve a longer block length when necessary to accommodate natural features such as steep slopes or washes (i.e., environmentally sensitive lands, low density residential development, or golf course communities, pedestrian linkages).

**B. Block Arrangement**

Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the minimum requirements of this Development Code, except where lots back onto a collector or greater street, natural feature, or subdivision boundary, or where lots face an approved loop road or cul-de-sac (See Figure 6.3-A.).



**Figure 6.3-A: Example Block Arrangement**

**6.3.6. Lots**

The design and layout of lots shall be dependent upon topography, natural vegetation, soil conditions, drainage, and abrupt changes in land use, heavy street traffic or other conditions.

- A. The lot arrangement shall be such that there will be no foreseeable difficulties in obtaining a building permit or in providing driveway access to buildings on such lots from an approved street.
- B. Double frontage, reversed frontage, flag, or other odd shaped lots are to be avoided.
- C. Corner lots shall be larger than other lots in the same area to provide additional buffering area. Alternatively, a tract may be provided to accommodate corner lot buffering.
- D. Lots shall be so placed as to provide positive drainage away from all buildings.
- E. Lots should be so configured to face as many as possible in a north/south direction.
- F. Lot widths on cul-de-sacs shall be measured as the distance in a straight line, between the side lot lines at the points of intersection with the front setback line.

#### **6.3.7. Easements**

- A. The width, location, and purpose of all easements shall be provided on the final plat.
- B. Utility easements shall be located to the front of lots where practicable.
- C. Drainage easements shall be provided for the retention of drainage from subdivision streets. Drainage shall not be shed to adjoining right-of-way.
- D. Natural drainage easements are encouraged to preserve washes and streams. Easements should include 25 feet of area on either side of a natural drainage area.
- E. The private maintenance of all easements shall be provided for in the recorded CC&Rs for the subdivision.
- F. Landscaping shall be provided by the developer or designee for all easement areas. Maintenance of the easement landscaping shall be provided for in the recorded CC&Rs for the subdivision.
- G. Developers shall dedicate a Vehicular Non-Access Easement to the rear or side of any lot adjacent to open space or right-of-way.

### **6.4. IMPROVEMENTS**

#### **6.4.1. Responsibility for Improvements**

- A. Requirements in this Section apply to all new development.
- B. The developer shall be responsible for construction of all utility systems, such as wastewater, water, electric, phone, cable, gas, irrigation, and refuse that are needed as a direct result of the development.
- C. The extent of improvements required will be in accordance with standards as contained within this Development Code.
- D. Notwithstanding the above, any improvements assessed by the Planning Commission shall be limited to that which is necessitated as a direct result of the development.
- E. Cost of the improvements may be guaranteed by the developer posting a performance bond or providing a letter of credit or other financial guarantee as



determined by the City, in lieu of the developer actually constructing the improvements.

#### **6.4.2. Guarantee and Warranty of Public Improvements**

##### **A. Financial Guarantee**

The City Council shall require the developer to guarantee that all required improvements will be completed in a manner satisfactory to the City using either of the following methods:

1. A performance bond, an irrevocable letter of credit, assurance of construction of subdivision improvements, funds in a restricted escrow account, or other financial guarantee approved by the City Attorney and accepted by the City Council prior to the recordation of the final plat.
2. The financial guarantee shall be 100 percent of the cost of the labor and materials necessary to complete the subdivision. If the amount of the assurance is based on an estimate, such estimate shall be prepared by a registered engineer and the amount of the financial guarantee shall be increased by 10 percent to account for unforeseen circumstances.
3. The period within which required improvements must be completed shall be specified and shall not exceed two years from the date of final approval

##### **B. Inspection Of Improvements**

Prior to the approval of the required improvements by the City Engineer, an engineer retained by the developer shall certify to the City that all facilities and improvements to be dedicated to the City have been constructed in accordance with the requirements of this Development Code. The City Engineer shall also inspect all improvements to the site and certify that they comply with all specifications as set forth in the approved improvement plans. Any inspection expenses incurred by the City shall be reimbursed by the developer.

##### **C. Warranty Of Improvements**

The developer shall post a performance bond or other sufficient surety to guarantee that all defects in any public facilities or improvements that occur within two years after acceptance of the improvements by the City shall be corrected by the developer.

##### **D. Development Agreement**

The City shall have the authority to enter into a Development Agreement with the developer to carry out the provisions contained in this Development Code.

#### **6.4.3. Improvement Requirements**

##### **A. Sewage Disposal Facilities**

1. Every principal use and every lot within a development shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or development lot with all applicable health regulations.
2. Structures shall not be occupied without an approved wastewater source that has been deemed adequate by the Maricopa County Health Department and other applicable public agencies.

**B. Water Supply System**

1. Every principal use and every lot within a development shall be served by a water supply system that will accommodate the reasonable needs of such use or development lots and that complies with all applicable health regulations.
2. Structures shall not be occupied without an approved water supply system that has been approved by all applicable public agencies.
3. All subdivisions are shall comply with the requirements of Buckeye City Code Sections 25-1-11, Assured Water Supply and 25-1-12, Adequate Water Supply, as applicable.

**C. Electric, Telephone, and Cable System**

Every principal use and every lot within a development shall have available to it a source of electric power, telephone service, and cable service adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

1. If the use is not in a development and can be served by existing service via a simple connection (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center or would require an extension of a primary line), then no further certification is required.
2. If the use is in a development (or is a development) or is not served by existing service or a substantial internal distribution center would be necessary, or extension of a primary line would be necessary, then the utility company must review the proposed plans and certify to the City that it can provide service that is adequate to meet the needs of the proposed use or development.

**D. Underground Service Lines**

1. All utility lines (except electric lines more than or equal to 69kV), including irrigation service lines but not including transformers or enclosures containing equipment such as switches, meters, or capacitors that are ground-mounted and constructed in developments after the effective date of this Development Code, shall be placed underground in accordance with the specifications and policies of the respective utility company.
2. Whenever an unsubdivided development is constructed on a lot, then all electric power less than 69kV, telephone, and cable television lines located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility company.

**6.4.4. Engineering Specifications**

Construction and design details for all improvements shall comply with the City of Buckeye Engineering Standards.

**6.5. DEDICATION**

**6.5.1. Streets**

All street rights-of-way shall be dedicated to the public.

