

CHAPTER 48 LAND DIVISIONS

ARTICLE I. LAND DIVISION REGULATIONS

Sec. 48-1. Purposes.

The purposes of this chapter are to:

- (a) Provide for the orderly growth and harmonious development within the City;
- (b) Ensure adequate traffic, transit, and non-vehicular circulation through coordinated Street systems with relation to major thoroughfares, adjoining land, and public facilities, including provisions for bicycle and pedestrian ways;
- (c) Achieve individual Lots of reasonable utility;
- (d) Achieve safe and functional residential and commercial developments;
- (e) Secure adequate provisions for water supply, drainage, wastewater collection and treatment, and other health requirements;
- (f) Ensure consideration of adequate sites for schools, recreation areas, and other public facilities;
- (g) Ensure the provision of all infrastructure and Rights-of-Way to support the proposed Land Division and future development that relies on such infrastructure and Rights-of-Way;
- (h) Promote the conveyance of land by accurate legal description;
- (i) Assure conformity to City, state, and federal statutes, ordinances, regulations, plans, standards, and policies;
- (j) Operate in conjunction with codes and regulations relating to fire and building safety, health, and sanitation, flood control and drainage, transportation and traffic control, solid and hazardous waste, and pollution control to promote and protect the public health and safety; and
- (k) Provide logical, efficient procedures for the achievement of these purposes.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-2. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context indicates otherwise:

- (a) *Alley* means a public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.
- (b) *Certificate of Correction* means a document to affect minor changes to a Land Division.

- (c) *City* means the City of Scottsdale, Arizona.
- (d) *Condominium* means the same as is defined in A.R.S. § 33-1202 or any successor statute. A Condominium may be a cooperative, community apartment, townhouse, non-residential development, timeshare, hotel with unit ownerships, or similarly owned project.
- (e) *Controlled Access* means an entryway with a guard house, gate, or other means of limiting entrance to authorized persons.
- (f) *Easement* means a legal right to use land of another for designated purposes.
- (g) *Engineering Plan* means plans, profiles, studies, cross sections, and other required details for the construction of all Public Improvements.
- (h) *General Manager* means the City department head whose responsibilities include planning and development functions or their designee.
- (i) *General Plan* means a comprehensive plan, or part thereof, and all amendments, providing for the future growth and development of the City, adopted by the City council and ratified by the voters.
- (j) *Land Division* means any method of creating or recreating independently identifiable Lots, Tracts, units, common elements, Easements, and public, private, or new Streets.
- (k) *Lot* means a piece of land with defined legal boundaries by Recorded Plat that meets all of the property development standards of the applicable zoning district.
- (l) *Map of Dedication* and *Map of Release* means a map used to dedicate or release, respectively, one (1) or more public Easements.
- (m) *Owner* means a person or entity with recorded legal title to one (1) or more Lots, Parcels, Tracts, or properties.
- (n) *Parcel* means unplatted land typically described by metes and bounds, which may be platted into Lots, Tracts, or Streets.
- (o) *Plat* means a map of a Land Division.
 - (1) *Preliminary Plat* means a preliminary map of a proposed Subdivision, including supporting data, prepared in accordance with this chapter.
 - (2) *Final Plat* means a map of a Land Division prepared by a registered land surveyor in accordance with this chapter.
 - (3) *Recorded Plat* means a Final Plat bearing all of the signatures of approval required by this chapter and legally recorded in the Maricopa County Recorder's Office by the City.

