



Issue Date	September 23, 2013
Code/Sections	Phoenix Building Construction Code, Section 104.12 Location on Property
Developed by:	Tom Wandrie, Plan Review Deputy Director
Approval:	Technical Review Team

Section 104.12.1, states the following: *“Required yards and all sewer and water services shall be on the same property as the building, and no building, or sewer or water service shall be built across a recorded property line, except in accordance with the following provisions.”*

A **recorded property line** is either a deeded property line or a platted property line. Deeded property lines can be eliminated by re-deeding the property to establish new property lines. Platted property lines can be eliminated by re-platting the property to establish new property lines.

Note: The City of Phoenix Construction Code in effect prior to September 1, 1991, allowed multiple lots with the same owner to be developed as one lot. Properties developed under this prior code provision will continue to be treated as one lot and the interior recorded property lines will not be recognized when applying the current code provisions. (Developed as one lot means the building or sewer or water service were built across a recorded property line or building setbacks were not compliant with the code in effect at that time.)

The following is an interpretation of four provisions covered in Section 104.12.1:
(Note: An ordinance review is required to break any of the below agreements)

In any provision requiring a code modification, please see TRT 00016B, [Code Modification \(CMOD\) – Submittal and Review Process for Applicants](#). Code modification applications are done online via the [Shape PHX Customer Portal](#).

- 1. Utility Easements (code modification required).** The property owner granting the easement allows the owner of another property the right to install and maintain a water or sewer line on their property.
 - See accompanying CMOD application packet TRT 00064, [Private Utility Easement Agreement](#)
- 2. Lot Combinations.** (no code modification required, covered in PRDV process)
This provision allows same owner of multiple lots to combine all the lots into a single lot requiring a single APN rather than re-platting.

Note: A covenant and agreement code modification is only required if a ***recorded property line*** remains on the interior of the combined properties.

- See accompanying CMOD application packet TRT 00220, [Covenant and Agreement to Hold Property as One with No Rights](#))
- See accompanying CMOD application packet TRT 00539, [Covenant and Agreement to Hold Property as One with Rights](#))

3. **Integrated Developments with Multiple Owners (code modification required)**. This provision allows multiple individual lots, through a covenant and agreement, to be considered as one building site for Phoenix Building Construction Code purposes. The interior recorded property lines are not recognized. The lots may be owned by same or different owners. Utilize TRT 00016A for a “Covenant and Agreement to Hold Properties as One Building Site”, [Administrative Review, Interpretation, or Modification Application](#)

4. **Open Space Easements (code modification required)**. This provision allows for open space to satisfy building code setback or egress requirements on the adjacent property. (TRT 00538, [Non-Build Easement](#))