**6.5.2. Alleys**

The City Council may require the dedication of alley rights-of-way where it finds that alleys are necessary for service access, off-street loading, or parking. The minimum width of an alley right-of-way shall be 20 feet.

**6.5.3. Public Park Dedication and Fees In-Lieu**

See Section 5.3, *Open Space*.

## ARTICLE 8: REVIEW AND APPROVAL PROCEDURES

### 8.1. PURPOSE AND ORGANIZATION OF THIS ARTICLE<sup>1</sup>

#### 8.1.1. Purpose

This Article describes the procedures for review and approval of all applications for development in the City of Buckeye. This article is intended to ensure consistency and efficiency in the administration of the City's land use regulations.

#### 8.1.2. Organization of Article

Common procedures, which are applicable to most types of development applications, are in Section 8.2, *Common Development Review Procedures*. Subsequent sections include additional provisions that are unique to each type of application, including staff and review board assignments and approval criteria.

#### 8.1.3. Summary Table

Table 8.1-1 summarizes the review and decision-making responsibilities for the procedures described in this Article. The table is a summary tool and does not describe all possible types of decisions made under this Development Code. Other duties and responsibilities are described in Article 7, *Review and Decision-Making Bodies*

TABLE 8.1-1: REVIEW AND DECISION-MAKING RESPONSIBILITIES						
R = Review (Responsible for Review and/or Recommendation) H = Hearing (Public Hearing Required) D = Decision (Responsible for Final Decision) A = Appeal (Authority to Hear/Decide Appeals)						
Procedure	Section	Pre-App Conf?	Director	P&Z	City Council	Board of Adjustment
Amendment to General Plan/Specific Area Plan	8.3.	Yes	R	H-R	H-D	
Amendment to Text of Development Code	8.4.		R	H-R	H-D	
Amendment to Zoning Map (Rezoning)	8.5.	Yes	R	H-R	H-D	
Community Master Plan (CMP) and Planned Area Development (PAD)	8.6.	Yes	R	H-R	H-D	
Conditional Use Permit	8.7.	Yes	R	H-D	H-A	
Minor Subdivision <sup>1</sup>	8.8.6.		D <sup>2</sup>			

<sup>1</sup> RES. 17-15, ORD. 03-15; 03/17/2015

**TABLE 8.1-1: REVIEW AND DECISION-MAKING RESPONSIBILITIES**

R = Review (Responsible for Review and/or Recommendation)  
H = Hearing (Public Hearing Required)  
D = Decision (Responsible for Final Decision)  
A = Appeal (Authority to Hear/Decide Appeals)

Procedure	Section	Pre-App Conf?	Director	P&Z	City Council	Board of Adjustment
Subdivision: Preliminary Plat	8.8.7.		R	D		
Subdivision: Final Plat	8.8.8.		R		D	
Final Plat Re-Plat	8.8.9.		D			
Map of Dedication	8.8.10		R		D	
Site Plan: Administrative Review	8.9.3.		D	H-A		
Site Plan: Planning Commission Review	8.9.4.	Yes	R	D	H-A	
Temporary Use Permit	8.10.		D		H-A	
Variance	8.11.		H-D (BOA or Hearing Officer)		H-A	
Building Permit	8.14.		D			
Annexation	8.16.		R	H-R	D	
<b>NOTE:</b> 1 Land Split follows Minor Subdivision Process 2 Minor Subdivision with right-of-way dedication require City Council decision (public meeting)						

#### 8.1.4. Other Reviews

In addition to the reviews summarized in Table 8.1-1, the Director may also refer applications to other boards, commissions, government agencies, and non-governmental agencies not referenced in this Article and/or in Article 6, *Review and Decision-Making Bodies*.

## 8.2. COMMON DEVELOPMENT REVIEW PROCEDURES <sup>2</sup>

The common development review procedures in this Section 8.2 shall apply to all types of development applications under this Article 8, unless an exception to the common procedures is expressly identified in subsequent sections of this Article.

<sup>2</sup> RES. 17-15, ORD. 03-15; 03/17/2015

### **8.2.1. Step 1: Pre-Application Conference**

#### **A. Purpose**

The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the City staff with the applicable provisions of this Development Code, the City's General Plan, infrastructure requirements, and any other issues that may affect the applicant's proposal.

#### **B. Applicability**

##### **1. Required for Certain Applications**

A pre-application conference is required prior to the following types of applications:

- a. Amendment to the General Plan;
- b. Amendment to the Zoning Map (Rezoning);
- c. Community Master Plan;
- d. Conditional Use Permit;
- e. Subdivision: Preliminary Plat; and
- f. Site Plan approved by the Planning Commission;

Such applications shall not be accepted until after the pre-application conference is completed. The conference should take place prior to any substantial investment, such as detailed site and engineering design.

##### **2. Optional for All Other Applications**

A pre-application conference is optional prior to submission of any other application under this Development Code not listed above.

#### **C. Initiation of Pre-Application Conference**

The potential applicant shall request in writing a pre-application conference with the Director and pay the required fees. With the request for a pre-application conference, the applicant shall provide to the Director a description of the character, location, and magnitude of the proposed development and any other available supporting materials, such as maps, drawings, or models. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal for staff to make the informal recommendations discussed below. The materials should be submitted at least ten business days before the conference.

#### **D. Pre-Application Conference Content**

The Director shall schedule a pre-application conference after receipt of a proper request. At the conference, the applicant, the Director or designee, and any other persons the Director deems appropriate to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this Development Code, the parties should discuss in general the proposed development, the applicable requirements and standards of this Development Code, and conditions that may be appropriate to meet the purposes and requirements of this Development Code.

**E. Comments From Pre-Application Conference**

City officials present at the pre-application conference shall submit their comments to the Development Services Department staff, who shall forward all comments received to the applicant within 10 business days of the conference.

**F. Informal Evaluation Not Binding**

The informal evaluation by the Director and staff provided at the conference is not binding upon the applicant or the City but is intended to serve only as a guide to the applicant in making the application and to advise the applicant in advance of the formal application of issues that may be presented to the appropriate decision-making body.

**G. Waiver**

The Director may waive the pre-application conference requirement for applications if he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

**H. Application Required Within Six Months**

After a pre-application conference has been completed, the associated application must be completed within six months, or sooner if required by the Director due to changing conditions. If an application is not filed within such time frame, a new pre-application conference shall be required prior to filing an application.