- (p) *Public Improvements* means all infrastructure and facilities required or accepted by the City to serve public uses, including, but not limited to, Streets, trails, storm and sanitary sewers, drainage, irrigation, flood control, recreation, landscaping, water, and other public Utilities.
- (q) *Right-of-way* means land which by deed, conveyance, agreement, Easement, dedication, patent, reservation, usage, or process of law is intended for use by the public for Street, highway, Alley, pedestrian access, Utilities, or drainage purposes.
- (r) *Subdivider* means:
 - (1) The Owner of a property; or
 - (2) An authorized agent of the Owner.
- (s) *Subdivision* means the division of any land for financing, sale, lease, or development if new Public Improvements are required, or if Public Improvements or zoning compliance is of technical concern. Subdivision does not mean:
 - (1) The sale or exchange of land to or between adjoining landowners if such sale or exchange does not create additional Lots;
 - (2) The partitioning of land in accordance with state statutes regulating the partitioning of land in common ownership;
 - (3) The leasing of apartments, offices, stores, or similar space in a building or trailer park; and
 - (4) The leasing of mineral, oil, or gas rights.
- (t) *Street* means any Right-of-way or Tract used for vehicle passage and which may also include facilities for pedestrian access, Utilities, or drainage, whether improved, accepted for maintenance by the City, or shown on a Recorded Plat or other document.
 - (1) *Private Street* means any Street contained within a Tract and not intended for public use.
 - (2) *Public Street* means any Street that is intended for public use.
- (u) *Tract* means a commonly owned and independently identifiable area of land described in a Recorded Plat, typically provided for common purposes such as Streets, drainage, or open space.
- (v) *Utilities* means all installations, equipment, and facilities furnishing public services such as electricity, gas, communications, water, drainage, sewage disposal, or flood control.
- (w) *Zoning Ordinance* means the Zoning Ordinance adopted by the City.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-3. Compliance with this chapter.

- (a) No person shall sell or lease, offer for sale or lease, or exchange any Subdivision or part thereof until a Final Plat thereof, in full compliance with provisions of this chapter, is recorded in the office of the Maricopa County Recorder.
- (b) No person shall create a Lot, Tract, or Parcel; assemble Lots, Tracts, or Parcels; or adjust a Lot, Tract, or Parcel line within the City without a Recorded Plat. The City may require a site plan or other document showing the development potential of any Land Division.
- (c) The City shall not recognize or issue permits on Lots, Tracts, or Parcels created by procedures other than those set forth in this chapter.
- (d) The City shall issue a building permit for construction on any Lot, Tract or Parcel only after the City has received a copy of the recorded document showing that the Lot, Tract or Parcel was created in conformance with all applicable laws.
- (e) No public hearing or meeting shall be required for determination of compliance with this chapter.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-4. Conformity with rules.

- (a) Each Land Division and each change to a Land Division shall conform with:
 - (1) All applicable statutes, rules, and regulations of the United States Government, the State of Arizona, and Maricopa County;
 - (2) The Zoning Ordinance, and all applicable ordinances, regulations, standards, and policies of the City;
 - (3) The General Plan and all other land use, transportation, utility, and other plans adopted by the City council;
 - (4) All intergovernmental and other agreements adopted by the City council; and
 - (5) All master plans applicable to the Land Division.
- (b) At each stage of any Land Division procedure, the Subdivider shall comply with the statutes, rules, regulations, ordinances, plans, and policies referred to in this section.
- (c) The documents submitted at each stage of a Land Division shall conform to the statutes, rules, regulations, ordinances, plans, standards and policies in effect when the documents are submitted to the City.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-5. Reserved.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-6. Lands for Public Improvements.

- (a) Where a Land Division contains all or part of a park, recreation area, school, or fire station as shown on the General Plan, in a City council-approved master plan, or as stipulated in connection with a zoning map amendment, such site shall be dedicated in fee to the City or other public agency or reserved for acquisition by the City or other public agency. The reservation shall be recorded before or with the recordation of the Final Plat. The acquisition of the site shall be in conformance with state statutes.
- (b) Where a Land Division includes land to be used for Streets, trails, storm and sanitary sewers, drainage, irrigation, flood control, recreation, landscaping, water, and other Public Improvements, the City may require the Owner to dedicate the land, in fee, for such Public Improvements on the Recorded Plat.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-7. General requirements and limitations.

