ARTICLE 4

PUBLIC IMPROVEMENT REQUIREMENTS

Sections:

4.01 **Purpose.**
4.02 **Engineering Plans.**
4.03 **Construction and Inspection.**
4.04 **Public Improvements.**

Section 4.01 Purpose.

It is the purpose of this Section to: Outline the minimum acceptable standards for improvement of public streets and utilities as well as certain private street improvements; define the responsibility of the subdivider in the planning, constructing, and financing of public improvements; and to establish procedures for review and approval of engineering plans. All improvements required in streets, alleys, or easements, which are required as a condition to plat approval, shall be the responsibility of the subdivider. They may be allowed to meet the requirements by participation in an improvement district if approved by the Town.

Section 4.02 Engineering Plans.

A. Three complete sets of improvement plans for construction of all required improvements shall be prepared and stamped by a civil engineer registered in the State of Arizona. Such plans shall be based on the technical review of the preliminary plat, be prepared in accordance with the engineering standards prepared by the Town Engineer and in conjunction with the final plat and shall be prepared on 24" x 36" paper.

B. No final plat shall be approved until the improvement plans have been approved by the Town and subdivision construction assurances have been secured, to the satisfaction of the Town Engineer and Town Attorney.

C. Once the improvement plans have been approved, the applicant shall submit a copy of the improvement plans to the Town. This copy shall be drawn in black ink on polyester "mylar", measuring exactly 24" x 36" with a left hand margin of 2 inches and be drawn to an accurate engineering scale from an accurate survey. The scale shall be approved by the Town Engineer. The applicant shall also submit a computerized drawing of the approved improvement plans in a file format required by the Town of Fountain Hills.

Section 4.03 Construction and Inspection.

A. All improvements in the public right-of-way shall be constructed under the inspection and approval of the Town Engineer. Construction shall not commence until the final plat is recorded and permits have been issued for such construction. Work shall not be discontinued or suspended without at least a 15 day notification to, and authorization by, the Town Engineer. Failure of such action may require compensation to the Town for any costs incurred by the Town for inspection and testing personnel. Any resumption of discontinued or suspended work shall be authorized only after a two working day notification to the Town Engineer.

B. To the maximum extent practical, all underground utilities are to be installed in street rights-of-way or in public utility easements that are located parallel to and abutting street and alley rights-of-way at a distance from the right-of-way not exceeding 12 feet. The Town Council may waive this regulation at their discretion.

C. Such utilities shall be constructed, inspected and approved prior to the surfacing of such streets and alleys. Any excavation in paved or concreted roadways within for first five years after surfacing will require resurfacing of the entire width of the roadway for a length to be determined by the Town Engineer.

D. Beginning subdivision improvements without Town approval is a violation of this ordinance and could result in, but not limited to, the immediate project-wide stop work orders. Furthermore, violations of this ordinance are violations of The Fountain Hills Town Code, and are subject to ARTICLE 1-8 PENALTY, paragraph A., which states:

Any person found guilty of violating any provisions of this code, except as otherwise provided in this code, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed two thousand five hundred dollars or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Section 4.04 Public Improvements.

The Town Engineer is hereby delegated authority to develop and apply such engineering standards, specifications and procedures for the design and construction of public improvements as are in harmony with the objectives of this Section and as are necessary or appropriate to protect the public health, safety and welfare.

A. **Streets.** All streets within the subdivision, including perimeter streets, shall be paved including concrete curbs installed to lines, grades and dimensions as shown in this ordinance and as approved by the Town Engineer.

B. **Sidewalks**. Sidewalks shall be constructed in accordance with Section 306 of this Ordinance.

C. **Water and Sewer Lines and Services**. Water and sewer lines shall be installed within the subdivision to the lines, grades, sizes, locations, and lengths as approved by the Town Engineer and the appropriate agency (Fountain Hills Sanitary District for sewerage and Chaparral City Water Company for water) in conformance with Town standards. Connection or lateral lines shall be installed for each lot within the subdivision prior to paving the street. Service stubs to lots and tracts within the subdivision for underground utilities shall be extended two feet past the right-of-way or public utility easement line and placed to such length and size as not to necessitate disturbance of street and utility improvements when future service connections are made. Where it is necessary to extend a water or sewer main from an existing adequate main to the subdivision, the subdivider will be required to pay the full cost of the line extension.

D. **Electricity, Telephone, Cable Television and Natural Gas Lines and Services**. Electricity, telephone, cable television and, in certain instances, natural gas lines shall be installed within the subdivision to the lines, grades, sizes, locations, and lengths as approved by the Town Engineer and the appropriate agency (Salt River Project for electricity, US West Communications for telephone, Cox Communications for cable

television and Southwest Gas for natural gas) in conformance with Town and individual company standards. Connection or lateral lines shall be installed for each lot within the subdivision prior to paving the street. Service stubs to lots and tracts within the subdivision for underground utilities shall be placed to such length and size as not to necessitate disturbance of street and utility improvements when future service connections are made. Where it is necessary to extend or modify a telephone, cable television or natural gas line from an existing service point to the subdivision, the subdivider will be required to pay the full cost of the line extension.