**8.2.2. Step 2: Neighborhood Meeting**

**A. Purpose**

The purpose of a neighborhood meeting is to provide an opportunity to inform the residents and landowners of the surrounding neighborhood(s) of the details of a proposed development and application, how the applicant intends to meet the standards contained in this Development Code, and to receive public comment and encourage dialogue at an early time in the review process. No decision regarding the application will be made at the neighborhood meeting.

**B. Applicability**

A neighborhood meeting is recommended for any development proposal that will be subject to Planning Commission review. The neighborhood meeting is optional unless expressly stated otherwise in this Article 8 or required by the Director in his or her discretion.

**C. Notice of Neighborhood Meeting**

An applicant holding a neighborhood meeting is encouraged to provide mailed notice of the meeting in the same manner that would be required for public hearings on the application pursuant to Step 6 of the common development review procedures. Such notice is required if the neighborhood meeting is required by the Director or this Development Code. The applicant shall notify the Development Services Department in writing of the meeting date, time, and location no less than 14 days prior to the scheduled date of the meeting, if the meeting was required to be held by the Director or this Development Code. An affidavit certifying that the applicant completed the notice procedures under Step 6 shall be included with the development application submittal.

**D. Attendance at Neighborhood Meeting**

The applicant shall be responsible for scheduling the meeting, coordinating the meeting, and for retaining an independent facilitator if needed. The meeting shall be held prior to submittal of the subject development application. Attendance at the meeting by Development Services Department staff is not required and will be determined by the Director on a case-by-case basis.

**E. Summary of Neighborhood Meeting**

The applicant shall prepare and deliver a written summary of the neighborhood meeting to the Development Services Department within 30 days of the date of the meeting. The written summary shall be included in the staff report provided to the decision-making body at the time of the first public meeting to consider the application. The following information shall be included in the meeting summary, at a minimum: date, time, and location of the meeting; a copy of the meeting sign-in sheet, and a summary description of how the applicant has addressed or proposes to address the issues, concerns, and objections identified during the meeting.

**8.2.3. Step 3: Development Application Submittal**

**A. Application Packet**

The Director shall compile the requirements for application contents, forms, and fees and make such materials available to the public. The Director may amend and update the application materials from time to time.

**B. Form of Application**

Applications required under this Article shall be submitted in a form and in such number as required by the Director.

**C. Consolidated Development Applications and Review**

Multiple development applications for the same development proposal may be consolidated for submittal and review, if authorized by the Director and the application packets.

**D. Authority to File Applications**

1. Unless otherwise specified in this Development Code, applications for review and approval may be initiated by:
  - a. The owner of the property that is the subject of the application;
  - b. The owner's authorized agent; or
  - c. Any review or decision-making body.
2. When an authorized agent files an application under this Development Code on behalf of a property owner, the agent shall provide the Development Services Department with written documentation that the owner of the property has authorized the filing of the application.
3. When a review or decision-making body initiates action under this Development Code, it does so without prejudice toward the outcome.



**E. Development Review Fees**

**1. Recovery of Costs**

Development review fees are established to recover the costs incurred by the City in processing, reviewing, and recording development applications. The applicable development review fees are and shall be paid at the time of submittal of any development application.

**2. Development Review Fee Schedule**

The amount of the City's development review fees shall be established by the City Council and shall be based on the actual expenses incurred by or on behalf of the City.

**F. Waivers**

The Director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements where he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

**G. Additional Information**

Additional application-specific information, beyond that specified in the application packet, may be required by any decision-making body as necessary and appropriate to evaluate fully whether an application complies with the requirements of this Development Code.

**H. Citizen Participation Plan**

- 1.** Every application that requires a neighborhood meeting shall include a citizen participation plan that must be implemented prior to the first public hearing. The purpose of the citizen participation plan is to:
  - a.** Ensure that applicants pursue early and effective citizen participation in conjunction with the application, giving them the opportunity to understand and try to mitigate any real or perceived impacts their applications may have on the community;
  - b.** Ensure that the citizens and property owners of the City of Buckeye have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early state of the process, and
  - c.** Facilitate ongoing communication between the applicant and interested citizens and property owners, City staff, and elected officials throughout the application review process.
- 2.** The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.
- 3.** The citizen participation plan shall be submitted with the project application and shall include the following information at a minimum:

- a. Which residents of the City, adjacent property owners, interested parties who have submitted a request to the City to be notified of any rezoning pursuant to ARS §9-462.02, adjacent political jurisdictions, and public agencies with jurisdiction over the subject property may be affected by the application;
  - b. How those interested in and potentially affected by an applicant will be notified that an application has been made;
  - c. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application;
  - d. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;
  - e. The applicant's schedule for the completion of the citizen participation plan, and
  - f. How the applicant will keep the Planning Department informed on the status of their citizen participation efforts.
- 4. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined for the applicant after consultation with the Planning Department. At a minimum, the target area shall include the following:
  - a. Property owners within the public notice area required by Section 8.2.6 of the Development Code;
  - b. The head of any homeowners association or registered neighborhood within the public notice area;
  - c. Other interested parties who have requested that they be placed on the interested parties' notification list maintained by the Planning Department.
- 5. These requirements apply in addition to any notice provision required elsewhere in this Development Code.
- 6. Failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the municipality for which the notice was given.
- 7. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. Submittal of a citizen participation plan shall not occur until after the required pre-application meeting and consultation with the Planning Department staff. The foregoing notwithstanding, applicants are encouraged to engage in early communication with the public.

**I. Citizen Participation Report**

This section applies only when a citizen participation plan is required by this Development Code.

1. The applicant shall provide a written report on the result of their citizen participation effort prior to the notice of public hearing. This report will be attached to the Planning Department's staff report.
2. At a minimum, the citizen participation report shall include the following information:
  - a. Details of techniques the applicant used to involve the public, including:
    - (i) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
    - (ii) Content, dated mailed, and numbers of mailings including letters, meeting notices, newsletters and other publications;
    - (iii) Where residents property owners, and interested parties receiving notices, newsletters or other written material are located; and
    - (iv) The number of people that participated in the process.
  - b. A summary of concerns, issues and problems expressed during the process, including:
    - (i) The substance of the concerns, issues, and problems
    - (ii) How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
    - (iii) Concerns, issues and problems the applicant is unwilling or unable to address and why.