- (a) If the City determines that a zoning map amendment is required, the Owner shall obtain the amendment before receiving approval of any Land Division document.
- (b) Until a Final Plat is recorded, the City may require a Subdivider to provide additional information or make revisions at any time during the Land Division process.
- (c) Until a Final Plat is recorded, approval at any stage of a Land Division procedure does not assure:
 - (1) Acceptance of Right-of way dedications,
 - (2) Approval at the next stage of the Land Division procedure,
 - (3) Authorization to record a Final Plat, or
 - (4) Issuance of any permits.
- (d) Lots created after January 1, 2026, shall have frontage on and access to a public Street or Private Street.
- (e) Each Private Street may provide Controlled Access to and from a public Street.
- (f) Each proposed Lot, Tract, and Parcel shall contribute its proportionate share to Public Improvements and bear the cost of Public Improvements for the proposed Lot, Tract, and Parcel. The City may require the Subdivider to provide, within a specific time, on-site and off-site Public Improvements.
- (g) All land dedicated to or released by the City shall be dedicated or released in a form acceptable to the City attorney.

- (h) The City may designate land as unsuitable for division because of periodic flooding, unstable soils, irregular topography, or other conditions that compromise the public health, safety, and welfare.
- (i) A land surveyor registered in Arizona shall seal each Land Division document and certify that the Land Division document is accurate and that any monuments have been set as described.
- (j) An engineer registered in Arizona shall prepare and seal each Engineering Plan and certify that the Engineering Plan is in conformance with Sec. 48-4 of this chapter
- (k) The City shall record all final documents reflecting approved Land Divisions as set forth in this chapter and only after all applicable stipulations have been satisfied by the Subdivider, as determined by the City.
- (l) After recording, any change to a Land Division document is subject to City review and approval.
- (m) Before the City accepts the Public Improvements and releases any assurance, the Owner shall submit to the City as-built plans for the Public Improvements in any Rights-of-way or Tracts in the Land Division.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-8. Interpretation of chapter.

The General Manager shall interpret this chapter.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-9. Fees generally.

- (a) The fee for submission of any document shall be due and payable at the time the document is submitted.
- (b) The Subdivider shall pay the applicable fee at each stage of the Land Division procedure, which fees shall be as set forth on the fee schedule most recently adopted prior to the submission of the document to the City.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-10. Deadlines and expirations.

- (a) Each Land Division procedure includes expiration dates.
- (b) The Subdivider shall diligently pursue the proposed Land Division. The Subdivider shall keep apprised of applicable deadlines and expirations.
- (c) No extension of a deadline or expiration date shall be granted by the City unless the Subdivider submits a written request for the extension before the deadline or expiration

date. The City may grant one (1) extension upon a showing of good cause for a period not to exceed twelve (12) months from the expiration date.

- (d) If a Subdivider wishes to proceed after a deadline has passed or a submittal has expired, the Subdivider shall restart the Land Division procedure and pay the fees that are applicable to the procedure at the time of renewal.

(Ord. No. 3743, § 1, 8-21-07)

Sec 48-11. Submittals.

- (a) The City shall assign a review number to each Land Division submittal and check each for completeness. If the City determines a submittal is incomplete as to its written requirements, the City shall reject the submittal and notify the Subdivider.
- (b) The City shall make available to the public its review timeframes for submittals in each stage of the Land Division procedure.

Secs. 48-12 through 48-14. Reserved.

ARTICLE II. LAND DIVISION PROCEDURES

DIVISION 1. TYPES OF PROCEDURES

Sec. 48-15. These are the procedures applicable to the division of land:

- (a) Pre-application conference
- (b) Preliminary Plat
- (c) Final Plat
- (d) Engineering plan
- (e) Certificate of Correction

(Ord. No. 3743, § 1, 8-21-07)

Sec 48-16. Pre-application conference.

- (a) Anyone may request a pre-application conference with the City.
- (b) The City shall schedule the requested pre-application conference and meet with the requestor to discuss the general outline of the proposal, including but not limited to:
 - (1) Sketch plans and ideas regarding Street and Lot arrangement and tentative Lot sizes; and

- (2) Tentative proposals regarding water supply, sewage disposal, surface drainage, and Street improvements.
- (c) During the pre-application conference, the City may make suggestions to the requestor regarding procedural steps, design and improvement standards, and general Plat requirements. Any suggestions made by the City during a pre-application conference are not binding on the City.
- (d) After the pre-application conference, the City shall provide an application for the next procedure to be undertaken in the Land Division process.