E. **Private Line/Oversize Agreements**. If so requested, the Town may participate in the oversize cost, or enter into a "private line agreement" with the subdivider requiring the subsequent users to pay a share of the cost of the utility line extension or other public improvements at such time as they take service from or utilize the line extension or other public improvements if such service or use is taken during the term of the agreement. Any type of utility line or public improvement, including but not limited to wider street widths, storm drains, median landscaping, and sidewalks could be eligible for these agreements.

F. **Fire Hydrants and Emergency Access Roads**. Fire hydrants shall be installed within the subdivision and along perimeter streets of the subdivision at locations and to lines and grades approved by the Town Engineer, Fountain Hills Fire District and in conformance with Town standards.

G. **Storm Drainage**. Where and when required by the Town Engineer, the subdivider shall make provisions for the detention and subsequent bleed off of all storm water within the proposed subdivision in accordance with plans approved by the Town Engineer and in conformance with Town standards. The plans shall show the type, extent, location and capacity of existing and proposed drainage and detention that may affect the subdivision.

Complete hydrology and hydraulic design computations shall accompany the plans and shall be approved prior to the recordation of the final plat. The design shall be based on a one hundred year, two hour storm. Once approved by the Town, developed drainage facilities shall not be modified, unless such modification is approved by the Town Engineer.

H. **Detention Basins**. Public detention basins may be required to provide additional land area (up to 25 percent of the basin size) above the minimum land area calculated to retain their specified volume of water to help insure that public basins provide usable "flat" areas for recreational purposes. The design, amount, and location of the additional area which could be provided should be considered in the initial design of the project. The need for additional open space, and the design of the basin will be reviewed by the staff on a project by project basis to help insure that adequate recreational facilities are provided to serve the needs of the future residents of the proposed subdivision. Multiple small detention basins are not acceptable for either public or private developments unless otherwise approved by the Town Engineer and in conformance with Town standards. Upon completion of an approved maintenance period for a public detention basin that will be maintained by the Town, the subdivider shall provide at no cost to the Town a clear title to the public detention basin. Once approved by the Town, developed detention facilities shall not be

modified, unless such modification is approved by the Town Engineer.

I. **Street Name Signs**. Street name signs shall be placed in all street intersections. The subdivider shall install sign posts and street name signs meeting Town standards at locations designated by the Town Engineer. The sign posts shall be in place prior to the completion of street paving. Prior to the issuance of a Town permit for street paving, the subdivider shall pay to the Town an amount per street name sign as determined by the Town Engineer to pay for the fabrication and installation of sign plates by the Town.

J. **Survey Monuments**. Survey monuments conforming to Town standards shall be installed at all corners, angle points, points of curves, and at all street intersections for streets within and around the perimeter of the subdivision and at such other locations as may be required by the Town Engineer. After all improvements have been installed, the subdivider's Arizona registered land surveyor shall check the location of the monuments and mark the brass cap.

K. **Lot Corners.** Iron pipe or round reinforced steel bars not less than one half inch in diameter shall be set at all corners, angle points, and points of curve for each lot within the subdivision prior to building permits for any lots are issued.

L. **Parkway Landscaping.** Parkway areas along arterial streets and other streets, as deemed necessary by the Community Development Director, shall be landscaped in accordance with approved plans and standards set forth in Article VI of this Ordinance. In PUD's, where roadways are privately-owned, a statement shall be contained in both the deed restrictions and the owner's association by-laws that all landscaping, including that within the public right-of-way adjacent to the site, shall remain the responsibility of the owners association to maintain in perpetuity. A Municipal Improvement District(s) shall be formed prior to the approval of a Planned Unit Development for private streets to ensure perpetual maintenance of roadway landscaping.

M. **Underground Utilities.** Electric lines and communication lines shall be constructed underground, except for transmission lines capable of carrying 69kv or more voltage. Town Ordinance also requires cable TV to utilize a common trench for under grounding their facilities in new developments and the subdivider must provide backfill under the same conditions as are extended to other trench users e.g. electric, telephone and communications.

N. **Construction Certification.** Upon completion of development, the subdivider's engineer shall provide as-built certification to the Town Engineer that all required improvements in dedicated Town rights-of-way or public utility easements were constructed according to approved plans and conform to Town standards. The subdivider's engineer shall also certify the as-built volume of all detention facilities. All certifications shall be signed by the engineer and stamped with a professional seal.