#### **8.2.4. Step 4: Determination of Application Completeness**

- A. After receipt of the development application, the Director shall determine whether the application is complete and ready for review.
- B. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Development Code. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet, and is accompanied by the applicable fee. A pre-application conference shall have been held, if required by this Development Code. The determination of completeness shall not be based upon the perceived merits of the application.
- C. If an application is determined to be incomplete, the Director shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a resubmittal.
- D. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees.

### 8.2.5. Step 5: Application Review and Report

After determining that a development application is complete, the Director shall refer the development application to the appropriate review agencies and planning staff, review the development application, and prepare a staff report. The staff report shall be made available for inspection and copying by the applicant and the public prior to the scheduled public hearing on the development application. The staff report shall indicate whether, in the opinion of the staff, the development application complies with all applicable standards of this Development Code. Conditions for approval may be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the development proposal.

### 8.2.6. Step 6: Notice

#### A. Content of Notices

Notice of all public hearings required under this Article shall, unless otherwise specified in this Development Code: (1) identify the date, time, and place of the public hearing, (2) if applicable, describe the property involved in the application by street address, or legal description, or a general description and nearest cross streets; (3) describe the nature, scope, and purpose of the proposed action; (4) indicate that interested parties may appear at the hearing and speak on the matter; and (5) indicate where additional information on the matter may be obtained. If the matter to be considered applies to territory in a high noise or accident potential zone as defined under state law, the notice shall include a general statement that the matter applies to property located in such an area.

#### B. Summary of Notice Requirements

The following Table 8.2-1 summarizes the notice requirements of the procedures in this Article.

TABLE 8.2-1: NOTICE REQUIREMENTS					
✓ = Notice Required					
Type of Application or Procedure	Section	Mailed	Published	Posted	Neighborhood Meeting
Amendment to General Plan/Specific Area Plan	8.3.	✓	✓	✓	✓
Amendment to Text of Development Code	8.4.	Mailed notice only required if covered by 8.2.6.D.2	✓		
Amendment to Zoning Map (Rezoning)	8.5.	✓	✓	✓	✓
Community Master Plan (CMP) and Planned Area Development (PAD)	8.6.	✓	✓	✓	✓
Conditional Use Permit	8.7.	✓	✓	✓	✓
Minor Subdivision	8.8.6.				
Subdivision: Preliminary Plat	8.8.7.				
Subdivision: Final Plat	8.8.8.				
Final Plat Re-Plat	8.8.9				
Map of Dedication	8.8.10				

TABLE 8.2-1: NOTICE REQUIREMENTS					
✓ = Notice Required					
Type of Application or Procedure	Section	Mailed	Published	Posted	Neighborhood Meeting
Site Plan: Administrative Review	8.9.3.				
Site Plan: Planning Commission Review	8.9.4.				
Temporary Use Permit	8.10.				
Variance	8.11.	✓ <sup>1</sup>	✓	✓	
Appeal of Administrative Decisions	8.13.		✓	✓	
Annexation	8.16		✓	✓	
<b>NOTE:</b> <sup>1</sup> Variances require a mailed notice to surrounding property owners within 150 feet of the subject property.					

### C. Mailed Notice

When Table 7.2-1 requires that mailed notice be provided, the applicant shall provide the Director with a current list of applicable property owners and organizations as listed below. The applicant shall deposit notices into first-class mail at least 15 days prior to the scheduled date of the hearing. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted. Written notice shall be provided by the applicant to all persons listed on the records of the County Assessor as owners of land subject to the application or as owners of the parcels within 300 feet of the outer boundary of the land subject to the application. For any rezoning of an area greater than 20 acres, General Plan amendments, and CMPs, the 300-foot requirement shall be 500 feet. The applicant shall provide a written "Affidavit of Mailing" to the Development Services Department certifying that all required notices were timely mailed.

### D. Published Notice<sup>3</sup>

1. If published notice is required by Table 8.2-1, the applicant shall publish notice in a newspaper of general circulation in the area. The notice shall be published at least 15, but no more than 45, days before the scheduled hearing date. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted. Any affidavit of publication provided by the newspaper shall be obtained by the applicant and given to the Development Services Department for their records.
2. If any application, proposed amendment, or proposed Minor Modification involves one or more of the following proposed changes or related series of changes,
  - a. A ten percent or more increase or decrease in the number of square feet or units that may be developed;
  - b. A ten percent or more increase or reduction in the allowable height of buildings;

<sup>3</sup> ORD. 14-14; 12/02/2014

- c. An increase or reduction in the allowable number of stories of buildings;
- d. A ten percent or more increase or decrease in setback or open space requirements; and/or
- e. An increase or reduction in permitted uses.

the City shall provide notice in accordance with A.R.S. §9-462.04 via one of the following methods, as per the Director's or their designee's discretion:

- f. Notice shall be sent by first class mail to each real property, as shown on the last assessment, whose real property is directly governed by the changes, or;
- g. Notices shall be included as inserts within utility bills or other mass mailings that periodically include notices or other informational or advertising materials, or;
- h. The City shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the City. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.

**E. Posted Notice**

Posted notice, if required by Table 8.2-1, shall be provided in the following manner: There shall be posting of at least two signs on the lot, parcel, or tract of land that is the subject of the application or proposed action by the City, and such signs shall remain on the property for a period of at least 15 days prior to the public hearing. All signs shall be removed no later than 10 days after the expiration of the above period. The applicant shall maintain the sign in good condition throughout the required posting period. The sign shall be posted in a prominent place, clearly visible from a major arterial street if the property abuts such an arterial street, or clearly visible from a collector street if the property abuts a collector street, or clearly visible to the most heavily traveled street or public way if the property does not abut an arterial or collector street.

**F. Constructive Notice**

1. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the decision-making body shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Development Code.
2. When the records of the City document the publication, mailing, and posting of notices as required by this section, it shall be presumed that notice was given as required by this section.

**8.2.7. Step 7: Public Hearing**

A public hearing, if required under this Development Code, shall be conducted in accordance with the procedures adopted by the City of Buckeye.

**8.2.8. Step 8: Decision and Findings**

**A. Decision**

After consideration of the application, the staff report, comments received from other reviewers (if applicable), and the evidence from the public hearing (if applicable), the decision-maker shall approve, approve with conditions, or deny the application based on its compliance with the applicable approval criteria, as described in Step 9 of the common development review procedures. Written notification of the decision shall be provided by the Director to the applicant. All decisions shall include:

1. A statement of approval, approval with conditions, or denial, whichever is appropriate; and
2. A statement of the basis upon which the decision was made.