Sec 48-17. Preliminary Plat.

- (a) Only Subdivisions shall require City Preliminary Plat approval as a condition of Final Plat submittal.
- (b) The Subdivider of a Subdivision shall submit a Preliminary Plat application which shall address at least the following:
 - (1) Site plans for commercial developments;
 - (2) Development master plan and Plat for large complex projects due to its size,
 - (3) Multiple ownership, or phased construction;
 - (4) Utility reports and preliminary Engineering Plans addressing water supply, sewage disposal, surface drainage and retention, and Street improvements;
 - (5) Lotting;
 - (6) Zoning; and
 - (7) Location, width, and use of Rights-of-way.
- (c) Upon determination of completeness of Preliminary Plat submission, the City shall review the submittal for compliance with public objectives.
- (d) If the City determines that the Preliminary Plat and its supporting documents conform with Sec. 48-4, then:
 - (1) The City shall approve the Preliminary Plat;
 - (2) The City shall notify the Subdivider in writing of the Subdivider's right to submit Final Plat and Engineering Plans; and
 - (3) The City may impose stipulations on Final Plat and or Engineering Plans and Public Improvements.

- (e) Preliminary Plat approvals are valid for thirty-six (36) months from the date of the City's written notification of the Subdivider's right to submit Final Plat and Engineering Plans to the date the Final Plat and Engineering Plans are submitted by the Subdivider.

Sec. 48-18. Final Plat.

- (a) A Subdivider shall submit a Final Plat submittal.
- (b) Upon completeness of Final Plat submittal, the City shall perform its review as follows:
 - (1) As to Subdivisions, for substantial conformity with Preliminary Plat and Engineering Plan approval including any written stipulations, and
 - (2) As to all other developments, for conformance with public objectives.
- (c) If the City approves the Final Plat:
 - (1) The City shall notify the Subdivider in writing of the Owner's right to electronically execute the City compliant Final Plat; and
 - (2) The City shall thereafter execute and record the approved Final Plat.
- (d) Final Plat approvals are valid for twelve (12) months from the date of the City's written notification of the Subdivider's right to electronically execute the City compliant Final Plat is valid.

Sec 48-19. Engineering plan.

- (a) A Subdivider shall prepare a complete Engineering Plan in accordance with Sec. 48-4 and submit it to the City.
- (b) Upon determination of completeness of the Engineering Plan submittal, the City shall perform its review for substantial conformity with the Preliminary Plat approval and any supporting documents and written stipulations.
- (c) The Subdivider may acquire the Engineering Plan permit upon the City's written notification of Engineering Plan approval and recordation of the Final Plat.
- (d) Engineering Plan approvals are valid for twelve (12) months from the date of the Subdivider's right to acquire the Engineering Plan permit.

Sec. 48-20. through 48-83. Reserved.

Sec. 48-84. Certificate of Correction.

- (a) If it is requested of or determined by City that a Final Plat is subject to a Certificate of Correction procedure, the Subdivider shall file a Certificate of Correction with the City.
- (b) The City may approve the Certificate of Correction as filed, return the Certificate of Correction for additional information or revision, or deny the Certificate of Correction.

(Ord. No. 3743, § 1, 8-21-07)

Secs. 48-85 through 48-99. Reserved.

ARTICLE III. PUBLIC IMPROVEMENTS; ASSURANCES

Sec. 48-100. Purpose.

The purpose of this article is to confirm the responsibility of the Owner to construct all Public Improvements required for approval of the Land Division. The purpose of a bond or other assurance is to assure timely and proper construction of Public Improvements by the Owner, or by a bonding company on behalf of the Owner, without expense to the City.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-101. Owner's responsibility for Public Improvements.

The Owner shall construct, at its sole expense, the Public Improvements required by the City for approval of any Land Division. All construction shall comply with approved improvement plans and all other applicable statutes, rules, regulations, ordinances, plans, and policies referred to in Sec. 48-4.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-102. Assurances.

- (a) To assure the timely and proper construction of the Public Improvements, before the City staff records any Land Division document, the Owner shall:
 - (1) Enter into an agreement with the City to construct the Public Improvements and to maintain and warrant the Public Improvements for at least one (1) year after the City accepts the completed Public Improvements; and
 - (2) Provide the City a cash deposit, letter of credit, or bond for constructing the Public Improvements.
- (b) The forms of all documents required to comply with this section shall be as approved by the City attorney.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-103. City options regarding incomplete Public Improvements.

- (a) The City shall not issue any building permit for any structure until all applicable Public Improvements have been constructed to the satisfaction of the City, inspected, and accepted.
- (b) If the Owner fails to timely and properly construct the Public Improvements as set forth in the agreement, the City may take any one or more of the following actions, at the Owner's expense:

- (1) Decline to process or issue building permits, occupancy clearances, or other regulatory approvals or inspections;
- (2) Complete, remove, and modify the Public Improvements in whole or in part;
- (3) Restore any disturbed land;
- (4) Bring action to enforce the Owner's responsibility under this chapter or under the agreement to construct the Public Improvements;
- (5) Bring action to enforce the assurance to construct the Public Improvements; and
- (6) Otherwise mitigate the effects of the Owner's failure to construct the Public Improvements.

(Ord. No. 3743, § 1, 8-21-07)

Secs. 48-104 through 48-119. Reserved.

ARTICLE IV. APPEALS

Sec. 48-120. Dedications and exactions.

Except for a dedication or exaction required as part of a legislative act, an appeal of a dedication or exaction administratively required as a condition of granting approval for a Land Division shall be taken as set forth in Resolution 6161, Policy of the City of Scottsdale on Appeals of Dedications, Exactions, or Zoning Regulations and all amendments thereto or any successor policy.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-121. Interpretations and decisions.

- (a) Only a Subdivider of land subject to an application may appeal a decision under this chapter.
- (b) Any request for an interpretation or decision of this chapter must be made in writing to the General Manager. The General Manager shall respond in writing to such requests for interpretations or other decisions within forty-five (45) days from the date of the written request. A record of the General Manager's responses shall be available for public review.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-122. Appeal of General Manager's decision.

- (a) The General Manager's decision or interpretation shall be final unless, within 30 days after the date of the written decision or interpretation, the Subdivider files an appeal of the decision or interpretation in writing to the General Manager. The appeal shall be filed with the City clerk, and a copy of the appeal shall be delivered to the General Manager. Any

timely appeal shall be processed pursuant to Scottsdale Revised Code, Appendix B, Section 1.805 or any successor ordinance.

- (b) All appeals shall be in writing and state:
 - (1) The grounds for the appeal; and
 - (2) The relief requested.
- (c) Each appeal shall include a copy of the written decision appealed from and whatever documents the Owner intends to rely on in presenting the appeal.

(Ord. No. 3743, § 1, 8-21-07)

Secs. 48-122 through 48-129. Reserved.

ARTICLE V. VIOLATIONS AND REMEDIES

Sec. 48-130. Violations.

- (a) It is a violation of this chapter to sell or lease, offer for sale or lease, or exchange any Lot, Tract, or Parcel without having first recorded a document approved in conformance with this chapter.
- (b) It is a violation of this chapter to obtain a permit for any Lot, Tract, or Parcel, or to act in reliance upon a permit for any Lot, Tract, or Parcel, if the permit is issued in violation of this chapter.

(Ord. No. 3743, § 1, 8-21-07)

Sec. 48-131. Remedies.

- (a) As a result of a violation of this chapter, the City may take the following actions as to the property where the violation took place:
 - (1) Stop processing any Land Division or other procedure;
 - (2) Refuse to conduct any inspections or issue any permits;
 - (3) Cancel any permit;
 - (4) Issue stop work orders;
 - (5) Refuse to issue a temporary or permanent certificate of occupancy; and
 - (6) Take such other actions to ensure that the property does not benefit from the violation.

- (b) Upon receipt of evidence that a Lot has been created through a procedure other than those set forth in this chapter, the City may record a notice against the property that no permit shall be issued for the Lot until it is created in conformance with the procedures set forth in this chapter.

(Ord. No. 3743, § 1, 8-21-07)