**8.2.9. Step 9: Approval Criteria**

To approve a development application, the decision maker shall find that the development application has satisfied and followed the applicable requirements of this Article and meets all of the approval criteria required for the applicable development application, as set forth in subsequent sections of this Article.

**8.2.10. Step 10: Conditions of Approval**

The decision-maker may impose such conditions on the approval of the application as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the purpose and intent of the General Plan and this Development Code. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both nature and extent to the anticipated impacts of the proposed use or development. No conditions of approval, except for those attached to Variances or Minor Modification approvals, shall be less restrictive than the requirements of this Development Code.

**8.2.11. Step 11: Amendments to Permits or Other Forms of Approval**

**A. Minor Amendments**

Unless otherwise specified in this Article, minor amendments to any permit or other form of approval issued by the Director or the Planning Commission under this Article may be approved, approved with conditions, or denied administratively by the Director and may be authorized without additional public hearings. Such minor amendments may be authorized by the Director as long as the development approval, as so amended, continues to comply with the standards of this Development Code, at least to the extent of its original compliance (so as to preclude any greater deviation from the standards of this Development Code by reason of such amendments). Minor amendments shall consist of any of the following:

1. Any change to any permit or other form of approval that was originally subject only to administrative review and was approved by the Director, provided such change would not have disqualified the original application from administrative review had it been requested at that time; and provided

that the minor amendment does not result in an increase of more than ten percent in the amount of square footage of a land use or structure and does not result in a change in the types of uses in the project.

2. Any change to any permit or other form of approval that was originally subject to final review by the Planning Commission and was approved by the Planning Commission, provided that:
  - a. The minor amendment does not result in an increase in the approved number of dwelling units;
  - b. The minor amendment does not result in an increase in the amount of square footage of a non-residential land use or structure;
  - c. The minor amendment does not result in a change in the housing mix or use mix ratio; and
  - d. The minor amendment does not result in a change in the character of the development.
3. In either 1. or 2., the Director may refer the amendment to the Planning Commission and, if so referred, the decision of the Planning Commission shall constitute a final decision, subject only to appeal as provided under applicable law.

**B. Major Amendments**

Unless otherwise specified in this Article, amendments to any permit or other form of approval that are not determined by the Director to be minor amendments under the criteria in subsection A. shall be deemed major amendments. Major amendments shall be reviewed and processed in the same manner as required for the original application for which amendment is sought.

**8.2.12. Step 12: Lapse**

If applicable, the lapse of approval time frames established by the procedures of this Development Code may be extended only when all of the following conditions exist:

- A. The provisions of this Development Code must expressly allow the extension;
- B. An extension request must be filed prior to the applicable lapse-of-approval deadline;
- C. The extension request must be in writing and include justification; and
- D. Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval (the one being extended).

...

**8.8. SUBDIVISION**

**8.8.1. Purpose**

The purpose of the subdivision review process is to ensure compliance with the subdivision standards and requirements in Article 6, *Land Subdivision*, while encouraging quality development consistent with the goals, policies, and objectives in the City's General Plan.



### **8.8.2. Applicability**

- A.** The procedures of this Section 8.8, and the standards and requirements in Article 6, Land Subdivision, shall apply to all land divisions as defined in Article 6, Subdivision and Article 10, Definitions of this Development Code, including any subdivisions or re-subdivisions created by an exercise of the power of eminent domain by an agency of the state or City, unless specifically excluded by state law.
- B. Administrative Review**

The following types of subdivisions may be approved by the director through the administrative review process.

  - 1. Land Splits.
  - 2. Minor subdivisions which do not include right-of-way.
- C. Planning Commission Review**

The following types of subdivisions shall require final review by the Planning Commission:

  - 1. Preliminary Plats.
- D. City Council Review**

The following types of subdivisions shall require final review by the City Council:

  - 1. Final Plats.
  - 2. Minor Subdivisions which include right-of-way dedications.
  - 3. Maps of Dedications.
  - 4. Abandonment of right-of-way.
- E. Pending Applications**

An applicant with a complete application that has been submitted for review, but upon which no final action has been taken prior to the effective date of this ordinance (Ord. xx-15) may request review under this ordinance by written letter to the director.

### **8.8.3. Subdivision Approval is Prerequisite to Other Approvals**

No building permit or certificate of occupancy may be issued for any building, structure, or improvement located within a subdivision, and no plat for a subdivision may be recorded, until a plan for the subdivision has been approved and all required dedications of land have been made and all required improvements have been installed or financial assurances have been accepted in accordance with the procedures and requirements of this Development Code.

### **8.8.4. Restriction on Sale or Transfer of Subdivided Land Without Approved Plat**

Any person who transfers or sells any land located within the City by reference to a plat that has not been approved by the City and recorded by the appropriate County shall be guilty of a violation of this Development Code. Any person who transfers or sells land located within the City without meeting the applicable requirements of this Development

Code and A.R.S. Sections 9-463, 9-463.01, 9-463.02 and 9-463.03 shall be guilty of a violation of this Development Code.

**8.8.5. Existing Lots of Record**

No provision of this Section 8.8 or Article 6, *Land Subdivision*, applies to any lot in a subdivision legally created and filed of record before the effective date of this Development Code, unless any lot, parcel, or tract is further subdivided.

**8.8.6. Procedure for Review of Minor Subdivisions**

The procedure in this section shall apply to subdivisions that create ten or fewer lots or tracts, and land splits. The common development review procedures of Section 8.2 shall apply, with modifications as noted below.

**A. Step 1 (Pre-Application Conference)**

Not Applicable.

**B. Step 2 (Neighborhood Meeting)**

Not applicable.

**C. Step 3 (Development Application Submittal)**

Applicable.

**D. Step 4 (Determination of Application Completeness)**

Applicable.

**E. Step 5 (Staff Report)**

1. Land Split: Not applicable.
2. Minor Subdivision (no right-of-way dedication): Not applicable.
3. Minor Subdivision (with right-of-way dedication): Applicable.

**F. Step 6 (Notice)**

1. Land Split: Not applicable.
2. Minor Subdivision (no right-of-way dedication): Not applicable.
3. Minor Subdivision (with right-of-way dedication): Public Hearing notice is not required however, mailed notice of application is applicable and the following procedure shall apply:
  - a. Upon application, the applicant shall provide the Director with a map exhibit and current list of applicable property owners and organizations as listed below.
  - b. Written "Notice of Application" shall be provided by the applicant to all persons, agencies, organizations or associations listed on the records of the county assessor as owners of land subject to the application or as owners of the parcels within 300 feet of the outer boundary of the lands subject to the application via first class US mail. Written notice shall also be provided in the same manner to the City of Buckeye Planning Division.

- c. Notice shall be mailed within 15 days of the date of application. The applicant shall provide a written “Affidavit of Mailing” to the Development Services Department certifying that the notice of application was mailed in accordance with the requirements of this section.

**G. Step 7 (Public Hearings)**

Not applicable, however a City Council public meeting is required for minor subdivisions which include right-of-way dedications.

**H. Step 8 (Decision and Findings)**

Applicable. The following additional procedures shall apply:

**1. Review and Decision**

The final decision body shall review each proposed land split or minor subdivision in light of the applicable approval criteria in Step 9 and shall act to approve, approve with conditions, or deny the proposed minor subdivision.

**I. Step 9 (Approval Criteria)**

Applicable, as follows: The final decision body shall approve a minor subdivision or land split application if it meets the following criteria:

1. The minor subdivision or land split is consistent with and implements the intent of the specific zoning district in which it is located and complies with all applicable use, development, and design standards set forth in this Development Code;
2. As applicable, the minor subdivision or land split is consistent with the terms and conditions of any previously approved CMP; and
3. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development.

**J. Step 10 (Conditions of Approval)**

Applicable.

**K. Step 11 (Amendments)**

Applicable.

**L. Step 12 (Lapse)**

Not applicable.

**8.8.7. Procedure for Review of Preliminary Plats**

The common development review procedures of Section 8.2 shall apply, with modifications as noted below.

**A. Step 1 (Pre-Application Conference) (Sketch Plan)**

Applicable, as follows: A sketch plan shall be submitted to the Director staff on a form contained in the application packet. A sketch plan represents a generalized land use plan and layout for the area proposed to be included within a subdivision.

It is a mandatory step that allows early, informal evaluation of a proposed subdivision before detailed planning and engineering work is undertaken and substantial expenses are incurred. At a minimum, the sketch plan shall contain the following information:

1. Uses proposed;
2. Intensity or density of uses proposed;
3. Location of public and private open space;
4. Drainage facilities;
5. All public and private road, street, and pedestrian networks proposed; and
6. Existing or proposed utilities and public services for the development.

**B. Step 2 (Neighborhood Meeting)**

Optional at the applicant's or Director's discretion.

**C. Step 3 (Development Application Submittal)**

Applicable.

**D. Step 4 (Determination of Application Completeness)**

Applicable.

**E. Step 5 (Staff Report)**

Applicable.

**F. Step 6 (Notice)**

Public Hearing notice is not required however, mailed notice of application is applicable and the following procedure shall apply:

1. Upon application, the applicant shall provide the Director with a map exhibit and current list of applicable property owners and organizations as listed below.
2. Written "Notice of Application" shall be provided by the applicant to all persons, agencies, organizations or associations listed on the records of the county assessor as owners of land subject to the application or as owners of the parcels within 300 feet of the outer boundary of the lands subject to the application via first class US mail. Written notice shall also be provided in the same manner to the City of Buckeye Planning Division.
3. Notice shall be mailed within 15 days of the date of application. The applicant shall provide a written "Affidavit of Mailing" to the Development Services Department certifying that the notice of application was mailed in accordance with the requirements of this section.

**G. Step 7 (Public Hearings)**

Public meeting is required.

**H. Step 8 (Decision and Findings)**

Applicable. The following additional procedures shall apply for all applications:

**1. Public Hearing or Public Meeting by Planning Commission**

- a. A copy of the preliminary plat filed with the City shall be available for public viewing during regular business hours. Anyone may submit written comments recommending approval or denial of the preliminary plat, stating the reasons therefore, to the Planning Commission on or before the date for the public hearing or meeting.
- b. The Planning Commission shall hold a public hearing or meeting on the preliminary plat and shall consider staff recommendations and any comments received from the referral entities and make a final decision, based on the criteria in Step 9.

**2. Effect of Approval**

Approval of a preliminary plat shall be deemed an expression of approval to the layouts submitted on the preliminary plat as a guide for the future installation of streets, water, sewer, and other required improvements and utilities and to the preparation of the final or record plat. Except as provided for in this section, approval of the preliminary plat shall constitute permission to submit a final plat when all conditions of approval noted as provided in this section have been met.

**3. Construction Work**

No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat. The subdivider may undertake certain ground excavations for grading and drainage purposes if the proper permits are issued by the Director, at the subdivider's risk.

**4. Appeal to the City Council**

Appeals of decisions made by the Planning Commission under this Section shall be made to the City Council and scheduled as a Public Hearing. No neighborhood meeting shall be required prior to the hearing, however all other notification requirements in Section 8.2.6 shall apply. City Council decision of Planning Commission site plan appeals shall be final.

**I. Step 9 (Approval Criteria)**

Applicable, as follows: A preliminary plat may be approved only if the Planning and Zoning Commission finds that all of the following criteria have been met:

1. The subdivision is consistent with the General Plan.
2. The subdivision is consistent with and implements the intent of the specific zoning district(s) in which it is located.
3. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to meet the City's standards related to health and safety and in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Development Code.

4. The subdivision complies with all applicable use, development, and design standards set forth in this Development Code that have not otherwise been modified or waived pursuant to this Article 8. Applicants shall refer to the dimensional standards in Article 4 and the development standards in Article 5 of this Development Code and shall implement them in the layout of the subdivision in order to avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
5. The plat complies with all requirements set forth in Article 6, *Land Subdivision*, of this Development Code.
6. The subdivision complies with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.
7. The subdivision will not result in adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.
8. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.
9. The subdivision will not result in adverse impacts on adjacent properties, or such impacts will be substantially mitigated.
10. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, schools, and fire stations are or may be available to serve the subject property, while maintaining sufficient levels of service to existing development.
11. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capability.

**J. Step 10 (Conditions of Approval)**

Applicable.

**K. Step 11 (Amendments)**

Applicable.

**L. Step 12 (Lapse)**

1. Approval of a preliminary plat shall be effective for two years, unless otherwise stated in such approval.
2. For a preliminary plat which identifies phases, the preliminary plat shall be effective for two years. For each preliminary plat phase in which a final plat is recorded, the effective period of the approved preliminary plat shall be extended an additional two years from the recording date of the final plat.

3. This validity period may be administratively extended an additional 12 months from the date of expiration if, in the opinion of the director, satisfactory progress has been made towards the completion of the final plat for the next phase of subdivision development.
4. Failure by the applicant to request a time extensions or obtain building permits prior to the expiration of the preliminary plat shall render the unbuilt portion of the preliminary plat null

#### **8.8.8. Procedure for Review of Final Plats**

The common development review procedures of Section 8.2, *Common Development Review Procedures*, shall apply, with modifications as noted below.

**A. Step 1 (Pre-Application Conference)**

Not applicable.

**B. Step 2 (Neighborhood Meeting)**

Not applicable.

**C. Step 3 (Development Application Submittal)**

Applicable.

**D. Step 4 (Determination of Application Completeness)**

Applicable.

**E. Step 5 (Staff Report)**

Applicable.

**F. Step 6 (Notice)**

Not applicable.

**G. Step 7 (Public Hearings)**

Not applicable, however the City Council shall hold a public meeting for consideration of the request.

**H. Step 8 (Decision and Findings)**

Applicable. The following additional procedures shall apply:

**1. Director's Review and City Council Decision**

The Director and staff shall review each proposed final plat application in light of the applicable approval criteria in Step 9. All construction plans for subdivision-related public improvements shall be referred to the City Engineer for review and approval. Based on the results of those reviews, the Director shall recommend the City Council approve, approve with conditions, or deny the proposed final plat. If the Director finds that the final plat submittal documents do not comply with the applicable requirements of this Development Code, the Director may refer it back to the applicant for modification or further study.

**2. Effect of Approval**

Following the approval of a final plat, which shall have all permitted modifications, waivers, or variances expressly noted thereon, the final plat

shall be signed by the Director, the City Engineer, the Mayor and City Clerk. The final plat shall then be recorded no later than 10 days after the final plat is executed by the City.

**3. Acceptance of Dedications**

Execution of the approved final plat shall constitute the City's preliminary acceptance of any public dedication, subject to an improvements guarantee.

**4. Improvements Guarantee**

The subdivider shall provide any required guarantees and warranties required by Article 6, *Land Subdivision*, to the City Clerk prior to the recording of the plat. For a period of two years after receipt of an acceptance letter from the City, the applicant shall guarantee the conditions of all public facilities and be responsible for the structural maintenance and the repair of any defects that may emerge during that period. Ownership and maintenance of those areas not formally accepted shall be the responsibility of the applicant or a private association. At the end of two years, the applicant shall petition the City for formal final release from the responsibility for the improvements. The City shall then inspect the improvements and determine whether the applicant has met the conditions specified in the preliminary acceptance. If conditions have been met, the City shall release the applicant from responsibility for the improvements. Upon final acceptance, it shall be the City's responsibility to maintain and repair all such improvements, unless stated otherwise on the final plat or within any development agreement recorded in connection with the development.

**I. Step 9 (Approval Criteria)**

Applicable, as follows: The City Council shall approve a final plat if it meets the following criteria:

1. The final plat substantially conforms to the approved preliminary plat and incorporates all recommended changes, modifications, and conditions attached to approval of the preliminary plat.
2. Plans and specifications for improvements connected with development of the subdivision comply with the standards in Article 6, *Land Subdivision*, of this Development Code, and any other relevant City, county, state, or federal regulations, except to the extent modifications, variances, or exceptions have been expressly allowed by the terms of the preliminary plat approval. All construction plans for improvements shall be approved by the City Engineer prior to the City Council's action on the final plat.
3. The applicant has paid or satisfied all applicable fees and charges, including recording fees.

**J. Step 10 (Conditions of Approval)**

Applicable.

**K. Step 11 (Amendments)**

Applicable, with the following additional provisions:



**1. Corrective Plat (Minor Amendment)**

The Director may approve minor amendments to approved plats, which shall be recorded and shall control over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and the sole purpose of the amending plat is to:

- a. Correct an error in a course or distance shown on the preceding plat;
- b. Add a course or distance that was omitted on the preceding plat;
- c. Correct an error in a real property description shown on the preceding plat;
- d. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- g. Correct an error in courses and distances of lot lines between two adjacent lots if:
  - (i) Both lot owners join in the application for amending the plat;
  - (ii) Neither lot is abolished;
  - (iii) The amendment does not attempt to remove recorded covenants or restrictions; and
  - (iv) The amendment does not have a material adverse effect on the property rights of the owners in the plat;
  - (v) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
  - (vi) Relocate one or more lot lines between one or more adjacent lots if all of the following have been met:
    - (1) The owners of all those lots join in the application for amending the plat;
    - (2) The amendment does not attempt to remove recorded covenants or restrictions; and
    - (3) The amendment does not increase the number of lots.

Notice, a public hearing, and the approval of other lot owners shall not be required for the approval and issuance of a minor amending plat. Minor amendments shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a revised plat certified by a land surveyor licensed with the State of Arizona, and shall be filed with the appropriate County Clerk and Recorder.

**L. Step 12 (Lapse)**

Not applicable.

#### **8.8.9. Procedure for Subdivision Final Plat Re-Plat**

All the procedures for a final plat shall be applicable. The following applications shall qualify for Final Plat Re-Plat review:

- A. Up to 10 percent change in the overall density of the plat;
- B. Shifts in internal lot lines provided the new lot sizes conform to the minimum zoning district standards; and
- C. Any application that, in the Directors opinion, does not cause a fundamental change in the overall function of the plat.

#### **8.8.10. Procedure for Map of Dedication**

All the procedures for a final plat shall be applicable, with the following modifications:

- A. A preliminary plat is not a prerequisite for a map of dedication.
- B. Tracts and parcels shall not be created by a map of dedication.

### **8.9. SITE PLAN REVIEW**

#### **8.9.1. Purpose**

The site plan review process is intended to ensure compliance with the development and design standards of this Development Code and to encourage quality development reflective of the goals, policies, and objectives of the General Plan. For land uses requiring a site plan review, such uses may be established in the City, and building or land use permits may be issued, only after a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this Section 8.9.

#### **8.9.2. Applicability**

##### **A. Exemptions**

The following types of projects are exempt from site plan review:

- 1. Single-family detached or duplex dwelling;
- 2. Tenant improvements in which the existing building is not expanded.

##### **B. Administrative Site Plan Review**

The following types of projects may be approved by the Director through the administrative site plan review process:

- 1. A single or combination of uses proposed in one or more structures that are less than 75,000 square feet in aggregate building area.
- 2. A single or combination of uses proposed not within structures which occupy less than 150,000 square feet of aggregate outdoor use area.
- 3. Antenna co-location on existing tower; non-concealed freestanding towers; and concealed antennae and towers

4. Any proposed development which contains any combination of the above classified types of projects.

**C. Planning Commission Site Plan Review**

The following types of projects shall require site plan review by the Planning Commission:

1. Any proposed development which is not classified as administrative site plan review.
2. Any Administrative Site Plan referred to the Planning Commission by the Director.

**D. Pending Applications**

An applicant with a complete application that has been submitted for review, but upon which no final action has been taken prior to the effective date of this ordinance (Ord. 3-15) may request review under this ordinance by written letter to the director.

**8.9.3. Procedure for Administrative Site Plan Review**

The common development review procedures of Section 8.2 shall apply, with modifications as noted below.

**A. Step 1 (Pre-Application Conference)**

Not applicable.

**B. Step 2 (Neighborhood Meeting)**

Not applicable.

**C. Step 3 (Development Application Submittal)**

Applicable.

**D. Step 4 (Determination of Application Completeness)**

Applicable.

**E. Step 5 (Staff Report)**

Applicable.

**F. Step 6 (Notice)**

Public Hearing notice is not required however, mailed notice of application is applicable and the following procedure shall apply:

1. Upon application, the applicant shall provide the Director with a map exhibit and current list of applicable property owners and organizations as listed below.
2. Written "Notice of Application" shall be provided by the applicant to all persons, agencies, organizations or associations listed on the records of the county assessor as owners of land subject to the application or as owners of the parcels within 300 feet of the outer boundary of the lands subject to the application via first class US mail. Written notice shall also be provided in the same manner to the City of Buckeye Planning Division.

3. Notice shall be mailed within 15 days of the date of application. The applicant shall provide a written "Affidavit of Mailing" to the Development Services Department certifying that the notice of application was mailed in accordance with the requirements of this section.

**G. Step 7 (Public Hearings)**

Not applicable.

**H. Step 8 (Decision and Findings)**

Applicable. The following additional procedures shall apply:

1. **Action by Director**

The Director shall review each administrative site plan application and distribute the application to other reviewers as he or she deems necessary. Based on the results of those reviews, the Director shall take final action on the application and approve, approve with conditions, deny, or defer decision on the application based on the applicable approval criteria below.

2. **Referral to Planning Commission**

The Director may refer any site plan application to the Planning Commission for Planning Commission review and approval. For any referral, the review procedures for planning commission site plan review shall be applicable.

3. **Appeal to the Planning Commission**

Appeals of decisions made by the Director under this Section shall be made to the Planning Commission and scheduled as a public hearing. No neighborhood meeting shall be required prior to the hearing, however all other notification requirements in Section 8.2.6 shall apply. Planning Commission decision of administrative site plans shall be final.

**I. Step 9 (Approval Criteria)**

Applicable, as follows: A site plan approval constitutes authorization for the applicant to proceed with the preparation of final civil improvement plans, reports and building plans. A site plan may be approved upon a finding that the application meets all of the following criteria:

1. The site plan is consistent with the General Plan;
2. The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable;
3. The site plan complies with all applicable development and design standards set forth in this Development Code; and
4. The development proposed in the plan and its general location is or will be compatible with the character of surrounding land uses.

**J. Step 10 (Conditions of Approval)**

Applicable.

**K. Step 11 (Amendments)**

Applicable, with the following modification: The director may approve the following amendments to approved site plans as "minor":

1. Changes in street alignment if such changes further the intent of the General Plan and this Development Code and are acceptable to the City Engineer.
2. Changes in building floor area, lot coverage, siting, and similar provisions of 10 percent or less.
3. Changes in landscaping, sign placement, lighting fixtures, etc. to further the intent of the General Plan and this Development Code.

**L. Step 12 (Lapse)**

Applicable, as follows:

1. The site plan shall be effective for a period of two years from the date of approval, unless stated otherwise in such approval. The Director may grant a one-time extension of 12 months upon written request of the applicant prior to the expiration of the site plan.
2. Written request for extensions not conforming to the above may be granted by the Planning Commission. The Commission shall hold a public meeting and may modify, add, or remove conditions as part of an extension request.
3. Failure by the applicant to request a time extensions or obtain building permits prior to the expiration of the site plan shall render the unbuilt portion of the site plan null and void. The submittal, review, and approval of a revised site plan and fees shall be required prior to obtaining a building permit.

**8.9.4. Procedure for Planning Commission Site Plan Review**

The common development review procedures of Section 8.2 shall apply, with modifications as noted below.

**A. Step 1 (Pre-Application Conference)**

Applicable.

**B. Step 2 (Neighborhood Meeting)**

Not Applicable.

**C. Step 3 (Development Application Submittal)**

Applicable.

**D. Step 4 (Determination of Application Completeness)**

Applicable.

**E. Step 5 (Staff Report)**

Applicable.

**F. Step 6 (Notice)**

Public Hearing notice is not required however, the procedures of Section 8.9.3.F shall apply.

**G. Step 7 (Public Hearing)**

A public hearing is not applicable; however the Planning Commission shall hold a public meeting for consideration of the request.

**H. Step 8 (Decision and Findings)**

Applicable. The following additional procedures shall apply:

**1. Planning Commission's Review, Hearing, and Decision**

The Planning Commission shall hold a Public Meeting on the proposed application and approve, approve with conditions, or deny the proposed site plan, based on the applicable approval criteria in Step 9.

**2. Appeal to the City Council**

Appeals of decisions made by the Planning Commission under this Section shall be made to the City Council and scheduled as a Public Hearing. No neighborhood meeting shall be required prior to the hearing, however all other notification requirements in Section 8.2.6 shall apply. City Council decision of Planning Commission site plan appeals shall be final.

**I. Step 9 (Approval Criteria)**

Applicable. A site plan may be approved upon a finding that the application meets all of the approval criteria set forth above under Section 8.9.3.I. *Approval Criteria* for administrative site plans.

**J. Step 10 (Conditions of Approval)**

Applicable.

**K. Step 11 (Amendments)**

Applicable.

**L. Step 12 (Lapse)**

Applicable. See Section 8.9.3.L. for the applicable lapse provisions for all site plans.